



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 23 October 2024

Commencing 5.00pm

CONFIRMED

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, 23 October 2024 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
18 October 2024

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

Table of Contents

| | |
|---|----|
| 1. Declaration of Opening | 4 |
| 2. Record of Attendance, Apologies and Leave of Absence | 4 |
| 3. Public Question Time..... | 4 |
| 4. Disclosure of Interest..... | 4 |
| 5. Applications for Leave of Absence..... | 4 |
| 6. Petitions and Presentations..... | 4 |
| 7. Confirmation of Minutes from Previous Meetings | 5 |
| 7.1. Ordinary Council Meeting held on 18 September 2024 | 5 |
| 7.2. Special Council Meeting held on 2 October 2024..... | 5 |
| 8. Minutes of Committee Meetings to be Received..... | 6 |
| 8.1. Minutes of Shire of Koorda Committee Meetings to be Received..... | 6 |
| 8.2. Minutes of External Committee Meetings to be Received..... | 6 |
| 9. Recommendations from Committee Meetings for Council Consideration..... | 6 |
| 10. Announcements by the President without Discussion | 7 |
| 11. OFFICER'S REPORTS – CORPORATE & COMMUNITY..... | 7 |
| 11.1. Monthly Financial Statements..... | 7 |
| 11.2. List of Accounts Paid..... | 9 |
| 11.3. Recreation Centre Proposed Works..... | 11 |
| 12. OFFICER'S REPORTS – GOVERNANCE & COMPLIANCE..... | 14 |
| 12.1. WALGA Local Government Election Positions Response..... | 14 |
| 12.2. Rates Recovery Property Sale Proposal..... | 18 |
| 12.3. Request to Construct Access Road..... | 22 |
| 13. OFFICER'S REPORTS – WORKS & ASSETS..... | 27 |
| 13.1. Plant Replacement Program Update..... | 27 |
| 14. Urgent Business Approved by the Person Presiding or by Decision..... | 30 |
| 14.1. CEO Recruitment Process..... | 30 |
| 15. Elected Members' Motions..... | 34 |
| 16. Matters Behind Closed Doors | 34 |
| 16.1. Recreation Precinct Stage Two – Plans and Tender Update..... | 34 |
| 17. Closure | 35 |

**Shire of Koorda
Ordinary Council Meeting
5.00pm, Wednesday 23 October 2024**



1. Declaration of Opening

The Presiding person welcomes those in attendance and declares the meeting open at 5.01 pm.

2. Record of Attendance, Apologies and Leave of Absence

Councillors:

| | |
|-----------------|---------------------------|
| Cr JM Stratford | President |
| Cr GW Greaves | Deputy President (5.19pm) |
| Cr NJ Chandler | |
| Cr GL Boyne | |
| Cr KM Burrell | |
| Cr S Christie | |

Staff:

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

Members of the Public:

Apologies:

Cr KA Fuchsbichler

Visitors:

Approved Leave of Absence:

3. Public Question Time

Nil.

4. Disclosure of Interest

Nil.

5. Applications for Leave of Absence

Nil.

6. Petitions and Presentations

Nil.

7. Confirmation of Minutes from Previous Meetings

7.1. Ordinary Council Meeting held on 18 September 2024

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

Voting Requirements Simple Majority Absolute Majority

Officer Recommendation RESOLUTION 061024

Moved Cr KM Burrell

Seconded Cr GL Boyne

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 18 September 2024, as presented, be confirmed as a true and correct record of proceedings.

CARRIED 5/0

For: Cr JM Stratford, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr S Christie

7.2. Special Council Meeting held on 2 October 2024

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

Voting Requirements Simple Majority Absolute Majority

Officer Recommendation RESOLUTION 071024

Moved Cr NJ Chandler

Seconded Cr S Christie

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 2 October 2024, as presented, be confirmed as a true and correct record of proceedings.

CARRIED 5/0

For: Cr JM Stratford, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr S Christie

8. Minutes of Committee Meetings to be Received

8.1. Minutes of Shire of Koorda Committee Meetings to be Received

- a. Audit & Risk Committee Minutes for meeting held 18 September 2024
[Audit & Risk Committee Minutes](#)

Voting Requirements Simple Majority Absolute Majority

Officer Recommendation RESOLUTION 081024

Moved Cr GL Boyne

Seconded Cr KM Burrell

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 Committee Meeting, held 18 September 2024.

CARRIED 5/0

For: Cr JM Stratford, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr S Christie

8.2. Minutes of External Committee Meetings to be Received

- a. SRRG Meeting Minutes for meeting held 11 September 2024
[SRRG Meeting Minutes](#)
- b. NEWROC Council Meeting Minutes for meeting held 20 September 2024
[NEWROC Meeting Minutes](#)

Voting Requirements Simple Majority Absolute Majority

Officer Recommendation RESOLUTION 091024

Moved Cr NJ Chandler

Seconded Cr S Christie

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

- a. SRRG Meeting, 11 September 2024; and
b. NEWROC Council Meeting, 20 September 2024.

CARRIED 5/0

For: Cr JM Stratford, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr S Christie

9. Recommendations from Committee Meetings for Council Consideration


Nil.

10. Announcements by the President without Discussion

Nil.

11. OFFICER'S REPORTS – CORPORATE & COMMUNITY

11.1. Monthly Financial Statements

| Corporate and Community | |  |
|--------------------------------|--|---|
| Date | 16 October 2024 | |
| Location | Not Applicable | |
| Responsible Officer | Lana Foote, Deputy Chief Executive Officer | |
| Author | Zac Donovan, Chief Executive Officer | |
| 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 | September 2024 Financial Activity Statement | |

Background:

This item presents the Statement of Financial Activity to Council for the period ending 30 September 2024.

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:

LG Best Practices

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:

| | |
|--------------------------------------|---|
| Risk Profiling Theme | Failure to fulfil statutory regulations or compliance requirements |
| Risk Category | Compliance |
| Risk Description | No noticeable regulatory or statutory impact |
| Consequence Rating | Insignificant (1) |
| Likelihood Rating | Rare (1) |
| Risk Matrix Rating | Low (1) |
| Key Controls (in place) | Governance Calendar, Financial Management Framework and Legislation |
| Action (Treatment) | Nil |
| Risk Rating (after treatment) | 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
RESOLUTION 101024

Moved Cr NJ Chandler


Seconded Cr GL Boyne

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 30 September 2024, as presented.

CARRIED 5/0

For: Cr JM Stratford, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr S Christie

11.2. List of Accounts Paid

| Corporate and Community | |  |
|--------------------------------|--|---|
| Date | 16 October 2024 | |
| Location | Not Applicable | |
| Responsible Officer | Zac Donovan, Chief Executive Officer | |
| Author | Charli West, Finance and Administration Officer | |
| 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 13 September 2024 to 11 October 2024.

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:

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

Financial Implications:

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

Voting Requirements: Simple Majority Absolute Majority

Officer Recommendation
RESOLUTION 111024

Moved Cr NJ Chandler

Seconded Cr GL Boyne

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 12 September 2024 to 11 October 2024.

| | |
|---|--------------------------------|
| Municipal Voucher V095 to V160 | Totalling \$ 523,163.97 |
| Purchase Card Transactions (V162 & V209) | Totalling \$ 13,579.44 |
| | Total \$ 536,743.41 |

CARRIED 5/0

For: Cr JM Stratford, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr S Christie

11.3 Recreation Centre Proposed Works

| Corporate and Community | |  Shire of Koorda <small>Drive in, stay awhile</small> |
|--------------------------------|--|--|
| Date | 16 October 2024 | |
| Location | Koorda Recreation Centre | |
| Responsible Officer | Zac Donovan, Chief Executive Officer | |
| Author | As above | |
| Legislation | <i>Public Health Act 2016</i> | |
| Disclosure of Interest | Nil | |
| Purpose of Report | <input checked="" type="checkbox"/> Executive Decision <input type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information | |
| Attachments | Nil | |

Background:

The recently completed Koorda Recreation Centre extension is the first stage of a three-stage plan to upgrade the recreation precinct. The first stage involved the extension of the Recreation Centre; the second will be the construction of a new seven-rink synthetic bowls facility; with the final phase to relocate the existing netball and tennis courts to align with the western side of the recreation centre.

Construction of the first stage – the Recreation Centre extension and upgrade – had a contract completion date of 31 August, the same day as the town was to host the winter sports grand finals. Construction progressed ahead of schedule and was handed over to the Shire in late July with the first community event, the Junior Sports Windup and Senior Players Tea hosted at the venue on 15 August.

The Recreation Centre has since hosted the Winter Sports Grand Final on 31 August and the Koorda Agricultural Show on 14 September. Feedback from the community and centre users has been overwhelming positive and the extension is welcome asset.

There do however remain a number of aspects of the building that were not captured in the design and construct approach adopted for the works which are required under various legislation, predominately the Public Health Act 2016 but extend to ratings for the building occupancy and fire mitigation. These requirements have been confirmed by an inspection, scheduled by the Shire on 30 September, by an Environmental Health Officer from the City of Wanneroo.

Consequently, the following item is an application to Council to approve an allocation from the Recreation Reserve for non-budgeted expenditure to remedy the issues as identified.

Comment:

As anticipated, the inspection by the City of Wanneroo EHO found a number of matters to redress with the Recreation Centre extension which, along with other requirements uncovered with the operation of the facility and those previous reported, will require significant unbudgeted funding allocation.

As is detailed below, the total costs currently identified amount to \$42,000 which as mentioned, is unallocated in the budget and will require a transfer of funds from the Recreation Reserve which retains \$731,704 in allocated funds after expenditure on projects approved in the 2024-25 Shire Budget.

As such the Recreation Reserve has sufficient funds to accommodate the additional Recreation Centre works as detailed as follows. The necessary works identified by the EHO were:

- Installation of a grease trap
- Installation of a hand sink in the bar/servery area
- Installation of a mop/cleaners low sink
- Splashback from cooking appliances to exhaust canopy.

The requirements as detailed by the EHO need to be completed as soon as possible for the facilities to be able to comply with relevant public health legislation and requirements.

The installation of a grease trap at the Recreation Centre is an addition to the previous kitchen facility due to the change in requirements over time and lapsed inspections. It is a requirement of all new buildings, however, was not part of the contracted design agreed and approved by Council prior to construction.

The need for the hand sink in the bar area is to help limit cross contamination between personal/hand cleaning and food utensils, and similarly the requirement of the low sink for the cleaning equipment is to reduce the risk with the kitchen area. On the advice of the EHO, the installation of the low sink also removes the requirement to otherwise also install a central drain to the kitchen area.

Installation of the splashback between the cooking appliances and the rangehood has previously been identified by the Ladies Auxiliary when using the kitchen area. Council may also consider installing additional splashbacks around the sink area however these are not a Public Health Act requirement.

In addition to the works required by legislation, there are also works previously identified by users of the kitchen and facilities:

- Increase to gas line to accommodate all appliances
- Upgrade change room hot water units to fit for purpose

The need to upgrade the gas line to the kitchen results from the existing line not being sufficient for all appliances to operate in the kitchen simultaneously. The result is that gas burners at the end of the line extinguish (due to a paucity of gas supply) when burners earlier in the sequence are ignited.

There is a serious risk that without attention to ensure that the extinguished burners are then turned off, that when the supply returns (i.e. the burners earlier down the line are extinguished) that unlit gas will then flow unhindered into the room with the high potential to cause an explosion.

While the situation could be remedied by an agreed practice that not all appliances be operated at the same time for procedures be put in place to ensure burners are checked, this is not sufficient mediation for the potential risk and should not be acceptable for a public facility especially one just updated.

In regard to the hot water system upgrade, while acknowledged it is a significant expense, it also is required to redress previously installed equipment that has proven to be not fit for purpose. The proposal for the hot water systems for the change rooms is to change over from the existing heat pump system to large and faster reheating Hot Water Systems.

Quotes have been sourced for all components – both those required by the EHO and others as identified above - except for the splash back for which a contingency is included in the budget allocation request. As per the Shire's purchasing policy for works between \$5001 and \$20,000 a written quote has been sourced from a suitable supplier. The quoted costs are detailed as follows:

| COMPONENT | REQUIREMENT | QUOTE |
|--|-----------------------------------|----------|
| Installation of a grease trap | EHO - Health Act 2016 | \$19,803 |
| Installation of a hand sink in the bar/servery area | EHO - Health Act 2016 | \$5825 |
| Installation of a mop/cleaners low sink | EHO - Health Act 2016 | |
| Increase to gas line to accommodate all appliances | Identified in facility operations | \$3790 |
| Upgrade change room hot water units to fit for purpose | Request from Winter Sports | \$11,449 |

| | | |
|--|-----------------------|------------------|
| Splashback from cooking appliances to exhaust canopy | EHO - Health Act 2016 | \$1500* |
| TOTAL | | \$42,500^ |

* estimated allowance ^rounded up to ,000

It is proposed that any additional works identified for the Koorda Recreation Centre in the current financial year be accommodated within the building maintenance allocation or subject to a new funding request of Council if significantly substantial.

Consultation:

Amanda Symmons, Environmental Health Officer, City of Wanneroo
 Robert Taylor, Maintenance and Property Officer
 Mitch Corbett, Central Wheatbelt Plumbing and Contracting

Statutory Implications:

Public Health Act 2016

Policy Implications:

Adherence with Shire of Koorda Purchasing Policy (F-V1.0) as detailed

Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2024

- 3.1 Shire owned facilities renewed and maintained in a strategic manner to meet community needs.
- 4.1 Open and transparent leadership.

Risk Implications:

| | |
|--------------------------------------|---|
| Risk Profiling Theme | The Shire fails to redress identified requirements |
| Risk Category | Compliance and Reputational |
| Risk Description | The Shire has obligations to provide safe and suitable facilities |
| Consequence Rating | Major (4) |
| Likelihood Rating | Rare (1) |
| Risk Matrix Rating | Low (4) |
| Key Controls (in place) | Proactive approach by Shire to redress issues. |
| Action (Treatment) | Effective |
| Risk Rating (after treatment) | Low (4) |

Financial Implications:

Nil as identified

Voting Requirements: Simple Majority Absolute Majority

Officer Recommendation
RESOLUTION 121024

Moved Cr KM Burrell

Seconded Cr S Christie

That Council, approves the allocation of \$45,000* for the purpose of facilities works at the Koorda Recreation Centre.

CARRIED BY ABSOLUTE MAJORITY 5/0


For: Cr JM Stratford, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr S Christie

* Addition of \$2,500 added to \$42,500 for installation of 2 x air conditioners in football changerooms.

12. OFFICER'S REPORTS – GOVERNANCE & COMPLIANCE

5.19pm – Cr GW Greaves entered the chambers.

12.1. WALGA Local Government Election Positions Response

| Governance and Compliance | |  |
|----------------------------------|--|---|
| Date | 7 October 2024 | |
| Location | Not Applicable | |
| Responsible Officer | Zac Donovan, Chief Executive Officer | |
| Author | As above | |
| Legislation | <i>Local Government Act 1995</i> <i>Local Government Amendment Act 2023</i> <i>Local Government (Elections) Regulations 1997</i> | |
| Disclosure of Interest | Nil | |
| Purpose of Report | <input checked="" type="checkbox"/> Executive Decision <input type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information | |
| Attachments | December 2020 Advocacy Positions for a New Local Government Act February 2022 Local Government Reform Proposal Submission | |

Background:

All WA Councils are being asked to consider and define its position on the WA Local Government Association's current and alternative advocacy positions in regard to Local Government elections.

The *Local Government Amendment Act 2023* introduced a range of electoral reforms that came into effect prior to the 2023 Local Government ordinary elections including: Optional Preferential Voting (OPV); extending the election period to account for delays in postal services; changes to the publication of information about candidates; backfilling provisions for extraordinary vacancies after the 2023 election; public election of the Mayor or President for larger Local Governments; abolishing wards for smaller Local Governments; and aligning the size of councils with the size of populations.

Following requests from several Zone's, WALGA undertook a comprehensive review and analysis of 5 ordinary election cycles up to and including the 2023 Local Government election against the backdrop of these legislative reforms.

The review and report focused on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), with the analysis finding evidence of the rising cost and a reduction in service of conducting Local Government elections in Western Australia.

The report was presented to State Council 4 September 2024, with State Council supporting a review of WALGA's Local Government Elections Advocacy Positions.

Since 2008, WALGA has surveyed the sector on five occasions regarding elections and on each occasion the sector has supported First-past-the-post method of counting votes; Voting at Local Government elections to continue to be voluntary; and Councillor terms of four years with biennial election cycles.

WALGA State Council will again be considering the association's position on elections at its December meeting and as such all Councils are requested to provide feedback by 28 October 2024.

Attached are two most recent advocacy documents produced by WALGA to provide additional background information:

- December 2020 Advocacy Positions for a New Local Government Act
- February 2022 Local Government Reform Proposal Submission

Comment:

The current sector Advocacy Positions in relation to Local Government Elections are as follows:

1. The Local Government sector position was to oppose the introduction of preferential voting, but if 'first past the post' voting was not retained then to accept optional preferential voting. The sector position is that first past the post (FPTP) method is simple, allows an expression of the electorate's wishes and does not encourage tickets and alliances to be formed to allocate preferences. The sector supports:
 - Four-year terms with a two year spill (biennial election cycle).
 - Greater participation in Local Government elections with the option to hold elections through Online voting; Postal voting; and In-person voting.
 - Voting at Local Government elections to be voluntary.
 - The first past the post method of counting votes
2. On Mayoral elections the sector position is that Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.
3. While on the conduct of postal elections, the sector proposes that the *Local Government Act 1995* should be amended to allow the Australian Electoral Commission (AEC) and any other third party provider including Local Governments to conduct postal elections. As currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market.

To facilitate a decision on a sector position at the December WALGA State Council meeting the association is requesting all WA Councils define their preference on the following positions by 28 October 2024.

1. PARTICIPATION

(a) The sector continues to support voluntary voting at Local Government elections.
OR

(b) The sector supports compulsory voting at Local Governments elections.

2. TERMS OF OFFICE

(a) The sector continues to support four-year terms with a two-year spill.
OR

(b) The sector supports four-year terms on an all in/all out basis.

3. VOTING METHODS

(a) The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general elections.

OR

(b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.

4. INTERNAL ELECTIONS

(a) The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.

OR

(b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections.

5. VOTING ACCESSIBILITY

The sector supports the option to hold general elections through:

- (a) Electronic voting; and/or
- (b) Postal voting; and/or
- (c) In-Person voting.

6. METHOD OF ELECTION OF MAYOR

The sector supports:

- (a) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors method), with regulations preventing a change in this method.
- (b) Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.
- (c) Apply current provisions to all Bands of Local Governments – apply the election by electors method to all classes of local governments.

Consultation:

Tony Brown, Executive Director Member Services, WALGA

Statutory Implications:

Local Government Act 1995

Local Government Amendment Act 2023

Local Government (Elections) Regulations 1997

Policy Implications:

Nil

Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2024

4.1 Open and transparent leadership

Risk Implications:

| | |
|--------------------------------------|--|
| Risk Profiling Theme | The Shire's position is not considered |
| Risk Category | Reputational |
| Risk Description | The Shire may identify issues not yet considered |
| Consequence Rating | Minor (2) |
| Likelihood Rating | Unlikely (2) |
| Risk Matrix Rating | Low (4) |
| Key Controls (in place) | Insights of Elected Members |
| Action (Treatment) | Effective |
| Risk Rating (after treatment) | Low (4) |

Financial Implications:

Nil as identified

Voting Requirements: Simple Majority Absolute Majority

Officer Recommendation
RESOLUTION 131024

Moved Cr KM Burrell

Seconded Cr NJ Chandler

That Council, recommends that WALGA adopt the following Local Government Election Advocacy Positions:


- 1. PARTICIPATION - Council support advocacy position (a)**
- 2. TERMS OF OFFICE - Council support advocacy position (a)**
- 3. VOTING METHODS - Council support advocacy position (a)**
- 4. INTERNAL ELECTIONS - Council support advocacy position (a)**
- 5. VOTING ACCESSIBILITY - Council support advocacy position (a) & (c)**
- 6. METHOD OF ELECTION OF MAYOR - Council support advocacy position (b)**

CARRIED 6/0

For: Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr S Christie

CONFIDENTIAL

12.2. Rates Recovery Property Sale Proposal

| Governance and Compliance | |  |
|----------------------------------|---|---|
| Date | 11 October 2024 | |
| Location | Shire of Koorda | |
| Responsible Officer | Zac Donovan, 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 | Nil | |

Background:

The Shire of Koorda is currently undertaking engaging debt management recovery agency AMPAC to recover a total of \$119,140.92 in outstanding rates involving 15 properties of which for eight of the properties no payments have been received by the Shire for more than three years.

As presented at the 18 September Ordinary Council Meeting, the 15 properties are at various stages of debt recovery including seven having entered into payment plans, three are proceeding to court judgements and five are subject to property seizure and sale orders (PSSO).

The PSSO process is not the immediate seizure of the real estate property but judgement for the Bailiff to attend the property and seize anything of value to cover the amount owing. For the most part the assets that would be seized are motor vehicles as items such as televisions, fridges, computers and entertainment systems are considered essential of life and unable to be seized. If no goods are located, then the Shire may proceed to take possession of the property if the debt has been outstanding for three years or more.

However, of the five properties subject to PSSO, two are now at the stage where Council must decide if it wants to proceed with seizure and sale of the properties to recover the debts. If so, Council will need to pass a resolution (under 6.68 3a of the Local Government Act 1995).

Under section s6.64 of the Act, a Local Government can seize a property for which any rates remain unpaid after three years unpaid, providing it has attempted to recover the amounts owing, with options to lease or sell the land, or transfer it to the Crown or itself (Shire of Koorda).

A Local Government is not obligated under the Act (s6.68) to attempt to recover money prior to exercising the power of sale if it holds “a reasonable belief that the cost of proceedings... will equal or exceed the value of the land” or after making “reasonable efforts” can’t locate the landowner

Comment:

The Ordinary Council Meeting of 18 September was presented with details of the 15 properties for which AMPAC had commenced debt recovery, including two properties which AMPAC recommended the Shire commence the process to seize the properties.

These are the property at 1 Allenby Street on which \$16,891 is owed to the Shire; and 23 Smith Street which has \$23,828 owed. Both properties have been in arrears for longer than three years.

In the case of Allenby Street, AMPAC agents have attended the property and found it vacant with smashed windows. AMPAC has also attempted without success to locate the owner (contact address is a PO Box in Trayning). It is also unlikely that sale of the property would recover the \$16,891 owing to the Shire. For these reasons, the Shire is entitled (under s6.68 of the Act) to proceed to attempt to sell the property to recover amounts owing.

Similarly with 23 Smith Street, the property presents as abandoned with the forwarding address out of date by at least eight years. AMPAC has been unable to locate the owner and, similar as with 1 Allenby Street, the Shire is unlikely to recover the \$22,925.09 owing from the sale of the property.

At the OCM of 18 September, staff committed to present to Council the full anticipated costs, risks and possible returns in undertaking the sale of the properties so to facilitate an informed decision.

As such, valuations were undertaken on the two properties by Northam-based agent Bob Davey Real Estate, which also provided estimated costs on sales advertising and fees. In addition, AMPAC provided estimated costs of undertaking the process on behalf of the Shire including the \$2500 cost should the properties not sell and Council elects to transfer ownership to the Shire. AMPAC said there would likely be additional legal costs of between \$3000 to \$5000 but these could not be more accurately defined as dependent on circumstances that emerge. Estimated costs for each property is as follows:

| Property | Rates owed to Shire | AMPAC fees to date | AMPAC Sale Process | Cost of Sales Advertising | Real Estate Fee | Transfer to Shire Fee |
|---------------------|---------------------|--------------------|--------------------|---------------------------|-----------------|-----------------------|
| 1 Allenby St | \$16,891 | \$2006 | \$2500 | \$5000 | \$1700 | \$2500 |
| 23 Smith St | \$22,925 | \$1768 | \$2500 | \$5000 | \$1700 | \$2500 |

* Excluding legal costs

Each of the properties could possibly have additional encumbrances such as outstanding utilities charges and mortgages. In regard to the payment of encumbrances at the time of sale, the Local Government is preferred over all other creditors. As such the outstanding Shire rates and costs are paid from the sale proceeds before any utilities or mortgages to banks for finance providers.

Due to privacy restrictions, it is not possible at this time to define the potential encumbrances on either 23 Smith Street or 1 Allenby Street. As such Council is unable to consider the financial implications of such in determining if to proceed with the forced sale process. However, Council would have this information prior to any decision to take ownership of either property, as AMPAC reports that any existing encumbrances are discoverable once the sales process is underway, as required by the Bailiff.

There are three scenarios that may eventuate for each of the properties should the Shire proceed with the forced sales process. These are:

- Successful sale and costs and monies owed are recovered in total or in part by the Shire. In this scenario it is possible the sale does not realise enough to cover the fees and monies owed and the Shire would need to forego the balance.
- No sale and after the 12-month mandatory period the Shire take ownership of the property. In this scenario the Shire recovers none of its costs or monies owed and would be liable for any encumbrances on the property such as overdue utilities (power, water etc.) or mortgage to a banks or finance provider.
- No sale and after the 12-month mandatory period the Shire transfer the property to the Crown. In this scenario, the Shire would not be subject to any encumbrances but also would not recover any of the monies owed or costs of the process.

There is a wide variation in the potential financial outcomes for the Shire from the forced sale process – due to the absence of clarity of additional encumbrances and variation in potential sales returns. However, the table below presents scenarios for both the sale of the properties (albeit at the valuation estimate) and with an unsuccessful sale to transfer the properties to the Shire, including the return/cost to the Shire if the outstanding rates are accepted as foregone.

| Property | Valuation | Balance* if Sold for Valuation | Sale Balance* Excluding Rates | Loss* to Shire in Transfer to Shire | Transfer Costs* Excluding Rates |
|--------------|----------------|--------------------------------|-------------------------------|-------------------------------------|---------------------------------|
| 1 Allenby St | Up to \$45,000 | \$16,903 | \$33,794 | (\$30,597) | (\$13,706) |
| 23 Smith St | Up to \$15,000 | (\$18,893) | \$4032 | (\$36,393) | (\$13,468) |

* Excluding legal costs and encumbrances

As shown in the previous table, for 1 Allenby Street, assuming the valuation of up to \$45,000 could be achieved at sale, the Shire would recover the rates and fees owed and the costs of the sales process with a gain of \$16,903 (assuming no other encumbrances are over the property). If the property were not to sell, the cost to the Shire of taking ownership would be at least \$13,706 and non-recovery of the \$16,891 owed in rates, again assuming there are no other encumbrances.

For 23 Smith Street, given the valuation of \$15,000 it is unlikely that the Shire will recover all monies owed from rates and fees from a sale of the property. If the property were to sell for the full valuation and the Shire were to write off the \$22,925, there would be a small balance of \$4032, which again would be subject to claim by any other creditors. Similarly to the Allenby Street property, the cost of transferring 23 Smith Street to the Shire would cost \$13,468, excluding any encumbrances and with the Shire foregoing recovery of \$22,925 in rates.

As shown in the table, even if both properties were to sell for the full valuations and there were no encumbrances on either property, the net result for the Shire would be a loss of \$1990 plus additional legal costs of potentially an additional \$5000 on each property. The Shire would more than recover its costs should the full valuations be realised at sale and there be no additional encumbrances but only in accepting to write off the outstanding rates, which are in effect not currently realisable by the Shire.

The Shire also has the option, should sales not proceed, to transfer the properties to the Crown. However, this would not recover the Shire rates or costs, and such would be at an expected cost to the Shire of at least \$30,000 for sales and management fees and non-recovery of about \$40,000 in rates.

In consideration of information currently available to Council – that is without knowledge of encumbrances on either property – but in view of the potential for the Shire to recover costs (albeit by accepting outstanding rates be written off), it is recommended that the Shire proceed with instructing AMPAC to commence the sales process for the properties at 1 Allenby Street and 23 Smith Street.

Consultation:

Davina Grisdale, Finance Specialist, LG Best Practices
 Damian Barr, Director Local Government Services, AMPAC
 Fiona Billing, Senior Rates management Specialist, AMPAC

Statutory Implications:

Local Government Act 1995 (sections 6.64 and 6.68)

Policy Implications:

Rates recovery process is managed as per the Shire of Koorda Debt Recovery Policy (Oct 2019)

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:

| | |
|--------------------------------------|---|
| Risk Profiling Theme | Failure to recover all or at least substantial quantum of outstanding rates |
| Risk Category | Financial |
| Risk Description | Financial impact |
| Consequence Rating | Moderate (3) |
| Likelihood Rating | Possible (3) |
| Risk Matrix Rating | Moderate (9) |
| Key Controls (in place) | Structured debt recovery program |
| Action (Treatment) | Management controls |
| Risk Rating (after treatment) | 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
RESOLUTION 141024

Moved Cr KM Burrell

Seconded Cr S Christie

That Council require staff:

Pursuant to s6.64 (1) (b) of the *Local Government Act 1995*, to proceed to sale of the property at 1 Allenby 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 sale of the property at 23 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 – 1 Allenby Street, Koorda and 23 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.

CARRIED BY ABSOLUTE MAJORITY 6/0

For: Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr S Christie

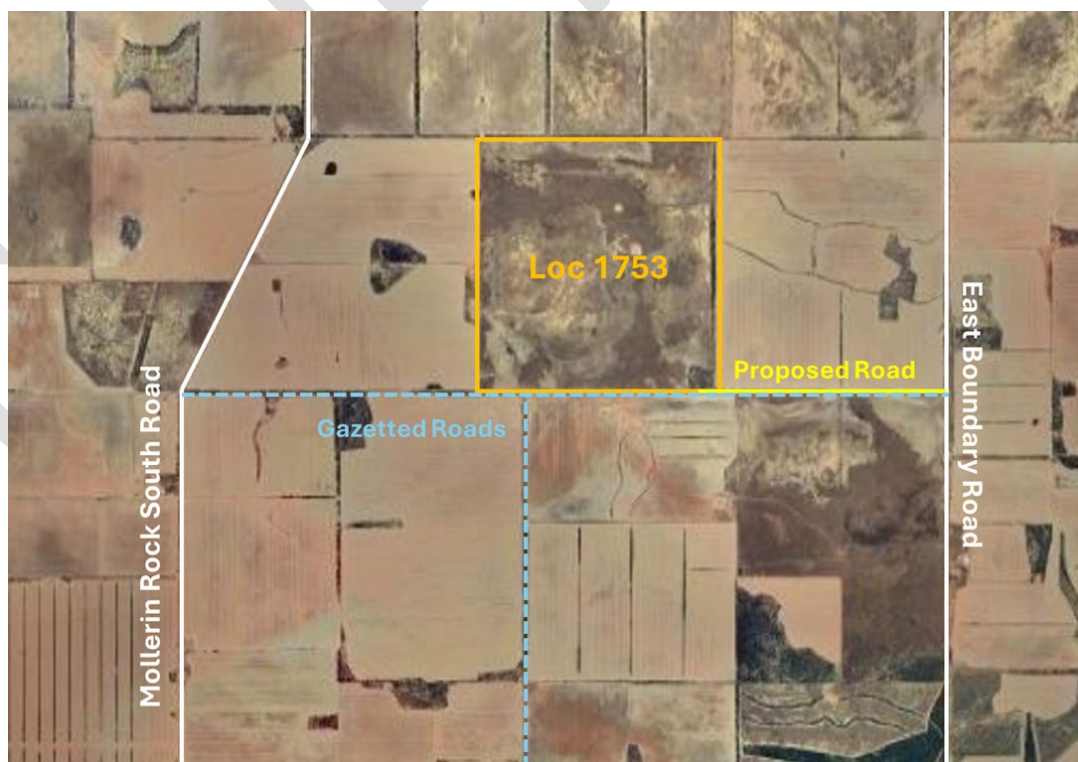
12.3. Request to Construct Access Road

| | | |
|----------------------------------|---|---|
| Governance and Compliance | |  |
| Date | 4 October 2024 | |
| Location | Ninghan Loc 1753 | |
| Responsible Officer | Zac Donovan, Chief Executive Officer | |
| Author | As above | |
| Legislation | <i>Lands Administration Act 1997</i> <i>Planning and Development Act 2005</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i> | |
| Disclosure of Interest | Nil | |
| Purpose of Report | <input checked="" type="checkbox"/> Executive Decision <input type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information | |
| Attachments | Correspondence - Ninghan Loc 1753 | |

Background:

A long-term Shire of Koorda ratepayer has requested the Shire of Koorda provide road access to a property that, as outlined in his correspondence to the Shire, he intends to sell. Access to the block (Ninghan Loc 1753) is currently via a boundary farm road by “gentlemen’s agreement” with the owner of the neighbouring property.

The property adjoins two dedicated but unconstructed road reserves (as shown in blue in the following diagram) on the southern boundary of the block. One extends across the full length of the southern boundary between Mollerin Rock South Road and East Boundary Road; and a second perpendicular from the southern boundary to eventually connect to Burton Road in the south.



The most efficient provision of access to the block (Ninghan Loc 1753) both in distance and reduced vegetation clearance requirements is via the 1.8km road reserve to the property from East Boundary as depicted in yellow in the previous diagram.

To this end the Shire of Koorda Works Supervisor estimates construction of a compacted road to provide access would cost at least \$45,000 to clear and construct a compacted dirt road, undertake a flora survey and fencing, with additional costs anticipated for the process of then naming the road.

Comment:

It is not usual for individual rural properties within the Shire of Koorda to be land locked, without road access. Issues regarding such lots seldom arise however as most commonly the property without road access adjoins a property of the same owner that does have road frontage.

It is only at the time of sale of separate lots that the issue arises. Even so, Council's determination on this matter could have significant impacts on Shire finances and roads program if as a result other owners of similar lots with lack of access lodge requests with the Shire.

In the case before Council, the property is not considered land locked by the Department of Planning Lands and Heritage as it abuts a road reserve, albeit that road is currently unconstructed. As such the claim in the landowner's correspondence that he requires the road to be able to sell the land is not correct. In addition, there is also the potential, and likelihood, that any sale of the land could be to an owner of an adjoining property for which access would not be at issue irrespective of the reserve.

The image below depicts the unconstructed road reserve in relation to the property (Ninghan Loc 1753) and the farm road currently used to gain access by "gentlemen's agreement" with the owner of the adjoining property.



In making any determination, Council should also give consideration to the owners of the properties that would adjoin any newly constructed road. Specifically, there will be a need for the owners of the property to fence their southern boundary (should the road proceed) as currently only the property to the south of the reserve is fenced.

As to any obligation on the Shire to construct the road, advice from the DPLH is that under the *Land Administration Act 1997* (s55 2) and the *Planning and Development Act 2005* (s168 2), the Shire has "care, control and management of roads, and the capacity to develop the roads should it choose". That is, it is at the Shire's discretion, and there is no obligation to construct any road.

The Department's position is supported in advice from the WA Local Government Association that the construction of any road is at the discretion of the Local Government and that "collection of rates revenue does not equate to a promise or undertaking to provide specific services or roads".

However, that the Shire does not have an obligation to construct any road does not remove the issue within the Shire of lots without road access for which the Shire does not currently have any provision or direction in its planning scheme or current policies.

A planning policy position adopted by the Shire of Donnybrook-Balingup is that proponents of all new developments and sub-divisions are required to demonstrate the property has "legal and constructed access" prior to being considered by Council. And further that the applicant "pay a sum of money for the cost of constructing the road or part thereof" to enable access.

The situation regarding Ninghan Loc 1753 (the subject of this item) is not a sub-division of a property as applicable within the context of the Shire of Donnybrook-Balingup policy, however it can be argued that the property owner's intent is similar in seeking provision of access to property where such access does not previously exist.

The similarity to a sub-division application, is arguably even more aligned in regard to adjoining blocks, when only one of which has road access, and the owner is seeking to sell or gain access to the lot that previously was accessed via the adjoining property.

Given the number of lots without access in the Shire, and the potential negative impact on the Shire's finances from any precedent from Ninghan Loc 1753, it is recommended that Council at least require the landowner to meet costs should it approve the road construction. And further, to alleviate demands on Shire resources, Council require the applicant coordinate and organise construction.

Initial discussions with the owner of Ninghan Loc 1753 is that he has previously offered to the Shire to construct and maintain the road and he did not object nor agree to paying costs. Ongoing maintenance of this or any other road constructed for a similar purpose would be an ongoing impost on the Shire and maintenance would be preferably assigned to the proponent.

It was not discussed if the owner would also pay costs to fence the new road, however this should be an additional requirement Council should consider given it is not the owner of the adjoining property (which would face the cost of the fencing) that has requested the new road.

Additionally, the Shire should also require that the proponent secure written support from the owners of any properties that would adjoin the new road, for support for the clearing of the reserve and construction of the road.

Council may also consider that as any road constructed for Ninghan Loc 1753 would terminate at the property, that is it is a dead-end road and likely to be used only by local landowners, that the Shire limit any risk involved in the property owner being responsible for upkeep of the road, by allowing the owner to install a gate across the entrance.

Under reg.9(1) of the Local Government (Uniform Local Provisions) Regulations 1996, a person may apply to the Shire to have a gate across a public thoroughfare for which the Shire can impose conditions while the owner must also comply with reg.10 and ensure the gate is not left open.

Assuming Council has no objection to an access road being constructed to Ninghan Loc 1753 from East Boundary Road, it is recommended that the applicant be required to:

- Enter a formal agreement with the Shire to construct the road to a standard acceptable to the Shire Works Supervisor.
- Install a gate to Shire specifications and accept responsibility for the maintenance of both the gate and the road ongoing.
- Meet costs of additional administration costs associated with the construction of the road including but not limited to flora clearance and naming and registering of the road.
- Construct boundary fencing to an acceptable standard for all properties where they adjoin the new road reserve.
- Obtain written support from the owners of all properties that would adjoin the proposed road for the road to be constructed as proposed.

In addition, the Shire should seek to develop a planning policy in regard to the provision of roads to lots without access that aligns with Council's determination for Ninghan Loc 1753.

Consultation:

Sarah Water, Assistant State land Officer, DPLH
James McGovern, Manager Governance and Procurement, WALGA
Darren West, Works Supervisor

Statutory Implications:

Nil

Policy Implications:

Nil

Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2024
2.1 Our Economy grows in a sustainable manner
4.1 Open and transparent leadership

Risk Implications:

| | |
|--------------------------------------|---|
| Risk Profiling Theme | Failure to achieve agreement with property owner on road construction and maintenance |
| Risk Category | Reputational |
| Risk Description | Potential for Shire to be accountable to community for not providing road |
| Consequence Rating | Minor (1) |
| Likelihood Rating | Possible (3) |
| Risk Matrix Rating | Low (4) |
| Key Controls (in place) | Council fiduciary responsibility |
| Action (Treatment) | Communications with proponent |
| Risk Rating (after treatment) | Effective – Low (3) |

Financial Implications:

Nil financial impact on the Shire is resolved as recommended.

Voting Requirements: Simple Majority Absolute Majority

Officer Recommendation
RESOLUTION 151024

Moved Cr GW Greaves

Seconded Cr NJ Chandler

That Council;

- 1. Decline the request for the road construction, and;**
- 2. Draft and adopt a policy for future applications, to be considered on a case by case basis.**


CARRIED 6/0

For: Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr S Christie

CONFIRMED

13. OFFICER'S REPORTS – WORKS & ASSETS

13.1. Plant Replacement Program Update

| Works and Assets | |  Shire of Koorda <small>Drive in, stay awhile</small> |
|-------------------------------|--|--|
| Date | 4 October 2024 | |
| Location | Not Applicable | |
| Responsible Officer | Zac Donovan, Chief Executive Officer | |
| Author | As above | |
| Legislation | <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i> | |
| Disclosure of Interest | Nil | |
| Purpose of Report | <input type="checkbox"/> Executive Decision <input type="checkbox"/> Legislative Requirement <input checked="" type="checkbox"/> Information | |
| Attachments | Nil | |

Background:

The Shire of Koorda 2024/25 annual budget has allocated \$1.093m in approved expenditure on plant and equipment replacement, which is projected to have a net impact on the Shire finances of \$772,000 after the recovery of trade and auction sales of the existing plant being replaced.

Two of the most significant components of the \$1.093m plant and equipment replacement expenditure, is the \$420,000 allocated to replace a front-end loader and the \$220,000 for a new roller. The net impact of which is budgeted outgoings of \$560,000.

As per the Shire of Koorda purchasing policy, all purchases from \$75,001 up to \$250,000 require three written quotes, with purchases from \$250,001 also subject to a public tender process, unless the providers are subject to tender exempt arrangement under the WALGA Preferred Supplier Agreement or the State Government Common Use Agreement.

Comment:

In undertaking the purchase of both the replacement front-end loader and vibrating roller, the Shire has opted to access the WALGA PSA, which under Local Government (Functions and General) Regulations 1996 (s11 2b) tenders do not have to be invited. However as per the Shire Purchasing Policy three written quotes were received for each.

The quotes for the loader (ex GST) ranged from \$353,000 to \$394,000 and for the roller, from \$185,400 to \$196,860. With the quotes selected for purchase, \$383,700 for the loader and \$185,400 for the roller, both within the allocated and approved budgets. Details for each are as follows:

| Front-end Loader | | | |
|-------------------------|--------------------|-----------------------|--|
| Supplier | Model | Quote (ex GST) | Rationale |
| Westrac CAT | Caterpillar 938-BR | \$383,700 | The Caterpillar 938-BR was selected for purchase as the preferred John Deere plant was not within budget and the workshop has substantial Caterpillar plant for which operators are familiar. In addition, servicing and warranty claims are better facilitated in having homogeneous plant. |
| Komatsu | Komatsu WA320PZ-6 | \$353,000 | |
| CJD Equipment | Volvo L90H | \$394,000 | |

| Vibrating Roller | | | |
|-------------------------|--------------------------|-----------------------|--|
| Supplier | Model | Quote (ex GST) | Rationale |
| Westrac CAT | Caterpillar CS14-XZ | \$185,400 | The Caterpillar CS14-XZ was selected for purchase as the pricing was very similar however Westrac offered a \$5000 discount if the Shire purchased both items of plant. Also, as with the front-end loader decision, the prevalence of Caterpillar plant in the existing fleet has benefits in operator familiarity and for servicing and warranty claims. |
| Conplant | Wacker Neuson RC130-2 T3 | \$196,860 | |
| Tutt Bryant Equipment | Bomag model BW213D-5 | \$187,000 | |

In addition to the purchase of the new plant, the Shire proposes to dispose of the existing plant – KD043 Volvo L90F loader and KD016 CAT vibrating roller - via public auction. It is anticipated in the Shire of Koorda 2024/25 Annual Budget that a combined \$80,000 should be realised by the sale of the two existing plant items, however the outcome will be dependent on the prevailing market conditions and buyer demand at the time of auction.

Consultation:

Darren West, Works Supervisor

Statutory Implications:

Local Government Act 1995 S.3.57

Local Government (Functions and General) Regulations 1996.

Policy Implications:

The Purchasing Policy and Local Government (Functions and General) Regulations (s11 2b) have been adhered to with the purchase of the two replacement plant items.

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.

Risk Implications:

| | |
|--------------------------------------|--|
| Risk Profiling Theme | Failure to achieve anticipated auction returns on sale of existing plant |
| Risk Category | Financial |
| Risk Description | Financial impact |
| Consequence Rating | Minor (2) |
| Likelihood Rating | Possible (3) |
| Risk Matrix Rating | Moderate (6) |
| Key Controls (in place) | Surplus buffer from new plant purchase well under budget |
| Action (Treatment) | Management controls |
| Risk Rating (after treatment) | Effective – Low (3) |

Financial Implications:

The purchase of the two replacement items of plant is a combined \$75,900 under the budget allocation. The anticipated recovery of \$80,000 through the sale by auction of the existing plant will be subject to the prevailing market at the time and as such may vary either for a lesser or improved outcome.

Voting Requirements: Simple Majority Absolute Majority

Officer Recommendation
RESOLUTION 161024

Moved Cr GW Greaves

Seconded Cr GL Boyne

That Council, accept the update on the plant replacement program.

CARRIED 6/0

For: Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr S Christie

CONFIRMED

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

**Officer Recommendation
 RESOLUTION 171024**

Moved Cr NJ Chandler

Seconded Cr GL Boyne

That Council accepts late item “14.1. CEO Recruitment Process” to the October 2024 Council Agenda for consideration.

CARRIED 6/0

FOR: Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr S Christie

**Officer Recommendation
 RESOLUTION 181024**

Moved Cr GW Greaves

Seconded Cr S Christie


That Council close the meeting to the public at 5.41pm in accordance with the Local Government Act section 5.23 (2) (c) as a contract may be entered into, by the Shire which relates to the matter to be discussed.

CARRIED 6/0

FOR: Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr S Christie

5.41pm – CEO Mr Z Donovan and DCEO Miss L Foote withdrew from the chambers.

14.1. CEO Recruitment Process

| | | |
|--------------------------------|--|---|
| Corporate and Community | |  |
| Date | 23 October 2024 | |
| Location | Not Applicable | |
| Responsible Officer | Cr Jannah Stratford, President | |
| 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 | 1 - DRAFT Koorda CEO Application Package 2 - DRAFT 2024 CEO Panel Terms of Reference 3 - Confidentiality Agreement | |

Background:

The Shire of Koorda CEO resigned on the 12 July 2023, effective 11 August 2023, with Council commencing a recruitment process in September 2023. The process involved defining a Council CEO Recruitment Selection Committee; appointing an external recruitment consultant; selecting an independent selection panel member; drafting necessary position and contractual documents; and advertising the CEO position.

At the conclusion of the application period and review of applicants by the Council Selection Committee, it was decided not to proceed with appointment. In discussion with the recruitment consultant, Council opted to appoint an Acting CEO for a 12-month period commencing 5 February 2024 and expiring on 3 February 2025.

At special meeting of Council held on the 2nd October 2024 Council adopted the following resolutions:

| | |
|---|------------------------------------|
| Officer Recommendation RESOLUTION 051024 | |
| Moved Cr KM Burrell | Seconded Cr KA Fuchsbichler |
| That Council; | |
| 1. Appoints consultant Lydia Highfield at \$6000.00 (no GST) to support Council with CEO Recruitment; and | |
| 2. Notes there may be additional costs for incidentals such as advertising, travel and accommodation. | |
| 3. Establishes the CEO Recruitment Committee, comprising of the following Members; | |
| i. | Cr JM Stratford |
| ii. | Cr GW Greaves |
| iii. | Cr NJ Chandler |
| iv. | Cr GL Boyne |
| v. | Cr KM Burrell |
| vi. | Cr KA Fuchsbichler |
| vii. | Cr S Christie |
| viii. | Independent Person |
| 4. Authorises Shire President and Deputy Shire President to appoint the Independent Person to the CEO Recruitment Committee/Panel. | |
| CARRIED BY ABSOLUTE MAJORITY 7/0 | |
| FOR: Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr KA Fuchsbichler, Cr S Christie | |

Comment:

Recruiting Consultant Lydia Highfield has been appointed and has prepared draft documentation for council's comment and endorsement. Lydia has prepared the following draft documents to be presented at this meeting.

Attachment 1 - DRAFT – Koorda CEO Application Package.

Attachment 2 - DRAFT – CEO Recruitment Committee/Panel Terms of Reference.

Terms of Reference (TOR) for the CEO Recruitment Committee/Panel incorporates the standards for recruitment as defined in Schedule 2, Division 2 of the Local Government (Administration) Regulations 1996.

In accordance with Section 5.11 of the Local Government Act 1995 (the Act) committee tenure expires every two years at the ordinary election.

CEO Recruitment Committee/Panel members and/or all parties that have access to Applicant information, are to sign a confidentiality agreement (Attachment 3) prior to the first item of business.

In order to fulfil the requirements of the Local Government (Administration) Regulations 1996 - Model standards for CEO recruitment, Council must determine the selection criteria for the position of CEO.

A draft CEO application package (including the selection criteria and position description) has been presented for council's consideration.

In setting the Total Rewards Package for the CEO position, the Local Government is governed by the Salaries and Allowances Tribunal (SAT). The remuneration package offered is to be set in accordance with the Salaries and Allowances Tribunal Band 4 up to \$240,396 per annum.

Additional funds outside of the SAT Band may be allocated to relocation expenses.

Consultation:

Lydia Highfield, Recruitment Consultant

Statutory Implications:

Local Government Act 1995 (s5.39A).

Local Government (Administration) Regulations 1996

Model standards for CEO recruitment, performance and termination.

Policy Implications:

Shire of Koorda "F - Purchasing Policy V1.0" to be followed.

Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2024

4.1. Open and Transparent Leadership

Risk Implications:

| | |
|--------------------------------------|---|
| Risk Profiling Theme | Employment Practices & Compliance Obligations |
| Risk Category | Compliance and Reputational |
| Risk Description | No noticeable regulatory or statutory impact |
| Consequence Rating | Insignificant (1) |
| Likelihood Rating | Rare (1) |
| Risk Matrix Rating | Low (1) |
| Key Controls (in place) | Model standards for CEO recruitment, performance and termination. Recruitment Consultant Engaged. Councillor training. |
| Action (Treatment) | Nil |
| Risk Rating (after treatment) | Adequate |

Financial Implications:

The 2024/2025 Shire of Koorda Budget includes wage and other provisions for the Chief Executive Officer, in line with the SAT Band Level 4 requirements.

Voting Requirements: Simple Majority Absolute Majority

**Officer Recommendation
RESOLUTION 191024**

Moved Cr GW Greaves

Seconded Cr GL Boyne

That, by Absolute Majority, Council:

1. Approves the Position Description and Selection Criteria for the position of CEO in the attached Koorda CEO Application Package.

2. Confirms the membership of the CEO Recruitment Committee/Panel. Noting Lydia Highfield is to facilitate the process to recruit for the role of Chief Executive Officer, appoints the following Councillors to the CEO Recruitment Committee/Panel;

- i. Cr JM Stratford**
- ii. Cr GW Greaves**
- iii. Cr NJ Chandler**
- iv. Cr GL Boyne**
- v. Cr KM Burrell**
- vi. Cr KA Fuchsbichler**
- vii. Cr S Christie**
- viii. Mr. John Nuttall**

3. Adopts the attached Terms of Reference (TOR) for the CEO Recruitment Committee/Panel, incorporating the standards for recruitment as defined in Schedule 2, Division 2 of the Local Government (Administration) Regulations 1996.

CARRIED BY ABSOLUTE MAJORITY 6/0

FOR: Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr S Christie

6.05pm – CEO Mr Z Donovan and DCEO Miss L Foote returned to the chambers.

**Officer Recommendation
RESOLUTION 201024**

Moved Cr KM Burrell

Seconded Cr GL Boyne

That Council re-open the meeting to the public at 6.07pm.

CARRIED 6/0

FOR: Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr S Christie

15. Elected Members' Motions

Nil.

16. Matters Behind Closed Doors

**Officer Recommendation
 RESOLUTION 211024**

Moved Cr GL Boyne


Seconded Cr KM Burrell

That Council close the meeting to the public at 6.09pm in accordance with the Local Government Act section 5.23 (2) (e)(ii) as the information contained within item "16.1 Recreation Precinct Stage Two - Plans and Tender Update" has a commercial value to a person.

CARRIED 6/0

FOR: Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr S Christie

16.1. Recreation Precinct Stage Two – Plans and Tender Update

| | | |
|------------------------------------|--|--|
| Matters Behind Closed Doors | |  |
| Date | 17 October 2024 | |
| Location | Koorda Recreation Precinct | |
| Responsible Officer | Zac Donovan, Chief Executive Officer | |
| Author | As above | |
| Legislation | Local Government Act 1995 Local Government (Functions and General) Regulations 1996 | |
| Disclosure of Interest | Nil | |
| Purpose of Report | <input checked="" type="checkbox"/> Executive Decision <input type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information | |
| Attachments | Confidential Attachments – sent under separate cover | |

Voting Requirements: Simple Majority Absolute Majority

**Officer Recommendation
 RESOLUTION 221024**

Moved Cr GW Greaves

Seconded Cr GL Boyne

That Council accept the update as presented and require an additional update at the November OCM on anticipated indicative costs following the closure of the tender period.

CARRIED 6/0

For: Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr S Christie

Officer Recommendation
RESOLUTION 231024

Moved Cr KM Burrell

Seconded Cr NJ Chandler

That Council re-open the meeting to the public at 6.26pm.

CARRIED 6/0

FOR: Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr S Christie

17. Closure

The Presiding Person thanked those present for their attendance and declared the meeting closed at 6.27pm.

Signed: *Stratford*

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

Date: 20 November 2024