



Shire of
Koorda

Drive in, stay awhile

AGENDA

Ordinary Council Meeting

To be held in Shire of Koorda Council Chambers

10 Haig Street, Koorda WA 6475

Wednesday 19 February 2025

Commencing 6.00pm

NOTICE OF MEETING

Dear Elected Members,

Notice is hereby given that the next Ordinary Meeting of Council of the Shire of Koorda will be held on Wednesday, 19 February 2025 in the Shire of Koorda Council Chambers, 10 Haig Street, Koorda.

The format of the day will be:

6.00pm	Council Meeting
Following conclusion of Council Meeting	Council Forum

Zac Donovan
Chief Executive Officer
13 February 2025

DISCLAIMER

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

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

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

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

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

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

Signed



Zac Donovan
Chief Executive Officer

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**Shire of Koorda
Ordinary Council Meeting
6.00pm, Wednesday 19 February 2025**



1. Declaration of Opening

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

2. Record of Attendance, Apologies and Leave of Absence

Councillors:

Cr JM Stratford	President
Cr GW Greaves	Deputy President
Cr NJ Chandler	
Cr GL Boyne	
Cr KM Burrell	
Cr KA Fuchsbichler	

Staff:

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

Members of the Public:

Apologies:

Visitors:

Approved Leave of Absence:

3. Public Question Time

4. Disclosure of Interest

5. Applications for Leave of Absence

6. Petitions and Presentations

7. Confirmation of Minutes from Previous Meetings

7.1. Ordinary Council Meeting held on 18 December 2024

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

Voting Requirements Simple Majority Absolute Majority

Officer Recommendation

That, in accordance with Sections 5.22(2) and 3.18 of the *Local Government Act 1995*, the Minutes of the Ordinary Council Meeting held 18 December 2024, as presented, be confirmed as a true and correct record of proceedings.

7.2. Special Council Meeting held on 29 January 2025

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

Voting Requirements Simple Majority Absolute Majority

Officer Recommendation

That, in accordance with Sections 5.22(2) and 3.18 of the *Local Government Act 1995*, the Minutes of the Special Council Meeting held 29 January 2025, as presented, be confirmed as a true and correct record of proceedings.

7.3. Electors Meeting held on 5 February 2025

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

Voting Requirements Simple Majority Absolute Majority

Officer Recommendation

That, in accordance with Sections 5.22(2) and 3.18 of the *Local Government Act 1995*, Council receives the Minutes of the Electors Meeting held 5 February 2025, as tabled.

8. Minutes of Committee Meetings to be Received

8.1. Minutes of External Committee Meetings to be Received

- a. GECZ Meeting Minutes for meeting held 14 November 2024
[GECZ Meeting Minutes](#)
- b. NEWROC Council Meeting Minutes for meeting held 26 November 2024
[NEWROC Meeting Minutes](#)

Voting Requirements Simple Majority Absolute Majority

Officer Recommendation

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


- a. GECZ Meeting, 14 November 2024 and
- b. NEWROC Meeting, 26 November 2024.

9. Recommendations from Committee Meetings for Council Consideration

10. Announcements by the President without Discussion

11. OFFICER'S REPORTS – CORPORATE & COMMUNITY

11.1. Monthly Financial Statements

Corporate and Community		
Date	10 February 2025	
Location	Not Applicable	
Responsible Officer	Zac Donovan, Chief Executive Officer	
Author	Lana Foote, Deputy Chief Executive Officer	
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 checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	December 2024 Financial Activity Statement	

Background:

This item presents the Statement of Financial Activity to Council for the period ending 31 December 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:

Zac Donovan, Chief Executive Officer
Finance Officers

Statutory Implications:

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

Policy Implications:

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

Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2024

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

Risk Implications:

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

That Council, by Simple Majority, pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receives the statutory Financial Activity Statement report for the period ending 31 December 2024, as presented.

11.2. Monthly Financial Statements

Corporate and Community		
Date	10 February 2025	
Location	Not Applicable	
Responsible Officer	Zac Donovan, Chief Executive Officer	
Author	Lana Foote, Deputy Chief Executive Officer	
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 checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	January 2025 Financial Activity Statement	

Background:

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

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

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

Comment:

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

Consultation:

Zac Donovan, Chief Executive Officer
Finance Officers

Statutory Implications:

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

Policy Implications:

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

Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2024

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

Risk Implications:

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

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

11.3. List of Accounts Paid

Corporate and Community		
Date	10 February 2025	
Location	Not Applicable	
Responsible Officer	Zac Donovan, Chief Executive Officer	
Author	Lana Foote, Deputy Chief Executive Officer	
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 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 12 December 2024 to 10 February 2025.

Comment:

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

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

Consultation:

Zac Donovan, Chief Executive Officer
Finance Team

Statutory Implications:

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

Policy Implications:

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

Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2024

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

Risk Implications:

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

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:

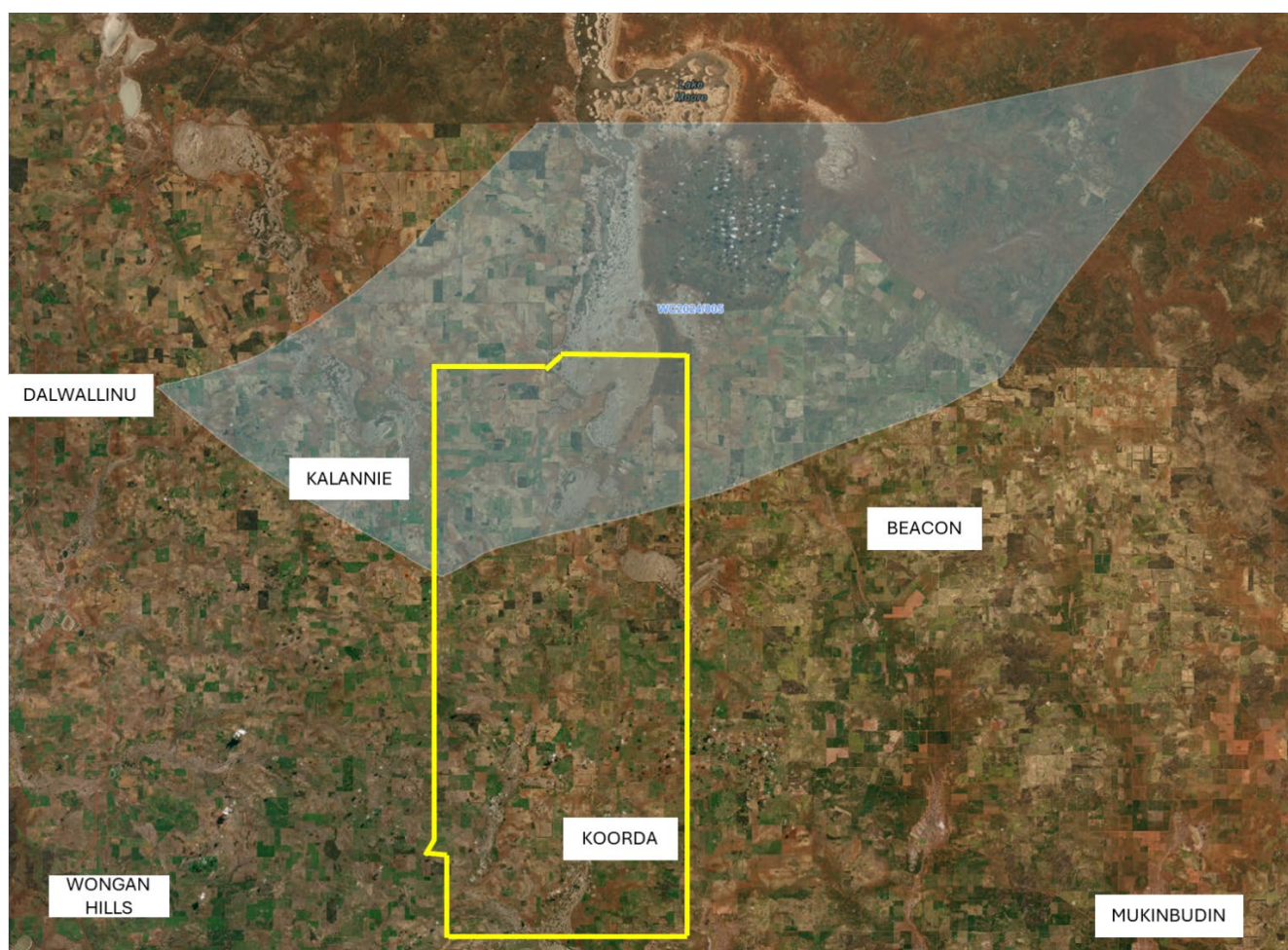
For the period 12 December 2024 to 10 February 2025.

Municipal Voucher V395 to V512	Totalling \$ 920,481.77
Purchase Card Transactions (V400, V403, V431, V460, V466 & V497)	Totalling \$ 8,235.17
	Total \$ 912,246.60

Corporate and Community		
Date	7 February, 2025	
Location	Kulja / Mollerin	
Responsible Officer	Zac Donovan, Chief Executive Officer	
Author	As above	
Legislation	Native Title Act 1993	
Disclosure of Interest	Nil	
Purpose of Report	<input type="checkbox"/> Executive Decision <input type="checkbox"/> Legislative Requirement <input checked="" type="checkbox"/> Information	
Attachments	Native Title Tribunal – Public Notice Map of Native Title Claim Area Native Title Tribunal – External Boundary Description	

Background:

A Native Title Claim has been filed in the Federal Court by the Badimia Barna group for three areas in the northeastern Wheatbelt, the most southern of which encompasses the northern section of the Shire of Koorda as depicted in the graphic below. More detail on the specific area is available by accessing the interactive map included with the application at the following link [Application Details](#).



However as shown in the graphic the claim area (in grey) covers the northern section of the Shire of Koorda and parts of the shires of Dalwallinu and Mount Marshall.

While the most southern claim area covers land currently used for agriculture and the townsite of Kalannie, native title is extinguished for land that is freehold. In addition, for land that is subject to a Crown lease (such as a pastoral lease), the State Government is retained as the landlord with the leases required to negotiate an Indigenous Land Use Agreement for shared use in the case of a successful application. The claim mostly concerns unallocated reserves and Crown land.

The purpose of this item is to advise Council of the claim and the process.

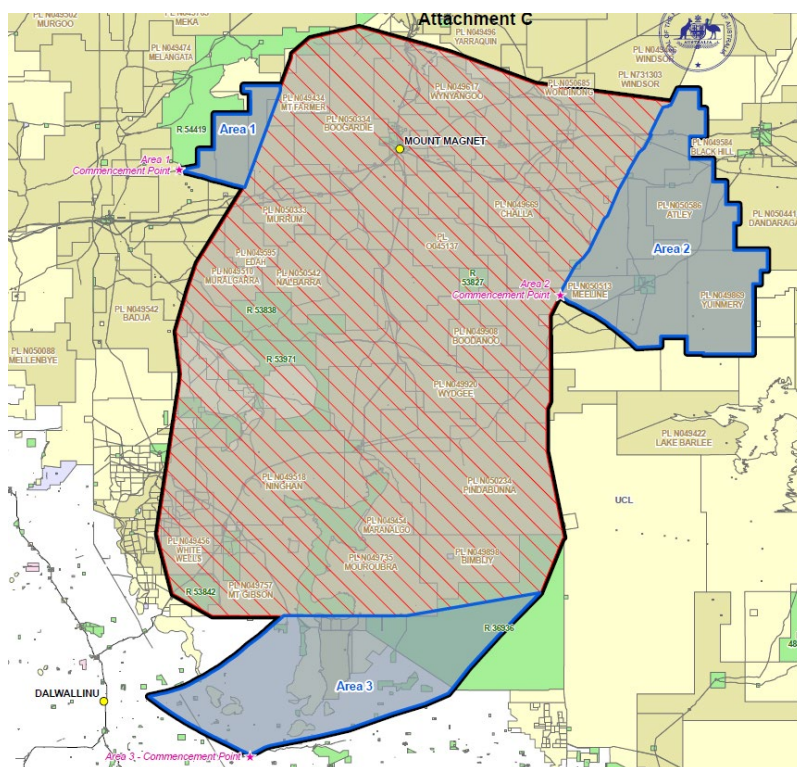
Comment:

As part of the claim area falls within the Shire of Koorda, under section 66(3)(a) of the Native Title Act 1993, the Registrar of Native Title Claims is required to notify the Shire of the claim along with:

- Any property interest holders
- Any registered native title claimants
- Any relevant Aboriginal bodies
- The Federal Minister, and
- Any person whose interests may be affected.

As such the Shire was provided notification by the Native Title Tribunal which included correspondence (dated 22 January), the Public Notice of the total claim (attached) and access to additional information which includes a map of the total claim area and detailed description of the location boundaries. Both these documents are also attached to the item.

The total claim area is depicted below represented by the three areas shaded in blue, with the section most southern that which related to the Shire of Koorda. The central area marked with red cross hatching is an area of a previous Native Title claim by the applicants which was unsuccessful.



It is understood the previous application did not progress due to a failure to demonstrate sufficient continuing cultural connection to the area subject to the application. However, since that ruling the group has undertaken considerable work on defining the connection evidence through consolidation of language and cultural activities and is one of the most organised groups in this regard.

As the Shire of Koorda is one of the groups required to be notified of the claim, the Shire has the option to nominate to be party to the claim. However, it should be appreciated that Local Government takes

take a secondary role to the State Government, which is the “first respondent” to native titles claims filed in the Federal Court. To this end the CEO discussed the implications for the Shire in nominating to be party to the claim with neighbouring shires and native title expertise at WALGA.

It was explained that being party to the claim would likely require significant costs in legal representation given the extended time such claims can take to resolve. Consequently, neighbouring Shires were contacted to establish if they could be open to sharing representation. Discussion with the CEO of the Shire of Dalwallinu, revealed that the Shire had realised little value in being party to previous claims, and would not be nominating to be party to the current claim even though it encompassed the townsite of Kalannie within their shire. In addition, the CEO of the Shire of Mount Marshall was also opting not to be party to the claim, again due to the potential financial imposition to the Shire. Consequently, the Shire of Koorda has also not nominated to be party to the claim given the likely cost and limited benefit.

However, being party to the current claim – or actively participating in the legal proceedings – is not the primary focus for the Shire in regard to the claim. As under the Native Title Act 1993, once the Native Title Registrar has decided to accept the application for registration, the claimants are now able to exercise certain rights over the claim area including the right to negotiate about certain acts on the land. The Registrar accepted the Badimia Barna application on 14 November 2024.

The advice from WALGA native title expertise in this regard is for the Shire to initiate discussions with the claimants and attempt to build a working relationship ahead of any negotiations. Working with the Shire of Dalwallinu CEO, the Shire made initial contact with the Badimia Barna group and have had introductory discussions with their legal representation. The Shire of Koorda President and CEO are scheduled to meet with the Shire of Dalwallinu President and CEO on the matter on 18 February.

Consultation:

Christina Colegate, Senior Policy Advisor Community, WALGA
Jean Knight, Chief Executive Officer, Shire of Dalwallinu
Ben McKay Chief Executive Officer, Shire of Mount Marshall
Julia Horsley, Deputy Principal Legal Officer, Yamatji Marlpa Aboriginal Corporation
Claire Smith, Senior Officer, Legal & Compliance Team, National Native Title Tribunal

Statutory Implications:

Native Title Act 1993

Policy Implications:

Nil

Strategic Implications:

Shire of Koorda Integrated Strategic Plan (2024)
4.1 – Open and Transparent Leadership

Risk Implications:

Risk Profiling Theme	Determination are made for which the Shire is unaware
Risk Category	Reputation
Risk Description	By not being party to the claim, the Shire will need to rely on maintaining current with the state of the claim and potential outcomes.
Consequence Rating	Moderate (3)
Likelihood Rating	Possible (3)
Risk Matrix Rating	Moderate (9)
Key Controls (in place)	Shire maintaining contact with claim legal representatives and other Local Government parties
Action (Treatment)	Maintain communications
Risk Rating (after treatment)	Adequate

Financial Implications:

Nil

Voting Requirements: Simple Majority Absolute Majority

Officer Recommendation

That Council accept the report on the Badimia Barna Native Title Claim and instruct the CEO to provide Council with updates as appropriate.

11.5. Review of Medical Service

Corporate and Community		
Date	12 February, 2025	
Location	Koorda Health Centre	
Responsible Officer	Zac Donovan, Chief Executive Officer	
Author	As above	
Legislation	Nil	
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 Ordinary Council Meeting of 26 June 2024 endorsed the Shire of Koorda becoming party to the Shire of Wongan-Ballidu's contract with the Wongan Hills Medical Centre for the provision of a medical practitioner to the Koorda Health Centre. The Shire was previously provided a medical practitioner for one day per week under an agreement with the Shire of Wyalkatchem.

The need for the Shire of Koorda to access the Wongan Hills-based service came about after efforts stalled by the Shire of Wyalkatchem to renew the previous service. However, the Shire of Koorda did facilitate introductions and template contracts for the Shire of Wyalkatchem to also separately access the Wongan-Ballidu contract.

Under the terms of accessing the Shire of Wongan-Ballidu contract, the Shire of Koorda pays a fee of \$120,000 per annum for the two-day per week service, which compares favourably to the prior arrangement with the Shire of Wyalkatchem where the Shire paid \$80,000 p.a. for a one-day per week service and had budgeted \$190,000 for the previous service to be extended to two days per week.

Initially the Wongan Hills Medical Centre provided a one-day per week service to the Koorda Health Centre but by 19 August 2024, the Shire was receiving a two-day per week service which eventually settled as provided on Tuesdays and Wednesdays of each week.

As such the two day per week service provided by the Wongan Hills Medical Centre has been operating for six months. The purpose of this item is to review the service to date to determine if it is delivering on expectations of service and value for ratepayers.

Comment:

As mentioned, the two-day per week service has been offered at the Koorda Health Centre since August 2024 with January 2025 marking six months since it commenced. As such the Shire has allocated \$60,000 in fees to the Wongan Hills Medical Service as per its contract with the Shire of Wongan-Ballidu for which the Shire of Koorda is party.

When the service began there were some teething problems in ensuring the Shire of Koorda was provided consecutive days of services, as per our contract agreement, and that the medical practitioner was adhering to the hours set by the Wongan Hills Medical Centre. To assist with the transition the principal of the Wongan Hills Medical Centre, Dr Ajit Chaurasia provided the initial service before the current practitioner was recruited from the Shire of Boyup Brook. Following some issues in the first months, the service is now working well for the community.

Detailed below are results for the first six months at the Koorda Health centre as provide by Dr Ajit:

MONTH	TOTAL APPOINTMENTS	DAYS OF SERVICE	AVERAGE APPOINTMENTS PER DAY OF SERVICE
August	98	5	19.6
September	113	6	18.8
October	154	10	15.4
November	121	8	15.2
December	94	6	15.6
January	31	2	15.5
TOTALS	611	37	16.5

As shown above the medical practitioner has had more than 600 appointments since commencing and saw on average 16 patients per day. It seems after an initial surge in appointments, possibly due to pent up demand, the service has become more consistent and sustainable.

Dr Ajit said the results for the Koorda Health Centre were as expected for a new medical practitioner and believed that attendance would increase as the community became more familiar with the medical practitioner. He also said he expected the advent of the physiotherapist at the Health Centre would also help enhance appointments for the doctor and draw patients from neighbouring towns.

This position is supported by the principle of the physiotherapy service that commenced at the Koorda Health Centre on 4 February 2025, initially for one day per week, and was attracted to establish in Koorda as a result of the demand and community support for the doctor service.

For the first two weeks of the physiotherapist service had 6 and 8 appointments respectively with the principal Susanne Tan anticipating continued growth and plans to offer mobility classes to elderly residents at a Shire facility similar to that currently provided at Wongan Hills. To date the visiting physiotherapist has not needed to access the complimentary overnight accommodation at the Yalabee Unit as approved on a trial basis by Council at the 18 December 2024 OCM.

The Shire is also working on attracting a psychologist to the Koorda Health Centre - as the current counsellor is unable to develop mental health plans – and continues discussions with the Wongan Hills Medical Centre to provide periodic skin checks and women’s health services specialists.

Consultation:

Dr Ajit Chaurasia, Principal, Wongan Hills Medical Centre
Sue Waters, Practice Manager, Wongan Hills Medical Centre
Suzanna Tan, Director, Tweak Health Physio and Wellness.
Michelle Nicholls, Child Health Nurse, WACHS

Statutory Implications:

Nil

Policy Implications:

Nil.

Strategic Implications:

Shire of Koorda Integrated Strategic Plan (2024)

1.1.1 Secure medical practitioner for Koorda for two days per week.

4.1.1 Ensure the use of resources is effective, efficient and reported regularly.

4.3.1 Actively participate in regional collaboration initiatives.

Risk Implications:

Risk Profiling Theme	Service fails to meet expectations of community and Council
Risk Category	Financial and Reputation
Risk Description	Council needs to ensure funds are used appropriately and the community would criticism the Shire if the service was inadequate.
Consequence Rating	Moderate (3)
Likelihood Rating	Possible (3)
Risk Matrix Rating	Moderate (9)
Key Controls (in place)	Shire redressing issues as arise
Action (Treatment)	Ongoing liaison with provider
Risk Rating (after treatment)	Adequate

Financial Implications:

Nil additional


Voting Requirements: Simple Majority Absolute Majority

Officer Recommendation

That Council receives the update on the performance of the medical practitioner service provided by the Wongan Hills Medical Service.

12. OFFICER'S REPORTS – GOVERNANCE & COMPLIANCE

12.1. Request for Council Position to Remain Vacant until Election

Governance and Compliance		
Date	23 January, 2025	
Location	Council Chambers	
Responsible Officer	Zac Donovan, Chief Executive Officer	
Author	As above	
Legislation	Local Government Act 1995 Section 4.16 (4) Local Government Act 1995 section 2.17A).	
Disclosure of Interest	Nil	
Purpose of Report	<input type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	Nil	

Background:

On Saturday, 18 January Cr Sandra Christie resigned her position on Council via email to the CEO. Ms Christie was elected unopposed to Council in May 2024 in an extraordinary election required of the Shire following the resignation from Council in February 2024 by Ms Christine Nairn who had been elected in an extraordinary meeting in December 2023.

As the population of the Shire of Koorda is less than 5000 people and the President is elected by Council, the minimum number of Councillors permitted for the Shire is 5 with the maximum of 7 (Local Government Act 1995 section 2.17A). That is, Council will continue to meet the legislative requirements to function with up to two fewer Councillors than the composition prior to the recent resignation.

However, even though the resignation has come in an election year – with Local Government elections to be held in October – it is not within the period prior to the election (after the third Saturday in July of the election year) when Council is permitted to maintain the vacancy until the October elections.

However, as the resignation is after the previous third Saturday in October (2024), Council can request the Electoral Commissioner to fix the date of the extraordinary election for the vacancy to coincide with the October Local Government elections and avoid the need for Council to conduct an additional poll as per the Local Government Act 1995 section 4.16 (4).

The purpose of this item is to gain Council endorsement to make such a request of the Electoral Commissioner to fix the date of the extraordinary election with the date of the October Local Government elections and consequently allow the position to remain vacant until that date.

Comment:

In her written resignation advice to the CEO via email on Saturday 18 January, though not obligated to provide a reason, Cr Sandra Chistie offered that she had “come to realise, sadly, that my position, is totally ineffective in bridging the communication gap between the public and the shire, which was my hope/reason for becoming a member of council.”

On written advice to the relevant CEO of resignation from Council, the resignation, under the Local Government Act 1995 section 2.31(4) is effective from the date of delivery unless otherwise specified. Cr Christie nominated that her resignation be effective immediately.

As the resignation falls after the third Saturday in the October 2024 but before the third Saturday in July 2025, the Shire is obligated to conduct an extraordinary election for the vacancy, unless Council makes a request of the Electoral Commissioner to fix the date of the required extraordinary election with the date of the October Local Government elections.

Consequently, Council will be accepting that the Councillor position remain vacant until contestable at the October elections. As mentioned, The Shire of Koorda is permitted to function with a minimum of 5 Councillors and a maximum of 7 and as Council had a full complement of Councillors prior to the resignation, it will not have an impact on the legislative requirements to operate.

The resignation and previous extraordinary elections required to attain Council's full complement of 7 elected members, could also have Council consider if it chooses to maintain current representation or move to a Council of 6 or 5 Councillors, as is permitted given the Shire population.

Advantages of a smaller Council would lessen the consistent need and cost of extra ordinary elections when insufficient candidates contest the ordinary elections. However, disadvantages of reduced representation would include greater requirement on Councillors to be available for all meetings. In that a Council of 7 with a quorum of 4, enables 3 members to absent at any one time, whereas a Council of 5 (quorum of 3) facilitates only 2 to be absent, along with reducing the diversity of contribution.

Consultation:

Tony Brown, Executive Director Member Services, WALGA

Statutory Implications:

Local Government Act 1995 Section 4.16 (4)

Local Government Act 1995 section 2.17A)

Policy Implications:

G - Legislative Compliance V1.0

Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2024

4.1 - Open and Transparent Leadership

Risk Implications:

Risk Profiling Theme	Failure to meet legislative requirement.
Risk Category	Compliance
Risk Description	Staff do not act in an appropriate timeframe to meet requirements.
Consequence Rating	Minor (2)
Likelihood Rating	Rare (1)
Risk Matrix Rating	Low (2)
Key Controls (in place)	Implementation of requirements following Council decision.
Action (Treatment)	Staff understanding of requirements.
Risk Rating (after treatment)	Adequate

Financial Implications:


Nil

Voting Requirements: Simple Majority Absolute Majority

Officer Recommendation

That Council instruct the CEO to request of the Electoral Commissioner to fix the date of the extraordinary election for the Councillor vacancy created by the resignation, to coincide with the October Local Government elections.

12.2. Council Committee Presiding Member Elections

Governance and Compliance		
Date	12 February, 2025	
Location	Council Chamber	
Responsible Officer	Zac Donovan, Chief Executive Officer	
Author	As above	
Legislation	Local Government Act 1995 Schedule 9.3 Division 7 Clause 67 Local Government Act 1995 Section 5.12	
Disclosure of Interest	Nil	
Purpose of Report	<input type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	Nil	

Background:

As part of the reforms to the Local Government Act, Schedule 9.3 Division 7 Clause 67 requires all committees of Council to have the presiding member, and deputy presiding member, for each appointed by the Council rather than the relevant committee. Local Governments have until 1 July 2025 to enact this change.

In addition, the resignation of Sandra Christie from Council on Saturday 18 January, has created vacancies on two Council Committees – Building, Recreation and Town Planning; and Koorda Awards Committee (deputy position) – that Council will need to determine.

Also, second tranche of the Local Government reforms is anticipated to require that Council Audit and Risk Committees are to be revised as Audit, Risk and Improvement Committees and to include two independent members of which one is to be the presiding officer. Council can also, at its discretion, appoint independent members to any of its other committees.

While the second tranche reforms are not anticipated until later in the year, it is proposed Council start considering potential local individuals that could be invited to join the Audit, Risk and Improvement Committee. The comparatively smaller population of the Shire compared to metropolitan Local Government would be expected to limit the pool of suitable individuals. The situation is exacerbated by the Salary and Allowances Tribunal allocating a maximum sitting fee of \$130 for independent members on Band 4 Council Committees, which reduces the recompense for those travelling to meetings.

It is understood there will be the option under the coming reforms that Local Governments will be able to establish shared Audit, Risk and Improvement Committees with other Local Government, which is another consideration for Council. There is of course also the option to engage independent committee members via teams and WALGA is establishing a panel of potential members for this purpose. This option is also a potential item for discussion at NEWROC or with other neighbouring or metropolitan Local Governments.

The next tranche of reforms is also expected to include the creation of the Office of the Local Government Inspector to redress compliance and standard breaches; option for superannuation payments for Elected Members; and provisions for vexatious complainants and meeting confidentiality.

The focus of this item is to redress the requirement for Council to elect the presiding members for each of its committees and select committee members to replace the former Councillor. However, it also

provides the opportunity to update Council on future reforms, in particular options and preferences for independent committee members, which would ideally be initially a discussion in the Council Information Forum.

Comment:

As per the Local Government Act 1995 Schedule 9.3 Division 7 Section 67, the presiding officer and deputy presiding officer for all Council committees will need to be appointed by Council, rather than each committee, by 1 July 2025.

Following is a table of the Shire of Koorda's current committees and presiding members and deputies.

COMMITTEE	PRESIDING MEMBER	DEPUTY	MEMBERS
Audit and Risk Committee	Cr JM Stratford	Cr NJ Chandler	Cr GL Boyne Cr GW Greaves (Deputy)
Building, Recreation and Town Planning	Cr GL Boyne	Cr NJ Chandler	VACANT Cr GW Greaves (Deputy)
Bush Fire Advisory Committee	Mr George Storer	Cr JM Stratford	CEO
CEO Performance Review	Cr JM Stratford	Cr GW Greaves	Cr NJ Chandler Cr GL Boyne (Deputy)
Governance Committee	Cr JM Stratford	Cr GL Boyne	Cr NJ Chandler Cr KA Fuchsbichler (Deputy)
Local Emergency Management	Cr JM Stratford	Cr GW Greaves	
Works Committee	Cr GW Greaves	Cr NJ Chandler	Cr KA Fuchsbichler Cr JM Stratford (Deputy)
Koorda Awards Committee	Cr GL Boyne	Cr JM Stratford	Cr KM Burrell VACANT (Deputy)
Behavioural Complaints	Cr NJ Chandler	Cr GW Greaves	Cr KM Burrell Cr JM Stratford (Deputy)
Koorda Grants Committee	Cr GL Boyne	Cr JM Stratford	Cr KM Burrell Cr GW Greaves (Deputy)

The item provides the opportunity to review the presiding member and deputy for each committee, however given these committee were all reviewed by Council at the OCM of 21 August 2024, Council could legitimately reaffirm by resolution the existing presiding members and deputy for each committee to meet the requirement of the changed legislative requirement.

Alternatively Council couple elected to put to Council decision the positions as presiding officer and deputy for one or more of the committees listed above.

Council will however need to determine committee members for the vacancies on the Building, Recreation and Town Planning committee; and Koorda Awards Committee, as shown in bold above, that were created with the recent Councillor resignation.

Consultation:

Tony Brown, Executive Director Member Services, WALGA

Statutory Implications:

Local Government Act 1995 Schedule 9.3 Division 7 Clause 67
Local Government Act 1995 Section 5.12

Policy Implications:

G - Legislative Compliance V1.0

Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2024
4.1 - Open and Transparent Leadership

Risk Implications:

Risk Profiling Theme	Failure to implement legislative changes
Risk Category	Compliance
Risk Description	Council cannot agree on selecting presiding members and deputies for each of its committees.
Consequence Rating	Minor (2)
Likelihood Rating	Rare (1)
Risk Matrix Rating	Low (2)
Key Controls (in place)	Decision not required until 1 July 2025
Action (Treatment)	Lead time ahead of deadline for Council decision.
Risk Rating (after treatment)	Adequate

Financial Implications:

Nil


Voting Requirements: Simple Majority Absolute Majority

Officer Recommendation

That Council appoint:

1. Cr XXXXX as a member of the Building, Recreation and Town Planning Committee
2. Cr XXXXX as deputy member to the Koorda Awards Committee
3. Cr XXXXXXX as presiding member for the Audit and Risk Committee
- 3a. Cr XXXXXXX as deputy presiding member for the Audit and Risk Committee
4. Cr XXXXX as presiding member for the Building, Recreation and Town Planning Committee
- 4a. Cr XXXXX as deputy presiding member for the Building, Recreation and Town Planning Committee
5. Cr XXXXX as presiding member for the Bush Fire Advisory Committee
- 5a. Cr XXXXX as deputy presiding member for the Bush Fire Advisory Committee
6. Cr XXXXX as presiding member for the CEO Performance Review Committee
- 6a. Cr XXXXX as deputy presiding member for the CEO Performance Review Committee
7. Cr XXXXX as presiding member for the Governance Committee
- 7a. Cr XXXXX as deputy presiding member for the Governance Committee
8. Cr XXXXX as presiding member for the Local Emergency Management Committee
- 8a. Cr XXXXX as deputy presiding member for the Local Emergency Management Committee
9. Cr XXXXX as presiding member for the Works Committee
- 9a. Cr XXXXX as deputy presiding member for the Works Committee
10. Cr XXXXX as presiding member for the Koorda Awards Committee
- 10a. Cr XXXXX as deputy presiding member for the Koorda Awards Committee
11. Cr XXXXX as presiding member for the Behavioural Complaints Committee
- 11a. Cr XXXXX as deputy presiding member for the Behavioural Complaints Committee
12. Cr XXXXX as presiding member for the Koorda Grants Committee

12.3. WALGA Consultation – CEO Matters and Online Registers

Governance and Compliance		
Date	4 February, 2025	
Location	Shire of Koorda	
Responsible Officer	Zac Donovan, Chief Executive Officer	
Author	As above	
Legislation	Local Government Act Amendment 2023 Local Government Regulations (Amendment Regulations) 2024	
Disclosure of Interest	Nil	
Purpose of Report	<input checked="" type="checkbox"/> Executive Decision <input type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	Local Government Regulations Amendment Regulations 2024- (Consultation-Draft)	

Background:

As part of the State Government’s Local Government reform process, the Department of Local Government, Sport and Cultural Industries has commenced a consultation process on aspects of the first tranche of the Local Government Amendment Act 2023.

In particular, the consultation is seeking sector feedback on relating to CEO recruitment, termination and performance reporting and online registers to be retained by Local Governments regarding various operational functions.

The consultation draft of the Local Government Regulations Amendment Regulations 2024-(Consultation-Draft) from which the points requiring response from the sector is attached for reference. The WA Local Government Association is intending to respond to the Department and provide a summary of sector opinions and preferences. WALGA has requested Local Governments provide their responses to the 13 consultation points by close of business on Wednesday, 19 March to governance@walga.asn.au.

As the closing date for the responses to be provided to WALGA is also the day of the Shire of Koorda March OCM, should Council wish to provide a position it will need to be defined at the February OCM. To this end the following adapts the WALGA discussion points and provides options for Council.

Comment:

The 13 points for which the Department of Local Government, Sport and Cultural Industries is seeking sector feedback and to which WALGA is intending to establish a sector position fall under four broad categories. These are:

- Publication of CEO Key Performance Indicators
- Independent Members of CEO Recruitment Panels
- Recruitment, Termination and Certification of CEOs
- Online Registers to be Retained by Local Governments

The following is taken from the WALGA position paper with the Shire of Koorda CEO having proposed options for the Council to select from following each consultation point. Council is of course at liberty to not select any of the options presented and propose alternatives.

At the conclusion of the list of consultation points there is an opportunity for Council to provide any additional comments. This section has been left blank at this stage.

1. CEO Matters – Publishing KPIs

Amendment Regulation 18AA (s.5.38(4)(c) of the *Local Government Amendment Act 2023*)

Amendment Regulation 18AA relates to the conduct and publication of the annual CEO performance review. Amendment Regulation 18AA(3) requires a statement to be published on the Local Government website stating the target to be achieved for the performance criterion to be met, including whether:

- the target was achieved
- the target was not achieved
- no determination reached on target

Amendment Regulation 18AA(4) requires the grouping of targets so that a statement can be made as to the percentage of targets achieved, or otherwise.

Amendment Regulation 18AA(5) provides for the exclusion of a target from publication, if:

- the reason a target was not achieved was beyond the CEOs control
- no determination could be made on whether target was achieved
- the Departmental CEO may direct the target be excluded from publication

WALGA Comment:

Amendment Regulation 18AA reports targets on an ‘achieved/not achieved’ basis where under current practice, substantial or partial achievement of a target may be satisfactory to a Local Government.

- Could Regulation 18AA(3)(b) and (4) be improved by publishing a target that is substantially (though not fully) achieved if to the satisfaction of the Local Government?
- Is it necessary to separately report on percentages of target achievement/non-achievement?
- In relation to the Departmental CEOs exclusion direction, should regulations
 - o specify that a Local Government may request such a direction, by resolution of Council?
 - o specify the Departmental CEO may give an exclusion direction for specific types of targets applicable to all Local Governments?

Options:

CEO Performance Targets

- A. Addition of started, partially completed and substantially completed measures
- B. Percentage of target achievement reported as defined by Council
- C. No change to that proposed

Total Target Percentage

- A. No percentage reporting due to varying importance of targets
- B. No change to that proposed

Exclusion of Target from Publication

- A. Local Government request target be excluded by resolution of Council
- B. Department CEO provide exclusion for specific types of targets for sector
- C. No change to that proposed

Amendment Regulation 18FAA (s.5.39AA(1) of the *Local Government Amendment Act 2023* and s.5.96A(1)(i) of the *Local Government Act 1995*)

Amendment Regulation 18AA relates to the performance criteria specified in the CEO's contract of employment.

Amendment Regulation 18FAA (1) to (7) sets out the provisions for publication on the Local Government website information relating to the CEO's performance as set out in the employment contract, including that the Departmental CEO may direct the performance criterion be excluded from publication.

WALGA Comment:

- In relation to the Departmental CEOs exclusion direction, should regulations specify that a Local Government may request such a direction, by resolution of Council?

Options:

Direction to Exclude Publication of Performance Criteria by Department CEO

- A. Council may request exclusion by resolution of Council
- B. No change to that proposed

2. CEO Matters – Independent Persons Panel

Amendment Regulation 18FAB (s.5.39A(4) and (5))

Amendment Regulation 18FAB relates to the establishment by the Departmental CEO of a panel of persons to serve as independent persons on a CEO selection panel.

Amendment Regulation 18FAB(1) to (8) established:

- (1) Updated definitions relating to independent persons and selection panels
- (2) Requires the Departmental CEO to appoint independent persons, and may establish undertakings relating to their conduct on a panel
- (3) and (4) appointing an independent person and serving on the panel in accordance with undertakings
- (5) Notifying of appointment or removal of independent person on a panel.
- (6) and (7) payment of fees to independent person
- (8) Publication by Departmental CEO of a list of independent persons

WALGA Comment:

Amendment Regulation 18FAB broadly aligns with s.5.39A(4) of the *Local Government Amendment Act 2023* as supported by WALGA in the 2022 Reform Proposals.

No provision is made for the appointment of an independent person other than from the Departmental CEOs panel. Attention is drawn to the following extract from Item 5.8 of the Reform Proposals:

'Councils will be able to appoint people outside of the panel with the approval of the (Local Government) Inspector'

- Should Amendment Regulation 18FAB include a provision that permits the Departmental CEO or Local Government Inspector to appoint persons from outside the panel, particularly if the list of independent panel members does not include people that reside or live in approximation to rural and remote Local Governments?

Options:

Appointment of Independent Member for CEO Recruitment outside of Department Panel

- A. Council can request the Local Government Inspector appoint an Independent Panel member if the Department CEO Panel does not include persons who reside in Local Government area.
- B. No change to that proposed

Amendment Regulation 18FAC (s.5.39A(4) and (5))

Amendment Regulation 18FAC introduces the definition of 'disqualifying interest' relating to a financial, indirect financial or impartiality interest in relation to independent panel members. If an independent panel member identifies the existence of a disqualifying interest, they must not continue to serve on the CEO selection panel.

WALGA Comment:

The 'disqualifying interest' provisions are closely related to financial, indirect financial and impartiality interests for Council Members. Newly elected Council Members are required to undergo mandatory training with one specific module of the Council Members' Essentials dedicated to understanding conflicts of interest.

Presently, an independent panel member would only be required to declare a conflict of interest if the CEO selection panel was established as a Committee of Council under s.5.8 of the Act, when the Local Government's Code of Conduct for Council Members, Committee Members and Candidates will apply. The Model Code of Conduct Regulations includes management of conflict of interest under Division 2, cl. 4 'Personal Integrity'. Item 5.8 of the 2022 Reform Proposals does not refer to conflicts of interest.

- Should those appointed to the independent persons panel (Amendment Regulation 18FAB) be required to participate in Conflicts of Interest training?
- The Department's Guide to Interest Affecting Impartiality at Item 5.4 provides a broad definition of 'friendship'. Does the inclusion of 'impartiality' as a disqualifying interest have potential to lead to a high number of exclusions from selection panels, should the independent person be well acquainted with any candidate?
- Should the declaration of an impartiality interest be treated in the same way as for Council Members, whereby a declaration is made but participation continues?

Options:

Independent Member for CEO Recruitment Declaration of Interest training

- A. Persons appointed as Independent Members for CEO Recruitment be required to have completed Conflicts of Interest Training.
- B. No change to that proposed

Independent Member for CEO Recruitment Declaration of Impartiality Interest

- A. Persons appointed as Independent Members for CEO Recruitment should be disqualified from participation in process if declared Impartiality Interest
- B. Persons appointed as Independent Members for CEO Recruitment be permitted to participate in process following declaration of Impartiality Interest

3. CEO Matters – Recruitment, Termination and Certification

Amendment Regulation 18FBA (s.5.39B(7))

Amendment Regulation 18FBA adds an additional certification requirement to that already provided under current Administration Regulation 18FB. Under 18FBA, Council must certify by absolute majority that the recruitment of an incumbent CEO (i.e. one who has already served 10 years or more and was an applicant in the CEO recruitment process under Model Standards) was successful and their contract of employment was renewed.

WALGA Comment:

No information is provided in the Department's Consultation of a reason why this regulation is necessary. Presently, Administration Regulation 18FB requires certification that a CEO recruitment process was conducted in compliance with Model Standards, regardless of the outcome.

- Is Amendment Regulation 18FBA necessary to the CEO recruitment process?

Options:

Additional certification of requirement process for renewal of incumbent CEO (10 years).

- A. Delete Amendment Regulation 18FBA as superfluous
- B. Retain Amendment Regulation 18FBA

Schedule 2 Clause 13 Replaced

This amendment clarifies the provision for recruitment of a CEO upon the incumbent CEO having served 10 or more consecutive years in the role. This amendment introduces a provision that having served 10 or more years, an incumbent CEO's contract cannot be varied to extend the term and permits renewal of the contract of employment if the incumbent CEO is selected in the recruitment process.

WALGA Comment:

Presently, Schedule 2 clause 13(2)(b) places a requirement on an incumbent CEO to notify the Local Government if they wish to renew the contract of employment, having already served 10 or more consecutive years in the role. The serving of 10 or more years in the role triggers a CEO recruitment process.

Additionally, the current Schedule 2 clause 13(3) provides that before the expiry of the incumbent CEO's contract of employment, a recruitment process must be conducted. The 'before' provision does not appear in the proposed replacement Schedule 2 clause 13.

- Should a CEO recruitment process continue to be held before the expiry of the incumbent CEO's contract of employment, if the CEO has advised their intention to participate in the recruitment process?
- Does replaced Schedule 2 clause 13 have potential to create unintended contractual issues? (For example, is it possible to renew an expired contract?)

Options:

Recruitment Process Timing for Incumbent CEO of 10 years

- A. Recruitment process should proceed before expiration of incumbent's contract and to be timed to ensure continuity of position being filled.
- B. Requirement process should not proceed prior to expiration of incumbent's contract if incumbent nominates to participate in process.

Schedule 2 Clause 15A Inserted

The new Schedule introduces requirements for contractual and additional performance criteria.

WALGA Comment:

The introduction of mandated performance criterion is set out in Item 3.5 of the 2022 Reform Proposals. The new Schedule 2 clause 15A provides for standardised content of performance criterion.

- Do Local Governments adopt performance criterion additional to the content proposed?
- Would the additional clause be beneficial? *'(e) any additional information that the Local Government and CEO agree should apply to performance criterion'*

Options:

Standardised CEO Performance Criteria

- A. Councils be able to adopt any additional information that the Council and CEO agree should apply to performance criteria.
- B. No change to that proposed

Schedule 2 Clause 25 Inserted

The intent of the new Schedule 2 clause 25 is to exclude certain provisions if termination occurs during the probationary period (if included in a contract of employment), but after reviewing the CEOs performance during this period.

WALGA Comment:

Dealing with probationary period performance in the proposed manner offers a dignified contract management approach. The new Schedule 2 clause 25 does not contemplate additional circumstances that might warrant consideration, such as a finding of serious misconduct following an independent inquiry conducted by the Local Government.

- Do Local Governments support including additional circumstances where the exclusion provision can be applied? Provide examples.

Options:

Termination of CEO during Probationary Period

- A. Should include provisions for a finding of serious misconduct by independent review
- B. No change to that proposed

4. Online Registers (s.5.96B)

Administration Regulation 29E Inserted

The new Regulation currently states online registers will commence from and must be up-to-date as at the beginning of 1 July 2025.

WALGA Comment:

With the Department's Consultation process closing in May 2025, submissions will require consideration and there is the prospect some proposals may require redrafting prior to the Amendment Regulations commencing. WALGA suggests an extended commencement date for publication of online registers, to permit adequate time for preparation of information.

It is suggested that a (once off) 12-month grace period to ensure everything is included across the reporting period be provided.

Options:

Introduction of online registers

- A. Should include a 12-month grace period (to 1 July 2026) for Local Governments to comply
- B. No change to that proposed

Administration Regulation 29F Inserted (Leases of Land)

Regulation 29F(1) sets out the types of lease agreements that require publication; Regulation 29F(2) requires the CEO to keep a register of current leases to which a Local Government is a party (i.e. lessee or lessor); Regulation 29F(3) establishes information to be included in the register for publication, but does not require publication of names of persons entering into a residential tenancy agreement; and Regulation 29F(4) provides exclusions from publication.

WALGA Comment:

The new Regulation broadly aligns with the 2022 Reform Proposal and appropriately excludes the names of persons entering into residential tenancy agreements.

The 2022 Reform Proposals pre-date the *Privacy and Responsible Information Sharing Bill 2024* which includes provisions relating to public registers, and associated rights of individuals in relation to registers required by a written law.

No provision is provided in relation to confidentiality provisions that may be included in current lease agreements; for example, a Local Government that is lessor of property that is subject of a confidentiality undertaking in the lease agreement.

- WALGA seeks comment from Local Governments that may be party to lease agreements that include confidentiality provisions.
- In keeping a lease register, does your Local Government foresee any potential implications of the *Privacy and Responsible Information Sharing Bill 2024*?
- Are there additional matters not yet considered that may compromise a lease agreement entered into by a Local Government?

Options:

Publication of lease agreements

- A. Should have provision to recognise confidentiality agreements in existing leases.
- B. No change to that proposed

Administration Regulation 29G Inserted (Grants and Sponsorship)

Regulation 29G introduces requirements for grants and sponsorships made in the previous 5-year period to be maintained by the CEO in a register as from 1 July 2025, including information that is set out in subregulation (3); Regulation 29G(4) excludes grants and sponsorships that are greater than 5 years old or valued at less than \$500 from inclusion in the register.

WALGA Comment:

Local Governments are very often the principal financial supporter of local community, sporting, arts, aged care and benevolent organisations within the district and the volume of grants and sponsorships issued over a 5 year period may be considerable. The prospective commencement date of 1 July 2025 is foreseeably problematic as it may prove difficult for Local Governments to apply the required administrative effort to develop the initial register of information.

Regulation 29G includes similar definitions for 'grant' and 'sponsorship'. Typically, a grant is provided net of the expectation of any benefit to the grantee, whereas a sponsorship normally includes an expectation of a benefit to the sponsoring body. Clearer definitions will assist Local Government administrators managing the publication requirements.

- Is it reasonable for the grants and sponsorship register to capture arrangements within the previous 5-year period?
- Is the register threshold of \$500 reasonable?
- Does the Local Government have adequate capacity to develop a register by 1 July 2025?
- Should regulations exclude publication of the name of a recipient where the recipient is a natural person, particularly if the recipient/beneficiary is a child?

Options:

Register of grants and sponsorship

- A. Should not be required retrospective to the enacting of the legislation
- B. No change to that proposed with register to include 5 years prior

Register threshold

- A. Should be set at \$1000 to align with standard purchasing policy requirements
- B. No change to that proposed with reporting threshold to be \$500

Recipient details published in Online Registry

- A. Recipient details not to be published on online registry if provided to individual
- B. No change to that proposed

Administration Regulation 29H Inserted (Development Contributions)

Regulation 29H(1) established definitions that will apply to the keeping of a register of information; Regulation 29H(2) requires the CEO to maintain a register containing development contributions including information set out in Regulation 29H(3); Regulation 29H(4) provides for exclusions; and Regulation 29H(5) establishes a definition of an 'exhausted' development contribution.

WALGA Comment:

Local Governments collect a range of funds for contributions related to development applications. The regulations propose that all Local Governments will be required to establish a register of development contributions and cash in lieu payments to be kept and published.

The Regulations proposed the development of registers for contribution types that have existing legislative requirements in place to ensure appropriate receipt, holding and expenditure of collected funds. For example, those contributions required by Section 154 of the *Planning and Development Act 2005* for money paid in lieu of open space, and formal development contribution arrangements that fall

under a development contribution plan developed under *State Planning Policy 3.6 Infrastructure Contributions*.

WALGA is concerned that there the potential for duplication of exiting process from the proposed regulations which will place undue regulatory burden on Local Government for limited improvements in transparency and accountability.

- Does the requirement to develop and implement registers for these contributions duplicate existing regulatory requirements?
- Will the proposed registers create unnecessary regulatory burden on Local Governments?
- Does the Local Government have adequate capacity to develop a register?
- Considering the details proposed to be included in the registers (set out in Regulation 29H(3)), would your Local Government have collected this information from historical contributions?
- Would a requirement to only record new contributions on the proposed registers reduce the regulatory burden on your Local Government?

Options:

Register of Development Contributions received by Local Government

- A. Should only apply to new contributions and be retrospective.
- B. No change to that proposed

Administration Regulation 29I Inserted (Contracts for Goods and Services)

Regulation 29I(1) establishes that the CEO must maintain a register of contracts for goods and services that includes required information set out in sub regulation (2). Regulation 29I also requires certain information to be updated in the register during the term of the contract. For example, sub regulation (2)(f) requires the register to record a summary of variations and sub regulation (2)(g) requires recording of the amount of payments made to contractors and amounts still to be paid to contractors.

WALGA Comment:

Regulation 29(3)(a) requires publication of contracts greater than \$50,000. Item 3.4 of the 2022 Reforms proposed the publication of contracts above \$100,000, and this was supported by WALGA. It is arguable that the list of accounts paid provides adequate reporting of goods and services transactions, with the register replicating some of the details.

It is noted there are similarities between some information required to be included in the register and information already published in a tenders register - reg. 17 of the *Local Government (Functions and General) Regulations*.

Regulation 29I differs from other online registers as certain information will need regular updating. Subregulations (2)(f) and (2)(g) will require rolling reporting of variations and payments made and payments pending, throughout the contract term. This requirement is likely to result in considerable administrative effort.

WALGA has previously notified the Department that Local Governments are concerned with the publication of sensitive information that could give rise to a risk of use for fraudulent or corrupt purposes¹:

<p>s.5.94</p> <p><i>Public can inspect certain local government information</i></p>	<p>The Act requires public access or inspection rights for documents that contain personal information, i.e. electoral roll, owner / occupier, rate record [s.5.94(m) and (s)]. The Act only limits the right to access this information where the CEO is unable to be satisfied that the information will not be used for a commercial purpose [Admin.r.29B]. WALGA members have expressed concern of the risks that may extend to information when combined with other personal information; for example, cyber security / identity theft risks OR personal safety risks.</p> <p><i>Recommend there be an analysis of the public benefit versus public risk arising from statutory provisions that ensures public disclosure of documents containing personal details (i.e. electoral rolls, rate record) in the context of the potential for this information to be manipulated or misused for improper purposes.</i></p>
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Local Governments report the particular risk that public information (i.e. list of accounts paid) can be harvested for the purpose of falsifying creditor information, and the subsequent misdirection of creditor payments. The Office of the Auditor General has published guidance on the risk of fraud and corruption in this regard¹, and the extensive public availability of Local Government, as opposed to State or Federal Government, creditor information has potential to exacerbate that risk within the sector.

- Does the publication of the register of contracts have potential to elevate the risk of fraud or corruption in your Local Government? Could this risk be minimised if the information required to be published in the register was reviewed?
- Has your Local Government assessed the current risk associated with the current level of publicly available information related to the purchase of goods and services? Do you have any suggestions relating to the required information
- The proposed threshold of \$50,000 is too low and not reasonably manageable; is a higher figure of \$100,000 or even the \$250,000 tender threshold amount more appropriate?

Options:

Register of Contracts for Goods and Services Development Contributions received by Local Government

- A. Given OAG audit process, commercial confidentiality and increased potential for external fraud, register should only include contracts subject to tender threshold.
- B. No change to that proposed and apply to all contracts exceeding \$50,000

As mentioned previously, the Shire of Koorda is invited by WALGA to make any additional comments on any aspect of the consultation process or proposed amendments.

Consultation:

Tony Brown, Director Member Services, WALGA

Statutory Implications:

Local Government Act Amendment 2023

Local Government Regulations (Amendment Regulations) 2024

Policy Implications:

A - Chief Executive Officer Performance Review Policy V1.0

F – Donations and Requests to Waiver Fees V1.0

F- Grants – Community Grants Program V1.0

G – Legislative Compliance V1.0

Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2024

4.1 – Open and Transparent Leadership

Risk Implications:

Risk Profiling Theme	Failure to implement regulations within timeframe
Risk Category	Compliance
Risk Description	Increased administration burden on staff in particular in regard to developing and populating new register requirements
Consequence Rating	Minor (2)
Likelihood Rating	Possible (3)
Risk Matrix Rating	Moderate (6)
Key Controls (in place)	Project reporting and communication.
Action (Treatment)	Any delays in implementation would only be temporary
Risk Rating (after treatment)	Adequate

Financial Implications:

Nil.

Voting Requirements: Simple Majority Absolute Majority

Officer Recommendation

1. CEO Matters – Publishing KPIs

Amendment Regulation 18AA (s.5.38(4)(c) of the Local Government Amendment Act 2023)

a) CEO Performance Targets - **OPTION X**

b) Total Target Percentage - **OPTION X**

c) Exclusion of Target from Publication - **OPTION X**

Amendment Regulation 18FAA (s.5.39AA(1) of the Local Government Amendment Act 2023 and s.5.96A(1)(i) of the Local Government Act 1995)

a) Direction to Exclude Publication of Performance Criteria by Department CEO - **OPTION X**

2. CEO Matters – Independent Persons Panel

Amendment Regulation 18FAB (s.5.39A(4) and (5))

a) Appointment of Independent Member for CEO Recruitment outside of Department Panel - **OPTION X**

Amendment Regulation 18FAC (s.5.39A(4) and (5))

a) Independent Member for CEO Recruitment Declaration of Interest training - **OPTION X**

b) Independent Member for CEO Recruitment Declaration of Impartiality Interest - **OPTION X**

3. CEO Matters – Recruitment, Termination and Certification

Amendment Regulation 18FBA (s.5.39B(7))

a) Additional certification of requirement process for renewal of incumbent CEO (10 years) - **OPTION X**

Schedule 2 Clause 13 Replaced

a) Recruitment Process Timing for Incumbent CEO of 10 years - **OPTION X**

Schedule 2 Clause 15A Inserted

a) Standardised CEO Performance Criteria - **OPTION X**

Schedule 2 Clause 25 Inserted

a) Termination of CEO during Probationary Period - **OPTION X**

4. Online Registers (s.5.96B)

Administration Regulation 29E Inserted

a) Introduction of online registers - **OPTION X**

Administration Regulation 29F Inserted (Leases of Land)

a) Publication of lease agreements - **OPTION X**

Administration Regulation 29G Inserted (Grants and Sponsorship)

a) Register of grants and sponsorship - **OPTION X**

b) Register threshold - **OPTION X**

c) Recipient details published in Online Registry - **OPTION X**


Administration Regulation 29H Inserted (Development Contributions)

a) Register of Development Contributions received by Local Government - **OPTION X**

Administration Regulation 29I Inserted (Contracts for Goods and Services)

a) Register of Contracts for Goods and Services Development Contributions received by Local Government - **OPTION X**

12.4. Caravan Park Proposed Local Law

Governance and Compliance		
Date	10 February, 2025	
Location	Koorda Caravan Park	
Responsible Officer	Zac Donovan, Chief Executive Officer	
Author	As above	
Legislation	Local Government Act 1995 Caravan Parks and Camping Grounds Act 1995 Caravan Parks and Camping Grounds Regulations 1997	
Disclosure of Interest	Nil	
Purpose of Report	<input checked="" type="checkbox"/> Executive Decision <input type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	Caravan Park Local Law - Draft	

Background:

The Department of Fire and Emergency Services contacted the Shire, Chief Bushfire Officer and local volunteers on the alert network at 1.49am on Saturday 4 January for a call out to a rubbish fire at the Koorda Caravan Park on Scott Street.

On arrival of a volunteer, it was discovered local youth had lit a camp fire in the fire pit at the caravan park. The volunteer spoke to an adult associated with the youth at the scene and departed. Approximately two hours later another volunteer on reading the DFES message attended the caravan park and found the camp fire still alight and the youth in attendance.

The fire was lit during the prohibited period – between 1 November and 31 January with a penalty of \$1000 and up to \$25,000 and/or 12 months imprisonment, if escalated to a court process. The Shire has redressed the specific incident with involvement of parents and authorities. However, the incident goes to wider issues regarding community awareness of fire restrictions and anti-social behaviour.

In regard to community awareness, as the fire pit is part of the caravan park facilities, it is not unreasonable that any camper or caravaner could assume that the provision of a designated fire pit is an endorsement to light a camp fire. To redress this, the Shire has commissioned signage to be placed at the caravan park and other Shire camping sites outlining the prohibited period and penalties that can apply along with providing an emergency services website link advising to check for possible fire bans.

On redressing anti-social behaviour, there have been regular complaints from caravaners and local residents of youth using the caravan park facilities and causing a disturbance, especially in the early hours of the morning. The facilities are not intended to be provide for general use, as with the facilities at the Community Garden, but rather for the convenience and enjoyment of caravaners and campers who have paid fees to use the area.

The purpose of this item is for Council to endorse the creation of a local law for the caravan park so as to restrict access to the facility to only those with a legitimate reason evidenced by their payment or booking of caravan or camping sites; or are non-site users who have paid applicable fees to access laundry and ablutions amenities.

Comment:

The Shire of Koorda has an existing Property Local Law which (Part 4, Division 1) redresses behavioural standards expected on all Shire of Koorda property including clauses on anti-social behaviour such as interfering with the enjoyment of others using the property. It also details penalties for \$100 on the spot for behaviour detrimental to the property, and for unauthorised entry to a fenced or closed Shire property. These penalties escalate to \$500 for repeat offences and up to \$5000.

At first it seems the Property Local Law with its requirements and penalties would suffice in redressing anti-social behaviour at the caravan park. However, the existing local law stumbles in implementation regarding the caravan park. That is to impose the anti-social penalty the Shire would require a statement from a complainant, who has been directly affected and willing to attend proceedings if required. Given that the caravan park is for transiting visitors, it is unlikely, except in extreme cases, they would agree to pursue action. Also to enact the prohibited entry penalty, the Shire would need to “close” the caravan park, which would require fencing, a control point for entry, and likely staff on hand.

In addition, it is proposed that the caravan park warrants a separate local law due to having a user context and older demographic unlike any other in the Shire, in particularly regarding the caravan component, and the propensity for it to be accessed for anti-social behaviour in conflict with fee-paying visitors to the Shire.

Consequently, to maintain the unstaffed approach to the caravan park but still control access, it is proposed that the Shire enact a new Local Law specifically for the caravan park to:

- Limit access to the caravan park for those with a legitimate and approved reason.
- Define legitimate reasons as those using the park as fee-paying caravaners and campers and guests they invite to the park, and ad hoc users of laundry and ablution facilities.
- Enable penalties to be imposed by the Shire on individuals who do not comply with the requirements of entering and using the park and facilities.
- Sign post at the caravan park conditions of entry and applicable penalties.

To this end, the CEO has engaged legal counsel to provide a draft Caravan Park Local Law for the Shire of Koorda (attached). It is prudent that the Shire engage professional legal advice for the development of the Caravan Park Local Law as to be enacted the local law cannot conflict with any other legislation and needs to be presented in such a format so to be legally unambiguous. The cost of the legal advice can be accommodated within the Governance: Consulting Statutory budget.

A draft of the proposed Koorda Caravan Park Local Law is attached for Council consideration and feedback and details:

1. Permitted users of the Koorda Caravan Park, adjoining camping grounds and facilities.
2. Entry and user conditions and payment requirements.
3. Impermissible users including unaccompanied minors or groups of minors
4. Conditions by which impermissible users access limited facilities such as laundry and ablutions
5. Penalties for failure to comply

Part of the conditions of entry to the caravan park and use of facilities defined in the proposed Local Law is the requirement to pay relevant fees prior to use at the Shire or online. The intention is to end the current “honesty box” arrangement which is open to abuse and has been subject to attempted theft.

The facility for online payment is currently not available for Shire facilities – including the caravan park and amenities – and will require an addition to the Shire’s website. Currently the CEO is exploring a project to update the Shire website of which online payment facilities would be part and would be expected to be completed well in advance of the caravan park local law being coming into effect.

The penalties proposed under the local law are \$100 per offence and \$100 for each day following for which the offence is not remedied – for example staying at the park without pre paying applicable fees.

In regard to the policing of the conditions and issuing of penalties, it is not recommended (due to increased costs) that the Shire engage regular patrols, however it is proposed, both as an additional deterrent and to assist with control and prosecution, that CCTV would be installed at the caravan park in strategic entry points and to monitor use of amenities.

The Shire has secured initial pricing for a CCTV system that would serve the caravan park at \$5605 (excl. GST). Which is within the maintenance budget allocation for the caravan park of \$14,000 with \$5000 expenditure year to date and eight months into the financial year.

In considering the Caravan Park Local Law, Council also has the opportunity to revisit the relevant fees and charges – though it is any changes only be adopted as part of the 2025/26 budget. Current fees associated with the caravan park and amenities are detailed below.

Caravan (Powered Site)	\$30 per night	\$140 per week
Caravan (Non Powered Site)	\$15 per night	\$50 per week
Tent Site	\$5 per night	\$20 per week
Showers (Non Park Site User)	\$5	
Washing Machine (per use)	\$3	
Dryer (per use)	\$4	

In addition, Council could trial removing the fee for the use of the showers, given the planned removal of the “honesty” box (albeit replaced with online payment), the introduction of penalties for non-payment and that most of the non-park user access to the amenity is believed to be by the local community.

Should Council support proceeding with the Caravan Park Local Law, the timeframe to implementation would be as follows:

TIMING	MILESTONE
19 February OCM	Draft presented to Council for feedback and amendment of required
19 March OCM	Council pass resolution to proceed with Caravan Park Local Law
20 March	Provide copy to Local Government Minister and any other associated Ministers
21 March – May 2	Public notice period and opportunity for submissions (6 weeks)
14 May OCM	Council to pass resolution to make Caravan Park Local Law
15 May	Publish Local Law in Gazette, provide to Ministers and give public notice

Consultation:

Mark Gregory, Principal, M Gregory Legal
 Tony Brown, Executive Director Member Services, WALGA
 Robert Taylor, Maintenance and Property Officer

Statutory Implications:

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

Policy Implications:

W-Recreational Vehicles and Overflow Camping Grounds V1.0

Strategic Implications:

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

Risk Implications:

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

Financial Implications:

Expenditure of up to \$6000 from the Governance Consulting Statutory budget.

Voting Requirements: Simple Majority Absolute Majority


Officer Recommendation

That Council:

- a) Endorse that staff continue to develop the Caravan Park Local Law and for it to be returned for consideration at the 19 March Ordinary Council Meeting,
- b) Approve installation of CCTV at the Koorda Caravan Park to monitor entrances and amenities, and
- c) Trial removal of the charge for the use of the shower facilities.

13. OFFICER'S REPORTS – WORKS & ASSETS

13.1. Request for Shared Fence Costs

Works and Assets		
Date	12 February, 2025	
Location	1 Aitken Road, Koorda	
Responsible Officer	Zac Donovan, Chief Executive Officer	
Author	As above	
Legislation	Local Government Act 1995 Section 5.59	
Disclosure of Interest	Nil	
Purpose of Report	<input checked="" type="checkbox"/> Executive Decision <input type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	Property Owner Correspondence 11 February 2025	

Background:

The Shire of Koorda has received a request to share costs for installation of a new boundary fence for the property at 1 Aitken Street, Koorda. The total requested amount \$6,000, which is being brought to Council as it is both unbudgeted and is a financial interest of an Elected Member.

As detailed in the attached correspondence (dated 11 February 2025) the request is for a 50% share in the \$12,000 cost of replacing the current wire fence with 1.8m colour bond panels on the three boundaries. The property which was purchased on 3 February 2025 is bounded by Shire reserves, with the Pioneer Hall situated to the most northern boundary.

The correspondence lists that the owners had obtained quotes to undertake the work from “several contractors” which established a total cost of \$28,500 or \$9,500 for each of the three sections of fence. It also details that the owners had instead purchased the required material at \$12,000 and intended to undertake the installation.

The owners also state that the existing fencing is in a state of disrepair and “has become both an eyesore and a safety concern for both my family and the neighbouring Council land”. And that the new fence would “greatly enhance the appearance and security of the area” and be of benefit to their property and the surrounding community.

Comment:

On receiving the request from the property owners, the Shire of Koorda requested details of the quotes received regarding the works and receipts for the materials purchased for which the owners have requested the Shire meet 50% of the expenses. These details were not provided by the time the Agenda was completed for distribution to Council and will be tabled at the OCM of 19 February if provided prior.

The concerns of the property owner as to safety needs to be considered in that the property was only recently purchased. That is, the owners purchased the property in knowledge and acceptance of any such concerns with the fencing. It also needs to be noted that the property does not adjoin residential properties owned by the Shire, but rather rarely accessed reserve land, and as such the community would have no valid or legal reason to approach or transverse the fence line unless invited.

That said the property does share a boundary on all three sides with Shire reserves – most significantly the most northern boundary of the property at which the Pioneer Hall is located and could become more of an issue if that facility was ever reactivated. Also, in the opinion of the Shire Works Supervisor, the existing fence is in a poor state in some parts. If the shire were to share a boundary fence with a private residential neighbour, the Shire would in good faith seek budget to meet 50% of costs, albeit that the Shire would co-ordinate the works to maximise value and purchasing power.

An option, should Council not deem sharing full costs as appropriate given the location of the property and circumstances, may be to share costs for the most northern section of fence as it neighbours a Shire asset in the Pioneer Hall. As such, and based on the property owners' correspondence, that section of fence would comprise a third of the total costs at \$4,000 with the Shire's 50% share at \$2,000 and be subject to provision of purchase receipts or evidence from the property owner.

Consultation:

Darren West, Works Supervisor
Lana Foote, Deputy Chief Executive Officer

Statutory Implications:

Local Government Act 1995 Section 5.59

Policy Implications:

Nil

Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2024
4.1 Open and transparent leadership

Risk Implications:

Risk Profiling Theme	Community disagreement with Council decision
Risk Category	Reputation
Risk Description	It can readily be envisaged scenarios where the community, or at least sections, could take issue with any Council resolution on this matter.
Consequence Rating	Minor (2)
Likelihood Rating	Possible (3)
Risk Matrix Rating	Moderate (6)
Key Controls (in place)	Meeting minutes and recording
Action (Treatment)	Publication of Council rationale
Risk Rating (after treatment)	Adequate

Financial Implications:


Between nil and \$6000 depending on Council decision.

Voting Requirements: Simple Majority Absolute Majority

Officer Recommendation

That Council consider the item.

13.2. Koorda Netball Court Resurfacing

Works and Assets		
Date	12 February, 2025	
Location	Koorda Recreation Precinct	
Responsible Officer	Zac Donovan, Chief Executive Officer	
Author	As above	
Legislation	Local Government (Functions and General) Regulations 1996 Div. 2 Sec. 11(2)(b)	
Disclosure of Interest	Nil	
Purpose of Report	<input checked="" type="checkbox"/> Executive Decision <input type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	Correspondence - Koorda Netball Club	

Background:

The third stage of the redevelopment of the Koorda recreation precinct – to construct new multi-purpose (netball/basketball) and tennis courts adjacent to the recreation centre – is likely to be delayed due to cost and the need for completion of the current stage two works to construct the bowls facility.

MCG Architects, who were engaged to develop site plans and engineering specifications for stages two and three of the recreation precinct redevelopments, have estimated, based on the cost of the stage two works, that the construction of the new courts and associated site works would be up to \$1.2m.

At the conclusion of the current stage two works, it is estimated the Shire of Koorda's recreation reserve will retain approximately \$740,000. As a result, the Shire will need to either secure significant alternate funding, most likely grant funding, or scale back the stage three works plan.

However, the Shire has received correspondence from the Koorda Netball Club (attached) bringing to attention the significant deterioration of the current court and requesting repairs prior to the commencement of the 2025 season. In addition, the Koorda Basketball Club has expressed interest in trying to initiate a competition and the poor state of the basketball backboards.

The purpose of this item is to seek allocation of \$30,000 from the Shire of Koorda recreation reserve to resurface the main Koorda netball court to be accessible prior to the commencement of the next netball season and replace the basketball backboards on the multipurpose court.

Comment:

The correspondence received by the Shire from the Koorda Netball Club on 4 December 2024, mentioned that the courts were in such a poor condition as to draw comments from umpires during the 2024 season with the club now concerned that the CWNA could deem the court unfit for play. The result would be that the club – currently reigning CWNA premiers – would be unable to host games.

In addition, discussions with the Koorda Basketball Club have revealed that the club is hoping to reintroduce a basketball competition however the poor state of the existing backboards would need to be replaced prior to any competition.

Replacement basketball backboards – at a cost of between \$600 and \$1500 depending on composition – can be readily installed, however the poor state of the main Koorda netball court is such that it is

unlikely it will be able to support the continuation of the competition at Koorda up until the new courts are completed, especially given the redevelopment has an indeterminate delivery date and as mentioned officials are already questioning the suitability of the Koorda court for competition.

It is therefore proposed that the Shire allocate sufficient funds from the recreation reserve to purchase two basketball backboards and resurface the main or front multi-purpose court. As per the Shire of Koorda purchasing policy the Shire has received a quote for \$26,900 to resurface the main netball court. These works, as per the quote, would entail:

- Grinding and high pressure clean of the entire main netball court surface
- Repairs to existing cracks and apply fibreglass membrane to entire court surface
- Apply two coats of asphalt transformer and two coats of texturised colour coat
- Line mark court with two coats of texturised line paint
- Coatings, paint and patching materials the same product as use for the US Open tennis.

As the Shire of Koorda purchasing policy, for purchases under \$75,000 two written quotes are required, unless the supplier is part of a tender exempt arrangement, such as the WALGA Preferred Supplier Arrangement of the State Government Common Use Agreement. The supplier that has supplied the quote for the resurfacing is part of the WALGA PSA.

The Koorda Netball Club currently holds \$30,000 however would prefer to retain these funds for other works such as goal posts, benches and scoreboards and be supported by the Shire for the repairs to the court. Requiring the netball club to pay for the resurfacing would require almost their entire funds.

The position of the netball club to request Shire support is not unreasonable nor unprecedented given that recent discussions for the provision of the bowls facility required only approximately 40% of the relevant club's available financial assets, to meet less than 10% of the total project costs, and with the provision by the Shire of a no fee user arrangement for an extended period.

It is proposed that the works would commence as soon as possible ahead of the 2025 season and certainly prior to the first home game on 10 May.

As mentioned, the purchase of basketball backboards would cost at most \$3000 and as per the Shire of Koorda Purchasing Policy can be sourced with the application of consideration for value for money in consideration of the requirements and context.

Consequently, it is proposed Council approve up to \$30,000 be allocated from the Shire recreation reserve for the resurfacing of the main Koorda netball court and replacement backboards be installed.

Consultation:

Laura Chandler, Secretary, Koorda Netball Club
Robert Taylor, Maintenance and Property Officer
Nick Chandler, President, Koorda Basketball Club

Statutory Implications:

Local Government (Functions and General) Regulations 1996 Div. 2 Sec. 11(2)(b)

Policy Implications:

F- Purchasing Policy V1.0

Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2024

- 1.1 – Local people feel safe, engaged and enjoy a healthy and peaceful lifestyle.
3.1 - Shire owned facilities are renewed and maintained to meet community needs

Risk Implications:

Risk Profiling Theme	Works are not completed ahead of 2025 season
Risk Category	Reputation
Risk Description	If the resurfacing is not completed in time for the 2025 season the Koorda netball team will have to forego home games.
Consequence Rating	Moderate (3)
Likelihood Rating	Possible (3)
Risk Matrix Rating	Moderate (9)
Key Controls (in place)	Contract management
Action (Treatment)	Ongoing liaison with provider
Risk Rating (after treatment)	Adequate

Financial Implications:


Allocation of \$30,000 from the Koorda recreation reserve would have the reserve retain approximately \$710,000 at the financial year end.

Voting Requirements: Simple Majority Absolute Majority

Officer Recommendation

That Council allocate \$30,000 from the Shire of Koorda Recreation Reserve to resurface the main multipurpose court and purchase backboards.

13.3. Waste Transfer Station Stage 1

Works and Assets		
Date	12 February 2025	
Location	Koorda Refuse Site	
Responsible Officer	Zac Donovan, Chief Executive Officer	
Author	As above	
Legislation	Waste Avoidance and Resource Recovery Act 2007 Part 6. Div 1.	
Disclosure of Interest	Nil	
Purpose of Report	<input checked="" type="checkbox"/> Executive Decision <input type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	Koorda Strategic Waste Management Plan 2022-2032	

Background:

Under the Waste Recovery and Resource Recovery Act 2007, Local Government can be directed to provide a waste service for the purposes of protecting human health or the environment. The current Shire of Koorda waste site accommodates townsite waste services, provided by a contractor, and waste transports to the site by residents and commercial entities.

The Shire waste site approximately 1.5km from the townsite on Cadoux-Koorda Road is an ungated and unstaffed site that is open to the public 24 hours per day, seven days per week. Consequently, the effective operation of the site relies on users separating waste and depositing it in the designated areas at the site. In recent times, at least, adherence to these requirements has lapsed and resulted in piles of mixed waste and household rubbish escaping from the site and littering the nearby roadside.

In September 2022, the Shire of Koorda adopted a comprehensive Strategic Waste Management Plan 2022-2032 undertaken by Ask Waste Management. Key aspects of the strategy were adopted into the Shire’s Integrated Strategic Plan, defined in that document as the Community Priority to provide a “high standard of sustainable waste services” with Actions of constructing a waste transfer station and continuing to work with NEWROC for a regional waste solution.

As part of the 2024-25 Shire of Koorda Budget, Council allocated \$75,000 from the Waste Management Reserve to reconfigure the waste site and construct a waste transfer station. The rationale for constructing the transfer station was that it would prepare the Shire should a regional solution be implemented but, in the meantime, serve to redress issues at the current site and extend its useful life.

In August 2024, the Shire enquired with the Department of Water and Environmental Regulation to attempt to access the WasteSorted Infrastructure Grants program which had previously helped fund waste transfer stations for metropolitan and regional Local Governments. However, the Shire was advised that the 2024-25 funding round would target “organic waste infrastructure” and that construction of a waste transfer station would “not be eligible”.

The following item sets out project staging to redress concerns with the Koorda refuse site and work towards a waste transfer station to ensure continuity and structure of services, with a primary purpose to commence Stage 1 of the proposal as soon as practical.

Comment:

The Shire of Koorda waste site has significant issues regarding controls on the disposal of waste and management of the waste at the site including periodic fires, refuse escaping from the site to nearby bush and roads and contaminated or unsorted waste being dumped. Much of the problems at the site can be attributed to that the site is both unstaffed and has uncontrolled access.

It is strongly suspected – both through anecdotal reports and the volume of waste at the site – that as the Koorda site has unrestricted access it is used by residents of neighbouring Shires and as far as from the Perth metropolitan area. Given the restrictions and cost of waste disposal in the metropolitan area and the proximity of Koorda, these claims should not be readily dismissed

Ask Waste Management in developing the Koorda Waste Management Plan – had similar findings and identified a number of gaps as part of recommended remediation which included:

- Lack of Waste Data: Consequence of the site being unstaffed, recording of data relating to number of users, origin of waste, types of material etc is not recorded. Such data is critical for future planning and in application for grants and funding support.
- Contaminated Waste: The lack of staffing at the site has also contributed to the amount of contaminated or unsorted waste arriving at the site and being dumped. As such the Shire has a lower waste recovery rate below State recovery targets.
- Contaminated Site Risk: The lack of restriction to access to the site is non-compliant with current standards and increases uncontrolled waste disposal which presents both an environmental and occupational health and safety risk.
- Lack of Education Program: Along with the site being unstaffed and unrestricted access, the Shire does not undertake a structured education process to encourage residents on sorting and disposing of waste at the site.
- Limited Resource Recovery Options: The location of the Shire, low volume of recoverable waste streams and issues with waste sorting makes it problematic for the Shire to identify companies willing to attend to collect recoverable waste even when retro-sorted by Shire staff.

The concerns with the Koorda site are not unknown to the Shire or Council and was the impetus for \$75,000 to be allocated to construction of a Waste Transfer Station in the 2024-25 Annual Budget. Total funds available in the Shire's Waste Management Reserve is currently \$164,927.

At the time of budget discussions, it was intended the Shire would apply for additional funding under the Department of Water and Environmental Regulation's WasteSorted grant program which had funded similar project the year prior. However as mentioned previously the project funding targets were changed for 2025.

With the changed funding consideration in mind, it is proposed that the Shire implement a staged program to redress concerns with the Koorda waste site, without losing sight of the overarching objective to construct a Waste Transfer Station at the site.

As proposed below, the staged plan would first redress the current contamination issues on the site and redress the open access by fencing the site, limiting opening days and using CCTV to monitor access. The plan would then build the facilities to have the site staffed on a rotating roster to help better coordinate disposal and site access. To be underpinned by the Shire developing an access system, such as card "tip pass" or card or vehicle registration system to enable staff to deny access to non-Shire residents. The final stage of the plan is the construction of the waste transfer station components.

To this end the Koorda Waste Transfer Station Project is proposed to have the following stages:

Stage 1: Coordinate sorting and removal of stockpiles of waste on site, introduce temporary allocated sections for new waste disposal and take control of site access.

- Engage contractor to sort and remove as much of the current stockpiles as is recoverable
- Community communications on waste sorting and plans for site including new restrictions.
- Create new temporary bays for waste types for users to self-sort waste.
- Construct perimeter fence to limit access to site to 3 days per week, including 1 weekend day
- Install CCTV at the site entrance to identify illegal dumping and origin of users

Stage 2: Take greater control of access to site, in particular restricting non-Shire users from site, and effective coordination of disposal, sorting and education by rostering staff on site.

- Investigate development of waste access system to restrict to Shire of Koorda residents
- Construct shelter and ablution facilities at site to accommodate rostered staff.
- Communicate to community new access identification system

Stage 3: Construct a Waste Transfer Station with a dedicated disposal ramp and sections for various materials including metals, green waste, rubble and building waste and white goods.

- Shire staff to research, design and cost site plan for disposal ramps and allocated sections
- Investigate if the priorities of grants and funding options are more favourable.
- Present Council business case for in-house construction of Transfer Station

As would be apparent in the consideration of the three proposed stages of the project that while a completed Waste Transfer Station is the ultimate objective the Shire and residents will realise benefits in each of the stages. That is even if the project were to implement the first two stages, or even only the first stage, the situation at the Koorda waste site would be improved.

Implementation of Stage 1 of the project has been costed at \$46,500 which is requested Council allocate from the Waste Management Reserve which currently retains \$164,927. That is \$118,927 of the Waste management Reserve would remain following the implementation of Stage 1.

The expenditure for **Stage 1** comprises:

COMPONENT	COST
Contractor to sort and remove waste stockpiles	\$12,500 based on \$2500 over 5 days.
Remove and install 370m chainmesh fencing	\$28,510
Install CCTV Cameras with remote access	\$5500
TOTAL	\$46,510

All costs exclude GST

It is proposed that should Council support the proposed staged plan and implementation, and allocation from the Waste Management Reserve for Stage 1, the Shire will develop costings and schedules for Stages 2 and 3.

Consultation:

Darren West, Works Supervisor
 Robert Taylor, Maintenance and Property Officer
 Lana Foote, Deputy Chief Executive Officer
 Brendan Mohr, Programs Officer, Waste Avoidance and Resource Recovery DWER

Statutory Implications:

Waste Avoidance and Resource Recovery Act 2007 Part 6. Div 1.

Policy Implications:

Nil

Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2024

- 1 - Local people feel safe, engaged and enjoy a healthy and peaceful lifestyle.
- 3.1 - Shire owned facilities are renewed and maintained to meet community needs

Risk Implications:

Risk Profiling Theme	Community objection to the increased restrictions on the facility
Risk Category	Reputation

Risk Description	The community has had 24 hour access to the refuse site and is likely to object to restrictions being imposed.
Consequence Rating	Moderate (3)
Likelihood Rating	Possible (3)
Risk Matrix Rating	Moderate (9)
Key Controls (in place)	Community communication well in advance of implementation of restrictions
Action (Treatment)	Customer service responses
Risk Rating (after treatment)	Adequate

Financial Implications:

Initial allocation of \$46,500 (excl GST) for stage 1 works from the Waste Management Reserve, which will retain \$118,427 for future works.

Voting Requirements: Simple Majority Absolute Majority

Officer Recommendation

That Council allocate \$46,500 from the Shire of Koorda Waste Management Reserve to complete Stage 1 of the Waste Transfer Station project.

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

15. Elected Members' Motions

16. Matters Behind Closed Doors

17. Closure