



# Shire of Koorda



# AGENDA

## NOTE:

Wednesday 21st November 2018  
Ordinary Meeting 6.00pm



# DISCLOSURE OF INTEREST

## ✦ WRITTEN

- Prior to meeting
- CEO to advise Presiding Person
- Reported to meeting immediately before item discussed
- Standard form may be used

## ✦ VERBAL

- No round robin at start of meeting
- Advise immediately before item discussed

## ✦ TO BE DISCLOSED

- Nature of interest
- Extent if vote on participation held.



## SHIRE OF KOORDA

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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

A handwritten signature in black ink, appearing to read 'DN Burton', with a long horizontal stroke extending to the right.

DN Burton  
**CHIEF EXECUTIVE OFFICER**

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**1 DECLARATION OF OPENING**

**2 ANNOUNCEMENT OF VISITORS**

**3 RECORD OF ATTENDANCE**

- 3.1 *Record of Attendance:*
- 3.2 *Apologies:*
- 3.3 *Approved Leave of Absence:*

**PRESIDENT TO DRAW THE DISCLAIMER TO THE PUBLIC'S ATTENTION  
(If members of the public present)**

**4 QUESTION TIME FOR THE PUBLIC**

- 4.1 *Response to Previous Public Questions Taken on Notice*
- 4.2 *Public Question Time Open*
- 4.3 *Public Question Time Closed*

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

**6 DECLARATIONS OF INTEREST**

**7 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

**8 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS**

**8.1 ORDINARY MEETING HELD 17 October 2018**

**Officer Recommendation**

**That the Minutes of the Koorda Shire Council Ordinary Meeting held on the 18 October 2017, as circulated be confirmed and certified as a true and accurate record.**

**9 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

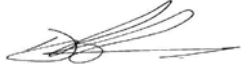
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**11.1 Governance and Administration**

**11.1.1 NEWROC COUNCIL MEETING  
23 October 2018 at Bencubbin**

**Section 5.23 – Applicability**

**Location:** NEWROC Regions  
**Portfolio:** **Governance, Administration and Finance**  
Cr JM Stratford  
**File Reference:** ADM 0105  
**Disclosure of Interest:** No Interest declared by CEO  
**Author:** David N Burton, Chief Executive Officer  
**Signature of CEO**  
  
**Attachment:** Minutes (Attachments page 2-23)

**Background:**

Minutes of the NEWROC Council Meeting held on 23 October 2018 at Bencubbin.

**Comment:**

The following issues were discussed:

- Item 4.1 Minutes
- Item 4.2 Minutes Executive Committee
- Item 5.1 List of Income and Expenditure
- Item 5.2 NEWROC Audit – Minor corrections
- Item 5.3 NEWROC Term Deposit – Information
- Item 6.1 NEWROC Strategic Planning – Submission to Standing Committee enquiry into micro grids.
- Item 6.2 Telecommunication Project – Promotion of Service, possible extension with funding.
- Item 6.3 NEWTravel – Information Update.
- Item 6.4 Regional Economic Development Grant - support for any Shires with funding.
- Item 8 Local Government Act Review, GECZ video conferencing if possible.

**Consultation**

Nil

**Statutory Environment:**

Nil

**Policy Implications:**

Nil

**Financial Implications:**

Nil

**Strategic Implications:**

Shire of Koorda Strategic Community Plan

C 1.6 - Develop successful and collaborative partnerships

C 2.3 - Facilitate resource sharing on a regional basis

**Voting Requirement:**

Simple majority

**OFFICER RECOMMENDATION**


**That Council note and endorse the recommendations of the NEWROC Council meeting held at Bencubbin on 23<sup>rd</sup> October 2018.**



### 11.1.2

## **NEWTRAVEL AGM / GENERAL MEETING** **25 October 2018 at Trayning**

#### **Section 5.23 – Applicability**

<b>Location:</b>	NEWTRAVEL Regions
<b>Portfolio:</b>	<b>Governance, Administration and Finance</b> Cr JM Stratford
<b>File Reference:</b>	ADM 0142
<b>Disclosure of Interest:</b>	No Interest declared by CEO
<b>Author:</b>	David N Burton, Chief Executive Officer
<b>Signature of CEO</b>	
<b>Attachment:</b>	Minutes (Attachments page 24-52)

#### **Background:**

Minutes of the NEWTRAVEL Meetings held on 25 October 2018 at Trayning.

#### **Comment:**

The AGM was held first with the election of Office Bearers. Kim Storer from the Koorda CRC was elected back into the position of Chair for NEWTravel and Tony Clarke elected as Deputy Chair. NEWTravel adopted a new Constitution to comply with the new Incorporations Act and it was discussed about trying to engage more businesses to NEWTravel.

The following issues were discussed at the ordinary meeting:

- Item 1 Previous Minutes
- Item 2 Correspondence
- Item 3.1 Financial Report
- Item 3.2 Marketing Plan Budget
- Item 4 Tourism Officer Report
- Item 4.1 Quarterly Report
- Item 5.1 Tourism Officer Report – Additional funds for Officer from Westonia and Dowerin NEWTravel to develop contract with Tourism Officer.
- Item 5.2 NEWTravel Strategic Plan – Workshop to be held to develop future plan.
- Item 5.2 Funding Opportunities
- Item 5.3 Wheatbelt Way Brochure – Update of information.
- Item 5.4 Wheatbelt Way App - Updates and changes.
- Item 5.4 Wheatbelt Way guidebooks and CDs – consideration of a further print run.
- Item 5.4 Guide Training Workshop
- Item 6.1 Member Shire Reports
- Item 6.0 Other Items – Chair thanked those in attendance of Meg Coffey information sessions.

#### **Consultation**

Nil

#### **Statutory Environment:**

Nil

**Policy Implications:**

Nil

**Financial Implications:**

Nil

**Strategic Implications:**

Shire of Koorda Strategic Community Plan

C 1.6 - Develop successful and collaborative partnerships

C 2.3 - Facilitate resource sharing on a regional basis


**Voting Requirement:**

Simple majority

**OFFICER RECOMMENDATION**

**That Council note and endorse the recommendations of the NEWTravel meetings held at Trayning on 25<sup>th</sup> October 2018.**

### 11.1.3 SHIRE OF KOORDA LOGO

<b>Section 5.23 – Applicability</b>	
<b>Location:</b>	Shire of Koorda
<b>Portfolio:</b>	<b>Governance, Administration and Finance</b>
	Cr JM Stratford
<b>File Reference:</b>	ADM 0236
<b>Disclosure of Interest:</b>	No Interest declared by CEO
<b>Author:</b>	David N Burton, Chief Executive Officer
<b>Signature of CEO</b>	
<b>Attachment:</b>	Sample Logos, Count Sheet, submissions (Attachments page 53-55)

#### Background:

Earlier this year, staff raised concern about the Shire of Koorda Logo that is being used and that the age and quality of the logo was such that it could not be used for many applications. It was requested to get several draft logos drawn for comments to revamp the corporate logo and make it something that could be used.

Several draft logos were presented to Council Forum for consideration of a final 4 which was put out for comment to the public.

#### Comment:

The Corn Dolly Logo has been used for the Shire since 1974 and was always considered by the residents as a logo of distinction. The current electronic copy of the emblem used by the Shire has been in use for several years and would appear to be a copy of a copy, with some in single colours or the two tone logo that we see more common.

Unfortunately, the logo is of poor quality and many times that we have tried to use it for promotional purposes, we have been advised that it is not of a high enough quality. This prompted staff to see about getting a new logo drawn that would be accepted as a new logo, while still retaining the “Corn Dolly” symbol.

From the four shortlisted logos, the following information was gathered from the public.



This logo attracted the most 1<sup>st</sup> votes with 17 votes and a total of 37 votes



This logo was the second favourite with 16, 1<sup>st</sup> preference votes and a total of 34 votes.

There were some negative comments made about the logos, that the additional spikes should be removed, the braiding at the bottom looked too much like rope and was not the correct two strands, the wheat should be offset to be correct.

Other comments were also received, some concerned that the original logo was not given as an option (it was explained in the material that the original logo was not accepted due to poor quality), or that the logo should be modernised to be more representative of the town.

A lot of comments came forward about having the “Corn Dolly Country” Slogan removed or changed.

Comments that came with the voting slips included:

Comments
I respect the history of the corndolly, however I believe the compete and be in the same league of professionalism as surrounding Shires, Koorda <u>NEED</u> to modernise the logo or get the entire publics opinion with a modern design included.
Can we please modernise.
Think of another slogan too outdated.
Get rid of 'Corn Dolly Country'.
Modern please.
Get rid of 'Corn Dolly Country'.
Retain original.
Take off 'Corn Dolly Country'.
Minus 'Corn Dolly Country'.
Ged rid of 'Corn Dolly Country'.
Remove 'Corn Dolly Country'.
But the Corn Dolly <u>must</u> be changed to the <u>original design</u> which was on Lodges design. It must be able to be drawn

Based on the general comments about the logo, a further sample was drafted to try and better match the original design of the Farmers Favour of the logo. This was the drawing that was received:



This is the resulting logo.

While the wheat is more acceptable and it does have the two strands in the detail, the fact that they have tried to copy the sample a little too closely, does make it look a little awkward. The main concern is that every time we draft a new logo, it is more cost.

The Corn Dolly Country slogan has also been removed. The lettering has gone back to basic block, but the lettering of the preferred option could be used.

The final design is most likely the closest to the possible actual item that we are likely to get drawn, it may just be preferential to get the stalk weave details the same size and a small gap on the right side to make it more of a loop, it is more likely to be acceptable by the general public. The cost of getting this change will only be minimal, about \$300.00.

While the detail of the braid of the logo still looks like rope, it certainly has more clarity than the original logo and it is unlikely that we can get a graphic design to match the folded wheat stalks.

The recommendation is that we use the lettering from the preferred first designs, with the logo of the final design with the suggested changes. This will become the new Shire of Koorda logo.

Another concern that was raised by the General Public was that will we be changing the signs around town to match the new logo? As the design is the same Farmers Favour Corn Dolly, it is recommended that the new logo only be put into place on signs and other items including stationery, badges, shirts and other items as they are replaced to reduce the cost of implementing the new logo.

While there is a lot of pride in the Corn Dolly as a symbol for the Shire, it should also be noted that the logo is considered by many to be outdated and no longer relevant (based on some comments from the public). It can also be difficult to market for the Shire as many get confused by the logo and wheat being referred to as corn is not a modern term. In the future, Council may consider a complete rehash of the logo to have a design that is more relevant to the community and its aspirations.

**Consultation**

General Public  
Staff  
Councillors

**Statutory Environment:**

Nil

**Policy Implications:**

Nil

**Financial Implications:**

Nil

**Strategic Implications:**

Shire of Koorda Strategic Community Plan

2.2.2 Provide relevant tourist information and marketing services

4.1.3 Engage the community in decision making and a shared responsibility to achieve our goals

4.2.1 Promote a culture of continuous improvement processes

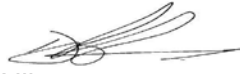
**Voting Requirement:**

Simple majority

**OFFICER RECOMMENDATION**

**That the Chief Executive Officer make the recommended changes to the draft logo which will become the new Shire of Koorda Logo**

#### 11.1.4 **CEO LEAVE – ACTING CEO**

<b>Section 5.23 – Applicability</b>	
<b>Location:</b>	Shire of Koorda
<b>Portfolio:</b>	<b>Governance, Administration and Finance</b> Cr JM Stratford
<b>File Reference:</b>	Personal Files
<b>Disclosure of Interest:</b>	No Interest declared by CEO
<b>Author:</b>	David N Burton, Chief Executive Officer
<b>Signature of CEO</b>	
<b>Attachment:</b>	Nil

#### **Background:**

The Chief Executive Officer (CEO) has requested leave from 17<sup>th</sup> December 2018 (returning 19/20 December for Council Matters) until finishing at the Shire of Koorda as of 1<sup>st</sup> January 2019 to facilitate shifting to a new position.

As the Shire will be re-advertising for the position of Chief Executive Officer in late January, an Acting CEO will need to be appointed for the interim until a Chief Executive Officer can be employed.

#### **Comment:**

As the December/January period is relatively quiet and the CEO would be on leave normally, consideration may be given for the Manager of Finance and Administration to cover the position for the majority of this time as the Administration Office will be closed from Friday 21<sup>st</sup> December to Wednesday 2<sup>nd</sup> January 2019 and the office will be fairly quiet for the remainder of January.

After January, the workloads of the admin centre increases as the residents return to town. This time also includes the Budget Review which is a considerable amount of work for the Manager of Finance and Administration.

It is therefore recommended that for the period 17<sup>th</sup> December 2018 to 20<sup>th</sup>/26<sup>th</sup> January 2019, the Manager of Finance and Administration be elevated to the position of Acting CEO, and that the current CEO and Shire President engage a consulting Acting CEO for the period of 21<sup>st</sup> 27<sup>th</sup> January 2019 until the new CEO is appointed. This would allow the Manager of Finance and Administration to gain valuable experience of the CEO role while also providing Council with some cost savings.

As per the requirements of the Local Government Act 1995, the Shire must appoint a person to the position of Acting Chief Executive Officer for a period not exceeding 12 months.

#### **Consultation**

Lana Foote – Manager of Finance and Administration.

#### **Statutory Environment:**

Local Government Act 1995 – appointment of CEO.

**Policy Implications:**

Nil

**Financial Implications:**

Nil

**Strategic Implications:**

Shire of Koorda Strategic Community Plan

4.3.4 Recruit, retain and develop suitably qualified, experienced and skilled staff

4.3.5 Provide flexible and attractive work conditions in a supportive work environment

**Voting Requirement:**

Simple majority

**OFFICER RECOMMENDATION**

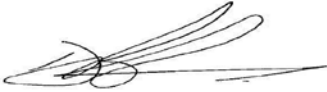
**That:**

- a) **The Chief Executive Officer's leave be noted from 17<sup>th</sup> December 2018, to 1<sup>st</sup> January 2019 (termination of contract);**
- b) **The Manager of Finance and Administration be appointed to the role of Acting Chief Executive Officer for the period 18<sup>th</sup> December 2018 to 20<sup>th</sup>/26<sup>th</sup> January 2019; and**
- c) **The Chief Executive Officer and Shire President seek an Acting Chief Executive Officer for the period of 21<sup>st</sup>/27<sup>th</sup> January 2019 until a new Chief Executive Officer can be appointed.**



## 11.1.5 ANNUAL ELECTORS MEETING

### Section 5.23 – Applicability

<b>Location:</b>	Shire of Koorda
<b>Portfolio:</b>	<b>Governance, Administration and Finance</b> Cr JM Stratford
<b>File Reference:</b>	ADM 0023
<b>Disclosure Of Interest:</b>	No interest declared by the CEO
<b>Author:</b>	David N Burton Chief Executive Officer
<b>Signature of CEO</b>	
<b>Attachment:</b>	Minutes of Annual Electors Meeting 2018 (Attachments page 56-59)

### Background:

Minutes of the Annual Meeting of Electors held on Monday 12<sup>th</sup> November 2018 at the Shire Council Chambers.

### Comment:

The Annual Electors Meeting was attended by 6 Members, 4 staff and 5 members of the public.

All reports included in the Annual Report for 2017/2018 were accepted.

During General Business, several questions were raised by the Public. These were answered at the time or will be considered as part of processes in the future.

No matters required a decision of Council.

### Consultation:

Nil

### Statutory Environment:

Local Government Act 1995 – Section 5.33

- All decisions made in Electors Meetings are to be considered at the next Ordinary Meeting of Council, or; if that is not practicable;*
  - At the first Ordinary Meeting after that meeting or;*
  - Have a special meeting called for that purpose, whichever happens first.*
- If at a meeting of the Council, the Local Government makes a decision in response to a decision made at an Electors Meeting, the reason for the decision is to be recorded in the minutes of the Council Meeting.*

### Policy Implications:

Nil

**Financial Implications:**

Nil

**Strategic Implications:**

C 1.1 - Enhance open and interactive communication between Council and the community (ongoing)

**Voting Requirement:**

Simple majority

**OFFICER RECOMMENDATION**

**That Council note and accept the Minutes of the 2018 Annual Electors Meeting.**

<b>11.2</b>	<b>Finance</b>
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**11.2.1**                    **MONTHLY FINANCIAL STATEMENTS**  
**As at 31 October 2018**

**Section 5.23 – Applicability**

Location: Shire of Koorda

**Portfolio:**                    **Governance, Administration and Finance**

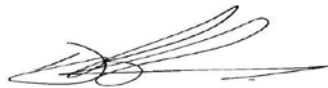
Cr JM Stratford

**File Reference:**                ADM 0448

**Disclosure Of Interest:**      No interest declared by CEO

**Author:**                        David Burton, Chief Executive Officer

**Signature of CEO**



**Attachment:**                    Monthly Financial Statement (Attachments page 60-79)

**Background:**

Submission of monthly Financial Statements for period ended 31 October 2018.

**Comment:**

Monthly Financial Statements for the period ended 31 October 2018 for Council's information and acceptance. The explanations for variances of \$10,000 and 10% or more are in Note 11 of the Financial Monthly Report.

**Consultation:**

Nil

**Statutory Environment:**

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996 34.1(2) as amended 2005

**Policy Implications:**

Nil

**Financial Implications:**

Nil

**Strategic Implications:**

Shire of Koorda Strategic Community Plan

C 3.3 - Provide reporting processes in a transparent, accountable and timely manner

**Voting Requirement:**

Simple majority

**OFFICER RECOMMENDATION**

**That the monthly Financial Statements for the period ended 31 October 2018, as presented, be received and adopted.**

**11.2.2**                      **ACCOUNTS PAID AS LISTED**  
**As at 14 November 2018**

<b>Section 5.23 – Applicability</b>	
<b>Location:</b>	Shire of Koorda
<b>Portfolio:</b>	<b>Governance, Administration and Finance</b>
	Cr JM Stratford
<b>File Reference:</b>	ADM 0448
<b>Disclosure Of Interest:</b>	No interest declared by CEO
<b>Author:</b>	David Burton, Chief Executive Officer
<b>Signature of CEO</b>	
<b>Attachment:</b>	Monthly Report List (Attachments page 80-81)

**Background:**

Regulatory requirement to advise Council of payments made, since the previous meeting.

**Comment:**

The payments on the attached schedule have been made for the period 12 October 2018 to 14 November 2018 and are generally within budget guidelines and are of an operational nature.

V252	Northam Carpet Court	\$3,239.00
V270	Martins Painting Service	\$24,673.00
V272	Northam Carpet Court	\$3,414.00
V284	Ability Building Services	\$2,645.01
V286	Arena Clauson Engineering Group	\$2,541.00
V291	KTY Electrical Services	\$15,460.28
V292	MW Grant	\$9,226.25
V294	Solargain	\$7,235.20
V298	Drinnan Family Trust	\$18,403.00
V301	Avon Valley Nissan/Isuzu Northam	\$28,800.00
V310	KTY Electrical Services	\$22,000.00

**Consultation:**

Nil

**Statutory Environment:**

Local Government Act 1995, Section 5.42

Local Government (Financial Management) Regulations 1996 12(1) (a), 13(1), 13(3).

**Policy Implications:**

Nil

**Financial Implications:**

Budget guidelines and constraints

Need to authorise unbudgeted expenditure (if any)

**Strategic Implications:**

Shire of Koorda Strategic Community Plan

C 3.3 - Provide reporting processes in a transparent, accountable and timely manner

**Voting Requirement:**

Simple majority

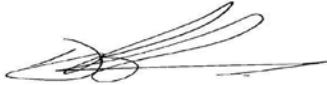
**OFFICER RECOMMENDATION**

**That accounts as listed being for period 12 October 2018 to 14 November 2018.**

<b>Municipal Vouchers No's V251 to V316</b>	<b>Totalling</b>	<b>\$451,642.49</b>
<b>Bendigo Credit Card Voucher</b>	<b>Totalling</b>	<b>\$1,393.16</b>
	<b>Total</b>	<b>\$453,035.65</b>

**To be endorsed or passed for payment**

**11.2.3 MONTHLY FINANCIAL POSITION**  
**As at 15 November 2018**

<b>Section 5.23 – Applicability</b>	
<b>Location:</b>	Shire of Koorda
<b>Portfolio:</b>	<b>Governance, Administration and Finance</b> Cr JM Stratford
<b>File Reference:</b>	ADM 0448
<b>Disclosure Of Interest:</b>	No interest declared by the CEO
<b>Author:</b>	David Burton, Chief Executive Officer
<b>Signature of CEO</b>	
<b>Attachment:</b>	Financial Position (Attachments page 82)

**Background:**

Current Monthly Financial position as at 15 November 2018 on the various accounts.

**Comment:**

The Municipal Account's financial position as at 15 November 2018 indicated at this time.

Monthly Financial Position	Municipal Account	\$1,465,694.80
	Reserve Account	\$5,588,215.08
	Trust Account	\$44,942.70

**Consultation:**

Monthly advice

**Statutory Environment:**

Local Government Act 1995, Section 6.4

**Policy Implications:**

Regulation

**Financial Implications:**

Shows current financial position

**Strategic Implications:**

Shire of Koorda Strategic Community Plan

C 3.3 - Provide reporting processes in a transparent, accountable and timely manner

**Voting Requirement:** Simple majority

**OFFICER RECOMMENDATION**

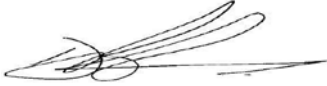
**That the Financial Position, as at 15 November 2018, as presented, be noted, received and adopted.**



#### 11.2.4

### **TRANSFER FROM BUILDING RESERVE FOR L282 PEARMAN CAPITAL UPGRADES**

#### **Section 5.23 – Applicability**

<b>Location:</b>	Shire of Koorda
<b>Portfolio:</b>	<b>Governance, Administration and Finance</b>
	Cr JM Stratford
<b>File Reference:</b>	L282 Pearman
<b>Disclosure Of Interest:</b>	No interest declared by the CEO
<b>Author:</b>	Lana Foote, Manager of Finance & Administration
<b>Signature of CEO</b>	
<b>Attachment:</b>	Nil

#### **Background:**

As part of the 2018/19 budget, provisions for capital upgrades on L282 Pearman street were not included. It was discussed during the budget process that works are needed on the house, however the current tenant saw it unnecessary with younger children in the house therefore funds have been transferred into reserve when funds had been budgeted.

#### **Comment:**

To freshen the house up for the next tenant, a full interior paint and new carpets are needed. Quotes have been sought for both jobs and the budget allocation has taken these into account. If approved by council, work will be completed in mid/late January and early February to ensure the house is ready for the new tenant to move in as soon as the house is required.

#### **Consultation:**

Nil

#### **Policy Implications:**

Nil

#### **Financial Implications:**

In order to allow for capital upgrades, an additional budget allocation of \$25,000 from the Building Reserve is required.

#### **Strategic Implications:**

Shire of Koorda Strategic Community Plan 2018

3.2.1 Facilitate and integrate housing options, local services, employment and recreational spaces

3.2.5 Develop and maintain sustainable assets and infrastructure

4.2.1 Promote a culture of continuous improvement processes

**Voting Requirement:**

Absolute majority

**OFFICER RECOMMENDATION**

**That \$25,000 be transferred from the Building Reserve for the capital upgrades at L282 Pearman Street.**

<b>11.3</b>	<b>Law, Order &amp; Public Safety</b>
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***No items this month***

<b>11.4</b>	<b>Health and Building</b>
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***No items this month***

<b>11.5</b>	<b>Education &amp; Welfare</b>
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***No items this month***

**11.6 Housing**

**11.6.1 TENDER FOR SALE OF HOUSE**

**Section 5.23 – Applicability**

**Location:**

**Portfolio:**

**Education, Welfare and Property**

LC Smith

**File Reference:**

L98 Greenham

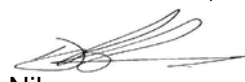
**Disclosure of Interest:**

No Interest declared by CEO

**Author:**

David N Burton, Chief Executive Officer

**Signature of CEO**



**Attachment:**

Nil

**Background:**

The tender for sale of the property at Lot 98 (32) Greenham Street has been considered in 2013 and was included in previous budgets, however was not advertised for tender. The property is currently vacant and staff are looking at fence repairs to the South side fence. Once this is complete it is recommended that Council consider tendering for the sale of the property as is.

**Comment:**

There are several methods that can be used for the sale of property. These are:

Sale through public auction;

Sale through tender; or

Sale through notice.

For the sale of the property through public auction, it would need to be advertised for a specific date and for prospective buyers to attend the auction. As the number of buyers is likely to be limited, the sale of the property would likely be for a lower amount due to lack of interest. A reserve would need to be set, but this may not be reached making the process a waste of time. This process does allow for some competitive bidding which may improve the sale price.

For the properties to be sold through sale by Tender, it needs to be advertised, with tender prices coming back to Council. There is no obligation for any tender to be accepted if the tenders are too low. This process does not allow for any competition between bidders as tenders remain sealed until after the closing. Due to the tenders remaining sealed, the purchase price may be inflated if a purchaser wants to try and guarantee the sale.

Sale through public notice can be done if an offer is received on the properties. Public notice is given disclosing all the details of the sale including the purchaser and sale price. Due to the public disclosure of the details, this process is off putting for prospective purchasers. It also allows people to object to the sale which could lead to other issues.

## Statutory Environment:

### 3.58. Disposing of property

- (1) In this section —  
*dispose* includes to sell, lease, or otherwise dispose of, whether absolutely or not;  
*property* includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
  - (a) the highest bidder at public auction; or
  - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
  - (a) it gives local public notice of the proposed disposition —
    - (i) describing the property concerned; and
    - (ii) giving details of the proposed disposition; and
    - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;and
  - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
  - (a) the names of all other parties concerned; and
  - (b) the consideration to be received by the local government for the disposition; and
  - (c) the market value of the disposition —
    - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
    - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
  - (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
  - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
  - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
  - (d) any other disposition that is excluded by regulations from the application of this section.

**Policy Implications:**

Nil

**Financial Implications:**

Nil

**Strategic Implications:**

Shire of Koorda Strategic Community Plan 2018

3.2.1 Facilitate and integrate housing options, local services, employment and recreational spaces

3.2.5 Develop and maintain sustainable assets and infrastructure

4.2.1 Promote a culture of continuous improvement processes

**Voting Requirement:**

Simple majority

**OFFICER RECOMMENDATION**

**That the Chief Executive Officer call for Tenders for the Sale of Lot 98 (32) Greenham Street**

**11.7 Community Amenities**

*No items this month*

**11.8 Recreation and Culture**

*No items this month*

**11.9 Transport**

*No items this month*

**11.10 Economic Services**

*No items this month*

**11.11 Other Property & Services**

**11.12 Reserves**

*No items this month*

**12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED**

**14 MATTERS FOR WHICH MEETING MAY BE CLOSED**

**15 DATE OF NEXT MEETING**

Wednesday 19th December 2018 @ 6.00pm

**16 CLOSURE**

# **PORTFOLIO'S**

- *Governance, Administration and Finance* - **Cr JM Stratford**
  
- *Law, Order, Health and Building* - **Cr BG Cooper**
  
- *Education, Welfare and Property* - **Cr LC Smith**
  
- *Community Amenities, Environment, Recreation and Culture* - **Cr PL McWha**
  
- *Transport and Communication* - **Cr GW Greaves**
  
- *Economic, Other Property and Services and Reserves* - **Cr G Storer**