



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 18 February 2026

Commencing 5.00pm

NOTICE OF MEETING

Dear Elected Members,

Notice is hereby given that the next Ordinary Meeting of Council of the Shire of Koorda will be held on Wednesday, 18 February 2026 in the Shire of Koorda Council Chambers, 10 Haig Street, Koorda.

The format of the day will be:

5.00pm	Council Meeting
Following conclusion of Council Meeting	Council Forum

Zac Donovan
Chief Executive Officer
13 February 2026

DISCLAIMER

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

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

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

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

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

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

Signed

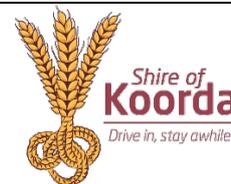


Zac Donovan
Chief Executive Officer

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**Shire of Koorda
Ordinary Council Meeting
5.00pm, Wednesday 18 February 2026**



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 KA Fuchsbichler	
Cr BJ Harrap	
Cr NJ Chandler	
Cr GL Boyne	
Cr BH Moore	

Staff:

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

Members of the Public:

Apologies:

Visitors:

Approved Leave of Absence:

Cr GW Greaves	Deputy President
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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 16 December 2025

[Ordinary Council Minutes](#)

Voting Requirements Simple Majority Absolute Majority

Officer Recommendation

That, in accordance with Sections 5.22(2) and 3.18 of the *Local Government Act 1995*, the Minutes of the Ordinary Council Meeting held 16 December 2025, as presented, be confirmed as a true and correct record of proceedings.

8. Minutes of Committee Meetings to be Received

8.1. Minutes of Internal Committee Meetings to be Received

- a. Electors Meeting Minutes for meeting held on 2 February 2026

[Electors Meeting Minutes](#)

Voting Requirements Simple Majority Absolute Majority

Officer Recommendation

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

- a. Electors Meeting, 2 February 2026.

8.2. Minutes of External Committee Meetings to be Received

- a. WNE SRRG Meeting Minutes for meeting held on 9 February 2026

[WNE SRRG 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. WNE SRRG Meeting, 9 February 2026.

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 2026	
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 2025 Financial Activity Statement	

Background:

This item presents the Statement of Financial Activity to Council for the period ending 31 December 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 December 2025, as presented.

11.2. Monthly Financial Statements

Corporate and Community		 Shire of Koorda <small>Drive in, stay awhile</small>
Date	10 February 2026	
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 2026 Financial Activity Statement	

Background:

This item presents the Statement of Financial Activity to Council for the period ending 31 January 2026.

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 2026, as presented.

11.3. List of Accounts Paid

Corporate and Community		
Date	12 February 2026	
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 10 December 2025 to 11 February 2026.

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 2025/2026 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 10 December 2025 to 11 February 2026.

Municipal Voucher V389 to V536	Totalling \$ 2,258,207.74
Purchase Card Transactions (V452, V410, V422, V490 & V512)	Totalling \$ 5,147.54
	Total \$ 2,263,355.28

11.4. General Practitioner Service Results

Corporate and Community		
Date	20 January, 2026	
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 current two-day per week General Practitioner service at the Koorda Medical Centre commenced in August 2024 following the Shire of Koorda becoming party to the Shire of Wongan-Ballidu’s contract with the Wongan Hills Medical Centre.

The new service provided for a doctor service to the Koorda Medical Centre on two consecutive days per week at a cost of \$120,000 per annum. Previously under an agreement with the Shire of Wyalkatchem a medical practitioner was provided for one day per week at \$80,000 per annum.

The terms negotiated by the Shire of Koorda with the Wongan Hills Medical Centre, enabled the Shire of Wyalkatchem to also secure a two-day doctor service using the common contract terms.

At the Ordinary Council Meeting of 19 February 2024, Council was presented with detail provided by the Wongan Hills Medical Centre of the number of patient visits to the doctor at the Koorda Medical Centre for the first five months of the service.

Given the cost to the Shire, the purpose of this item is to further update Council on the use of the doctor service by the community to help determine if it provides value for ratepayers.

Comment:

Details provided by the Wongan Hills Medical Centre show that since the start of the contract in August last year, there has been more than 2500 patient visits at the Koorda Medical Centre at the rate of 19 appointments per day (2507 appointments over 132 service days).

In addition, the average number of appointments per day is gradually increasing. In that, for the first five months of the service (August to December 2024) there were 16.6 appointments per day, which has increased to 19.3 for the comparable period in 2025. While overall for 2025 (January to December) there has been 1927 appointments at an average of almost 20 per day (19.9).

The results for each month of 2025 are provided in the following table.

MONTH	TOTAL APPOINTMENTS	DAYS OF SERVICE	AVERAGE APPOINTMENTS PER DAY OF SERVICE
January	149	8	18.6
February	156	8	19.5

March	172	8	21.5
April	217	10	21.7
May	170	8	21.3
June	182	9	20.2
July	174	8	21.8
August	155	8	19.4
September	183	9	20.3
October	144	9	16.0
November	115	6	19.2
December	110	6	18.3
TOTALS	1927	97	19.9

To help offset the \$120,000 per annum to secure the doctor service, the Shire will receive \$67,468 as a component of the annual Federal Government Financial Assistance Grant – which is calculated at 85 per cent of the costs to employ the doctor (up to \$109,000) on a three-year moving average.

Given the number of doctor visits at the Koorda Medical Centre in the past year, and considering the offset of the Federal grant funding, the cost to the Shire for each appointment in 2025 was \$27.26, or on average \$541.57 for each day the doctor attended Koorda

While the calculation of the Financial Assistance Grant funding will increase each year as the moving average takes in the current quantum – which will progressively reduce the cost to the Shire to fund from other sources – it should be expected that the rate charged by the Wongan Hills Medical Centre will increase when the contract is renewed, due at least in part to inflation.

The current contract which enables the Shire to access the Shire of Wongan Ballidu agreement with the Wongan Hills Medical Centre will expire in September 2027, with the expiration of the contract between the Shire of Wongan Ballidu and the Wongan Hills Medical Centre.

Discussions will be initiated in early 2027 with the Shire of Wongan Ballidu and the Wongan Hills Medical Centre with a view to renew the contract, and continuation of the doctor service in Koorda, unless otherwise directed by Council.

Consultation:

Dr Ajit Chaurasia, Principal, Wongan Hills Medical Centre
 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 Centre.

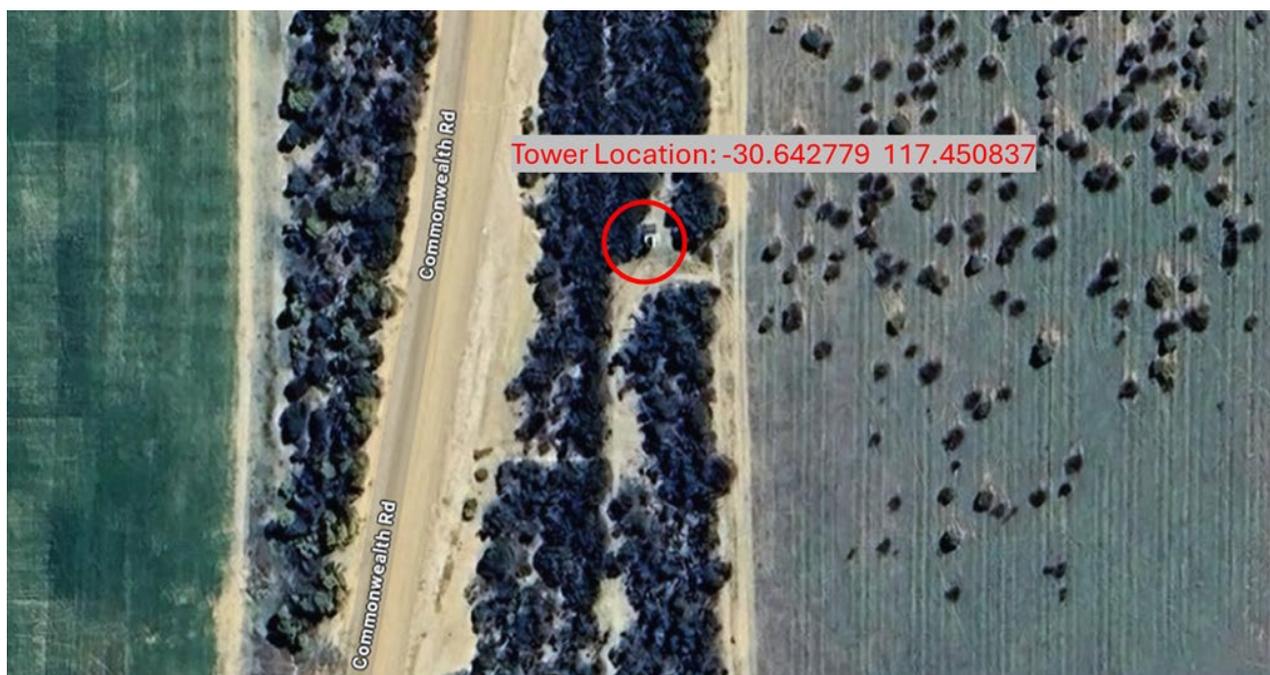
11.5. Communications Tower Agreement

Corporate and Community		
Date	9 February, 2026	
Location	Shire Communications Tower, Commonwealth Road, Newcarlbeon	
Responsible Officer	Zac Donovan, Chief Executive Officer	
Author	As above	
Legislation	Nil	
Disclosure of Interest	Nil	
Purpose of Report	<input checked="" type="checkbox"/> Executive Decision <input type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	Licence Koorda Communication Site	

Background:

For the past five years the Shire has been in discussions with the Department of Fire and Emergency Services to formalise access and use of a shire-owned communications tower which sits on private land about 21km north of town in a cleared area on the eastern side of Commonwealth Road.

The tower and the small adjoining brick services hut has been located on the property for at least 30 years, during which time it has accommodated Shire and DFES shared communications equipment.



The Shire was first contacted by DFES in March 2021 requesting a formal agreement for permission to access and use the tower. DFES were made aware that the tower, while Shire owned, was on private property and that seeking a formal agreement with the property owner may risk ongoing access.

Irrespective of the risk, DFES requested the Shire formalise an agreement with the landholder and gain permission for DFES to access the property as required, so that DFES could then formalise an agreement with the Shire in allowing DFES access and use of the tower.

DFES was asked by the Shire in March 2024 to provide details of the quantum it would be able to pay to compensate the land owner for use of the land and the Shire for access and use of its infrastructure.

DFES replied - via the ACORPP property agency it tasked to secure the agreement - that DFES policy was to pay nothing for accessing shire-owned communications towers and that *“DFES themselves operate on an under-resourced budget in the delivery of an essential service”*.

In May 2024, the Shire secured written permission from the property owner for the Shire and DFES to access the property to the extent as is required to maintain and update the communications equipment. The land owner agreed to grant the request without compensation and signed and returned the written agreement to the Shire, which is included as an appendix to the attached licence agreement.

In July 2024, following the agreement of the property owner, DFES then presented the Shire with a draft agreement for a licence to access and use the tower. The purpose of this item is to present Council the final version of the agreement for endorsement.

Comment:

That the licence agreement for access to the shire-owned communications tower, has taken 18 months to resolve largely reflects the significant and unreasonable terms proposed by DFES in the original draft issued to the Shire in July 2024.

Though not willing to pay any more than a symbolic lease of \$1 per annum to access the shire-owned tower on private property, DFES proposed in the original draft of the agreement unacceptable terms including:

- The Shire, at its cost, provide DFES an engineer’s report as to the structural integrity of the tower (clause 2.5) which has been amended so that any such cost is to be met by DFES.
- DFES required the Shire, at its expense, provide a suitable alternate site should the land owner decide to withdraw their permission for DFES and Shire access. This clause has been deleted.
- DFES wanted the Shire to fund the legal costs of DFES appointed solicitors should the Shire want to transfer the tower to a third party. It is unlikely that the Shire would transfer the tower, however the clause has been amended for DFES to meet its legal expenses.
- DFES wanted the Shire to negotiate a separate agreement with the land owner to compel ongoing access. The clause has been deleted out of concern that such action could jeopardise the terms of the letter of agreement with the Shire and terminate both Shire and DFES access.
- DFES required the Shire to provide indemnity (9.3) against any loss and liability from use of the tower WITHOUT including a mutual DFES indemnity for the Shire (now included at 9.1).
- DFES access to the tower, for times other than those of an emergency, without the need to advise the Shire. Clause (1.2) inserted for the Shire to be given 25 days’ notice. This clause is also in place to ensure the Shire can advise the land owner of anticipated DFES activity.
- DFES required a warranty (14.3) that the Shire would not impede its use of the tower without recognition that the Shire would need to undertake maintenance that may conflict with DFES use. To this end, a remedial clause has been inserted at 14.4.

As such the final version of the Licence Koorda Communication Site is attached for Shire consideration and includes as an appendix the Letter of Agreement from the property landholder. The final agreement has been reviewed and confirmed by M Gregory Legal which was the firm that worked with the Shire on the Caravan Park Local Law.

Consultation:

Darren West, Works Supervisor
Mark Gregory, M Gregory Legal
Allan Weinbauer, Property Consultant ACORPP Property Management
Scott Thompkins, Property Consultant ACORPP Property Management
Karen Smoje, Property Consultant ACORPP Property Management

Statutory Implications:

Nil

Policy Implications:

Nil.

Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2024

1.3 - Emergency Services are supported with effective planning, risk mitigation, response and recovery.

3.1 - Shire owned facilities are renewed and maintained in a strategic manner that meet community needs.

4.3 - Forward planning and delivery of services and facilities that achieve strategic priorities

Risk Implications:

Risk Profiling Theme	Potential for DFES activity to compromise service functions
Risk Category	Service interruption
Risk Description	There is the risk that the more parties with access to the tower the greater the propensity for inadvertent damage
Consequence Rating	Moderate (3)
Likelihood Rating	Unlikely (2)
Risk Matrix Rating	Moderate (6)
Key Controls (in place)	In the unlikely event of the tower being damaged at a corresponding time to an emergency, alternate communications are available
Action (Treatment)	Continued shire maintenance of tower
Risk Rating (after treatment)	Effective

Financial Implications:

Nil

Voting Requirements: Simple Majority Absolute Majority

Officer Recommendation

That Council approves the Shire President and Chief Executive Officer sign and attach the Shire's common seal to endorse the Licence Koorda Communication Site agreement with the State Government Fire and Emergency Services.

12. OFFICER'S REPORTS – GOVERNANCE & COMPLIANCE

12.1. Rates Recovery Program

Governance and Compliance		
Date	12 February 2026	
Location	Shire of Koorda	
Responsible Officer	Zac Donovan, Chief Executive Officer	
Author	As above	
Legislation	Local Government Act 1995 (sections 6.64 and 6.68) and Schedule 6.3	
Disclosure of Interest	Nil	
Purpose of Report	<input checked="" type="checkbox"/> Executive Decision <input type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	Nil	

Background:

The Shire of Koorda debt recovery program is gradually recovering outstanding payments through the use of final demand letters, action by the bailiff to seize property and the sale of land and houses.

The Ordinary Council Meeting of 23 October 2024 approved that the Shire commences the three-year sales process for two properties – 1 Allenby Street and 23 Smith Street. Those sales were completed on 4 October 2025 with the Shire recovering \$55,000 of the \$58,717 owed on the properties. The remaining debt was written off by the Shire at the OCM of 19 November 2025.

The OCM of 15 April 2025 approved the Shire commence the process for the recovery of rates for two properties – 27 and 51 Smith Street – which have both been passed in at online Bailiff Auctions and now require Council endorsement to commence the three-year sale process. The total amount owed by these properties, which have a common owner, is \$49,191.

In addition, there are three other properties with rates in arrears for more than three years for which the Shire intends to progress steps in the Property Seizure and Sale Processes to recover the outstanding rates. These properties are located at 40 Greenham and 33 Smith Streets, Koorda and at 383 Henning Road, Badgerin Rock. The total combined amount owed by these properties is \$68,010.

As such, the recommendations of this item are seeking to commence processes to recover \$117,000 in unpaid rates, interest and legal fees to date, with the expectation that up to an additional \$40,000 will ultimately be required to be recovered for additional rates, interest, legal fees and selling costs.

The purpose of this item is to provide Council with the progress and various requirements as required by legislation for the next stages of the rates recovery process for each of the five properties.

Comment:

As per the Local Government Act 195 (Section 6.68), the Shire can initiate the three-year sale process to recover outstanding rates and associated costs in any one of three conditions. These are:

1. The Shire has attempted (under sec.6.56) to recover the money due to it; OR

2. Where the Shire has a reasonable belief that the cost of the proceedings (to recover the amount owed in Court) will equal or exceed the value of the land; OR
3. The Shire has made reasonable but unsuccessful efforts to locate the owner of the property.

For the previous cost recovery for 1 Allenby and 23 Smith Streets, as one was a dilapidated building and the other a vacant block, the Shire was able to apply the second of the conditions outlined previously – in holding the reasonable belief that the sale returns would not cover the amounts owed, and in the case of 1 Allenby Street the owner could also not be found (condition 3). Under these conditions a Bailiff Auction is not required prior to proceeding with the three-year sale.

However, as the five properties subject to this item comprise four free-standing inhabited houses and one farming property it is reasonable to expect that there would not be insufficient equity to cover the debts on each property.

Of the five properties subject to this item, three are at the stage to immediately progress to a three-year sale, while the other two require additional steps to be approved by Council with the view to eventually progress these properties to the three-year sale should the debts not be settled prior.

The approach recommended by the debt recovery contract (AMPAC) and legal advice (Palisade Corporate) for each property is as follows:

27 and 51 Smith Street

As mentioned, the Shire is seeking to recover a combined \$49,191 from the two properties - \$27,176 for 51 Smith Street and \$22,015 for 27 Smith Street – which have a common owner. As explained earlier, the legal and sales processes are likely to add up to an additional \$8,000 for each property.

For both properties, the Shire will initiate the sales recovery process based on the first condition that the Shire has taken required and reasonable steps to recover the debts through other means.

Legal advice is that both these properties are eligible for the three-year sale process as the Shire has already attempted to recover the amounts, which included via court proceedings. In that each of the properties have been subject to a Bailiff Auction and were passed in having not met the respective reserves – 27 Smith Street was passed in on 8 October 2025 and 51 Smith Street on 5 February 2026.

The delay with proceeding with the three-year sale for 27 Smith Street, following the unsuccessful Bailiff Auction in October 2025 was intentional as there was the potential that, as the properties have a common owner, the amounts owed to the Shire on both properties may be recovered with a successful Bailiff Auction of 51 Smith Street in February.

The recommendation to Council is that both 27 and 51 Smith Streets be endorsed to progress to the three-year sale process.

40 Greenham Street

At this point, the Shire is seeking to recover \$25,836 from the property in outstanding rates, interest and charges. Legal advice is that the Shire can apply the third of the conditions outlined previously in that the Shire has made reasonable efforts to contact the owners of the property and is unable to do so.

By way of background, the owners of the property are deceased, and no efforts have been made by any executor to transfer the property to themselves or beneficiaries. AMPAC has attempted contact with the debtor's daughter via correspondence however no response has been received.

As such the recommendation will be that Council endorse 40 Greenham Street progressing to a three-year sale on the basis that the Shire has been unable to contact the owners. Application of this condition does not require the property to first be subject to a Bailiff Auction.

383 Henning Road

The property comprises 1083 hectares with an inhabitable house and various other structures. The total amount owed to the Shire at this point, including rates, interest and charges, is \$32,925, however as mentioned that it is anticipated to increase by up to \$8,000 due to interest and legal and sales fees.

In consideration of this property, Council should be aware that the Shire has previously had to undertake the three-year sales process to recover outstanding rates and that the debt was satiated in full in the days prior to the auction.

Legal advice is that the property is not yet able to progress to the three-year sale process as none of the three conditions are met. In that, there is a need to exhaust all debt recovery efforts including progressing first to a Bailiff Auction to meet condition 1 while neither condition 2 is met, as the sale of the property is expected to cover the debt, nor condition 3, as the Shire can locate the owners.

Consequently, the recommendation to Council will be to initiate the process to secure a Property Seizure and Sale Order, with the expectation that the case will progress to a Bailiff Auction. It would not be expected that the debt recovery would progress to a Bailiff Auction – and that the debt would be settled prior – given past experience and the risk to the owners in that the reserve set for the online auction (to recover \$33,000 owed to the Shire) would be substantially less than the property value.

33 Smith Street

There is currently \$9,249 owed in rates, interests and charges on the property and repeated attempts by the Shire to have the owner commit to a repayment plan have not been sustained. Regarding the application of the conditions of the Act, and similar to 383 Henning Road, the Shire is in contact with the owner and the debt is easily covered by the value of the property.

However, unlike 383 Henning Road, there is already a Property Seizure and Sale Order active for 33 Smith Street to which the debt collection agency can progress to a Bailiff Auction. As such, the recommendation that the Council direct the CEO to request the property progress to a Bailiff Auction.

As both 383 Henning Road and 33 Smith Street progress through the PSSO process and Bailiff Auctions, should a three-year sale process need to be commenced, an item will be presented to an Ordinary Council Meeting to endorse the action as is the case with this item regarding 27 and 51 Smith Street and 40 Greenham Street.

Also, while unlikely to be an issue with any of the five properties in this item, as equity should readily cover all debts, Council is reminded that unlike with a Bailiff Auction, when the properties are sold via the three-year process the Shire's legal and sales expenses are the priority debtor.

As per the Local Government Act 1995 Schedule 6.3(5), costs associated with recovering the debt are first paid, followed by Shire rates on a pro rata basis with amounts owed to other State and Federal agencies and departments. Discharge of mortgages is fifth in order of payment prior to the owner.

Consequently, the legal and sale costs incurred by the Shire in pursuing three-year sales to recover debts are almost always likely to be recovered. That is there is an extremely low financial risk to the Shire in pursuing three-year land sales.

Consultation:

Gianni Rifici, Solicitor, Palisade Corporate Law
Ben Santiago, Senior Account Manager, AMPAC Debt Recovery
Lana Foote, Deputy Chief Executive Officer

Statutory Implications:

Local Government Act 1995 (sections 6.64 and 6.68) and Schedule 6.3

Policy Implications:

F- Debt Recovery V1.0

Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2024

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

Risk Implications:

Risk Profiling Theme	Failure to recover all or at least substantial quantum of outstanding rates
Risk Category	Financial
Risk Description	Financial impact
Consequence Rating	Moderate (3)
Likelihood Rating	Possible (3)
Risk Matrix Rating	Moderate (9)
Key Controls (in place)	Structured debt recovery program
Action (Treatment)	Management controls
Risk Rating (after treatment)	Effective – Moderate (6)

Financial Implications:

As outlined in the item, while there is an upfront cost to the Shire of the debt recovery process, for each of the five properties subject to the item, there is an extremely low risk of the Shire not recovering all these expenses as per Schedule 6.2 due to the higher value of the properties compared to that required to complete the sales process.

Voting Requirements: Simple Majority Absolute Majority

Officer Recommendation

That Council:

- 1. The Shire of Koorda, having attempted, under section 6.56 of the Local Government Act 1995, to recover the money due to it in relation to 27 Smith Street, Koorda within the last 3 years, resolves to exercise its power to sell the land situated at 27 Smith Street, Koorda pursuant to section 6.64 of the Local Government Act.**
- 2. The Shire of Koorda, having attempted, under section 6.56 of the Local Government Act 1995, to recover the money due to it in relation to 51 Smith Street, Koorda within the last 3 years, resolves to exercise its power to sell the land situated at 51 Smith Street, Koorda pursuant to section 6.64 of the Local Government Act.**
- 3. The Shire of Koorda, having made reasonable efforts, under section 6.68 of the Local Government Act 1995, to locate the owner of the property at 40 Greenham Street, Koorda is unable to do so. The Shire of Koorda resolves to exercise its power to sell the land situated at 40 Greenham Street, Koorda pursuant to section 6.64 of the Local Government Act.**
- 4. The Shire of Koorda proceed to securing a Property Seizure and Sale Order for the sale of the property at 383 Henning Road, Badgerin Rock.**
- 5. The Shire of Koorda progress the Property Seizure and Sale Order on the property at 33 Smith Street to a Bailiff Auction to recover rates and service charges.**

BY ABSOLUTE MAJORITY

13. OFFICER'S REPORTS – WORKS & ASSETS

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

15. Elected Members' Motions

16. Matters Behind Closed Doors

17. Closure