

2020

MINUTES

Shire of Koorda

16/12/2020

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SHIRE OF KOORDA MINUTES

FOR THE ORDINARY MEETING OF COUNCIL
Held in the Council Chambers, 10 Haig Street,
Koorda, on Wednesday 16 December at 6.00pm

1 DECLARATION OF OPENING

The Presiding Person declared the meeting open at 6.00pm.

2 ANNOUNCEMENT OF VISITORS

3 RECORD OF ATTENDANCE

3.1 Record of Attendance:

CR JM Stratford	President
CR PL McWha	Deputy President
CR GL Boyne	Councillor
CR BG Cooper	Councillor
CR LC Smith	Councillor
CR RDG Storer	Councillor
Mr Darren Simmons	CEO
Miss Lana Foote	DCEO

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

COUNCIL DECISION Officer Recommendation

Moved CR G Storer

Seconded CR LC Smith

That Council;

- 1) Approve the CEO's request for leave from 21 December 2020 to 26 January 2021 inclusive;**
- 2) Authorises the Shire President to approve the CEO's future leave applications subject to elected members and staff being notified accordingly; and**
- 3) Notes that, in accordance with her contract of employment, the Deputy CEO assumes the role of acting CEO when the CEO is on leave and for which a commensurate higher duties allowance applies.**

**PUT & CARRIED: 6/0
RESOLUTION NO: 011220**

6 DECLARATIONS OF INTEREST

7 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

8 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

8.1 ORDINARY MEETING HELD 18 November 2020

COUNCIL DECISION Officer Recommendation

Moved CR BG Cooper

Seconded CR GL Boyne

That the Minutes of the Koorda Shire Council Ordinary Meeting held on the 18 November 2020, as circulated be confirmed and certified as a true and accurate record.

**PUT & CARRIED: 6/0
RESOLUTION NO: 021220**

9 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Sincere condolences to the Chandler families on the passing of Pam.

A note from Janet Brooks wishing all Councillors and Shire a Merry Christmas and Happy New Year.

Acknowledge of receipt of Koorda CRC CDO report received via email.

10 REPORTS OF COMMITTEES


CONFIRMED

11 CHIEF EXECUTIVE OFFICERS REPORT

11.1 Governance and Administration

11.1.1 GREAT EASTERN COUNTRY ZONE MEETING 26 November 2020

Section 5.23 – Applicability

Location:	GECZ Regions
Portfolio:	Governance, Administration and Finance Cr JM Stratford
File Reference:	ADM 0092
Disclosure of Interest:	No Interest declared by CEO
Author:	Darren J Simmons, Chief Executive Officer
Signature of CEO	
Attachment:	Minutes (Attachments page 2 – 27)

Background:

Minutes of the GECZ Meeting held on 26 November 2020 at Merredin.

Comment:

The following issues were discussed:

- Item 5 Guest Speakers – Rachele Ferrari (WA Country Health Service Wheatbelt) and Rob Cossart (Wheatbelt Development Commission)
- Item 6.1 Inquiry into Local Government – Final Report
- Item 6.2 Cunderdin Agricultural College – Year 11 Student accommodation
- Item 6.3 Mobile phone tower battery back-up during emergencies
- Item 7 Zone Reports - Various reports presented
- Item 8 WALGA Business - State Councillors Report, WALGA Status Report, State Council Agenda Items, WALGA President's Report
- Item 9 Members of Parliament
- Item 10 Agency Reports
- Item 11 Emerging Issues – Shire of Bruce Rock President thanks to Zone for support following supermarket fire and Shire of Mt Marshall CEO thanks to neighbouring local governments for support following recent tragedies in the area.

Consultation

Nil

Statutory Environment:

Nil

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Shire of Koorda Strategic Community Plan

4.1.7 - Develop successful and collaborative partnerships

4.2.2 - Facilitate resource sharing on a regional basis

Voting Requirement:

Simple majority

COUNCIL DECISION

Officer Recommendation

Moved CR PL McWha

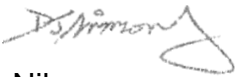
Seconded CR BG Cooper

That Council note and endorse the recommendations of the GECZ meeting held at Merredin on 26 November 2020.

**PUT & CARRIED: 6/0
RESOLUTION NO: 031220**

CONFERRING

11.1.3 COUNCIL MEETING DATES - 2021

Section 5.23 – Applicability	
Location:	Koorda Shire
Portfolio:	Governance, Administration and Finance Cr JM Stratford
File Reference:	ADM 370
Disclosure of Interest:	No Interest declared by CEO
Author:	Darren Simmons, Chief Executive Officer
Signature of CEO	
Attachment:	Nil

Background:

In accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*, the Shire is required to give local public notice of the date, times and place of ordinary council meetings.

Comment:

In readiness for such notice to be given, it is recommended that Council continue its current meeting schedule (as adopted at the ordinary Council meeting of 18 December 2019), which has ordinary meetings held on the third Wednesday of each month, except for January (no meeting held due to a summer recess), with meetings commencing at 5.00pm for the months of February to October and 6.00pm for November and December (to allow for harvest commitments).

Consultation

Shire President

Statutory Environment:

Local Government Act 1995

Regulation 12 of the *Local Government (Administration) Regulations 1996*

Policy Implications:

Nil

Financial Implications:

Minor advertising costs.

Strategic Implications:

Shire of Koorda Strategic Community Plan 2018

Outcome 4.1 – To provide accountable and transparent leadership

Voting Requirement:

Simple majority

COUNCIL DECISION
Officer Recommendation

Moved CR PL McWha

Seconded CR GL Boyne

That Council hold its 2021 Ordinary Council Meetings in Council Chambers, 10 Haig Street, Koorda in accordance with the following schedule:

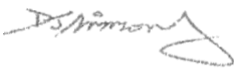
MONTH	DATE	TIME
February	17	5.00pm
March	17	5.00pm
April	21	5.00pm
May	19	5.00pm
June	16	5.00pm
July	21	5.00pm
August	18	5.00pm
September	15	5.00pm
October	20	5.00pm
November	17	6.00pm
December	15	6.00pm

PUT & CARRIED: 6/0
RESOLUTION NO: 041220

11.2 Finance

**11.2.1 MONTHLY FINANCIAL STATEMENTS
As at 30 November 2020**

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:	Lana Foote, Deputy Chief Executive Officer
Signature of CEO	
Attachment:	Monthly Financial Statement (Attachments page 28 - 50)

Background:

Submission of monthly Financial Statements for period ended 30 November 2020.

Comment:

Monthly Financial Statements for the period ended 30 November 2020 for Council's information and acceptance. The explanations for variances of \$10,000 and 10% or more are in Note 13 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

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

Voting Requirement:

Simple majority

COUNCIL DECISION
Officer Recommendation

Moved CR G Storer

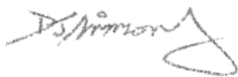
Seconded CR LC Smith

That the monthly Financial Statements for the period ended 30 November 2020, as presented, be received and adopted.

PUT & CARRIED: 6/0
RESOLUTION NO: 051220

CONFIRMED

11.2.2 ACCOUNTS PAID AS LISTED
As at 8 December 2020

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:	Lana Foote, Deputy Chief Executive Officer
Signature of CEO	
Attachment:	Monthly Report List (Attachments page 51 - 52)

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 November 2020 to 7 December 2020 and are generally within budget guidelines and are of an operational nature.

V347	Purewater Pool Services	\$13,132.90
V356	PM & CJ Cooke	\$3,534.30
V358	Koorda Ag Parts	\$5,251.40
V365	Treebrook Pty Ltd	\$2,722.50

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

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

Voting Requirement:

Simple majority

COUNCIL DECISION
Officer Recommendation

Moved CR G Storer

Seconded CR BG Cooper

That accounts as listed being for period 12 November 2020 to 7 December 2020.

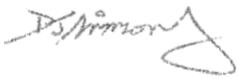
Municipal Vouchers No's V305 to V367	Totalling	\$178,333.17
Bendigo Credit Card Voucher V350	Totalling	\$2,983.65
	Total	\$181,316.82

To be endorsed or passed for payment

PUT & CARRIED: 6/0
RESOLUTION NO: 061220

CONFERRING

11.2.3 MONTHLY FINANCIAL POSITION
As at 9 December 2020

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 the CEO
Author:	Lana Foote, Deputy Chief Executive Officer
Signature of CEO	
Attachment:	Financial Position (Attachments page 53)

Background:

Current Monthly Financial position as at 9 December 2020 on the various accounts.

Comment:

The Municipal Account's financial position as at 9 December 2020 indicated at this time.

Monthly Financial Position	Municipal Account	\$1,222,166.78
	Reserve Account	\$6,114,376.12
	Trust Account	\$0.00

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

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

Voting Requirement:

Simple majority

COUNCIL DECISION
Officer Recommendation

Moved CR PL McWha

Seconded CR BG Cooper

That the Financial Position, as at 9 December 2020, as presented, be noted, received and adopted.

PUT & CARRIED: 6/0
RESOLUTION NO: 071220

CONFIRMED

11.2.4 2019/2020 ANNUAL AUDIT PROCESS

Section 5.23 – Applicability

Location:

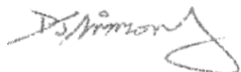
Portfolio: Governance, Administration and Finance
Cr JM Stratford

File Reference: ADM 0114

Disclosure of Interest: No interest declared by the CEO

Author: Lana Foote, Deputy Chief Executive Officer

Signature of CEO



Attachment: Annual Report, Draft Annual Financial Statements, Draft Independent Auditor's Opinion (Separate Attachment)

Background:

The Draft Independent Auditor's Opinion on the Audit of the Financial Report for the year ending 30 June 2020 has been received. Copies of audit process documents have been provided to the Councillors under separate cover.

Prior to this Council meeting, the Audit Committee (including all other Councillors as guests) met as part of the exit meeting, which is an audit requirement with the Office of Auditor General.

The Chief Executive Officer has reviewed the draft audited financials in readiness to return to the Auditor General. The Auditor General will respond and issue the final report and sign off within three to five business days. We anticipate that if any documents change, they will be referred to a future Audit Committee meeting, to consider and recommend to Council the adoption of the modified Annual Financial Statements and External Auditors Report for the year ending 30 June 2020.

Comment

Subject to the Auditor General's confirmation of the Draft Annual Financial Statements and Auditors report as presented, as part of the following item *11.2.4 Annual Reporting Requirements*, Council will consider receiving and adopting the Shire of Koorda Annual Report for the year ended 2019/2020.

The audit report raised no new concerns. The auditor comments are clearly identified in extracted section below (the blue text being the findings from the audit, and the black text being the management comment). (Please note, the text in blue are excerpts from the draft Audit opinion, hence the personal comments)

In accordance with the *Local Government (Audit) Regulations 1996* the Auditor reports that;

- (i) The following material matters indicating non-compliance with Part 6 of the *Local Government Act 1995*, the *Local Government (Financial Management) Regulations 1996* or applicable financial controls of any other written law were identified during the course of my audit:
 - a. The Shire has not reported the Asset Renewal Funding Ratio for 2019 and 2018 in the annual financial report as required by section 50(1) of the *Local Government (Financial Management) Regulations 1996*, as management could not confirm the

reliability of the available information on planned capital renewals and required capital expenditure in the long-term financial plan and asset management plan respectively.

The management team supports the finding and in 2019/2020 engaged specialist external consultants to assist staff in developing and maintaining a new combined asset management and long-term financial plan in order to provide the verifiable information. The plan was endorsed at a Special meeting of Council held on 29 June 2020 (RES: 110620).

Reasonable assumptions to support an accurate and robust calculation of the asset renewal funding ratio for the 2019-20 and future financial years is now evident.

(ii) All required information and explanations were obtained by me.

(iii) All audit procedures were satisfactorily completed.

(iv) In my opinion, the asset consumption ratio and the asset renewal funding ratio included in the annual financial report were supported by verifiable information and reasonable assumptions.

No final management letter was issued.

Consultation:

Darren Simmons, CEO, Shire of Koorda
Vishal Desai, Senior Auditor, Audit Partners Australia
Leanne Oliver, Director, Audit Partners Australia
Ann Ang, Assistant Director, Office of the Auditor General for WA

Statutory Environment:

Local Government Act 1995 Section 6.10 & 7.9(1)
Local Government Financial Management Regulation 1996 Part 2
Local Government (Audit) Regulations 1996 – Reg 10

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

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

C 3.2 - Enhance the capacity and effectiveness of administrative processes (short term)

C 3.3 - Provide reporting processes in a transparent, accountable and timely manner (short term)

Voting Requirement:

Simple majority

COUNCIL DECISION

Committee Recommendation

Moved CR LC Smith

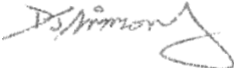
Seconded CR PL McWha

That the report of the Deputy Chief Executive Officer outlining the 2019/2020 annual audit process be noted and endorsed.

**PUT & CARRIED: 6/0
RESOLUTION NO: 081220**

CONFIRMED

11.2.5 ANNUAL REPORTING REQUIREMENTS

Section 5.23 – Applicability	
Location:	Shire of Koorda
Portfolio:	Governance, Administration and Finance Cr JM Stratford
File Reference:	ADM 0320
Disclosure of Interest:	No interest declared by the CEO
Author:	Lana Foote, Deputy Chief Executive Officer
Signature of CEO	
Attachment:	Nil

Background:

Under Section 5.53 of the Local Government Act, Council is to prepare an Annual Report for each financial year and the Annual Report is to contain:-

- a) Report from President
- b) Report from Chief Executive Officer
- c) An overview of the Plan for the Future that is proposed to commence or continue next financial year
- d) Financial report for the financial year
- e) Such information as may be prescribed in relation to payments made to employees
- f) Auditors report for the financial year
- g) Report under Section 29(2) of the Disabilities Services Act 1993
- h) Register of certain complaints of minor breaches
 - i) Number of complaints recorded in register
 - ii) How recorded complaints were dealt with
 - iii) Any other details regulations may require; and
 - i) Such other information as may be prescribed

Under Section 5.54(1); the Annual Report for the financial year is to be accepted by the Local Government no later than 31 December.

Comment:

The 2019/2020 Draft Annual Report has been prepared for Council consideration.

However, it is important to note that the Auditors Report and the Annual Financial Statements are in draft format only and are subject to change/confirmation.

Due to COVID-19 restrictions around the running of an Electors Meeting and proposed changes to the Financial Management Regulations, which were published in the gazette on Friday 6 November 2020, the usual time frame for the Shire's Annual Report/Financial Statement adoption and Annual Electors Meeting will be later than usual.

Consultation:

Darren Simmons, CEO, Shire of Koorda

Ann Ang – Assistant Director, Office of the Auditor General for WA

Statutory Environment:

Local Government Act 1995 – Sections 5.27, 5.29, 5.53(1)(2), 5.54(1), 5.55

Policy Implications:

A24 (preferable to hold the General Meeting of Electors October of each year)

5.27 (2): A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report from the previous financial year.

5.29 (1) (a) at least 14 days' local public notice

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

COUNCIL DECISION

Officer Recommendation

Moved CR PL McWha

Seconded CR G Storer

That;

- 1. Subject to there being no change to the Auditor General's draft audit opinion, the Shire of Koorda Annual Report, Financial Statements and Auditor's Report for the year ended 2019/2020, as presented and/or issued, be adopted.**
- 2. Resolve that the Annual Meeting of Electors' be held on Wednesday, 3 February 2021, commencing at 6.00pm in the Shire of Koorda Council Chambers.**
- 3. With the Audit Committee having met with the Auditors prior to the Council meeting, Council retrospectively delegates authority to the Audit Committee to meet with the Shire's auditors.**

**PUT & CARRIED: 6/0
RESOLUTION NO: 091220**

11.3	Law, Order & Public Safety
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No items this month

11.4	Health and Building
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No items this month

11.5	Education & Welfare
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No items this month

11.6	Housing
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No items this month

11.7	Community Amenities
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No items this month

11.8	Recreation and Culture
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No items this month

11.9	Transport
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No items this month

11.10 Economic Services

Council may consider closing the meeting in accordance with the Local Government Act section 5.23 (2) (c) as a contract may be entered into and 5.23 (2) (d) commercial value/information of a person other than the Shire.

**COUNCIL DECISION
Officer Recommendation**

Moved Cr G Storer

Seconded Cr GL Boyne

That Standing Orders be suspended at 6.25pm to discuss item 11.10.1 – Koorda Townscape Project – Engagement of Consultant.

**PUT & CARRIED: 6/0
RESOLUTION NO: 101220**

**COUNCIL DECISION
Officer Recommendation**

Moved Cr PL McWha

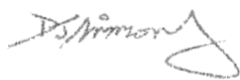
Seconded Cr BG Cooper

That Standing Orders be resumed at 6.41 pm with attendance as per attendance register.

**PUT & CARRIED: 6/0
RESOLUTION NO: 111220**

11.10.1 KOORDA TOWNSCAPE PROJECT - ENGAGEMENT OF CONSULTANT

Section 5.23 – Applicability

Location: Shire of Koorda
Portfolio: Economic, Other Property and Services and Reserves
Cr PL McWha
File Reference: Project file
Disclosure of Interest: No interest declared by the CEO
Author: Darren Simmons, Chief Executive Officer
Signature of CEO 
Attachment: 3 x Confidential submissions (Separate Attachment)

Background:

As a result of community-based feedback, past Council Forum discussion and 2020/21 Budget consideration, Council has allocated \$150,000 this financial year to commence a Koorda Townscape revitalisation project.

Comment:

To initiate a Koorda Townscape revitalisation project, and following previous Council forum discussions, Shire staff undertook a request for quotation (RFQ) process through WALGA's online e-quotes (Vendorpanel) service.

The scope for the RFQ was as follows:

Request for Quotation - Koorda Townscape Concept Design

The Shire of Koorda is seeking to upgrade and enhance the townscape by exploring potential opportunities to improve the character and overall amenity of the Koorda townsite, generally and town centre, specifically. This project will explore any current ideas for townscape/streetscape upgrades and develop a future vision for Koorda that contributes positively to the character and amenity of the whole township.

Project Deliverables:

- Entry meeting/workshop with Shire Councillors and senior staff and on-going virtual and email contact with the shire's project team, as required;
- Site assessment and analysis of existing streetscape within the confines of the Koorda townsite;
- At least one (1) project workshop with the local community;
- Concept design development; and
- Concise report detailing:
 1. Site analysis
 2. Review of any current proposals
 3. Stakeholder and community engagement findings
 4. Concept design, including supporting image boards
 5. Costings
- One round of comments and amendments; and
- Exit meeting/workshop with Shire Councillors and senior staff

The RFQ opened on 16 November 2020 and closed on 7 December 2020 with three (3) submissions received being:

Ecoscape
Emerge Associates
Sally Malone Design

Copies of the three submissions received have been provided to Councillors as confidential attachments to assist in Council consideration of the engagement of the project consultant.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995

Policy Implications:

Use of WALGA e-quotes meetings Purchasing Policy requirements.

Financial Implications:

All fee proposals can be accommodated within the \$150,000 adopted project budget.

Strategic Implications:

Shire of Koorda Strategic Community Plan

- 1.1.2 - Partner with the community to support the creation of community driven activity centres
- 2.1.6 - Enhance the aesthetic environment to support business opportunities
- 3.2.5 - Develop and maintain sustainable assets and infrastructure
- 3.2.6 – Maintain and protect heritage buildings and site

Voting Requirement:

Simple majority

COUNCIL DECISION
Officer Recommendation

Moved CR G Storer

Seconded CR GL Boyne

That Council engage Sally Malone as Consultant for the Koorda Townscape Project.

PUT & CARRIED: 6/0
RESOLUTION NO: 121220

11.11 Other Property & Services

Council may consider closing the meeting in accordance with the Local Government Act section 5.23 (2) (c) as a contract may be entered into and 5.23 (2) (d) commercial value/information of a person other than the Shire.

**COUNCIL DECISION
Officer Recommendation**

Moved Cr PL McWha

Seconded Cr LC Smith

That Standing Orders be suspended at 6.44pm to discuss item 11.11.1 Tender 2021/01 – Transportable Buildings and Accessories.

**PUT & CARRIED: 6/0
RESOLUTION NO: 131220**

**COUNCIL DECISION
Officer Recommendation**

Moved Cr G Storer

Seconded Cr LC Smith

That Standing Orders be resumed at 7.11pm with attendance as per attendance register.

**PUT & CARRIED: 6/0
RESOLUTION NO: 141220**

**11.11.1 TENDER 2021/01 - TRANSPORTABLE BUILDINGS AND ACCESSORIES
(Yalabee Units, Caravan Park Ablutions and Depot Crib Room)**

Section 5.23 – Applicability

Location:

Shire of Koorda

Portfolio:

Other Property and Services

File Reference:

Cr PL McWha

RFT 2021/01

Disclosure Of Interest:

No interest declared by the CEO

Author:

Lana Foote, Deputy Chief Executive Officer

Signature of CEO



Attachment:

CONFIDENTIAL Tender Pricing Schedule (Separate Attachment)

Background:

As per the 2020/21 Budgeted house and building program, tenders were called for, for the design, construction and delivery of twelve new transportable buildings and accessories.

The request for tender contract requirements (in brief) have been included below;

- Yalambee Units: 28-30 Greenham Street, Koorda WA 6475
 - 6 x two-bedroom self-contained accommodation units (one with universal access)
- Shire of Koorda Works Depot: 65 Railway Street, Koorda WA 6475
 - 1 x depot crib room
- Koorda Caravan Park: 32 Scott Street, Koorda WA 6475
 - 3 x double unisex shower/toilet buildings
 - 1 x double unisex shower/toilet building (universal access and family friendly)
 - 1 x laundry/storage room

Comment:

Tenders closed at 12.00noon Wednesday 9th December 2020. Six (6) tender submissions were received from:

- Steve's Transportables Group Pty Ltd
- Ausco Modular
- Modular WA
- Australia Wide Transportables
- ATCO
- TC Homes

A confidential tender pricing schedule has been included for Councillors.

After the finalisation of the 2020/21 budget and following the announcement of the Federal Local Roads and Community Infrastructure Program funding, where the Shire were allocated \$439,707, Council discussed the change to the scope of works required at the Yalambee Units and opted to demolish and replace the facilities in appose to renovating the interiors.

Approval was granted for the LRCI Program Fund to allocate the full \$439,707 to the Yalambee unit upgrade, and it is recommended to revise the budget allocation of \$80,000 and increase it to \$600,000 to cover all required works and fit out. It is recommended that the \$160,000 contribution from the Shire is taken out of the Council Building Reserve.

Consultation:

Darren Simmons – Chief Executive Officer
Darren West – Works Supervisor

Statutory Environment:

Local Government Act 1995, Section 3.57(1) (2)

Local Government Act (Functions in General) Regulation 1996 – Part 4 – Tenders for providing goods and services 11(1)

Policy Implications:

Nil

Financial Implications:

2020/2021 Budget Provisions

Local Roads and Community Infrastructure Program Funding

Increase of Budget allocation from \$80,000 to \$600,000 with Council's contribution being covered from Council Building Reserve.

Strategic Implications:

Strategic Community Plan 2018

1.1.4: Develop, maintain and support appropriate recreation facilities.

2.2.1: Advocate, promote and market the Shire as a place to live, work and visit.

3.2.5: Develop and maintain sustainable assets and infrastructure.

Voting Requirement:

Absolute majority

COUNCIL DECISION

Officer Recommendation

Moved CR PL McWha

Seconded CR LC Smith

That Council;

1) Accepts the tender for “various transportables and accessories” from Steve’s Transportable for \$572,800exc GST.

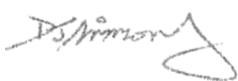
2) Amends the budget allocation for the Yalambee Units up to \$800,000 and transfers \$360,000 from the Council Building Reserve for Councils contribution.

3) Authorises the Chief Executive Officer to negotiate the installation of a further two accommodation buildings at the Yalambee Unit site in order to achieve economies of scale for this overall project.

**PUT & CARRIED ABSOLUTE MAJORITY: 6/0
RESOLUTION NO: 151220**

11.11.2 APPLICATION FOR RATES EXEMPTION
Lot 200 (6) Greenham Street, Koorda

Section 5.23 – Applicability

Location:	Shire of Koorda
Portfolio:	Other Property and Services Cr PL McWha
File Reference:	ADM 0448
Disclosure Of Interest:	No interest declared by CEO
Author:	Lana Foote, Deputy Chief Executive Officer
Signature of CEO	
Attachment:	CONFIDENTIAL Email and Support Documents (Separate Attachment)

Background:

On the 19th October 2020 the following email from Jo Tracy, Operations Manager for Central East Aged Care Alliance Inc. was received seeking a rates exemption for Lot 200 (6) Greenham Street, Koorda.

Good Afternoon Darren,

RATES EXEMPTION

Please find attached in support of our application for Shire rates exemption in relation to the above properties:

- 1. Application for Rates Exemption (4 units).*
- 2. Site Plan.*
- 3. CEACA Certificate of Incorporation.*
- 4. CEACA ATO Endorsement Charity Tax Exemptions.*
- 5. CEACA ACNC Certificate.*
- 6. CEACA Constitution.*
- 7. CEACA Operations – Written Statement*

Please note that we have not included the following:

- 1. Copy of tenant lease. This breaches the Privacy Act and the Agency will not provide individual tenant leases to send to you. We would be happy to confirm that the tenant is not responsible for paying rates and can provide a blank copy of the Residential Tenancy Application if this helps. Please advise.*
- 2. Current year audited financial statements. These have not yet been completed. We would be happy to provide you with a copy at a later date.*

We trust this information is sufficient for your purposes, however if there is anything else we need to provide in support of our application, please let us know.

A copy of the attachments to the email have been provided for Council.

Comment:

At the request of members, legal advice was sought by CEACA prior to properly completed applications for rate exemption were lodged. Without providing the full advice which is property of CEACA, a pertinent paragraph from that advice is as follows:

Our opinion based on the relevant authorities is that CEACA should qualify for a rate exemption under s. 6.26(2)(g) of the LG Act for the 54 Properties it owns or leases to tenants who qualify under the priority categories of the Eligibility Criteria of Very Low Income, Low Income, Disability and Age.

On the basis of this legal advice it is recommended that council resolve to allow the application for rate exemption

Consultation:

John Nuttall, Chief Executive Officer, Shire of Mt Marshall

Statutory Environment:

Local Government Act 1995, Section 6.26 and Section 6.47

6.26. Rateable land

(1) *Except as provided in this section all land within a district is rateable land.*

(2) *The following land is not rateable land —*

(a) *land which is the property of the Crown and —*

(i) *is being used or held for a public purpose; or*

(ii) *is unoccupied, except —*

(I) *where any person is, under paragraph (e) of the definition of owner in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or*

(II) *where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of owner in section 1.4 occupies or makes use of the land; and*

(b) *land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and*

(c) *land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and*

(d) *land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and*

(e) *land used exclusively by a religious body as a school for the religious instruction of children; and*

(f) *land used exclusively as a non-government school within the meaning of the School Education Act 1999; and*

(g) *land used exclusively for charitable purposes; and*

(h) *land vested in trustees for agricultural or horticultural show purposes; and*

(i) *land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and*

(j) land which is exempt from rates under any other written law; and

(k) land which is declared by the Minister to be exempt from rates.

(3) If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that co-operative or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.

(4) The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.

(5) Notice of any declaration made under subsection (4) is to be published in the Gazette.

(6) Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.

[Section 6.26 amended by No. 36 of 1999 s. 247.]

6.47. Concessions

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

** Absolute majority required.*

Policy Implications:

Nil

Financial Implications:

As the valuation of the property wasn't received until August 2020, there was no inclusion of rates income for the property included within the 2020/21 Budget. However, when the Landgate Valuation Roll was received, interim charges were raised on the property. (The amount for exemption is \$3,364.14 and relates to the land rate portion only)

Strategic Implications:

Shire of Koorda Strategic Community Plan

1.2.2 - Facilitate provision of services for aged persons and people with disabilities

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

Voting Requirement

Simple majority

COUNCIL DECISION
Officer Recommendation

Moved CR G Storer

Seconded CR GL Boyne

That Council;

1) Subject to *Local Government Act 1995, Section 6.26, 2, (g)* approve the Central East Aged Care Alliance rate exemption application for Lot 200 (6) Greenham Street, Koorda as the land is deemed to be used exclusively for Charitable purposed in accordance with as of 1 July 2020.

2) Advise Central East Aged Care Alliance of Council's decision by completing the relevant forms.

PUT & CARRIED: 5/1
RESOLUTION NO: 161220

CONFERRING

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

Australia Day Citizen Awards

COUNCIL DECISION

Moved CR PL McWha

Seconded CR BG Cooper

That the Citizen of the Year for the 2021 Australia Day be awarded to the individual discussed at the Council Meeting held on 16 December 2020.

**PUT & CARRIED: 6/0
RESOLUTION NO: 171220**

15 DATE OF NEXT MEETING

Wednesday 17 February 2021 @ 5.00pm

16 CLOSURE

The Presiding Person thanked Councillors and Staff for their ongoing support through 2020 and looks forwards to the upcoming projects planned for 2021. After wishing a very safe and Merry Christmas and thanking Councillors and Staff for their attendance, the meeting was declared closed at 7.39pm.

Signed

Presiding Person at the meeting at which the minutes were confirmed

Date: 17 February 2021