



Shire of
Koorda

Drive in, stay awhile

MINUTES

Ordinary Council Meeting

Held in Shire of Koorda Council Chambers

10 Haig Street, Koorda WA 6475

Wednesday 22 March 2023

Commencing 5.01pm

UNCONFIRMED

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, 22 March 2023 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

Darren Simmons
Chief Executive Officer
17 March 2023

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



Darren Simmons
Chief Executive Officer

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**Shire of Koorda
Ordinary Council Meeting
5.00pm, Wednesday 22 March 2023**



1. Declaration of Opening

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

2. Record of Attendance, Apologies and Leave of Absence

Councillors:

Cr JM Stratford	President
Cr BG Cooper	Deputy President
Cr GW Greaves	
Cr GL Boyne	
Cr LC Smith	

Staff:

Mr DJ Simmons	Chief Executive Officer
Miss L Foote	Deputy Chief Executive Officer
Mr Darren West	Works Supervisor

Members of the Public:

Apologies:

Cr NJ Chandler

Visitors:

Approved Leave of Absence:

3. Public Question Time

Nil.

4. Disclosure of Interest

Nil.

5. Applications for Leave of Absence

Nil.

6. Petitions and Presentations

Nil.

7. Confirmation of Minutes from Previous Meetings

7.1. Ordinary Council Meeting held on 15 February 2023

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

Voting Requirements Simple Majority Absolute Majority

Officer Recommendation Resolution 010323

Moved CR GW Greaves

Seconded CR LC Smith

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 15 February 2023, as presented, be confirmed as a true and correct record of proceedings.

CARRIED 5/0

8. Minutes of Committee Meetings to be Received

8.1. GECZ Meeting Minutes for meeting held 13 February 2023

[Click here to view](#)

Voting Requirements Simple Majority Absolute Majority

Officer Recommendation Resolution 020323

Moved CR GL Boyne

Seconded CR BG Cooper

That, in accordance with Sections 5.22(2) and 3.18 of the *Local Government Act 1995*, Council receives the Minutes of the GECZ meeting held 13 February 2023, as tabled.

CARRIED 5/0

8.2. NEWROC Council Meeting Minutes for meeting held 20 February 2023

[Click here to view](#)

Voting Requirements Simple Majority Absolute Majority

Officer Recommendation Resolution 030323

Moved CR GW Greaves

Seconded CR GL Boyne

That, in accordance with Sections 5.22(2) and 3.18 of the *Local Government Act 1995*, Council receives the Minutes of the NEWROC Council meeting held 20 February 2023, as tabled.

CARRIED 5/0

9. Recommendations from Committee Meetings for Council Consideration

9.1. Audit Committee Meeting held on 22 March 2023

Committee Recommendation - Shire of Koorda Compliance Audit Return 2022 Resolution 040323

Moved CR LC Smith

Seconded CR BG Cooper

That the Compliance Audit Return for the 2022 calendar year, as presented to the Audit Committee meeting held 22 March 2023, be adopted.

CARRIED 5/0

Committee Recommendation - Third Quarterly Reporting of Integrated Strategic Plan, Workforce Plan and CEO Key Performance Indicators Resolution 050323

Moved CR BG Cooper

Seconded CR GL Boyne

That Council:

1. Adopts the third quarterly reporting documents (January to March 2023) as presented to the Audit Committee meeting held on 22 March 2023; and
2. Endorses the publication of the Integrated Strategic Plan and Workforce Plan components for community information.

CARRIED 5/0

10. Announcements by the President without Discussion

CEO decisions made under delegated authority since last Ordinary Meeting of Council


Applicant	Date received / Details of application	Address	Estimated project cost / Shire planning fee	Decision / Date
Australian Agricultural Services Pty Ltd (Tree Farm)	11/11/2022 and revised 02/02/2023 / Development of a tree farm over 900 hectares	851 Koorda-Kulja Road, Newcarlbeon	\$600,000 / \$1,957	Approved with conditions / 01/03/2023.
CRISP Wireless	Telecommunications infrastructure / Communications repeater point – wireless broadband (Internet)	Lot 101 Newcarlbeon Road, Newcarlbeon	\$30,000 / \$147	Approved with condition / 07/03/2023.

Condolences to the Chester family, on the passing of Athol.

Appreciation for our Volunteer Fire Brigade and Staff in their assistance.

11. OFFICER'S REPORTS – CORPORATE & COMMUNITY

11.1. Monthly Financial Statements

Corporate and Community		
Date	15 March 2023	
Location	Not Applicable	
Responsible Officer	Lana Foote, Deputy Chief Executive Officer	
Author	As above	
Legislation	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
Disclosure of Interest	Nil	
Purpose of Report	<input type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	February 2023 Financial Activity Statement	

Background:

This item presents the Statement of Financial Activity to Council for the period ending 28 February 2023.

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:

In order to fulfil statutory reporting requirements and provide Council with a synopsis of the Shire of Koorda's overall financial performance on a year-to-date basis, the following financial information is included in the Attachment.

Statements of Financial Activity – Statutory Reports by Nature or Type

The Statement of Financial Activity provide details of the Shire's operating revenues and expenditures on a year-to-date basis. The reports further include details of non-cash adjustments and capital revenues and expenditures, to identify the Shire's net current position.

Note 1 – Statement of Financial Activity

Notes supporting the Statement of Financial Activity by Program and by Nature and Type.

Note 2 – Cash and Financial Assets

This note provides Council with the details of the actual amounts in the Shire's bank accounts and/or investment accounts as at the reporting date.

Note 3 – Receivables

This note provides Council with both Rates Receivables and General Receivables outstanding as at the reporting date. This report has been expanded to further break down the detail of General Receivables.

Note 4 – Other Current Assets

This note provides details of other current assets that the Shire may hold.

Note 5 – Payables

This note provides details of Shire payables unpaid as at the reporting date. This Note is new to the financial statements.

Note 6 – Disposal of Assets

This note gives details of the capital asset disposals during the year.

Note 7 – Capital Acquisitions

This note details the capital expenditure program for the year.

Note 8 – Reserve Accounts

This note provides summary details of transfers to and from reserve funds, and associated interest earnings on reserve funds, on a year-to-date basis.

Note 9 – Other Current Liabilities

This note outlines any provisions the Shire has on hand relative to other current liabilities.

Note 10– Operating Grants and Contributions Received

This note provides information on operating grants received.

Note 11 – Non-Operating Grants and Contributions

This note provides information on non-operating grants received.

Note 12 – Explanation of Material Variances

Council adopted (in conjunction with the Annual Budget) a material reporting variance threshold of 10% and \$10,000. This note explains the reasons for any material variances identified in the Statements of Financial Activity at the end of the reporting period.

Consultation:

Darren Simmons, Chief Executive Officer.

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 2022

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

Financial Implications:

Nil

Voting Requirements: Simple Majority Absolute Majority

**Officer Recommendation
Resolution 060323**

Moved CR BG Cooper


Seconded CR GW Greaves

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 28 February 2023, as presented.

CARRIED 5/0

UNCONFIRMED

11.2. List of Accounts Paid

Corporate and Community		
Date	15 March 2023	
Location	Not Applicable	
Responsible Officer	Lana Foote, Deputy Chief Executive Officer	
Author	As above	
Legislation	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
Disclosure of Interest	Nil	
Purpose of Report	<input type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	List of Accounts Paid	

Background:

This item presents the List of Accounts Paid, paid under delegated authority, for the period 9 February to 15 March 2023.

Comment:

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

Consultation:

Darren Simmons, 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 2022

4.1.1 - Ensure the use of resources is effective, efficient and reported regularly. (e.g. Financial Management)

Financial Implications:

Funds expended are in accordance with Council's adopted 2022/2023 Budget.

Voting Requirements: Simple Majority Absolute Majority

**Officer Recommendation
Resolution 070323**

Moved CR BG Cooper

Seconded CR GW Greaves

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 February to 15 March 2023

Municipal Voucher V445 to V508

Totalling \$ 449,187.54

Credit Card Transaction (V464 & V491)


Totalling \$ 1,005.19

Total \$ 450,192.73

CARRIED 5/0

UNCONFIRMED

11.3. Review of Budget performance as at 28 February 2023.

Corporate and Community		
Date	17 March 2023	
Location	Not Applicable	
Responsible Officer	Lana Foote, Deputy Chief Executive Officer	
Author	As above	
Legislation	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
Disclosure of Interest	Nil	
Purpose of Report	<input checked="" type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	2022/2023 Budget Review	

Background:

Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires local governments to conduct a budget review between 1 January and 31 March in each financial year. A copy of the review and determination is to be provided to the Department of Local Government, Sport and Cultural Industries (DLGSC) within 30 days of the adoption of the review.

Council adopted a 10% and \$10,000 minimum for reporting material variances to be used in the statement of financial activity and the annual budget review.

Comment:

The 2022/2023 Budget was adopted by Council at a Special Council Meeting on 29 June 2022 (Res: 120622 & 130622)

The final audited 2021/2022 Annual Financial Report was adopted at a Special Council Meeting on 19 December 2023 that resulted in less opening funds of \$380,469 than predicted when adopting the Budget for 2022/2023. This reduction is due to LRCI funding not being received in 2021/22 as anticipated.

The explanation to the major variances is detailed in the below table and summarised in the notes of the Budget Review Report period ending 28 February 2023.

Budget Program	Adopted Budget	Revised Budget	Variance	Variance Reason
Fees & Charges	\$525,510	\$570,510	+\$10,000 +\$10,000 +\$25,000 = +\$45,000	Planning Application Fees Caravan Park Fees Yalabee Fees
Op, Grants, Subsidies & Contribution	\$1,207,917	\$1,565,917	+\$334,000 +\$24,000 = +\$358,000	Federal Assistance Grants higher than anticipated at time of budget. Fuel Tax Credit Scheme re-introduced
Interest earnings	\$21,000	\$142,000	+\$121,000	At time of budget, interest rates were 0.30% and have since increased to 2.62% and 3.20%

Capital Revenue (Non-Operating Grants)	\$748,890	\$764,408	+\$15,518	RRG Grant Increase
Capital Revenue (Proceeds from Disposal of Assets)	\$452,000	\$440,400	-\$62,500 -\$57,500 +\$42,500 +\$2,500 +15,000 +\$22,500 +\$15,000 +\$10,900 =\$-11,600	CEO Vehicle 2 not required DCEO Vehicle 2 not required P06 carry forward from 21/22 P58 increased trade P65 increased trade Cherry Picker P05 mtce ute c/f 21/22 L28 Allenby disposal (RES:080822)
Capital Expenses (Buildings)	\$1,080,000	\$1,226,635	+\$146,635	Recreation Pavilion project scope variations (RES: 121222)
Capital Expenses (Plant & Equipment)	\$1,023,000	\$1,080,725	-\$65,000 -\$60,000 +18,500 +\$66,225 +\$13,000 +\$45,000 +\$40,000 =\$57,725	CEO Vehicle 2 not required DCEO Vehicle 2 not required Traffic Lights higher than anticipated P06 carry forward from 21/22 P58 increased price P65 increased price P05 mtce ute c/f 21/22
Transfer to Reserves	\$288,002	\$377,726	+\$51,324 +\$38,400 =\$89,724	Transfer to Waste Management Transfer to Plant
Transfers from Reserves	\$810,586	\$957,221	+\$146,635	Recreation Pavilion project scope variations (RES: 121222)
Opening Funding Surplus (Deficit)	\$1,715,107	\$1,334,638	-\$380,469	Audited annual financial statements

The Statement of Financial activity remains to provide a balanced budget.

Consultation:

Darren Simmons, Chief Executive Officer
Darren West, Works Supervisor

Statutory Implications:

Regulation 33A of the Local Government (Financial Management) Regulations 1996 is applicable and states:

“33A. Review of budget

(1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.

(2A) The review of an annual budget for a financial year must —

(a) consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and

(b) consider the local government’s financial position as at the date of the review; and

(c) review the outcomes for the end of that financial year that are forecast in the budget.

(2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.

(3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

*Absolute majority required.

(4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.”

Policy Implications:

Nil

Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2022

4.1.1 - Ensure the use of resources is effective, efficient and reported regularly. (e.g. Financial Management)

Financial Implications:

Variances have been noted with changes required.

If Council adopts the proposed 2022/2023 Budget Review amendments as presented, the result is a balanced budget.

Voting Requirements: Simple Majority Absolute Majority

Officer Recommendation
Resolution 080323

Moved CR GL Boyne

Seconded CR GW Greaves


That, by Absolute Majority, in accordance with Regulation 33A of the *Local Government (Financial Management) Regulations 1996*, Council:

- 1. Adopts the 2022/2023 Budget Review, as presented in the attachment; and**
- 2. Submits a copy of the 2022/2023 Budget Review to the Department of Local Government, Sports and Cultural Industries.**

CARRIED BY ABSOLUTE MAJORITY 5/0

12. OFFICER'S REPORTS – GOVERNANCE & COMPLIANCE

12.1 Council Resolutions Status Report

Governance and Compliance		
Date	14 March 2023	
Location	Not applicable	
Responsible Officer	Darren Simmons, Chief Executive Officer	
Author	As above	
Legislation	<i>Local Government Act 1995</i>	
Disclosure of Interest	Nil	
Purpose of Report	<input type="checkbox"/> Executive Decision <input type="checkbox"/> Legislative Requirement <input checked="" type="checkbox"/> Information	
Attachments	February 2023 Status Report	

Background:

The Council resolutions status report (status report) is a register of Council resolutions that are allocated to Shire staff that require actioning. When staff have progressed or completed any action in relation to Council's decision, comments are provided until the process is completed or superseded by more recent Council resolutions.

Comment:

In the interest of increased transparency and communication with the community, the status report is provided for information. (As a new initiative, the status report period commences from October 2022 and will then follow a 'rolling' monthly cycle as Council agenda item 12.1).

Consultation:

Nil

Statutory Implications:

Nil

Policy Implications:

Nil

Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2022
4.1 - Open and Transparent Leadership

Financial Implications:

Nil

Voting Requirements: Simple Majority Absolute Majority

**Officer Recommendation
Resolution 090323**

Moved CR BG Cooper


Seconded CR GL Boyne

That the Council Resolutions Status Report for February 2023 be received.

CARRIED 5/0

UNCONFIRMED

12.2. Conduct of 2023 Shire of Koorda ordinary elections

Governance and Compliance		
Date	15 March 2023	
Location	Not applicable	
Responsible Officer	Darren Simmons, Chief Executive Officer	
Author	As above	
Legislation	<i>Local Government Act 1995</i>	
Disclosure of Interest	Nil	
Purpose of Report	<input type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	WAEC fee estimate and agreement to conduct 2023 election letter	

Background:

The purpose of this report is to seek the approval of Council to conduct an election under the Local Government Act 1995, section 4.11 on 21 October 2023 for four vacancies on Council as a postal election, and to appoint the Western Australian Electoral Commission (WAEC) to conduct the Election.

Comment:

Whilst the Council's traditional position in respect to the conduct of its elections has been to use the – 'in-person' method with the CEO acting as the returning officer (the default statutory position), Council did agree to appoint the WAEC using the postal method for the 12 June 2020 extraordinary election due to COVID-19 and as a trial of the alternative election methodology.

Ultimately, the 12 June 2020 extraordinary election did not proceed as no nominations were received which resulted in minimal financial impact as most of the election expense was incurred in pre-election advertising which needs to occur irrespective of election method used.

In view of the 2023 being a local government election year, discussion ensued at the Council Forum on 15 February 2023 following receipt of correspondence from the Minister for Local Government that outlined local government legislative changes before the Western Australian Parliament that will result in the 2023 elections being conducted using an optional preferential voting approach and returning officers needing to identify candidates that, whilst not elected at the election, may be eligible for backfilling of vacancies on Council under circumstances provided under the new legislation.

Based on these new arrangements and the expertise and experience of the WAEC running elections, the CEO tabled at the 15 February 2023 Council Forum a WAEC fee estimate and agreement to conduct 2023 election letter (also provided as an attachment to this report).

The fee estimate information is summarised as follows:

The estimated cost for the 2023 election if conducted as a postal ballot is \$12,000 inc GST, which has been based on the following assumptions:

- 275 electors
- response rate of approximately 50%
- 4 vacancies
- count to be conducted at the offices of the Shire of Koorda
- appointment of a local Returning Officer

- *regular Australia Post delivery service to apply for the lodgement of the election packages.*

An additional amount of \$60 will be incurred if your Council decides to opt for the Australia Post Priority Service for the lodgement of election packages.

The Commission is required by the Local Government Act 1995 to conduct local government elections on a full cost recovery basis and you should note that this is an estimate only and may vary depending on a range of factors.

Consultation:

Council Forum – 15 February 2023

Deputy Chief Executive Officer

Statutory Implications:

Local Government Act 1995 s4.20 and 4.61.

Strategic Implications:

Shire of Koorda Integrated Strategic Plan (2022)

4.1 - Open and Transparent Leadership

Financial Implications:

The \$12,000 estimate from WAEC is higher than a Shire-conducted in-person election however it is worth noting that an unopposed postal election would be similar in cost to an unopposed in-person election.

Voting Requirements:

Simple Majority Absolute Majority

Officer Recommendation

Resolution 100323

Moved CR GL Boyne

Seconded CR GW Greaves

That Council, by an absolute majority vote:

1. Declares, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary elections together with any other elections or polls which may be required; and

2. Decides, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.

CARRIED BY ABSOLUTE MAJORITY 5/0

13. OFFICER'S REPORTS – WORKS & ASSETS

Nil.

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

Nil.

15. Elected Members' Motions

Nil.


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16. Matters Behind Closed Doors

16.1 Proposed Medical Services Deed of Agreement with Shire of Wyalkatchem

In accordance with Section 5.23 (2) (c) and (e) of the *Local Government Act 1995*, Council will close the meeting to the public to discuss:

- a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
- a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government.

Corporate and Community		
Date	16 March 2023	
Location	Not applicable	
Responsible Officer	Darren Simmons, Chief Executive Officer	
Author	As above	
Legislation	<i>Local Government Act 1995</i>	
Disclosure of Interest	Nil	
Purpose of Report	<input checked="" type="checkbox"/> Executive Decision <input type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	a. Confidential Draft Medical Services Deed of Agreement b. Existing Medical Services Memorandum of Understanding (Both documents provided to Councillors under separate email cover).	

Officer Recommendation Resolution 110323

Moved CR GW Greaves

Seconded CR LC Smith

That Council close the meeting to the public at 5.54pm in accordance with section 5.23 (2) (c) and (e) of the *Local Government Act 1995*.

CARRIED 5/0

The matter of the medical services memorandum of understanding will be discussed, and a resolution made.

**Officer Recommendation
Resolution 120323**

Moved CR GW Greaves

Seconded CR BG Cooper

That Council:

- 1. Subject to the retention of the existing medical services, approves the proposed Medical Services Deed of Agreement with Shire of Wyalkatchem, as presented; and**
- 2. Authorises the President and CEO to sign the Medical Services Deed of Agreement with Shire of Wyalkatchem.**

CARRIED 5/0

**Officer Recommendation
Resolution 130323**

Moved CR GL Boyne

Seconded CR GW Greaves

That Council re-open the meeting to the public at 6.05pm in accordance with section 5.23 (2) (c) and (e) of the Local Government Act 1995.

CARRIED 5/0

17. Closure

The Presiding Person thanked those present for their attendance and declared the meeting closed at 6.06pm.

Signed: _____

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

Date: 19 April 2023