

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
19 JUNE 2024

TABLE OF CONTENTS

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	2
1.1 DECLARATION OF OPENING.....	2
1.2 DISCLAIMER READING.....	2
2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE	2
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	2
4. PUBLIC QUESTION TIME.....	2
5. PETITIONS / DELEGATIONS / PRESENTATIONS	3
6. APPLICATIONS FOR LEAVE OF ABSENCE.....	3
7. ANNOUNCEMENTS BY THE PRESIDING MEMBER.....	3
8. CONFIRMATION OF MINUTES	3
8.1 ORDINARY COUNCIL MEETING - 15 MAY 2024	3
9. REPORTS OF OFFICERS.....	4
9.1 GOVERNANCE AND CORPORATE SERVICES	4
9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION I.15	4
9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 APRIL 2024.....	5
9.1.3 RATES WRITE-OFF – ASSESSMENT A915.....	6
10. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	8
11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL.....	8
11.1 KERKHOFF CARNABY COCKATOO STRUCTURE SITE.....	9
12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED	11
13. CLOSURE OF MEETING	11

- * Separate Attachments
- 9.1.1 List of Payments Authorised Under Delegation I.15
- 9.1.2 Statement of Financial Activity for Period Ended 30 April 2024
- 9.1.3 Certificate of Title for: Lot 50 Ferguson Street, Miling (A915)

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 5.30pm and announced:

I would like to acknowledge the traditional custodians of the land we are meeting on today, the Yued people, and pay our respects to Elders past, present, and emerging.

1.2 DISCLAIMER READING

No responsibility whatsoever is implied or accepted by the Shire of Moora for any act, omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

ATTENDANCE

TL Lefroy	-	President
SJ Gilbert	-	Deputy President
DV Clydesdale-Gebert	-	Councillor
KM Seymour	-	Councillor
SA Bryan	-	Councillor
TL Errington	-	Councillor
TW Dugan	-	Councillor
GW Robins	-	Chief Executive Officer
K Dickerson	-	Manager Engineering Services
MM Murray	-	Executive Support Officer

PUBLIC

Cynthia McMorran AM, Shire Freeman
Topsy DeVries, Secretary of the Kerkhoff Carnaby Group
Bronwyn Brown

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Topsy DeVries

Q. Do we need another letter from Robert (Baker) or is what Mr Panizza provided okay?
(Referring to a letter from the Dept. Planning, Lands and Heritage relating to the Carnaby sculpture site)

A. The CEO advised that in view of the advice and referral by Mr Panizza to Mr Baker, the Shire had sought Mr Baker's comments. Mr Baker is yet to provide written advice.

Q. Will we need to apply for a building application?

A. CEO confirmed that a building application would need to be lodged as the project is not a Council project or works.

Cynthia McMorran

Q. Does the Shire have a Health Inspector?

A. CEO advised that the Shire does have a Health Inspector who visits fortnightly, Mr Peter Toboss. Mr Toboss is registered by the Health Department of Western Australia and carries out work for a number of local government authorities.

5. PETITIONS / DELEGATIONS / PRESENTATIONS

Nil

At 5.36pm Cr Gilbert left the meeting.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

The following Council associated engagements were attended;

Cr Lefroy, President

28/5 Audit Entrance Meeting with auditors and representative from the Office of the Auditor General's office

6/6 meeting with Green Wind Renewables representatives re a project in Shire of Moora

14/6 meeting with Peter Kerr (renewable energy consultant and strategist)

19/6 meeting with Avon Midland Zone working group re Wheatbelt Zone Conference on 23 August.

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING - 15 MAY 2024

COUNCIL RESOLUTION

43/24 Moved Cr Errington, seconded Cr Bryan that the Minutes of the Ordinary Meeting of Council held on 15 May 2024 be confirmed as a true and correct record of the meeting.

CARRIED 6/0

FOR: Cr's Lefroy, Clydesdale-Gebert, Seymour, Bryan, Errington, and Dugan

At 5.38pm Cr Gilbert rejoined the meeting.

9. REPORTS OF OFFICERS

9.1 GOVERNANCE AND CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION I.15

REPORT DATE: 9 June 2024

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Gavin Robins, Chief Executive Officer

SCHEDULE PREPARED BY: Charlene Sawyer, Creditors Officer

ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

Payments have been made under delegated authority and a listing of these payments is attached for Council to note and endorse.

BACKGROUND

At the December 2005 Ordinary Meeting of Council resolution 276/2005 delegated the authority of payments from Municipal and Trust Funds to the Chief Executive Officer.

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation I.15 – Making Payments from Municipal and Trust Funds

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

Local Government (Financial Management) Regulations 1996 – Regulations 12 & 13.

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS

➤ **Environment**

There are no known significant environmental implications associated with this proposal.

➤ **Economic**

There are no known significant economic implications associated with this proposal.

➤ **Social**

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

44/24 Moved Cr Dugan, seconded Cr Bryan that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.15

Municipal Funds	EFT31375-31527	-\$1,033,747.73
Municipal Cheque	62616 - 62619	-\$2,234.25
Credit Card	DD16175.3	-\$1,842.14
Direct Debit	DD16138.1-DD16175.32	-\$101,113.20
NETT Pay	07/05/2024	-\$104,388.29
NETT Pay	21/05/2024	-\$102,266.56

PAYMENT TOTAL FOR MAY 2024 **-\$1,345,592.17**

CARRIED 7/0

FOR: Cr's Lefroy, Gilbert, Clydesdale-Gebert, Seymour, Bryan, Errington, and Dugan

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 APRIL 2024

REPORT DATE: 11 June 2024

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Travis Bate, Financial Accountant (RSM Australia)

ATTACHMENTS: Statement of Financial Activity for the Period Ended 30 April 2024

PURPOSE OF REPORT

To receive and endorse the Statement of Financial Activity for the period ended 30 April 2024.

BACKGROUND

Council is provided with monthly financial reports to enable monitoring of revenues and expenditures against the adopted budget.

COMMENT

The Statement of Financial Activity for the Period Ended is provided as a separate attachment in Program format.

POLICY REQUIREMENTS

Nil

LEGISLATIVE REQUIREMENTS

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

STRATEGIC IMPLICATIONS

Monitoring of actual revenues and expenditures against the adopted budget assists Council in being informed as to the financial health of the organisation.

SUSTAINABILITY IMPLICATIONS

➤ **Environment**

There are no known significant environmental implications associated with this proposal.

- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS

Year to date income and expenditure is provided by program to enable comparison to 2023/24 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

45/24 Moved Cr Gibert, seconded Cr Bryan that Council endorses the Statement of Financial Activity for the period ended 30 April 2024.

CARRIED 7/0

FOR: Cr's Lefroy, Gilbert, Clydesdale-Gebert, Seymour, Bryan, Errington, and Dugan

At 5.42pm Cr Seymour declared a proximity interest in item 9.1.3 as his block adjoins his farming property and left the meeting.

9.1.3 RATES WRITE-OFF – ASSESSMENT A915

FILE REFERENCE: PA/915

REPORT DATE: 7 June 2024

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCE: 21/11/2018 (141/18) Item 9.1.4

AUTHOR: Travis Bate (Financial Consultant RSM)

ATTACHMENTS: Certificate of Title for: Lot 50 Ferguson Street, Miling (A915)

PURPOSE OF REPORT

The purpose of this report is to provide information that supports the write-off of rates and service charges outstanding for assessment A915 (Lot 50 Ferguson Street, Miling) of \$15,077.71 on 31 May 2024. It is recommended that Council approve the write-off of monies pursuant to section 6.12 (1) (c) of the Local Government Act 1995, ownership of the properties has now passed to the Shire.

BACKGROUND

Rates and service charges on the property has been outstanding since 2008.

- On or around 25 October 2012, a General Procedure Claim was lodged in the Magistrates Court of Western Australia for recovery of outstanding rates and charges ("Claim").
- The Claim was serviced on an officeholder of the Owner on 19 May 2013.
- On or around June 2013, the Shire chose not to take any further action in relation to the Claim at that stage and instructed CS Legal, the solicitors for the Shire in relation to the Claim, to discontinue the Claim.
- The Shire has not attempted to recover the outstanding rates and service charges through legal proceedings since the Claim.

- An appraisal of the Property was conducted by a licensed Real Estate Agent which estimated a value of the Property between \$8,000.00 and \$10,000.00.
- If the Shire was to instruct CS Legal to commence further proceedings against the Owner and those proceedings were defended. CS Legal estimates their fees to be between \$10,000.00 and \$50,000.00, which could exceed the estimated value of the Property.

At the 21 March 2018 Ordinary Council Meeting, Council passed the following resolution:

141/18 Moved Cr Hamilton, seconded Cr Nixon pursuant to section 6.68(2)(b) of the LGA, the Shire resolves to exercise its power of sale over the Property noting that the Shire of Moora as not made any attempt to recover the outstanding money under 6.56 of the Local Government Act 1995 (WA) because we reasonably believe that the costs of proceedings under that section will equal or exceed the value of the Property.

CARRIED 7/0

Transfer of title of ownership to the Shire has been successfully completed with title date being 2 December 2021. Property able to be sold by Shire.

Outstanding rates and service charges on the property to be written off: \$15,077.71.

POLICY REQUIREMENTS

Nil

LEGISLATIVE REQUIREMENTS

Section 6.12 (1)(c) of the Local Government Act 1995 provides Council with the power to write off any amount of money which is owed to the local government by an absolute majority decision.

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS

➤ **Environment**

There are no known significant environmental implications associated with this proposal.

➤ **Economic**

There are no known significant economic implications associated with this proposal.

➤ **Social**

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS

It is expected that the sale of the property will adequately cover the cost of the write-offs, meaning the net change to the Shire's net current funding position will be nil.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

46/24 Moved Cr Gilbert, seconded Cr Clydesdale-Gebert that Council pursuant to section 6.12(c) of the Local Government Act 1995, that Council:

- 1. Write-off the outstanding Rates and Service Charges totalling \$15,077.71 for assessment A915; and**
- 2. Notes that title for the property was passed to the Shire as of 2 December 2021.**

CARRIED BY ABSOLUTE MAJORITY 6/0

FOR: Cr's Lefroy, Gilbert, Clydesdale-Gebert, Bryan, Errington, and Dugan

At 5.45pm Cr Seymour rejoined the meeting and was advised of Councils decision.

10. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

PROCEDURAL MOTION

47/24 Moved Cr Errington, seconded Cr Clydesdale-Gebert that the meeting be closed to members of the public to discuss a matter which concerns a construction contract pursuant to Section 5.23(2)(e)(ii) of the Local Government Act 1995.

CARRIED 7/0

FOR: Cr's Lefroy, Gilbert, Clydesdale-Gebert, Seymour, Bryan, Errington, and Dugan

At 5.47pm members of the public left the meeting and the meeting moved behind closed doors.

REOPENING OF MEETING TO THE PUBLIC

PROCEDURAL MOTION

48/24 Moved Cr Clydesdale, seconded Cr Seymour that the meeting moves out from behind closed doors and reopens to the public at this juncture 5.57pm.

CARRIED 7/0

FOR: Cr's Lefroy, Gilbert, Clydesdale-Gebert, Seymour, Bryan, Errington, and Dugan

11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL

The Chief Executive Officer presented an item of urgent business relating to the Kerkhoff Carnaby Cockatoo Structure site, for Council consideration.

COUNCIL RESOLUTION

49/24 Moved Cr Seymour, seconded Cr Errington that Council consider the item of urgent business titled 'Kerkhoff Carnaby Cockatoo Structure Site'.

CARRIED 7/0

FOR: Cr's Lefroy, Gilbert, Clydesdale-Gebert, Seymour, Bryan, Errington, and Dugan

11.1 KERKHOFF CARNABY COCKATOO STRUCTURE SITE

FILE REFERENCE: CC/CCGI

REPORT DATE: 18 June 2024

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCE: 21/2/24 (10/24), 18/10/23 (82/23), 16/11/22 (81/22), 16/6/21 (62/21), 25/11/20 (150/20) and 21/10/20 (132/20)

AUTHOR: Gavin Robins, Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of this report is to recommend that Council endorse a location for the construction of the Kerkhoff Carnaby Cockatoo structure.

BACKGROUND

The Kerkhoff Carnaby Group was formed to raise funding for the construction of a large, approximately 11 metre high, Carnaby cockatoo structure in recognition of the species status. At its meeting of 16 November 2021, Council gave in principle support to the Kerkhoff Carnaby Cockatoo structure being in Apex Park – decision 62/2021. The Kerkhoff Carnaby Group (KCG) has continued its fundraising for the project and worked on the design brief. The Shire of Moora is being pressed for the construction to commence in Apex Park.

COMMENT

The KCG and the Shire are working through the Kerkhoff Carnaby Group Working Group (KCGWG) to advance the project and progressively resolve key project stages. The Working Group has mutually agreed the:

- Shire's reaffirmation of its in-principle support for the project;
- Kerkhoff Carnaby project and all its facets, is and will remain the responsibility of the KCG up to the conclusion of construction and hand over to the Shire;
- Location for the structure is a priority issue.

The KCGWG and Shire have investigated locations for the structure in Apex Park, the Moora Bowling Club and on the Carnaby Cockatoo Walking Trail adjacent to the Moore River at the south-western corner of the Sports and Recreation Precinct. The KCG would prefer the structure to be constructed in Apex Park. While the Shire respects the KCG's preference, the Shire would prefer the structure to be built on the Carnaby Cockatoo Walking Trail.

The Carnaby Cockatoo Walking Trail is a viable alternative location for several reasons, including;

- greater flexibility because it is unrestricted/unencumbered by existing services and capable of considerable further development;
- close proximity to visitor services and infrastructure;
- existing road, parking and footpath access, and minimal traffic hazards;
- minimising the economic costs to the Shire at a time of increasing costs;
- relieves pressure on Apex Park and its services, and avoids the cost and disruption of considerable development;
- opportunities to leverage cost sharing in conjunction with re-development of the sport and recreation precinct; and
- capturing the relationship between the known and identifiable trail and the Carnaby cockatoo.

POLICY REQUIREMENTS

Nil

LEGISLATIVE REQUIREMENTS

Nil

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS**➤ Environment**

There are no known significant environmental implications associated with this proposal. The proposal places the structure in an environment that is sympathetic to the Carnaby cockatoo's natural habitat and will provide a landmark point on the Carnaby Cockatoo Walking Trail.

➤ Economic

The proposal to construct the Carnaby cockatoo structure at the Carnaby Cockatoo Walking Trail location will enable the Shire to combine several bodies of work with the development of the Sport and Recreation Precinct. Development / preparatory work at the walking trail site will be less complex and costly due to the absence of extensive services in the area. The location is well positioned for support due to the present of the Shire's gardening team on that site.

➤ Social

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS

This project will be an additional cost to the Shire. It will have both, construction and implementation costs and importantly, ongoing annual costs related to its maintenance, repair and insurance.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

50/24 Moved Cr Bryan, seconded Cr Seymour that Council endorse the construction of the Kerkhoff Carnaby Cockatoo structure at the south-western corner of the Moora Sport and Recreation Precinct on the Carnaby Cockatoo Walking Trail site, adjacent to the Moore River.

CARRIED 5/2

FOR: Cr's Lefroy, Gilbert, Seymour, Bryan, and Errington

AGAINST: Cr's Clydesdale-Gebert and Dugan

12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

13. CLOSURE OF MEETING

Prior to closure of the meeting the President announced two pieces of welcomed correspondence had been received;

- A thankyou from the Moora Chamber of Commerce & Industry for providing support to the recent Brad Hogg event at the Performing Arts Centre on 30th May
- A letter from Hon. David Templeman, Minister for Culture and the Arts advising of the Shire's successful funding application for Regional Arts Venue Support, with funding of \$70,000 per annum being approved for the Moora Performing Arts Centre Extended Program 2024-2027.

There being no further business, the Shire President declared the meeting closed at 6.32pm.

CONFIRMED

PRESIDING MEMBER