

**Shire of Moora
Ordinary Council Meeting
21st July 2021**

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 21st July 2021**
in the Council Chambers, 34 Padbury Street, Moora
commencing at **5.30 pm**



AJ Leeson
Chief Executive Officer

16th July 2021

The Shire of Moora Vision and Mission Statement

Vision

Our vision is:

Shire of Moora - a vibrant, affordable Regional Centre with a growing, caring community.

Mission

Our mission is:

To provide the leadership, services and infrastructure that will meet the needs of the community and surrounds.

SHIRE OF MOORA**WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL**

Chief Executive Officer
 Shire of Moora
 PO Box 211
 MOORA WA 6510

Dear Sir/Madam,

Re: Written Declaration of Interest in Matter Before Council

I, ⁽¹⁾ _____ wish to declare
 an interest in the following item to be considered by Council at its meeting to be held on ⁽²⁾
 _____ .

Agenda Item ⁽³⁾ _____

The type of interest I wish to declare is: ⁽⁴⁾

- Financial pursuant to Section 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of my interest is ⁽⁵⁾

The extent of my interest is ⁽⁶⁾

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

Yours faithfully,

 Signed

 Date

1. Insert your name.
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title.
4. Tick box to indicate type of interest.
5. Describe the nature of your interest.
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 of the Act).

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SHIRE OF MOORA
ORDINARY COUNCIL MEETING AGENDA
21 JULY 2021
 COMMENCING AT 5.30PM

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* Separate Attachments

- 9.1.1 List of Payments Authorised Under Delegation I.31
- 9.1.2 Statement of Financial Activity for Period Ended 30 June 2021
- 9.1.3 Correspondence, map, titles, constitution
- 9.1.4 Correspondence, title

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**1.1 DECLARATION OF OPENING****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**APOLOGIES**

El Hamilton - Councillor
PF Nixon - Councillor

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**4. PUBLIC QUESTION TIME****5. PETITIONS / DEPUTATIONS / PRESENTATIONS****6. APPLICATIONS FOR LEAVE OF ABSENCE****7. ANNOUNCEMENTS BY THE PRESIDING MEMBER****8. CONFIRMATION OF MINUTES****8.1 ORDINARY COUNCIL MEETING - 16 JUNE 2021**

That the Minutes of the Ordinary Meeting of Council held on 16 June 2021 be confirmed as a true and correct record of the meeting.

8.2 ELECTORS GENERAL MEETING - 30 JUNE 2021

That the Minutes of the Electors General Meeting held on 30 June 2021 be received and note the contents.

9. REPORTS OF OFFICERS

9.1 GOVERNANCE AND CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 13 July 2021

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

SCHEDULE PREPARED BY: Julie Greatbatch, 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 1.31 – 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

RECOMMENDATION

That Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Cheques 62490 to 62493</i>	<i>\$3,336.20</i>
	<i>EFT 25421 to 25671</i>	<i>\$1,017,599.89</i>
	<i>Direct Debits 13713.2 to 13818.12</i>	<i>\$53,281.96</i>
	<i>(DD13838.7) Credit Card 04/05/21 to 02/06/21</i>	<i>\$9,011.44</i>
		<i>\$1,083,229.49</i>
<i>Trust Fund</i>	<i>Cheques 5560 to 5562</i>	<i>\$1,417.15</i>
		<i>Subtotal \$1,084,646.64</i>
<i>Net Pays</i>	<i>PPE 09/06/21</i>	<i>\$104,591.10</i>
	<i>PPE 23/06/21</i>	<i>\$102,724.38</i>
		<i>\$207,315.48</i>
		<i>Total \$1,291,962.12</i>

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 JUNE 2021

REPORT DATE: 15 July 2021

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Martin Whitely, LG Corporate Solutions

ATTACHMENTS: Statement of Financial Activity for the Period Ended 30 June 2021

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 30 June 2021.

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 2020/21 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council notes and receives the Statement of Financial Activity for the period ended 30 June 2021.

9.1.3 MOORA DISTRICTS TENNIS CLUB – PROPOSED DISPOSAL OF LAND, BUILDING, AND INFRASTRUCTURE ASSETS TO THE SHIRE OF MOORA

FILE REFERENCE: CC/MTC1-2 & PA/1037-1

REPORT DATE: 15 July 2021

APPLICANTS/PROPONENT: Moora District Tennis Club Incorporated

OFFICER DISCLOSURE OF INTEREST: N/A

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Correspondence, map, titles, constitution

PURPOSE OF REPORT:

For Council to formally consider a proposal from the Moora District Tennis Club (MDTC) for Council to take over ownership of all land and infrastructure (land, buildings, courts, lights, fences). The proposal is premised on the Shire of Moora writing off the loan balance of the self-supporting loan the Club holds with the Shire. The outstanding amount of the self-supporting loan as of 1 July 2021 is \$ 40,000. The MDTC would then transfer the land to the Shire freehold and unencumbered for a sum of \$1.

In taking over ownership of the assets the Shire would then take over responsibility of upkeep and maintenance of all assets (Building, courts, fencing, lighting, power, water, insurance)

BACKGROUND:

Chief Executive Officer Alan Leeson has been in discussion with committee members of the MDTC over the past few months. Discussions came about on the back of an approach by the MDTC to the Shire as a result of significant financial hardship and financial sustainability issues affecting the Club as a result of declining membership.

At the MDTC AGM held on 22 September 2020 the following resolution was carried by the MDTC;

“The Moora Tennis Club formally invite the Shire of Moora to enter into discussions on the premise of examining the feasibility of transferring ownership of the Moora Tennis Club land and infrastructure (land, building, courts, lights/fencing) to the Shire of Moora as a result of the declining financial capacity of the Moora Tennis Club and its members to sustain associated ongoing costs and financial commitments associated with the clubs land and infrastructure”.

COMMENT:

In a somewhat uncommon circumstance, the MDTC own on a freehold basis, 6 individual lots – 34,35,36,37,38 and 39 Gardiner Street, Moora. All land is zoned town centre. (Map/titles attached)

The Shire of Moora owns on a freehold basis Lots 40,41 & 42 Gardiner Street, Moora (Map/titles attached).

Currently all land is zoned Town Centre. Under Councils Local Planning Scheme requirements this zoning permits the construction of residential property subject to the discretionary approval of Council.

The discussions to this point in terms of examining the costs and benefit for both the MDTC and the Shire in the Shire accepting and taking ownership of the MDTC land have been

premised on a medium to long term view of the land being ideally located for precinct (lock and leave model housing). The model would be implemented with a view to supporting local employers and industry attract and retain employees to Moora.

Where Council is to acquire the land freehold, market appraisals estimate the value of the six lots owned by the MDTC (not withstanding buildings/infrastructure) to be in the realm of \$40,000 to \$50,000 per lot so approx. \$240,000 to \$300,000 all up. Over a period of ten years, Councils' net costs could be expected to be in the vicinity of \$15,000 per annum, which includes an allocation of \$10,000 towards court resurfacing sinking/reserve fund;

Tennis Club - Annual Shire Budget	
<u>Expenses</u>	
Building maintenance	7,500
Power	1,300
Water	1,000
Building - Insurance	1,500
Court Resurfacing - Sinking fund	10,000
Tennis nets - equipment mtce	1,000
	22,300
<u>Income</u>	
Venue hire	7,500
Nett Annual Cost	14,800

POLICY REQUIREMENTS:

Council does not have a policy position in relation to this matter.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995.

STRATEGIC IMPLICATIONS:

Outcome 3.5: Sustainable asset and infrastructure base.

Strategy 3.5.1: Review the flood mitigation strategy.

Strategy 3.5.2: Investigate and identify alternate sites for the establishment of infrastructure outside the flood plain.

Strategy 3.5.3: Maintain effective liaison with other levels of government and regional bodies to ensure coordinated provision of regional infrastructure.

Strategy 3.5.4: Continue to lobby for modern, efficient and sustainable key infrastructure solutions across the community.

From a strategic planning perspective, the Shire accepting the freehold interest in the land comprising the Moora District Tennis Club makes good practical sense as it will create opportunity for the Shire to consider a number of future potential residential development options over this land, and the Shire owned land immediately north if and when the demand arises.

The lots could be developed individually or possibly amalgamated as may be required to accommodate any future development.

Due to the land's flood prone designation in Local Planning Scheme No.4 (Special Control Area), the Shire will need to consider advice from the Department of Water and

Environmental Regulation when planning for any future development. Advice will also need to be sought from the Department of Planning, Lands and Heritage to determine the parameters for any future possible subdivision development, particularly strata titled grouped dwellings if that's the preference. There may be some issues in that regard due to the requirements of Local Planning Scheme No.4 in its current form, however they could potentially be addressed as part of the required review of that scheme through discussion with DWER and DPLH.

If further subdivision of the land for residential purposes won't be supported for whatever reason the Shire will need to focus on developing each lot in their current configuration. As mentioned above, they could also be amalgamated to create larger lots if required to accommodate any future development.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

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

➤ **Economic**

The report is premised on giving Council flexibility to facilitate residential development in the medium to long term. The strategic location of the subject land is very attractive in its position for the establishment of professional precinct type housing.

With the advent and development of new and intensive agricultural industries in the proximity of Moora, residential land and relevant demands are forecast to grow.

➤ **Social**

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

FINANCIAL IMPLICATIONS:

As outlined in content of Agenda Item and financial table (budget).

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council agree in principle to formally continue discussions with the Moora District Tennis Club (MDTC) on the premise of entering into a legal binding agreement to have the MDTC voluntarily transfer ownership of all land and infrastructure (land, buildings, courts, lights, fences) to the Shire of Moora, subject to but not necessarily limited to the following conditions;

- ***Sale price of \$1***
- ***Sale condition of the Shire of Moora writing off outstanding self-supporting loan to the Shire of Moora – Value as at 15 July 2021 - \$ 40,000***
- ***Shire of Moora will allow the Moora District Tennis Club to continue their club activities and fixtures as per normal- Memorandum of Understanding to be put in place concurrently with sale/transfer to recognise changed circumstances / relationship;***
- ***Shire of Moora guarantee through a legal instrument that it will provide for future Tennis Clubrooms and associated infrastructure (minimum of three courts) should the existing site be developed by the Shire for other purposes;***

- **Shire of Moora commit to the following as part of taking ownership of all land and infrastructure;**
 - **Building maintenance and repair costs;**
 - **Infrastructure maintenance, repair, replacement costs (including court equipment);**
 - **Insurance costs of building and infrastructure;**
 - **Utility costs (power, water, sewerage)**
- **Sale to be in accordance with the requirements of the MDTC constitutional obligations.**

9.1.4 **OLD KOOJAN SCHOOL SITE – LOCATION 3870 – PROPERTY ASSESSMENT A1779**

FILE REFERENCE: PA/1779

REPORT DATE: 16 July 2021

APPLICANTS/PROPONENT: Chief Executive Officer

OFFICER DISCLOSURE OF INTEREST: N/A

PREVIOUS MEETING REFERENCES: 19/8/20 (105-1/20)

AUTHOR: Alan Leeson, Chief Executive Officer

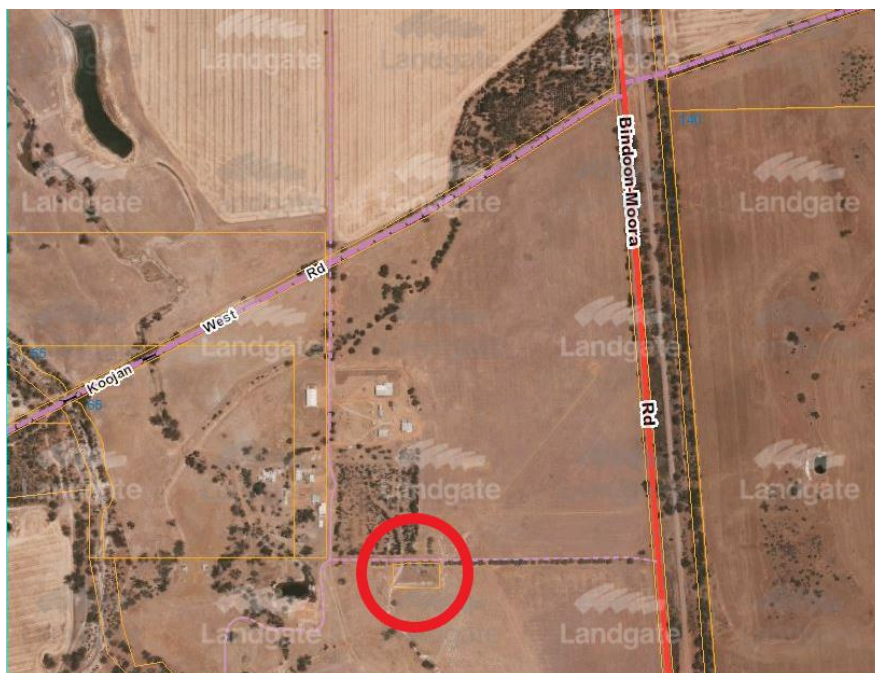
ATTACHMENTS: Correspondence, title

PURPOSE OF REPORT:

The purpose of this report is to seek Council's agreement to write off outstanding rates and charges against Property Assessment A1779 – Location 3870 – Old Koojan School Site.

BACKGROUND:

Over the past few months, the author has been discussing and negotiating with the current owners of the land locked old school site, Ms RI Kay and MS TA Green and adjoining property owners NC McGillivray & Sons.



Council has received previous deputations from the owners in relation to the property. At the Council meeting on the 19 August 2020 the following resolution was passed by Council.

105-1/20 Moved Cr Humphry, seconded Cr Nixon that Council decline the request of the Ms RI Kay part owner of Lot 3870 Koojan West Road, Koojan to refund rates paid on the property claimed to be \$8,600 as per the submission of Ms Kays tabled at the Council briefing session dated 29 July 2020.

Advisory Note - Options

Provided to Ms Kay & Ms Green on the understanding that they no longer want to pay annual shires rates for Lot 3870 Koojan West Road, Koojan

Option one

Agree to transfer the land to NC McGillivray & Sons whereby Lot 3870 would form part of the surrounding farmlands as was the original intent of the sale of land in the late 1960's. As such Lot 3870 would form part of NC McGillivray and Sons farm and not be separately rated (subject to agreement of NC McGillivray and Sons);

Or

Option Two

Ms Kay and Ms Green agree to relinquish the land to the Shire of Moora or the Crown of Western Australian whereby the land would in effect become non rateable as a land holding of a Local Government Authority or the Crown of Western Australia.

further, noting that should Ms Kay and Ms Green not agree to either advisory options as described, Lot 3870 Koojan West Road, Koojan will continue to be rated in accordance with the provisions of the Local Government Act 1995.

CARRIED 9/0

COMMENT:

The current owners have consented to relinquishing the property. Agreement facilitated by the Chief Executive Officer has been reached with Ms Kay and Ms Green and NC McGillivray and Sons to have the property transferred to the McGillivray's. McGillivray's have agreed to meet conveyancing costs (\$1,400).

As part of the negotiations the current owners have requested that the 2020/2021 rates and charges be written off. As of 16 July 2021, the outstanding rates and service charges are \$790.25.

POLICY REQUIREMENTS:

Council does not have a policy position in relation to this matter.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this item.

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

The financial implication of the officer's recommendation to Council in considering this matter is a direct cost of \$790.25. In addition, whilst the transfer of land is formally transacted, it is the officer's recommendation that rates, and charges are not levied against property assessment A1779 for the 2021/2022 financial year.

Once the transfer is completed the Old School Site will become part of NC McGillivray and Sons adjoining farming property. This will have a miniscule impact on the unimproved rateable value of McGillivray's property rate assessment.

VOTING REQUIREMENTS

Absolute Majority Required

RECOMMENDATION

That Council;

- *agree to write off outstanding rates and service charges against property assessment A1779 – Location 3870, Koojan (\$790.25); and*
- *remove rate assessment A1779 and associated rateable value from Council's rates database for the 2021/2022 financial year whilst a transfer of land is transacted and finalised between owners/transferor's Ms RI Kay and TA Green and transferee's NC McGillivray and Sons.*

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

Nil

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

12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

13. CLOSURE OF MEETING