



AGENDA

Ordinary Council Meeting



Meeting to be held in Council Chambers at
15 Maddock Street, Mukinbudin
Commencing at 2.30pm Tuesday 16th April 2024.

****** DISCLAIMER ******

Disclaimer:

The Shire of Mukinbudin assumes no responsibility for any act, omission, statement, or implication arising during Council or Committee meetings. The Shire of Mukinbudin explicitly disclaims any liability for any loss incurred as a result of reliance on such acts, omissions, statements, or implications by any individual or legal entity. Any person or legal entity who chooses to act or refrain from acting based on statements, acts, or omissions made during Council or Committee meetings does so at their own risk.

In particular, it should be noted that in discussions pertaining to planning applications or license applications, any statements or implications of approval made by members or officers of the Shire of Mukinbudin during meetings should not be construed as official notice of approval from the Shire of Mukinbudin. The Shire of Mukinbudin advises that individuals with pending applications must obtain written confirmation of the application's outcome and should only rely on such written confirmation, including any attached conditions determined by the Shire of Mukinbudin.

Ethical Decision Making and Conflicts of Interest:

Council adheres to a code of conduct and ensures that all decisions are based on an honest assessment of the matter, ethical decision-making, and personal integrity. Councillors and staff members comply with statutory requirements to disclose financial, proximity, and impartiality interests. Once declared, they abide by the relevant legislation.



Dirk Sellenger
CHIEF EXECUTIVE OFFICER

Vision Statement

To assist our community towards a prosperous future by providing a positive environment in which to work and live.

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AGENDA

Agenda of the Ordinary Meeting of Council to be held in Council Chambers, Maddock Street, Mukinbudin on Tuesday 16th April 2024.

1. Declaration of Opening

The Shire President to declare the Meeting open at 2._pm

2. Record of attendance, apologies, and approved leave of absence

2.1 Present:

Cr G Shadbolt	Shire President
Cr R Nicoletti	Deputy President

Cr G Bent
 Cr A Farina
 Cr C McGlashan
 Cr S Ventris
 Cr A Walker

2.2 Staff:

Dirk Sellenger	Chief Executive Officer
Renee Jenkin	Manager of Corporate and Community Services
Tanika McLennan	Financial Consultant

2.3 Visitors:

2.4 Apologies:

2.5 On leave of absence:

2.6 Applications for leave of absence:

3. Public Question Time (min 15 minutes)

3.1 Response to previous questions taken on notice.
 Nil

3.2 Declaration of public question time opened (minimum 15 mins)

The Shire President to declare public question time open at ___pm.

3.3 Declaration of public question time closed

The Shire President to declare public question time closed at ___pm.

4. Declarations of Interest

5. Petitions, deputations, and presentations

5.1 Petitions

5.2 Deputations

5.3 Presentations

6. Announcements by the Presiding person without discussion

7. Confirmation of the Minutes of previous meetings

7.1 Confirmation of Minutes for the Ordinary Meeting of Council held on the 12th March 2024.

Voting Requirement

Simple Majority

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That the Minutes of the following meetings be accepted as a true and correct record of proceedings.

- **Ordinary Meeting of Council held on 12th March 2024**

Carried /

8. Committee Meetings

8.1 Receipt of Minutes of Committee Meetings

8.1.1 NEWROC Executive Meeting held 27th February 2024

[NEWROC Meeting Minutes](#)

[Kooboolong Services Capability Statement](#)

8.1.2 NEWROC Council Meeting held 26th March 2024

[NEWROC Meeting Minutes](#)

8.1.3 Rural Water Council Annual General Meeting held 11th April 2024

[Rural Water Council Minutes](#)

Voting Requirement

Simple Majority

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That the Minutes of the following committee meetings be received.

- NEWROC Executive Meeting held 27th February 2024
- NEWROC Council Meeting held 26th March 2024
- Rural Water Council Annual General Meeting held 11th April 2024

Carried /

8.2 Recommendations from Committee Meeting for Council Consideration

9.1 Monthly Information Report

9.1.1 April 2024 Information Report	
Location:	Mukinbudin
File Ref:	ADM 360
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	9 th April 2024
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Simple Majority
Documents Attached	April Information Report
Documents Tabled	Nil

Summary

The purpose of this communication is to enable the Council to receive the Monthly Information Report, which includes reports from key personnel, namely the Environmental Health Officer, Caravan Park Manager, Acting Manager of Works, Community Resource Centre Coordinator, Manager of Corporate and Community Services and the Chief Executive Officer.

Background Information

The Monthly Information Report serves as a means to provide Council with updates on various operational matters within the Shire of Mukinbudin. These reports offer valuable insights into the performance and progress of the respective areas under the purview of the aforementioned personnel.

Officer Comment

Refer to April Information Report.

Consultation

Allan Ramsay – Environmental Health Officer
 Tania Sprigg - Caravan Park Manager
 Bob Edwards – Acting Manager of Works
 Jessica McCartney – Community Resource Centre Coordinator
 Renee Jenkin – Manager of Corporate and Community Services
 Dirk Sellenger – Chief Executive Officer

Statutory Environment Nil

Policy Implications Nil

Financial Implications Nil

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That Council receive the April 2024 Information Report.

Carried /

9.2 Finance Reports

9.2.1 List of Payments – March 2024	
Location:	Mukinbudin
File Ref:	ADM 007
Applicant:	Lucia Scari – Senior Finance Officer
Date:	5 th April 2024
Disclosure of Interest:	
Responsible Officer:	Tanika McLennan – Financial Consultant
Author:	Lucia Scari – Senior Finance Officer
Voting Requirements	Simple Majority
Documents Attached	List of Payments – Municipal Account (6 pages) List of Payments – Restricted Municipal Account (1 page) Corporate Credit Card Statement – March 2024 (7 pages) Credit Card Summary – March 2024 (1 page) Fuel Cards Statement – March 2024 (3 pages)
Documents Tabled	Nil

If a Councillor has any questions regarding the enclosed finance report, please see the Senior Finance Officer prior to the meeting so that a researched answer may be provided.

Summary

List of payments made in March 2024 for endorsement by Council.

Background Information

A list of payments submitted to Council on 16th April 2024, for confirmation in respect of accounts already paid or for the authority to those unpaid. (Please refer to Payment listing attached).

Officer Comment

Standard process of obtaining Council endorsement of payments.

Strategic & Social Implications

N/A

Consultation

N/A

Statutory Environment

A list of payments is required to be presented to Council as per section 13 of the Local Government (Financial Management) Regulations 1996.

Policy Implications

Council Policy No. 1.6.5 (e) states that a list of payments is required to be presented to Council each month in accordance with Financial Management Regulations 13(1) for recording in the minutes.

Financial Implications

All payments have been made in accordance with the 2023/2024 Budget.

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That the list of payments made in March 2024, be endorsed for payment.

Municipal Fund:

Muni EFTs	EFT 8936	to	EFT 9032	\$298,169.32
Muni Cheques	Chq 31973	to	Chq 31973	\$50.00
Muni Direct Debits (Superannuation, loans, leases)	DD 11473.1	to	DD 11647.12	\$76,000.40
Pays on (Not included on payment listing)			14/03 & 28/03/2024	\$101,158.47
Total Municipal Funds				\$475,378.19

Restricted Muni Fund:

RMF EFTs	EFT -	to	EFT -	\$0.00
RMF Cheques	Chq -	to	Chq -	\$0.00
RMF Direct Debits	DD 11553.1	to	DD 11669.1	\$38,352.25
Total Restricted Muni Funds				\$38,352.25

Carried /

9.2.2 Monthly Statement of Financial Activity Report – 31 March 2024	
Location:	Mukinbudin
File Ref:	ADM 005
Applicant:	Nil
Date:	5 th April 2024
Disclosure of Interest:	Nil
Responsible Officer	Tanika McLennan – Financial Consultant
Author:	Tanika McLennan – Financial Consultant
Voting Requirements	Simple Majority
Documents Attached	Statement of Financial Activity – For the period ended 31 March 2024 (23 Pages) Schedules 2 to 14 For the period 1 July 2023 to 31 March 2024 (98 Pages)
Documents Tabled	Nil

If a Councillor has any questions regarding the enclosed finance report, please discuss these queries with the Financial Consultant so that a researched answer may be provided for you.

Summary

This information is provided to Council on a monthly basis in accordance with provisions of the *Local Government Act 1995 and Local Government (Financial Management Regulations 1996)*.

The Monthly Statement of Financial Activity Report attached for consists of;

Statement of Financial Activity comprising:

1. Acquisition of Assets
2. Disposal of Assets
3. Information on Borrowings
4. Reserves
5. Net Current Assets
6. Rating Information
7. Restricted Municipal and Trust Funds
8. Operating Statement
9. Statement of Financial Position
10. Financial Ratios
11. Grants Revenue
12. Bank Balances & Investment Information

Schedules 2 - 14

Background Information

Unspent grants and prepayments received are identified in Note 5. "Net Current Assets" in the Statement of Financial Activity.

The "Actual" brought forward surplus from 2022/2023 is \$ 2,344,429. End of year accounting adjustments are completed and this is the final audited figure.

The 2023-2024 budget was adopted on 24 August 2023 and was based on a carried forward surplus of \$2,360,165. The budgeted surplus was \$ 15,736.00 more than the 2022/2023 the final audited figure.

In June 2023 we received \$1,927,705 as Advance Grants for 2023-2024. \$1,254,521 was General Purpose Funding and \$673,184 was Road funding.

Including the advance payments the audited Surplus Carried Forward from June 2023 is \$2,344,429. Without the advance payments the brought forward amount from 2022-2023 would be \$416,724.

Officer Comment

The audit for 2022-2023 has been completed and this identifies a Net Current Assets brought forward surplus of \$2,344,429 in the Audited Financial Statements.

At 31 March 2024 the end of month position in the monthly report is a surplus of \$1,307,439, this includes 2023-2024 Rates that were raised in August 2023 and the \$1,297,671 advance Financial Assistant Grant payments for the full 2023-2024 financial year.

Without these advance payments the end of month position would be reduced by approximately ¼ of the advance payment.

Strategic & Social Implications N/A

Consultation N/A

Statutory Environment

General Financial Management of Council, Council 2022/23 Budget, *Local Government (Financial Management) Regulations 1996, r34, Local Government Act 1995, section 6.4.*

Policy Implications

Council is required annually to adopt a policy on what it considers to be material as far as variances that require to be reported for Council.

Council adopted a policy on 24 August 2023 that the material variation be set at \$11,000 and 10%.

Financial Implications

There is no direct financial implication in relation to this matter.

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That Council:

Adopt the Monthly Financial Report for the period ending 31 March 2024.

Carried /

CONFIDENTIAL ITEM

9.2.3 Write off Sundry Debtor #438	
Location:	All of Shire
File Ref:	Sundry Debtors
Applicant:	Lucia Scari - Senior Finance Officer
Date:	2 nd April 2024
Disclosure of Interest:	Nil
Responsible Officer	Tanika McLennan - Financial Consultant
Author:	Lucia Scari - Senior Finance Officer
Voting Requirements	Absolute Majority
Documents Attached	Nil
Documents Tabled	Nil

Statutory Environment**5.23. Meetings generally open to public**

- (1) Subject to subsection (2), the following are to be open to members of the public —
- (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
- (a) a matter affecting an employee or employees; and
 - (b) the personal affairs of any person; and
 - (c) 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
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
 - (e) 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; and
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or

- (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;

And

- (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That in accordance with section 5.23 (2) (a) of the Local Government Act 1995 that the meeting be closed to members of the Public as Agenda item 9.3.7 is deemed to be

- (b) the personal affairs of any persons:**

Carried /

CONFIDENTIAL ITEM

9.2.4 Write off Sundry Debtor #644	
Location:	All of Shire
File Ref:	Sundry Debtors
Applicant:	Lucia Scari - Senior Finance Officer
Date:	2 nd April 2024
Disclosure of Interest:	Nil
Responsible Officer	Tanika McLennan - Financial Consultant
Author:	Lucia Scari - Senior Finance Officer
Voting Requirements	Absolute Majority
Documents Attached	Nil
Documents Tabled	Nil

Statutory Environment**5.23. Meetings generally open to public**

- (1) Subject to subsection (2), the following are to be open to members of the public —
- (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
- (a) a matter affecting an employee or employees; and
 - (b) the personal affairs of any person; and
 - (c) 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
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
 - (e) 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; and
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or

- (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;

And

- (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That in accordance with section 5.23 (2) (a) of the Local Government Act 1995 that the meeting be closed to members of the Public as Agenda item 9.3.7 is deemed to be

- (b) the personal affairs of any persons:

Carried /

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That the meeting be reopened to members of the public.

Carried /

9.3 Chief Executive Officer's Reports

9.3.1 New Fee & Charge – Glamping Bell Tent Nightly Fee	
Location:	All of Shire
File Ref:	ADM 299
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	10 th April 2024
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Absolute Majority
Documents Attached	Nil
Documents Tabled	Nil

Summary:

The Council is urged to consider implementing new fees for a unique accommodation option at Mukinbudin Caravan Park: two Bell "Glamping tents."

Background Information:

Recently, we acquired two tents from a local resident, previously used for "glamping" during the Mukinbudin Centenary in 2022. Feedback from this event was positive, indicating potential interest in this accommodation type.



Officer Comment:

Linda Vernon, NewTravel Executive Officer, provided insights on setting fees, highlighting that though glamping tent prices can exceed \$500 per night, our offerings are basic with minimal amenities. Despite modest investments in aesthetics, these remain simple canvas tents with no heating, cooling, or mains power. Nevertheless, their unique appeal may attract some Caravan Park patrons.

The primary post-use servicing involves bedding changes, suggesting a minimum two-night stay at \$120 (\$60 per night).

Tent 1 (5m) – Can sleep up to 5 persons.

Tent 2 (4m) – Can sleep up to 2 persons (with the option to add 1 extra single if requested)

Consultation:

Dirk Sellenger – Chief Executive Officer

Lucia Scari – Senior Finance Officer

Renee Jenkin – Manager of Corporate & Community Services

Linda Vernon – NewTravel Executive Officer

Strategic & Social Implications

It's crucial for the Council to consider various elements when determining fees and charges. These encompass the community's demographics, their financial capabilities, and the level of service and standards that our Shire can offer to our community.

Statutory Environment

Setting of Fees and Charges General Financial Management of Council, Council 2019/20 Budget, *Local Government (Financial Management) Regulations 1996*, r34, *Local Government Act 1995*, section 6.17, 6.19

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

* *Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
 - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
 - (a) imposed* during a financial year; and

- (b) amended* from time to time during a financial year.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
 (b) the date from which it is proposed the fees or charges will be imposed.

Policy Implications

Nil

Financial Implications:

The Council has made no allowance for the costs associated with the purchase and setup of the tents. However, given the relatively low cost, which was expensed to ordinary Caravan Park operating expenses, this is not expected to have any significant impact on the operations of either, the Caravan Park, or the Shire. No allowance has been made for rental revenue from the tents; however, similar to the expenditure, the income is not expected to be substantial. For this reason, it is recommended that Caravan Park Revenue remain unchanged from that originally budgeted for.

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That Council make an amendment to the 2023/2024 Fees & Charges schedule to include a new fee for the two Glamping Bell Tents at the Mukinbudin Caravan Park as follows:

Minimum Booking of two nights for \$120 inc GST per booking.

That the new fee be advertised in accordance with section 6.19 of the Local Government Act 1995.

Carried /

****LATE ITEM****

9.3.2 Temporary Cover – Beringbooding Tank	
Location:	Mukinbudin
File Ref:	
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	12 th April 2024
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Simple Majority
Documents Attached	Nil
Documents Tabled	Nil

Summary:

The CEO has been in discussions with DWER staff regarding the implementation of a temporary cover for Beringbooding Tank to reduce evaporation and improve water quality.

Background Information:

The Beringbooding tank was built in 1930 for pioneers of the Bonnie Rock farming community, 350 kilometres northeast of Perth in the Shire of Mukinbudin. It was constructed by hundreds of sustenance labour workers, a scheme developed to provide employment relief during the Great Depression. When the tank was completed, it was the largest concrete tank in the Southern Hemisphere.

The tin roof had fallen into a state of disrepair and was identified as a public risk in 2020. In 2021, the Water Corporation, who were responsible for the tank at the time, removed the roof structure from the tank. Once this was completed, the process commenced to transfer ownership and responsibility of the tank from the state (Water Corporation) to the Shire of Mukinbudin, and this transfer was completed in late 2023.



Above: Beringbooding Roof tank November 2020.



Above: Beringbooding Tank post roof removal circa July 2022

Officer Comment:

Since the removal of the tin roof structure, evaporation has increased considerably, and water quality has deteriorated to a point where, following a recent algal bloom, the water was deemed unfit for spraying, watering stock, or even firefighting, due to the significant amount of algae suspended in water within the tank.

While the priority is to reinstate a tin roof to the tank, closely matching the original roof built in the 1930s, efforts continue to secure funding to facilitate this. Given the span (approximately 49.5 meters), this is not a simple build or insignificant structure, and cost estimates for a replacement tin roof currently range between \$900,000 and \$1 million.

Correspondence from the Acting Manager, Renae Thorpe, follows:

Morning Dirk

Beringbooding Tank is AA dam 492 and is managed by the Shire of Mukinbudin, the Department of Water and Environmental Regulation would like to provide the opportunity to assist in an upgrade of the tank in terms of an evaporation cover to reduce evaporation and ensure the non-potable water quality is kept to a usable standard.

Rural Water Planning invite you to quote on: the installation and management of an evaporation cover for Beringbooding Tank, Shire of Mukinbudin.

The quote must provide a description to:

Project manage the design, supply, deliver and install an evaporation cover including any necessary fittings and materials required to secure it in place per the evaporation covers' specific requirements for the Beringbooding Tank in the Shire of Mukinbudin dam and.

Please ensure the quote includes a GST component.

I look forward to hearing from you.

Regards

Renaë

Renaë Thorpe

A/Manager

Rural Water Planning

While the necessary funding is being sourced to construct a new tin roof, funding is available from the Department of Water and Environmental Regulation (DWER). DWER has recently committed up to \$170,000 to the shire to facilitate the purchase and installation of a temporary cover. This cover may include hexagon-type floating balls (Hexacover), totalling almost 56,000 in all, or may encompass other options, such as a solid floating dam cover similar to those found on swimming pools. Although neither of these options includes the desired tin roof structure, both solutions are expected to significantly decrease evaporation (by up to 70%) and improve water quality while we continue to source funding for the permanent tin roof solution.



Above: HexaCovers floats in a large water tank, southern Western Australia.

Consultation:

Renae Thorpe – Department of Water and Environmental regulation
Dylan Copeland – NRM Consultant

Strategic & Social Implications:

The Beringbooding Tank carries significant strategic and social implications. Its catchment and storage play a crucial role in increasing water reliance within the northern part of the Shire, akin to the recently completed Barbalin Pipeline in the south. Farmers in the north of the Shire depend on this vital water source for stock watering and spraying. Although technically deemed "non-potable," prior to the removal of the roof, this water served as an essential backup supply for residents in the northern part of the Shire during times of limited mains water availability, as experienced in January 2024.

Statutory Environment:

Local Government Act 1995 (as amended)

Policy Implications:

Nil

Financial Implications:

While typically requiring a minimum 30% financial contribution, this requirement has been generously waived in this instance, allowing access of up to \$170,000 with no Shire financial contribution whatsoever.

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

The council resolves to accept the funding provided by the Department of Water and Environmental Regulation, totalling up to \$170,000 (one hundred and seventy thousand dollars), for the purpose of acquiring and installing a suitable temporary cover for the Shire-owned and managed Beringbooding Tank (also known as AA Dam 492).

That the council commits to ongoing efforts aimed at securing sufficient funding for the installation of a new permanent tin roof at Beringbooding.

Carried /

****LATE ITEM****

9.3.3 Industrial Land Sale – Mukinbudin Townsite	
Location:	Mukinbudin
File Ref:	
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	12 th April 2024
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Simple Majority
Documents Attached	Nil
Documents Tabled	Nil

Summary:

The CEO recently received a request from a local business (Absolutely All Electrical) regarding the purchase of an industrial lot for the development of the business.

Background Information:

The following email was recently received from Callum McGlashan from Absolutely All Electrical.

To whom it may concern,

Absolutely All Electrical has been operating in the shire of Mukinbudin for the past 7 years and is looking to setup a permanent location in the Mukinbudin Industrial area. We have contacted land gate but have not been able to purchase any of their blocks of land because of a dispute of title over them. We ask that you consider selling us one of the 3 blocks of land the shire hold in the industrial area to support us in establishing a main base of operations in the Mukinbudin townsite. Our first preference would be the old TV/Radio tower block. We eagerly await your reply.

Cheers

Callum & Rachel McGlashan

Absolutely All Electrical

EC 13002

Electrical Contractor

Officer Comment:

The preferred land in the industrial estate is a reserve vested in the Shire, alternatively a number of unallocated crown land blocks also exist. The preferred block for Absolutely All Electrical as mentioned in the request was previously used for TV broadcasting and currently used only for FM radio broadcasting, this broadcasting infrastructure could potentially be relocated to another location in town and it is considered beneficial for the Shire to discuss this with the Church of Christ to potentially utilise their existing infrastructure as they already broadcast FM Radio (Vision Christian Media Station 88.0)

Whilst it is understood and respected that Absolutely want to purchase the block to develop their business it is also essential that any sale of the block takes place in an open and transparent manner and for this reason the CEO believes that disposal of the land in question by way of public tender or auction be utilised as opposed to the private treaty sale process.

Consultation:

Landgate Staff

Department of Planning Lands and Heritage Staff

Strategic & Social Implications:

The development, growth, and support of local businesses are high priorities for the Council. The benefits of converting the land to freehold and selling it for future business purposes are considered positive. For this reason, combined with the fact that the land is largely surplus to requirements, given that only FM radio is broadcast, the sale of the land is considered warranted and justified.

Statutory Environment:

Local Government Act 1995 (as amended)

3.58. Disposing of property

- (1) In this section —
 - dispose* includes to sell, lease, or otherwise dispose of, whether absolutely or not;
 - property* includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

Policy Implications:

Nil

Financial Implications:

The Council has made no allowance for the changing of the land from Reserve to Freehold. If this is to progress, a budget allowance would need to be made in the 2024/2025 financial year.

OFFICER RECOMMENDATION**Council Decision Number –****Moved: Cr****Seconded: Cr**

That Council approach the Department of Planning, Lands, and Heritage to commence the process of changing Crown Land Reserve 39397 (Lot 158 on Deposited Plan 214274) from Crown Reserve to Freehold in the name of the Shire.

Once Reserve 39397 is transferred into Freehold land under the ownership of the Shire, the land is to be disposed of in accordance with section 3.58 (2).

The FM Radio broadcasting infrastructure is to be removed from Reserve 39397 to another suitable location within the Townsite.

That Council contact Landgate to alert them to the serious shortage of industrial land within the Townsite and encourage them to urgently commence the development, marketing, and release of more land to meet current demand.

Carried /

CONFIDENTIAL ITEM

9.3.4 Kununoppin Medical Practice – Memorandum of Understanding	
Location:	Mukinbudin
File Ref:	ADM 292
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	2 nd April 2024
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Simple Majority
Documents Attached	Nil
Documents Tabled	Nil

Statutory Environment**5.23. Meetings generally open to public**

- (1) Subject to subsection (2), the following are to be open to members of the public —
- (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
- (a) a matter affecting an employee or employees; and
 - (b) the personal affairs of any person; and
 - (c) 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
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
 - (e) 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; and
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or

- (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;

And

- (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That in accordance with section 5.23 (2) (a) of the Local Government Act 1995 that the meeting be closed to members of the Public as Agenda item 9.3.7 is deemed to be

- (b) the personal affairs of any persons:**

Carried /

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That the meeting be reopened to members of the public.

Carried /

10. Elected Members Motions of which previous notice has been given

10.1 Nil

11. Urgent Business Approved by Person Presiding or by Decision

11.1 Nil

12. Closure of Meeting

12.1 The Chairperson thanked Elected Members and Staff for attending and declared the meeting closed at ____pm.