



# Shire of Mukinbudin

## Confirmed Minutes

Ordinary Meeting of Council

Meeting to be held in Council Chambers at  
15 Maddock Street, Mukinbudin  
Commencing at 1.00pm Tuesday 13<sup>th</sup> December 2022

**\*\*\*\* DISCLAIMER \*\*\*\***

No responsibility whatsoever is implied or accepted by the Shire of Mukinbudin for any act, omission or statement or intimation occurring during Council or Committee meetings. The Shire of Mukinbudin 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 licence, any statement or intimation of approval made by a member or officer of the Shire of Mukinbudin 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 Mukinbudin. The Shire of Mukinbudin warns that anyone who has any application lodged with the Shire of Mukinbudin 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 Mukinbudin in respect of the application.

**ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST**

Council is committed to a code of conduct and all decisions are based on an honest assessment of the issue, ethical decision-making and personal integrity. Councillors and staff adhere to the statutory requirements to declare financial, proximity and impartiality interests and once declared follow the legislation as required.



Dirk Sellenger  
**CHIEF EXECUTIVE OFFICER**

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- 10.1 Nil

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- 11.1 Nil

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- 12.1 Closure of Meeting

## AGENDA

Agenda of the Ordinary Meeting of Council to be held in Council Chambers, Maddock Street, Mukinbudin on Tuesday 13<sup>th</sup> December 2022.

### 1. Declaration of Opening

The Shire President to declare the Meeting open at 1:00 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 Paterson  
 Cr J Seaby  
 Cr S Ventris  
 Cr A Walker

#### 2.2 Staff:

Dirk Sellenger	Chief Executive Officer
Ed Nind	Finance Manager
Lucia Scari	Finance Officer

2.3 Visitors: Nil

2.4 Apologies: Nil

2.5 On leave of absence: Nil

2.6 Applications for leave of absence:

Cr Ventris applied for leave of absence for the February 2023 Ordinary Meeting of Council.

### OFFICER RECOMMENDATION

**Council Decision Number – 01 12 2022**

**Moved: Cr Farina**

**Seconded: Cr Nicoletti**

**That Cr Ventris be granted leave of absence for the February 2023 Ordinary Meeting of Council.**

**Carried 8 / 0**

### 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 1:01 pm.

3.3 Declaration of public question time closed

The Shire President to declare public question time closed at 1:01 pm.

### 4. Declarations of Interest

Cr Nicoletti, Item 9.3.6 Scheme Amendment Proposal – Lot 92 Bent Street – Financial

Cr Seaby, Item 9.3.7 Australia Day Citizen of the Year Awards 2023 – Impartiality

Cr Ventris, Item 9.3.7 Australia Day Citizen of the Year Awards 2023 – Impartiality

Cr Walker, Item 9.3.7 Australia Day Citizen of the Year Awards 2023 – Proximity

### 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 15<sup>th</sup> November 2022.

#### Voting Requirement

Simple Majority

#### **OFFICER RECOMMENDATION**

**Council Decision Number – 02 12 2022**

**Moved: Cr Bent**

**Seconded: Cr Farina**

**That the Minutes of the Ordinary Meeting of Council held on the 15<sup>th</sup> November 2022 be accepted as a true and correct record of proceedings.**

**Carried 9 / 0**

## 8. Committee Meetings

### 8.1 Receipt of Minutes of Committee Meetings

8.1.1 CEACA Management Committee Meeting held 9<sup>th</sup> November 2022

[Attachment 8.1.1](#)

8.1.2 NEWROC Council Meeting held 28<sup>th</sup> November 2022

[Attachment 8.1.2](#)

#### Voting Requirement

Simple Majority

#### OFFICER RECOMMENDATION

Council Decision Number – 03 12 2022

Moved: Cr McGlashan

Seconded: Cr Ventris

That the Minutes of the following committee meetings be received:

- CEACA Management Committee Meeting held 9<sup>th</sup> November 2022
- NEWROC Council Meeting Held 28<sup>th</sup> November 2022

Carried 9 / 0

### 8.2 Recommendations from Committee Meeting for Council Consideration

## 9.1 Monthly Information Report

<b>9.1.1 December 2022 Information Report</b>	
Location:	Mukinbudin
File Ref:	ADM 360
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	8 <sup>th</sup> December 2022
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**

To allow Council to receive the Monthly Information Report including reports from Manager of Works, Manager of Corporate Services, Aquatic Centre Manager, Caravan Park Manager, and Environmental Health Officer.

### **Background Information**

Reports are presented to Council on various operational matters within the Shire of Mukinbudin.

### **Officer Comment**

Refer to Information Report.

### **Consultation**

Dirk Sellenger – Chief Executive Officer  
 Tania Sprigg - Caravan Park Manager  
 Allan Ramsay – Environmental Health Officer  
 Simon Comerford – Aquatic Centre Manager  
 Louise Sellenger – Manager of Corporate Services

**Statutory Environment** Nil

**Policy Implications** Nil

**Financial Implications** Nil

## **OFFICER RECOMMENDATION**

**Council Decision Number – 04 12 2022**

**Moved: Cr Nicoletti**

**Seconded: Cr Walker**

**That Council receive the December 2022 Information Report.**

**Carried 9 / 0**



## 9.2 Finance Reports

<b>9.2.1 List of Payments – November 2022</b>	
Location:	Mukinbudin
File Ref:	ADM 007
Applicant:	Edward Nind, Finance Manager
Date:	2 <sup>nd</sup> December 2022
Disclosure of Interest:	Nil
Responsible Officer:	Edward Nind – Finance Manager
Author:	Lucia Scari – Finance Officer
Voting Requirements	Simple Majority
Documents Attached	<a href="#">List of Payments – Municipal Account (5 pages)</a> <a href="#">List of Payments – Restricted Muni Account (2 pages)</a> <a href="#">Corporate Credit Card Statement November 2022 (6 pages)</a> <a href="#">Credit Card Summary November 2022 (1 page)</a>
Documents Tabled	Nil

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

### **Summary**

List of payments made in November 2022 for endorsement by Council.

### **Background Information**

A list of payments submitted to Council on 13<sup>th</sup> December 2022, 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 2022/2023 Budget.

**OFFICER RECOMMENDATION****Council Decision Number – 05 12 2022**

Moved: Cr Farina

Seconded: Cr Paterson

That the list of payments made in November 2022, be endorsed for payment.

**Municipal Fund:**

Muni EFTs	EFT 7586	to	EFT 7677	\$231,825.26
Muni Cheques	Chq 31939	to	Chq 31939	\$112.65
Muni Direct Debits (Superannuation, loans, leases)	DD 9699.1	to	DD 9750.9	\$32,744.45
Pays on (Not included on payment listing)			09/11 & 23/11	\$80,819.33
<b>Total Municipal Funds</b>				<b>\$345,501.69</b>

**Restricted Muni Fund:**

RMF EFTs	EFT 7649	to	EFT 7649	\$251.26
RMF Cheques	Chq -	to	Chq -	\$0.00
RMF Direct Debits	DD 9652.1	to	DD 9788.1	\$22,272.70
<b>Total Restricted Muni Funds</b>				<b>\$22,523.96</b>

**Carried 9 / 0**

<b>9.2.2 Monthly Statement of Financial Activity Report – 30 November 2022</b>	
Location:	Mukinbudin
File Ref:	ADM 005
Applicant:	Edward Nind – Finance Manager
Date:	9 <sup>th</sup> December 2022
Disclosure of Interest:	Nil
Responsible Officer	Edward Nind – Finance Manager
Author:	Edward Nind – Finance Manager
Voting Requirements	Simple Majority
Documents Attached	<a href="#">Statement of Financial Activity – For the period ended 30 November (23 Pages)</a> <a href="#">Schedules 2 to 14 For the period 1 July 2022 to 30 November 2022 (96 Pages)</a>
Documents Tabled	Nil

***If a Councillor has any questions regarding the enclosed finance report, please discuss these queries with the Finance Manager 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**

The new Local Government accounting requirements have been applied to this report to show a Rate Setting Statement by Nature and Type.

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

The NRM Grant conditions required us to recognise interest on the unspent grant.

The "Original Budget" shown is that adopted on 23 August 2022, is based on a surplus carried forward of \$1,419,072 using end of year figures at the time of estimating.

The "Actual" brought forward surplus from 2021/2022 is \$1,397,669. Although all end of year accounting adjustments are completed the final result is still subject to audit. This is reduction to the brought forward surplus of \$21,403 from the surplus upon which the budget was based. The factors contributing to this and the detail can be seen in Note 5. of the Financial Statements.

The "Amended Budget" figures are the same as the "Original Budget" as no amendments have been entered.

In April 2022 we received advance Financial Assistant Grant payments for the 2022-2023 financial year, \$795,252 for General Purpose Funding and \$502,419 for Roads making a total advance payment of \$1,297,671.

### **Officer Comment**

A summary of advance and current year Financial Assistant Grant payments is below;

Advance General Purpose grant paid in April 2022:	\$ 795,252
Budgeted remaining General Purpose Grant:	\$ 386,876
Total General Purpose Grant 2022-23:	\$1,182,128
Advance Roads Grant 2022-23:	\$ 502,419
Budgeted remaining Roads Grant 2022:	\$ 128,169
Total Roads Grant 2022-23:	\$ 630,588

At 30 June 2022 the end of month position is a surplus of \$1,397,669, this included the \$1,297,671 advance Financial Assistant Grant payments for the 2022-2023 financial year. Without these advance payments of \$1,297,671 the surplus brought forward would be \$99,998.

It is important to note that the 2021/2022 surplus is still subject to audit.

At 30 November 2022 the end of month position is a surplus of \$2,208,694.

The reported variances are those to the Year To Date (YTD) "Amended Budget" at the time of writing.

Reported variations are based on the “Statement Of Financial Activity” variations rather than on the “Rate Setting Statement by Nature and Type”.

The text included in the “Budget Text and Other Information” is largely that from the “Original Budget”

The Grants Revenue report within the Statement of Financial Activity has been adjusted to include income in prior years and brought forward as a liability that was expected to be spent in the current year.

### **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 23 August 2022 that the material variation be set at \$10,000 and 10%.

### **Financial Implications**

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

*Cr Paterson left the meeting at 1:14pm.*

*Cr Paterson re-entered the meeting at 1:17pm.*

## **OFFICER RECOMMENDATION**

**Council Decision Number – 06 12 2022**

**Moved: Cr Farina**

**Seconded: Cr McGlashan**

**That Council:**

**Adopt the Monthly Financial Report for the period ending 30 November 2022 and note any material variances greater than \$10,000 and 10%.**

**Carried 9 / 0**

<b>9.2.3 Audit Committee Meeting Minutes December 2022 &amp; 2021/2022 Audited Financial Statements</b>	
Location:	Mukinbudin
File Ref:	ADM 001
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	9 <sup>th</sup> December 2022
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Absolute Majority
Documents Attached	<a href="#">Unconfirmed Minutes Audit Committee Meeting 13<sup>th</sup> December 2022</a> <a href="#">Audited Financial Report Mukinbudin Shire with Auditor's Report – 30 June 2022</a>

### **Summary**

To present to Council minutes of the 22<sup>nd</sup> March 2022 Shire of Mukinbudin Audit Committee Minutes for consideration and action.

### **Background Information**

The Shire of Mukinbudin Audit Committee met on the 13<sup>th</sup> December 2022 to review the 2021/2022 Annual Report & Independent Audit Report (Please refer to the Audit Committee Minutes and separate attachments for information).

#### **5.16. Delegation of some powers and duties to certain committees**

- (1) Under and subject to section 5.17, a local government may delegate\* to a committee any of its powers and duties other than this power of delegation.

*\*Absolute majority required*

#### **5.17. Limits on delegation of powers and duties to certain committees**

- (1) A local government can delegate —
- (a) to a committee comprising council members only, any of the council's powers or duties under this Act except —
    - (i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and
    - (ii) any other power or duty that is prescribed;
 and
  - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
  - (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
    - (i) the local government's property; or
    - (ii) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

**Officer Comment**

The minutes and recommendations from the Audit Committee meeting dated 13th December 2022 are presented for Council consideration.

Subsequent to the Audit Committee meeting on 13<sup>th</sup> December 2022 the Financial Report for the Year Ended 30 June 2022, including the Independent Auditor's Report was received on 9<sup>th</sup> December 2022. This appears unchanged from the draft documents presented to the Audit Committee except for the :

- Signing and dating of the Statement by Chief Executive Officer on 8<sup>th</sup> December 2022.
- OAG Audited stamp being applied to appropriate pages.
- Appending of the Independent Auditor's Report.

To comply with legislated time deadlines the decisions of the Audit Committee have been enacted in that:

- A copy of the audited 2021-2022 Annual Financial Statements.
- A copy the 2021-2022 Annual Financial Statements will be published Council's website.

**Strategic & Social Implications**

N/A

**Consultation**

N/A

**Statutory Environment**

*Local Government Act 1995, Local Government (Administration) Regulations 1996 - Reg12), Local Government (Financial Management) Regulations 1996,*

**Policy Implications**

Nil

**Financial Implications**

Nil

**OFFICER RECOMMENDATION**

**Council Decision Number – 07 12 2022**

**Moved: Cr Ventris**

**Seconded: Cr Bent**

**That Council:**

- 1. Receive the unconfirmed minutes of the 13<sup>th</sup> December 2022 Shire of Mukinbudin Audit Committee and the associated recommendations (when available).**
- 2. Adopt the Audited Financial Statements Mukinbudin Shire with Auditors Report – 30 June 2022.**

**Carried 9 / 0**

### 9.3 Chief Executive Officer's Reports

9.3.1 Potential Change of Road Name – Jones Road	
Location:	Jones Road, Mukinbudin
File Ref:	RM 076
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	26 <sup>th</sup> November 2022
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**

For Council to consider endorsement of a request to change a road name within the Shire of Mukinbudin from Jones Road to Fogarty Road.

#### **Background Information**

The following letter was received from Mr Tom Fogarty:

Mr Gary Shadbolt,  
Shire President  
Mukinbudin Shire Council.

Dear Members of the Mukinbudin Shire Council: - this letter is regarding to the name change of Fogarty Rd to Jones Rd, the road situated between Barbalin South Rd and Barbalin Koonkoobing Rd. This change came as a surprise and disappointment to our Families as this was made without any notification or consultation whatsoever.

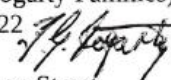
Many friends informed us the road signs were changed for this section of road. Very disappointed this has occurred, because to our Families there is a lot of Historical Significance in the naming of this portion of road as Fogarty Road. Our Grandfather Thomas Burns Fogarty and his brother-in-law Harry were the first Settlers in this Location, which is unknown to many people of the district, also there was a lot of history attached to this location and surrounds which meant a lot to our Families and neighbours over the years.

Writing on behalf of the Fogarty Family we would like to see the road change be rescinded to it original status of Fogarty Rd.

The Question remains, who has the power to make such changes or does the name changing of road signs within the Shire of Mukinbudin happens at a whim or perhaps Historical Significance is no longer important.

Awaiting a reply from the Mukinbudin Shire Council on this subject and sincerely hope common sense and Historical Significance prevails.

Yours faithfully  
Tom Fogarty  
(on behalf The Fogarty Families)  
19/11/2022



My Address: - 15B Wilson Street,  
Carey Park WA 6230  
Email: - tomfogarty25@gmail.com  
Mobile Ph: 0407 848 570

*Above: The proposed section of road to be considered for a name change.*





**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

Financial outlay would include a service charge \$295 (two hundred and ninety five dollars) to Landgate if a name change was approved, plus supply and installation costs of new road signage.

**OFFICER RECOMMENDATION**

**Council Decision Number – 08 12 2022**

**Moved: Cr Seaby**

**Seconded: Cr Paterson**

**That Council apply to Landgate – Geographical names to request the formal changing of the section of road from Jones Road (between Barbalin South and Barbalin Koonkoobing a total distance of 2.88kms) to Fogarty Road as the road signage (until corrected recently) has suggested was the road name for at least the past sixty (60) years.**

**Carried 9 / 0**

<b>9.3.2 Amendment to Fees &amp; Charges – Community Bus Hire Charges</b>	
Location:	All of Shire
File Ref:	ADM 439
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	1 <sup>st</sup> December 2022
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**

For Council to consider changes to the Community Bus fees and charges as well as simplification of Hire arrangements and conditions.

### **Background Information**

The Hire of the Shire's Community Bus has for some time being somewhat of a complex arrangement, which is as follows:

Bus Hire – Community Group	\$1.80 per km inc. GST*
Bus Hire – Private Hire / Commercial	\$2.20 per km inc. GST*

- Up to 200kms then a reduced rate per km 2/3<sup>rd</sup> of the fee above. i.e., \$1.20 and \$1.46 respectively.

The current arrangement allows for the first tank of fuel included in the Hire charge which can partially explain the increased rate for the first 200kms however this is complex for both the Staff to explain and often for the hirer to understand and a complete review of the Bus hire arrangement is both warranted and needed in the opinion of the author.

### **Officer Comment**

The annual utilisation of the community bus has decreased to a very low level. The reason for this is that a number of cheaper Bus hiring alternatives exist and it is not the intention for the Shire to undercut these private hirers to increase utilisation of the Shire owned Community Bus.

The current 2002 Toyota Coaster Community Bus is now 20 years old during which time this has travelled at total of 135,455kms, or an annual average of 6,772kms per year. In recent years this has declined over the past four years to an average of 1,038kms per year. A number of fixed costs are involved in the Bus ownership, including insurance, registration, annual service and inspection fee etc as follows:

Insurance	\$354.63
Registration	\$559.89
Service and Inspection	\$657.00
Total	\$1571.52

The above costs are fixed whether the Bus travels 1km or 10,000kms as despite 20 years old, with only a relatively low 135,000kms and in good overall mechanical condition repair costs are expected to remain low for at least another 5 years.

The Author is recommending a Hire charge arrangement not unlike the typical Hire Car. A full tank of fuel upon commencement, the hirer returns the Bus with a full tank of fuel at the end of the Hire arrangement. A flat rate per km whether this is hired by a Community Group, Local Business, Sporting Club or a Private Function, everyone pays the same rate which is recommended to be set at 80 cents per km inc. GST between now and the 30<sup>th</sup> June 2023 at which time utilisation and expenses may be reconsidered and adjusted if necessary when the fees and charges are reviewed and adjusted if required.

### **Strategic & Social Implications**

The reason Council owns a Community Bus is purely for the Benefit of the Community (providing a service). If utilisation is not increased and current community Bus hire needs met by private / Local Bus operators it is recommended that Council look to potentially sell the Community Bus which has travelled just over 1,000kms in the past 12 months (and approximately 500kms of this distance was on the Annual Council Road inspection) This low utilisation demonstrates a service that Council is currently providing that isn't sustainable to continue to provide in the future unless utilisation increases.

Simplification of the Hire process is also expected to be well received by hirers.

### **Consultation**

Peter Geraghty – Local Bus operator / Hirer

### **Statutory Environment**

Nil

### **Policy Implications**

Nil

### **Financial Implications**

Whilst the intention of the Hire charge is largely for the purpose of cost recovery as opposed to profit making the current low utilisation prevents cost recovery from being achieved.

2021/2022 Community Bus income / expense

Income	\$1,500.00
Expense	\$2,467.33

## OFFICER RECOMMENDATION

Council Decision Number – 09 12 2022

Moved: Cr Farina

Seconded: Cr Walker

That Council make amendment to the Fees & Charges schedule for hire of the Community Bus as follows:

### Community Bus Hire Charges

Standard / Flat Hire charge - \$0.80 per km (inc. GST) Shire Office to Shire Office or \$66 per day inc. GST (whichever is greater)

Cleaning fee (if required) - \$35.00

Fuel charge to return tank to full (if required) - at cost

That Council adopts the following hire charge rules:

### Community Bus Hire Rules

- Strictly no smoking on the bus at any time.
- All maintenance issues are to be reported to Shire staff immediately and repairs or maintenance is only to be carried out either by or as authorised by Shire staff.
- Only drivers who hold a current 'LR' class license (minimum) of which a copy of their current driver's license has been provided to the Shire Office prior to driving may drive the Bus.
- If the Hirer of the Bus is charging for paying passengers, the driver must have an 'F' endorsement on their license and Shire staff advised by the hirer in advance of the intention to charge passengers.
- Passengers are required to always remain seated whilst the bus is in motion.
- The bus is to be cleaned by the hirer at conclusion of journey. Floors should be swept and mopped and the outside of the bus washed if dirty.
- No BOND will be charged however any damage to the bus, either internally or externally is to be reported to the Shire Office immediately and any insurance excess (if applicable) payable by the Hirer.
- Upon return of the bus, any repairs or cleaning required will be charged to the hirer.
- The bus will be fully fuelled when collected from the Shire and is to be re-fuelled by the hirer prior to returning to the Shire. If not filled upon return, cost of filling will be added to the hire charge at cost (Bowser price)
- The hirer must record the odometer reading prior to the journey's departure as well as at the end of the journey in the file provided at the front of the bus.
- The vehicle is equipped with a GPS tracking device and in the event odometer readings are not recorded, distance travelled will be charged based on recorded tracking information. The GPS journey data will also be used in the event a dispute arises about distance travelled.
- Moderate Alcohol Consumption by passengers is considered acceptable.
- The driver must always have zero blood alcohol.

- **The Shire reserves the right to decline any hire request without giving reason for doing so.**

**Carried 9 / 0**

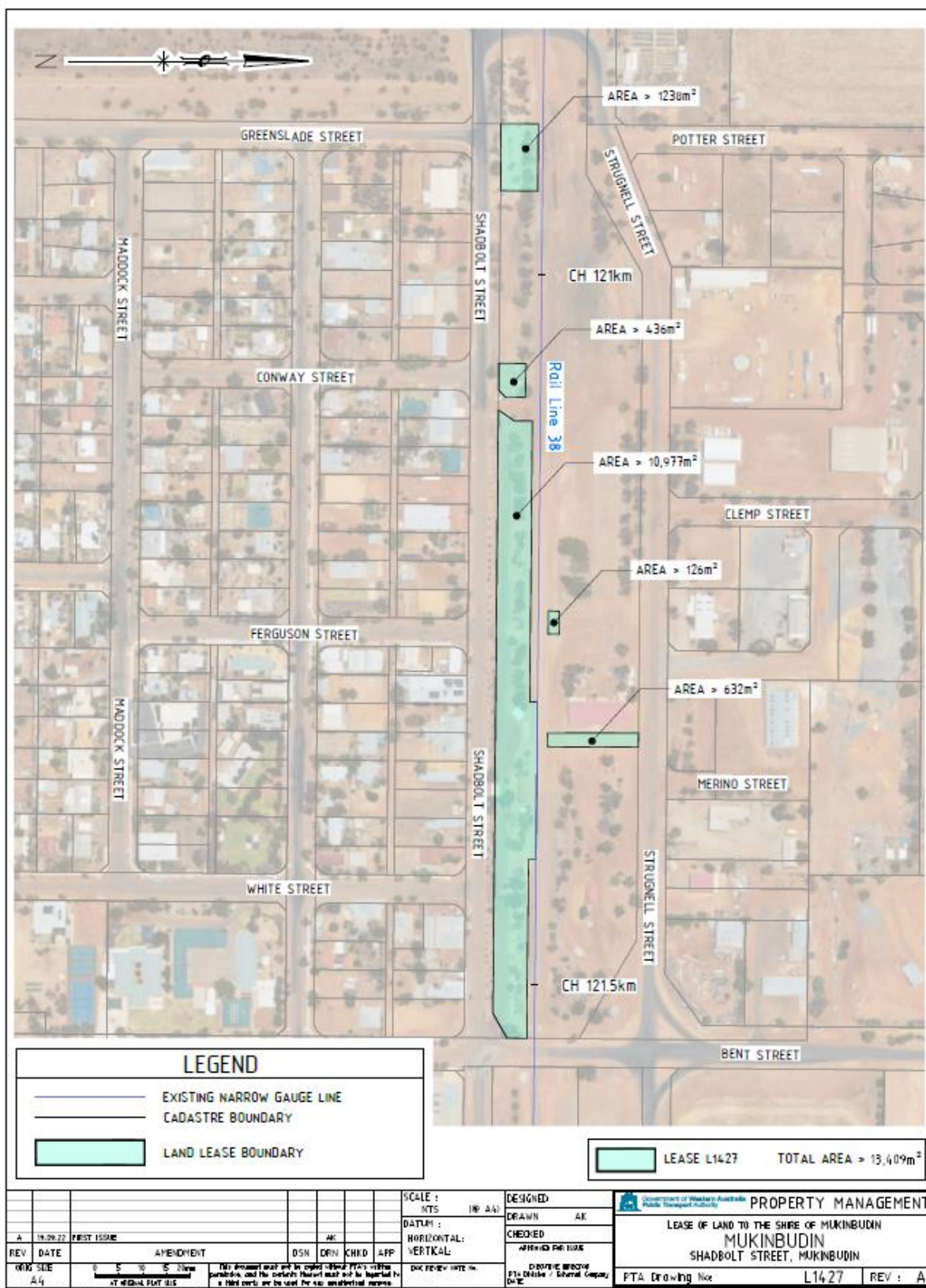
<b>9.3.3 Public Transport Authority – Lease of Land (Railways Reserve)</b>	
Location:	Shadbolt Street, Mukinbudin Townsite
File Ref:	Lease L1427-2
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	9 <sup>th</sup> December 2022
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Absolute Majority
Documents Attached	<a href="#">Draft Lease between Public Transport Authority and Shire of Mukinbudin (23 pages)</a>
Documents Tabled	Nil

### **Summary**

For Council to consider a lease for the Land Currently leased from the Public Transport Authority (PTA).

### **Background Information**

Council has for many years leased the parcel of land from the PTA which is shown on the area shaded below:



The following email confirmed the willingness for the PTA to extend the lease of the land for a further ten (10) years at an annual lease fee of \$1.00 per year (peppercorn lease)



**Subject:** Shire of Mukinbudin -L1427 current lease term expired 30/06/2018

H Dirk,

PTA is pleased to confirm its approval to grant a new licence as per the terms and conditions set out below:

Lessee:	Shire of Mukinbudin
Address of premises:	Shadbolt Street
Lease Number:	L1427-2
Location/Region:	Country
Use:	Community Purpose
Rent:	\$1.00 (Peppercorn)
Reviews:	if the permitted use changes, PTA reserves its right to charge rent and rent reviews
Term:	10 years
Options:	Not available
Start date:	1/12/2022
Area:	13,409 sqm
Lease Plan attached:	New Plan Attached (Less the corridor land, as the shire has a direct agreement with Arc)
Bond/Bank Guarantee:	N/A
Type of Agreement:	PTA's Precedent Licence to Occupy Agreement
Special Conditions:	<ul style="list-style-type: none"> <li>• 6 month break clause</li> <li>• low environmental</li> <li>• Licensee to provide ASIC Business Extract OR copy of the constitution of incorporated associations (avail from Dept of Commerce)</li> <li>• Make good requirements</li> <li>• Tenant to pay legal fees/Lease Preparation fees</li> <li>• Insurance – Tenant required to pay insurance premiums on an annual basis in advance</li> </ul>

Attached is precedent copy (template) of the PTA's agreement for your reference.

**Please review above terms. If you wish to proceed, please reply to me to confirm the Shire of Mukinbudin accepts PTA's offer.**

Once the invoice has been paid (see attached), we will then email you the DRAFT Licence for your review.

Should you require any further information please advise.

Kind Regards,

**Jacqui O'Rourke**

Property Manager (PTA)



Proud Recipients of 2022 REIWA Awards  
Top Office Commercial Value Sold  
Top Office Commercial Listings Sold



**Officer Comment**

The land is leased and the author believes it is in the Council best interest to continue to lease the land in question for the ten year period as offered by the PTA.

**Strategic & Social Implications**

The land in question includes the 1950s Working Farm Shed (Men Shed) which is effectively the museum for the Shire. Other assets include the Railway building, Public Toilets, Gazebo, Historic water Pump shed, water fountain etc.

It is considered essential these items remain under the control and management of the Shire in the future.

**Consultation**

Nil

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

The lease offered is for a ten (10) year period at an amount of \$1.00 per year (peppercorn lease), a total of \$10.00 for the lease fee. A preparation fee for the license to occupy of \$550.00inc GST is payable at the commencement of the lease and is a one off payment, amounting to \$55.00 per year over the ten year period offered.

*Cr Seaby left the meeting at 1:44pm.*

**OFFICER RECOMMENDATION**

**Council Decision Number – 10 12 2022**

**Moved: Cr Ventris**

**Seconded: Cr Farina**

**That Council accept the ten (10) year lease document L1427-2 from the Public Transport Authority for the period 1st December 2022 to 1<sup>st</sup> December 2032 as presented.**

**That Council request the CEO arrange the signing of the document and the use of the common seal as deemed necessary.**

**Carried 8 / 0**

*Cr Seaby re-entered the meeting at 1:45pm.*

<b>9.3.4 Development Approval Application – Shed at 671 Popes Hill South Road, Dandanning</b>	
Location:	671 Popes Hill South Road, Dandanning
File Ref:	AS1125
Applicant:	WBS (Wheatbelt Steel)
Date:	22 <sup>nd</sup> November 2022
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger - CEO
Author:	Paul Bashall, Consultant Planner - Planwest
Voting Requirements:	Absolute Majority
Documents Attached:	Nil
Documents Tabled:	Nil

### **Summary**

The applicant WBS (Wheatbelt Steel) has applied for a Development Approval (DA) for an open-ended steel storage shed measuring 24 x 18m with a height of 6.6m on Lot 15376 Popes Hill South Road in Dandanning. The shed is an extension of an existing shed also built by the applicant.

**Figure 1** provides an aerial photograph of the area surrounding the subject land and shows the location of Mukinbudin townsite and the locality boundaries.

### **Background Information**

An application for a DA has been lodged by WBS (Wheatbelt Steel) on behalf of the owner Kilgobbin Farms Pty Ltd (signed by John Bayly). The property is located about 10 kilometres southeast of Mukinbudin townsite and measures about 404 hectares. The land is less than 4 kilometres from the Shire's southern boundary at the closest point.

The DA has no certificate of title details nor lot number of the property

### **Existing Development**

**Figure 2** shows an enlargement of the cluster of buildings where the proposed shed is proposed to be constructed. According to the application there are several sheds and one dwelling shown in this area.

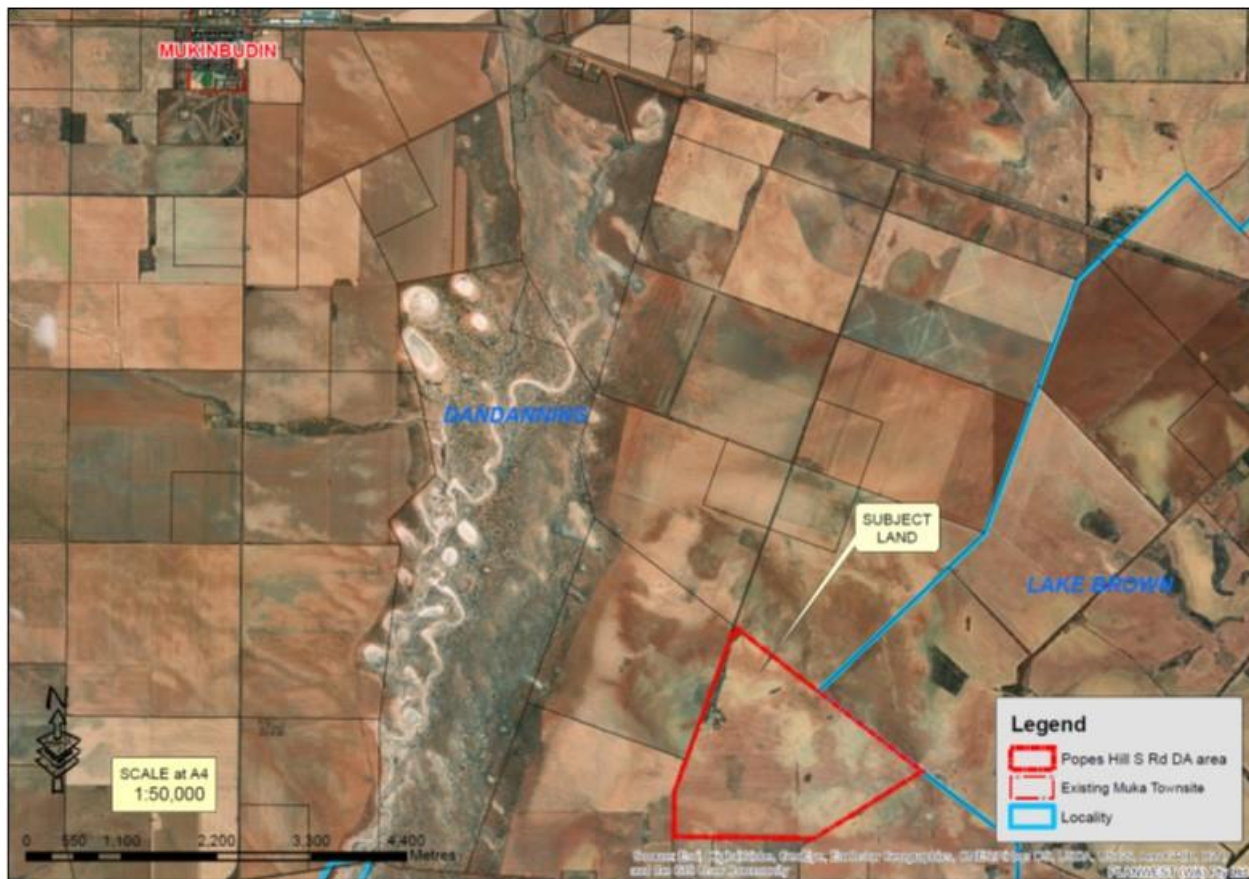
### **Proposed Development**

**Figure 3** also shows the location of the proposed shed in relation to the existing buildings as lodged by the applicant on 8 November 2022. The discrepancy in the DA plan can clearly be seen in relation to the aerial photograph. The DA plan also fails to show the additional dwelling just north of the DA site plan.

The proposed shed is to be located 19 metres from the western boundary of the subject land (Popes Hill South Road). This setback is designed to align the proposed shed with an existing shed of about the same size. As can be seen from the DA site plan (**Figure 3**), the 19m appears to be measured from the road rather than the road reserve thus making the setback even less than 19 metres. There are no details about access to and from the shed

The covering letter states that '*Storm water will be directed by gutters and PVC pipe to an existing water tank*'.

**FIGURE 1 – LOCATION PLAN**



Source: Landgate, ESRI, Planwest

**FIGURE 2 – ENLARGEMENT OF DEVELOPMENT AREAS**



Source: ESRI, Planwest



**FIGURE 3 – AERIAL ENLARGEMENT SHOWING DA PLAN**



Source: Applicant, ESRI, Planwest.

### **Strategic & Social Implications**

The Council sees no strategic or social implications of the proposed development.

### **Statutory Environment**

The Shire of Mukinbudin Local Planning Scheme No 4 (Scheme 4) includes the land in the Rural zone. **Figure 4** provides an extract from the Scheme map. The proposed use of the development is consistent with the uses permitted in the Rural zone.

The development requirements outlined in Part 4.18.1 of the Scheme requires a 20m setback to the front of the property (Popes Hill South Road).

### **Consultation**

Nil.

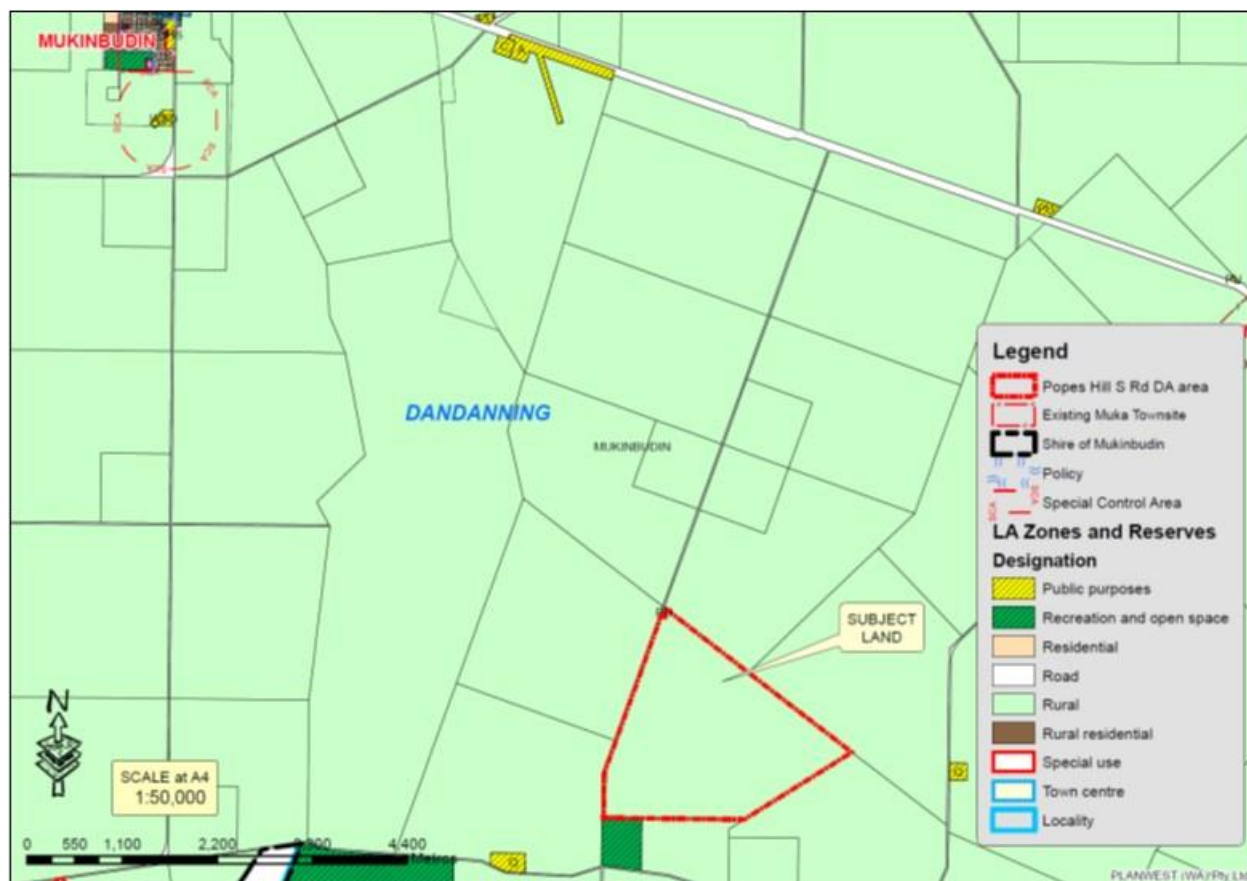
### **Policy Implications**

There are no policy implications that relate to the proposed development.

### **Financial Implications**

Nil.

**FIGURE 4 – EXTRACT FROM LOCAL PLANNING SCHEME**



Source: DPLH, Landgate, Planwest.

### **Bushfire Prone Mapping**

The proposed location of the shed is impacted by the bushfire prone mapping – as shown in **Figure 5**. As the shed is non-inhabitable, a Bushfire Attack Level (BAL) is not required, however Building Code of Australia (BCA) requirements may apply.

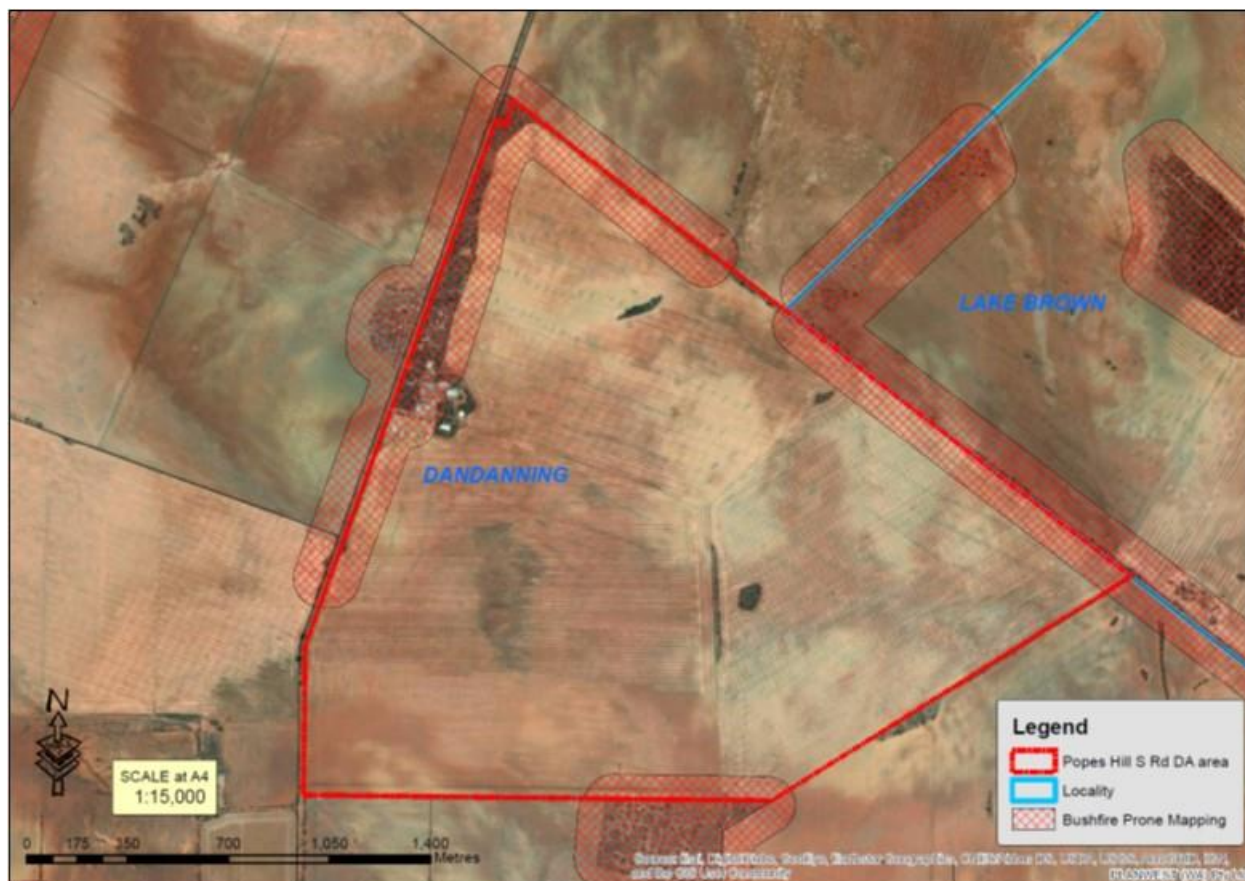
### **Officer Comment**

The proposed shed extension has been logically aligned with an existing shed and therefore it may not be appropriate to refuse the DA because it does not comply with the minimum setback of 20m - as required in the scheme. There are no details of access or entry to the facility, as a result, the proposed condition relating to new crossovers should be imposed.

In addition, a proposed condition relating to drainage should be imposed to ensure that stormwater is dealt with onsite to help protect the Council's Road verge drainage system.

As there is no certificate of title attached to the application, it must be assumed that John Bayly is authorised to sign the DA form on behalf of the company that owns the property.

FIGURE 5 – BUSHFIRE PRONE MAPPING



Source: DFES, ESRI, Planwest

## OFFICER RECOMMENDATION

Council Decision Number – 11 12 2022

Moved: Cr Farina

Seconded: Walker

That Council approves the DA application subject to the following conditions:

1. No new access crossovers to Popes Hill South Road will be permitted.
2. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Local Government.
3. The applicant must comply with any building requirements to minimise any impact of bushfires.

**Note 1:** If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

**Note 2:** Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

**Note 3:** If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

**Note 4: The applicant is advised that granting of development approval does not constitute a building permit and that an application for relevant building permits must be submitted to the Shire of Mukinbudin and be approved before any work requiring a building permit can commence on site.**

**Carried: 8 / 0**



*Planning and Development Act 2005*

**Shire of Mukinbudin**

**Notice of determination on application for development approval**

**Location:** 671 Popes Hill South Road, **Dandanning**

**Lot:** 15376      **Plan/Diagram:** 225492

**Vol. No:** 1238      **Folio No:** 68

**Application date:** 8 November 2022      **Received on:** 9 November 2022

**Description of proposed development:** Proposed 24m x 18m x 6.6m storage shed.

**The application for development approval is:**

**Approved subject to the following conditions**

**Refused for the following reason(s)**

**Conditions of approval:**

1. No new access crossovers to Popes Hill South Road will be permitted.
2. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Local Government.
3. The applicant must comply with any building requirements to minimise any impact of bushfires.

**Note 1:** If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

**Note 2:** Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

**Note 3:** If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

**Note 4:** The applicant is advised that granting of development approval does not constitute a building permit and that an application for relevant building permits must be submitted to the Shire of Mukinbudin and be approved before any work requiring a building permit can commence on site.

**Date of determination:** December 2022

<b>9.3.5 Development Approval Application – Shed at 890 (Lot 4106) Bonnie Rock-Mukinbudin Rd, Bonnie Rock</b>	
Location:	890 Bonnie Rock-Mukinbudin Rd, Bonnie Rock
File Ref:	AS1051
Applicant:	Auspan Agricultural
Date:	25 November 2022
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger - CEO
Author:	Paul Bashall, Consultant Planner - Planwest
Voting Requirements:	Absolute
Documents Attached:	Nil
Documents Tabled:	Nil

### **Summary**

The applicant has applied for a Development Approval (DA) for an agricultural storage shed measuring 24 x 12m with a height of 4.6m to the gutter on Lot 4106 Bonnie Rock-Mukinbudin Road in **Bonnie Rock**.

**Figure 1** provides an aerial photograph of the area surrounding the subject land and its relation to the Bonnie Rock townsite. The proposed shed is located in the southwest corner of the property and covers an area of 228m<sup>2</sup>.

### **Background Information**

An application for a DA has been lodged by Auspan Agricultural on behalf of the owner Donida Farms Pty Ltd. The DA form has been signed by N and P Spark, both Directors of the company. The proposed shed is located less than 8 kilometres west of Bonnie Rock townsite, about 620 metres north of the Bonnie Rock-Mukinbudin Road reserve and 35 metres from the western property boundary. Lot 4106 measures about 1,282 hectares.

### **Existing Development**

**Figure 2** shows an enlargement of the area showing an extract from the DA plan. The building immediately north of the proposed shed appears to be a house separated from the proposal by 10 metres.

### **Proposed Development**

**Figure 3** an extract from the DA showing the open and sliding door sections of the structure. The plan shows a 10m clearing proposed around the entire shed.

### **Strategic & Social Implications**

The Council sees no strategic or social implications of the proposed development.

**FIGURE 1 – LOCATION PLAN**



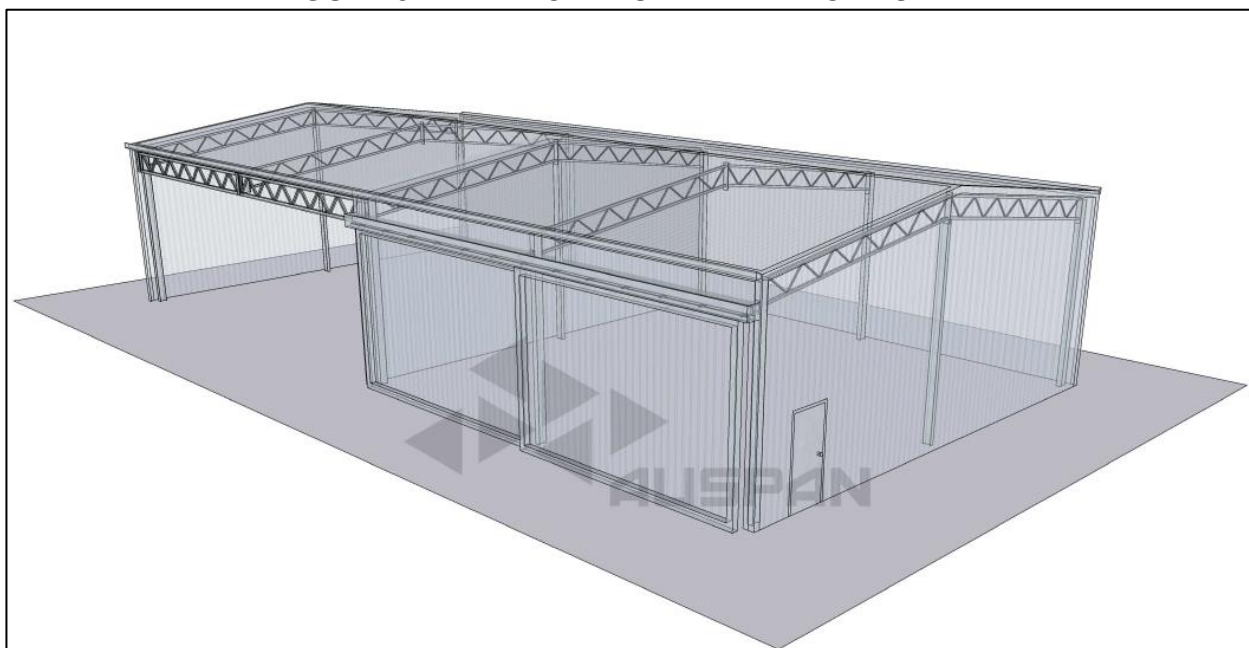
Source: Landgate, ESRI, Planwest

**FIGURE 2 – APPLICATION SITE PLAN EXTRACT**



Source: Applicant, Planwest



**FIGURE 3 – EXTRACT FROM DA APPLICATION**

Source: Applicant, Planwest.

### **Statutory Environment**

The Shire of Mukinbudin Local Planning Scheme No 4 (Scheme 4) includes the land in the Rural zone. **Figure 4** provides an extract from the Scheme map. The proposed use of the development is consistent with the uses permitted in the Rural zone.

### **Consultation**

Nil.

### **Policy Implications**

There are no policy implications that relate to the proposed development.

### **Financial Implications**

Nil.

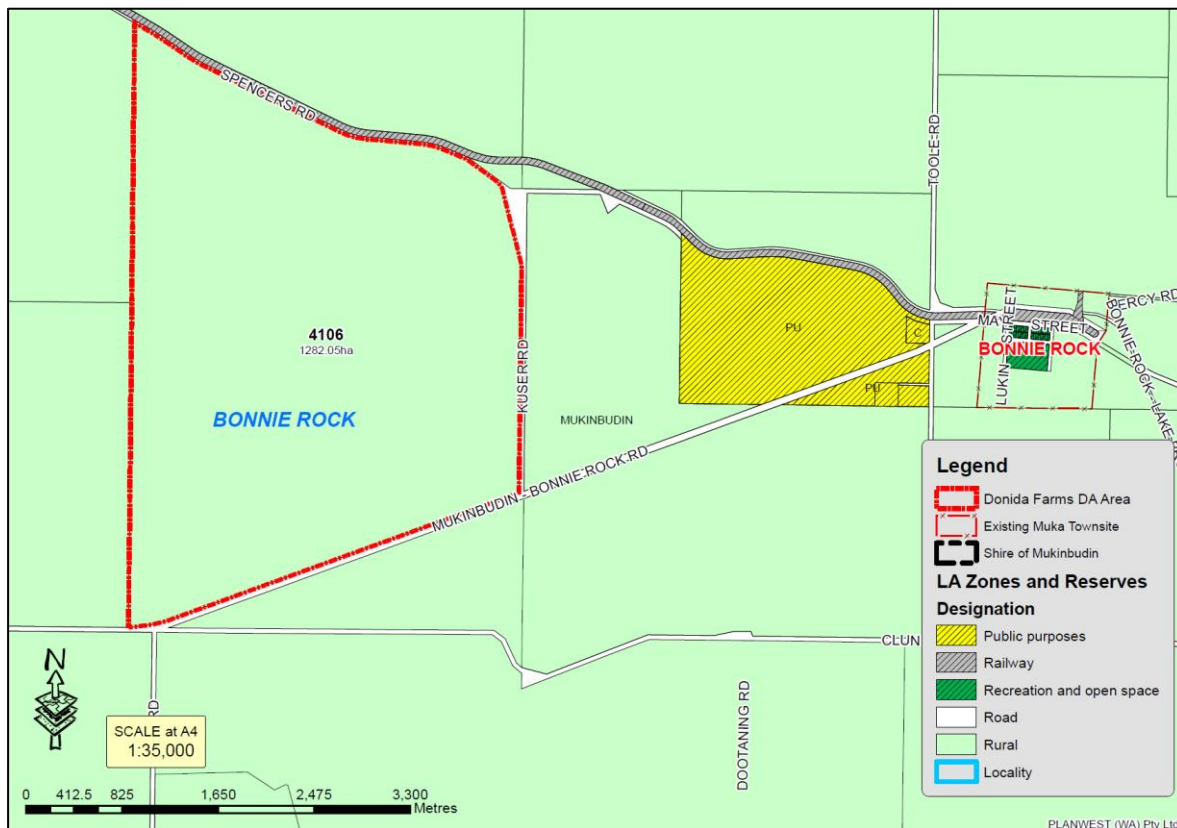
### **Bushfire Prone Mapping**

The proposed location of the shed is impacted by the bushfire prone mapping – as shown in **Figure 5**. As the shed is non-inhabitable, a Bushfire Attack Level (BAL) is not required, however Building Code of Australia (BCA) requirements may apply.

### **Officer Comment**

The proposal is consistent with the development in a rural area and no new crossovers are indicated. Traffic is unlikely to be substantially altered due to the construction. In view of the distance from a public road, setback from the boundary and the proposed use of the shed, there are no planning issues envisaged, however there may be a need for a building license to be issued to include bushfire and drainage plans.

**FIGURE 4 – EXTRACT FROM LOCAL PLANNING SCHEME**



Source: DPLH, Landgate, Planwest.

**FIGURE 5 – BUSHFIRE PRONE MAPPING**



Source: DFES, Planwest

*Cr Paterson left the meeting at 1:46pm.  
Cr Paterson re-entered the meeting at 1:47pm.*

**OFFICER RECOMMENDATION****Council Decision Number – 12 12 2022****Moved: Cr Walker****Seconded: Cr Farina****That the Council approves the DA application subject to the following conditions;**

- 1. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Local Government.**
- 2. The applicant must comply with any building requirements to minimise any impact of bushfires.**

**Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.**

**Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.**

**Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.**

**Note 4: The applicant is advised that granting of development approval does not constitute a building permit and that an application for relevant building permits must be submitted to the Shire of Mukinbudin and be approved before any work requiring a building permit can commence on site.**

**Carried 9 / 0**

*Planning and Development Act 2005*

**Shire of Mukinbudin**

**Notice of determination on application for development approval**

**Location:** 890 Bonnie Rock-Mukinbudin Rd, **Bonnie Rock**

**Lot:** 4016                    **Plan/Diagram:** 209332

**Vol. No:** 1803            **Folio No:** 642

**Application date: Received on:** 17 November 2022

**Description of proposed development:** Proposed 24 x 12m storage shed.

**The application for development approval is:**

**Approved subject to the following conditions**

**Refused for the following reason(s)**

**Conditions of approval:**

4. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Local Government.
5. The applicant must comply with any building requirements to minimise any impact of bushfires.

**Note 1:** If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

**Note 2:** Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

**Note 3:** If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

**Note 4:** The applicant is advised that granting of development approval does not constitute a building permit and that an application for relevant building permits must be submitted to the Shire of Mukinbudin and be approved before any work requiring a building permit can commence on site.

**Date of determination:** \*\*\* December 2022

*Chief Executive Officer Mr Dirk Sellenger left the room at 1:48pm.*

*President Shadbolt adjourned the meeting at 1:49pm.*

*The meeting resumed at 1:56pm, all Councillors & staff members present.*

*Cr Nicoletti declared a financial interest on item 9.3.6 and left the meeting at 1:57pm.*

<b>9.3.6 Proposed Scheme Amendment – Lot 92 Bent Street, Mukinbudin</b>	
Location:	Lot 92 Bent Street, Mukinbudin
File Ref:	AS521
Applicant:	Mukinbudin Hotel
Date:	6 <sup>th</sup> December, 2022
Disclosure of Interest:	Cr Nicoletti - Financial
Responsible Officer	Dirk Sellenger - CEO
Author:	Paul Bashall, Consultant Planner - Planwest
Voting Requirements:	Absolute
Documents Attached:	Nil
Documents Tabled:	Nil

### **Summary**

Louise Sellenger, on behalf of the Mukinbudin Hotel, has emailed a request to develop accommodation for season and contract workers on Lot 92 Bent Street in Mukinbudin.

**Figure 1** provides an aerial photograph of the area and the surrounding activities.

### **Background Information**

The proposal has no detailed information except that the applicant has requested (by email) as follows:

*Hello Dirk*

*On behalf of Elachbutting Enterprises I would like to enquire if Council might support the amendment of the Shire of Mukinbudin Town Planning Scheme No 4 to allow for accommodation to be developed in the Industrial area of the townsite of Mukinbudin.*

*We are aware that currently no accommodation is permitted under the current town planning scheme and the only way to develop the block located on Bent Street / Mukinbudin -Bonnie Rock Rd would be to have the Scheme amended.*

*Accommodation in Mukinbudin has and is a issue for tourist and seasonal works. This issue is also not unique to Mukinbudin but WA as a whole. We feel that investment by private enterprise would be looked at favourably by the Shire Council.*

*Please contact me on the details below.*

*Regards*

*Louise Sellenger*

*Manager*

*Mukinbudin Hotel*

*Elachbutting Enterprises Pty Ltd*

Information about the process for allowing the development of accommodation on the site. The applicant advised that the owner of the block (Lot 92), Romina Nicoletti, has also purchased the Mukinbudin Hotel.

The applicant was advised that, because the land is zoned industrial, it does not generally allow residential uses as the permissible industrial uses have the potential to have significant environmental impacts. These impacts can include noise, dust, vibration, smell etc.



The only way to change this situation is to prepare a scheme amendment to rezone the site, however a scheme amendment will need to be initiated by the Council.

### **Existing Development**

**Figure 2** shows an enlargement and more recent aerial photograph of the subject land. The property measures 1.88 hectares and remains undeveloped. The land was subject to a recent subdivision application to provide road widening to Bent Street. Lot 92 abuts land owned by CBH on which it operates its grain terminal.

Recent Development Approval (DA) applications from CBH, for additional open bulkheads, reflects CBH's intentions to increase the storage capacity of the site. These new bulkheads are currently being constructed with proportional increased activities on the site.

### **Proposed Development**

There are no plans associated with the workers accommodation proposal.

**FIGURE 1 – LOCATION PLAN**



Source: Landgate, ESRI, Planwest

**FIGURE 2 – ENLARGEMENT OF PROPOSED SITE**

Source: Landgate, Planwest

### **Strategic & Social Implications**

The strategic implications of allowing workers accommodation on the subject land will be a loss of land allocated for industrial uses. Much of the undeveloped industrial land in the town is subject to Native Title and may not be readily available for development.

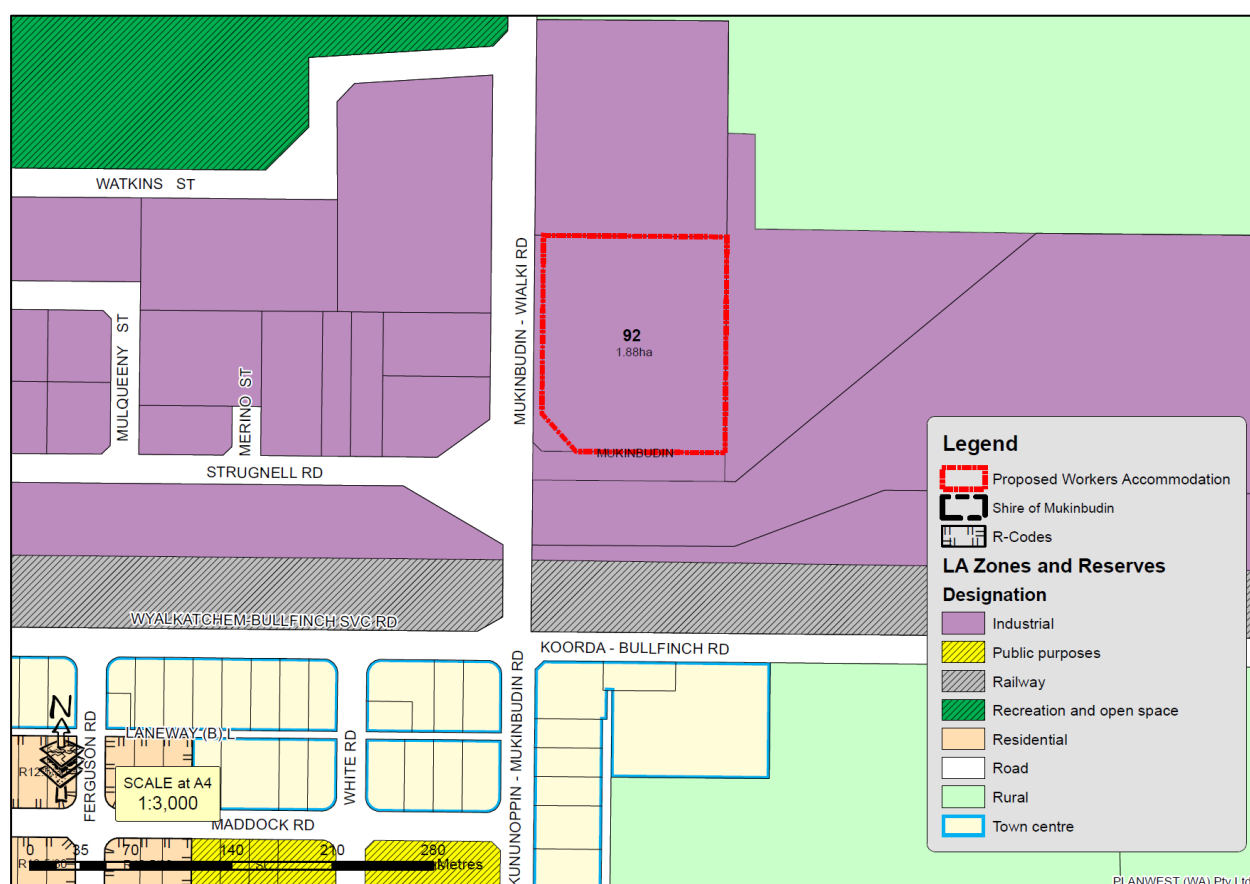
The social implications of allowing workers accommodation in this area is the potential for conflicting uses where industrial uses in an industrial zone should not need to curb their activities because there are new sensitive uses abutting.

### **Statutory Environment**

The Shire of Mukinbudin Local Planning Scheme No 4 (Scheme 4) includes the land in the Industrial zone. **Figure 3** provides an extract from the Scheme map.



FIGURE 3 – EXTRACT FROM SCHEME 4



Source: DPLH, Landgate, Planwest.

The definition of Workers Accommodation in the Scheme 4 is as follows;

**“workers accommodation”** means premises used for accommodation by a person or persons and the spouse and dependents of that person or persons engaged in agricultural uses on the same land and the term includes both permanent dwellings and temporary accommodation for seasonal workers.

Workers accommodation is an ‘X’ use in all zones except the Rural zone. An ‘X’ use means a use that is not permitted by the Scheme – even if the Council was minded to support such a proposal.

Workers accommodation is a ‘P’ use in the Rural zone. (‘P’ means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme).

### Consultation

Consultation has included the applicant and the Chief Executive Officer (CEO). Following advice from the consultant planner (Paul Bashall, Planwest) that the proposed use is not permitted in the industrial area, the CEO has suggested an alternative site that may be more suitable to allow for the proposed development to proceed within the limitations of the Town Planning Scheme (TPS). This offer is forthcoming consistent with the Council’s support for development of this type in the town historically.

**Figure 4** shows an area as an example to the applicant or an alternative location. This is part of a larger land holding owned by the Council.

**FIGURE 4 – EXAMPLE POTENTIAL AREA FOR WORKERS ACCOMMODATION**

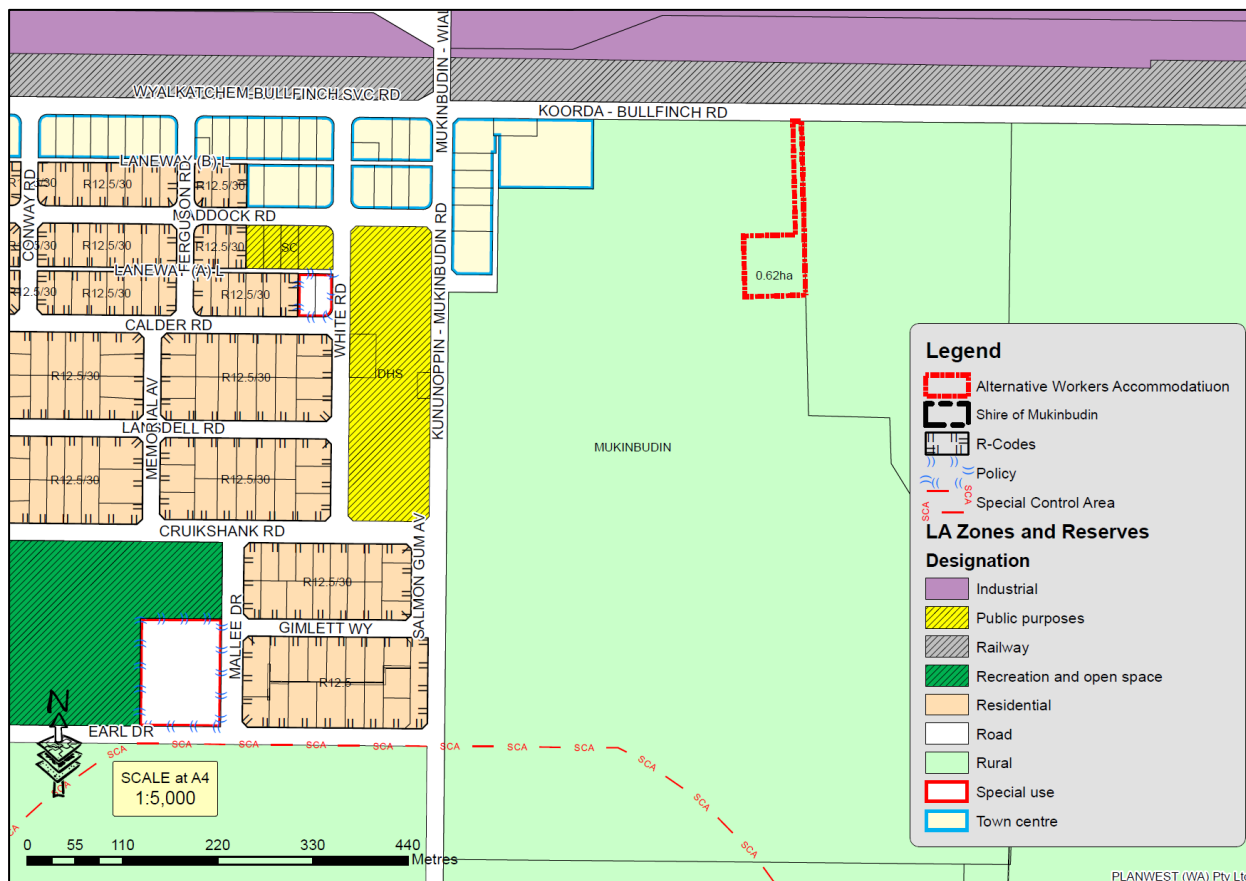


**Source:** ESRI, Landgate, Planwest.

The land holding in the above example is zoned Rural and is currently cropped. The Council has no specific proposals for this site at the moment. So long as the cropping activities are cognisant of the potential workers accommodation, there are no other activities nearby that would impact the proposed development. It must be stressed the use of Shire owned land for the purpose of a private business / investment in the form of a workers camp has not been discussed with the Council at any stage and the opinions of the Council is therefore unknown.

continued industrial use of land. The potential site offers a degree of separation from regular residential, the special control area (for the Council's sewerage works) and the school. Any development on the potential site will require a DA. **Figure 5** shows the other areas in the Scheme like the Special Control Area (SCA) for the sewerage works, school and other nearby designations.

FIGURE 5 – EXTRACT FROM SCHEME 4



Source: DPLH, Landgate, Planwest.

### **Policy Implications**

There are policy implications that relate to the proposed development in the industrial area including the inevitable impacts of continued adjacent industrial uses. Where complaints arise from the proximity of the sensitive use (workers accommodation) to the surrounding industrial activities, the Council will need to address the complainant's concerns. This may lead to placing restrictions on the continued industrial activities.

### **Financial Implications**

Nil.

### **Officer Comment**

The proposed workers accommodation in the industrial area is not supported as the proposed use is not considered compatible with industrial activities. Any Scheme amendment designed to allow the development of workers accommodation in the industrial area would not be supported by the Council's consultant planner. Such an amendment would be considered a 'spot' amendment creating an isolated zoning inconsistent with the surrounding zones.

It is the opinion of the author that it is unlikely that the WA Planning Commission would support such a proposal, however the Council has the obligation to consider any Scheme amendment requests put forward.

There is currently no right of appeal as the Council has no application to determine.

**OFFICER RECOMMENDATION****Council Decision Number – 13 12 2022****Moved: Cr Bent****Seconded: Cr Walker**

**That Council strongly supports additional accommodation being developed by private enterprises, however Council indicates to the applicant that it would not support a Scheme amendment to allow accommodation in the industrial area, however it would be potentially prepared to support a development proposal, subject to a DA, in another area as demonstrated in the example shown as Figure 4.**

**Carried 6 / 2****Cr Paterson and Cr Seaby against.**

*Cr Nicoletti re-entered the meeting at 2:28pm.*

**\*\*CONFIDENTIAL ITEM\*\***

<b>9.3.7 Australia Day Citizen of the Year Awards 2023</b>	
Location:	Mukinbudin
File Ref:	ADM 278
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	9 <sup>th</sup> December 2022
Disclosure of Interest:	Cr Seaby – Impartiality Cr Ventris – Impartiality Cr Walker – Proximity
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Simple Majority
Documents Attached	Confidential Nominations
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 – 14 12 2022**

**Moved: Cr McGlashan**

**Seconded: Cr Ventris**

**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 9 / 0**

*Cr Seaby declared an impartiality interest on item 9.3.7.*

*Cr Ventris declared an impartiality interest on item 9.3.7.*

*Cr Walker declared a proximity interest on item 9.3.7 and left the room at 2:30pm.*

#### OFFICER RECOMMENDATION

**Council Decision Number – 15 12 2022**

**Moved: Cr Ventris**

**Seconded: Cr Paterson**

**That the meeting be reopened to members of the public.**

**Carried 8 / 0**

*Cr Walker re-entered the meeting at 2:50pm.*

#### **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 thanked all for a good year in 2022, a Merry Christmas and safe and prosperous new year, declaring the meeting closed at 2:53 pm.