



Shire of Mukinbudin

AGENDA

Ordinary Meeting of Council

Meeting to be held in Council Chambers at
15 Maddock Street, Mukinbudin
Commencing at 1.00pm Tuesday 21st March 2023

****** 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

Table of Contents

- 1. Declaration of Opening**
 - 1.1 Declaration of Opening
- 2. Record of Attendance, Apologies, approved Leave of Absence**
 - 2.1 Present
 - 2.2 Staff
 - 2.3 Visitors
 - 2.4 Apologies
 - 2.5 Approved Leave of Absence
 - 2.6 Applications for Leave of Absence
- 3. Public Question Time**
 - 3.1 Response to previous questions taken on notice
 - 3.2 Declaration of Public Question time open
 - 3.3 Declaration of public time closed
- 4. Declarations of Interest**
- 5. Petitions, Deputations, Presentations**
 - 5.1 Petitions
 - 5.2 Deputations
 - 5.3 Presentations
- 6. Announcements by the presiding member without discussion**
- 7. Confirmation of minutes of previous meetings**
 - 7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Tuesday 7th February 2023.
- 8. Committee Meetings**
 - 8.1 Receipt of Minutes of Committee Meetings**
 - 8.1.1 NEWTravel Meeting
 - 8.1.2 NEWROC Council Meeting
 - 8.2 Recommendations from Committee Meeting for Council Consideration
 - 8.2.1 Audit Committee Meeting held Tuesday 21st March 2023
- 9. Reports**
 - 9.1 Council Monthly Information Reports**
 - 9.1.1 Receipt of March 2023 Information Report

9.2 Finance Reports

- 9.2.1 List of Payments – February 2023
- 9.2.2 Monthly Statement of Financial Activity Report – 31 January 2023
- 9.2.3 Monthly Statement of Financial Activity Report – 28 February 2023
- 9.2.4 Mid Year Review 2022-2023

9.3 Chief Executive Officer's Reports

- 9.3.1 CEO – Request for Annual Leave/Appointment of Acting CEO
- 9.3.2 Cemetery – Tree Planting Structure Plan
- 9.3.3 Bonnie Rock Pony Club Grounds Extension
- 9.3.4 DFES – Lease of Land and Building
(Fire Shed Strugnell Street, Mukinbudin)
- 9.3.5 2023 Ordinary Local Government Elections
- 9.3.6 Novation of Contract Deed – Mukinbudin CRC
- 9.3.7 Mukinbudin Community Resource Centre Fees & Charges 2022-2023
- 9.3.8 Kingdom Hall - 53 Shadbolt Street, Mukinbudin

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

- 10.1

11. Urgent Business Approved by Person Presiding or by Decision

- 11.1

12. Closure of Meeting

- 12.1 Closure of Meeting

AGENDA

Agenda of the Ordinary Meeting of Council to be held in Council Chambers, Maddock Street, Mukinbudin on Tuesday 21st March 2023.

1. Declaration of Opening

The Shire President to declare the Meeting open at 1.____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
Renee Jenkin	Manager of Corporate and Community Services

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 7th February 2023.

Voting Requirement

Simple Majority

OFFICER RECOMMENDATION

Council Decision Number -

Moved: Cr

Seconded: Cr

That the Minutes of the Ordinary Meeting of Council held on the 7th February 2023 be accepted as a true and correct record of proceedings.

Carried /

8. Committee Meetings

8.1 Receipt of Minutes of Committee Meetings

- 8.1.1 NEWTravel Meeting held 23rd February 2023

[Attachment 8.1.1](#)

- 8.1.2 NEWROC Council Meeting held 20th February 2023

[Attachment 8.1.2](#)

Voting Requirement

Simple Majority

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That the Minutes of the following committee meetings be received.

- NEWTravel Meeting held 23rd February 2023
- NEWROC Council Meeting held 20th February 2023

Carried /

8.2 Recommendations from Committee Meeting for Council Consideration

- 8.2.1 Audit Committee meeting held on 21st March 2023.
Recommendations from this meeting will be brought to the Council Meeting for endorsement.

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That the Audit Committee recommend to Council that the 2022 Compliance Audit Return for the period 1 January 2022 to 31 December 2022

- **be signed by the CEO and Shire President; and**
- **be received and recorded in the minutes of Council; and**
- **be submitted to the Executive Director of the Department of Local Governments and Communities.**

Carried /

9.1 Monthly Information Report

9.1.1 March 2023 Information Report	
Location:	Mukinbudin
File Ref:	ADM 360
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	20 th March 2023
Disclosure of Interest:	
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Simple Majority
Documents Attached	March 2023 Information Report
Documents Tabled	Nil

Summary

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

Background Information

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

Officer Comment

Refer to March Information Report.

Consultation

Dirk Sellenger - Chief Executive Officer
 Allan Ramsey – Environmental Health Officer
 Tania Sprigg - Caravan Park Manager
 Terry Mather - Manager of Works
 Simon Comerford – Aquatic Centre Manager
 Renee Jenkin – Manager of Corporate and Community Services

Statutory Environment Nil

Policy Implications Nil

Financial Implications Nil

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That Council receive the March 2023 Information Report.

Carried /

9.2 Finance Reports

9.2.1 List of Payments – February 2023	
Location:	Mukinbudin
File Ref:	ADM 007
Applicant:	Edward Nind – Finance Manager
Date:	8 th March 2023
Disclosure of Interest:	
Responsible Officer:	Edward Nind – Finance Manager
Author:	Lucia Scari – Finance Officer
Voting Requirements	Simple Majority
Documents Attached	List of Payments – Municipal Account (5 pages) List of Payments – Restricted Muni Account (1 page) Corporate Credit Card Statement February 2023 (5 pages) Credit Card Summary February 2023 (1 page)
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 February 2023 for endorsement by Council.

Background Information

A list of payments submitted to Council on 21st March 2023, 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 –**

Moved:

Seconded:

That the list of payments made in February 2023, be endorsed for payment.

Municipal Fund:

Muni EFTs	EFT 7796	to	EFT 7888	\$244,289.79
Muni Cheques	Chq 31945	to	Chq 31947	\$20,014.89
Muni Direct Debits	DD 9974.1	to	DD 10090.1	\$52,447.86
(Superannuation, loans, leases)				
Pays on	01/02/23 & 15/02/23			\$77,783.21
(Not included on payment listing)				
Total Municipal Funds				\$394,535.75

Restricted Muni Fund:

RMF EFTs	EFT -	to	EFT -	\$0.00
RMF Cheques	Chq -	to	Chq -	\$0.00
RMF Direct Debits	DD 9993.1	to	DD 10105.1	\$83,818.85
Total Restricted Muni Funds				\$83,818.85

Carried /

9.2.2 Monthly Statement of Financial Activity Report – 31 January 2023	
Location:	Mukinbudin
File Ref:	ADM 005
Applicant:	Edward Nind – Finance Manager
Date:	16 th March 2023
Disclosure of Interest:	
Responsible Officer	Edward Nind – Finance Manager
Author:	Edward Nind – Finance Manager
Voting Requirements	Simple Majority
Documents Attached	Statement of Financial Activity – For the period ended 31 January 2023 (23 Pages) Schedules 2 to 14 For the period 1 July 2022 to 31 January 2023 (97 Pages)
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 \$1,397,667. This is the final audited result. This is reduction to the brought forward surplus of \$21,405 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 \$1,397,667, 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 \$99,996.

the 2021/2022 surplus is the final audited result.

At 31 January 2023 the end of month position is a surplus of \$1,856,723.

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”

Transactions include the first round of reserve transfers including all budgeted to reserve transactions and any budgeted transfers from reserve for which the related expenditure had been incurred.

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.

OFFICER RECOMMENDATION

Council Decision Number –

Moved: **Seconded:**

That Council:

Adopt the Monthly Financial Report for the period ending 31 January 2023 and note any material variances greater than \$10,000 and 10%.

Carried /

9.2.3 Monthly Statement of Financial Activity Report – 28 February 2023	
Location:	Mukinbudin
File Ref:	ADM 005
Applicant:	Edward Nind – Finance Manager
Date:	16 th March 2023
Disclosure of Interest:	
Responsible Officer	Edward Nind – Finance Manager
Author:	Edward Nind – Finance Manager
Voting Requirements	Simple Majority
Documents Attached	Monthly Statement of Financial Activity February 2023
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

The Schedules which are normally presented with the Statement of Financial Activity are presented as the “Mid Year Review Schedules” being the detailed document identifying proposed Budget Amendments.

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 \$1,397,667. This is the final audited result. This is reduction to the brought forward surplus of \$21,405 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 made.

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 \$1,397,667, 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 \$99,996.

the 2021/2022 surplus is the final audited result.

At 28 February 2023 the end of month position is a surplus of \$ 1,765,123.

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”.

Further details variations can be found in the “Mid Year Review Schedules”. Presented as part of the Mid Year Review.

Transactions include the first round of reserve transfers including all budgeted to reserve transactions and any budgeted transfers from reserve for which the related expenditure had been incurred.

Strategic & Social Implications

Nil

Consultation

Nil

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.

OFFICER RECOMMENDATION

Council Decision Number –

Moved:

Seconded:

That Council:

Adopt the Monthly Financial Report for the period ending 28 February 2023 and note any material variances greater than \$10,000 and 10%.

Carried /

9.2.3 Mid Year Review 2022-2023	
Location:	Mukinbudin
File Ref:	ADM 005
Applicant:	Edward Nind – Finance Manager
Date:	20 th March 2023
Disclosure of Interest:	
Responsible Officer	Edward Nind – Finance Manager
Author:	Edward Nind – Finance Manager
Voting Requirements	Absolute Majority
Documents Attached	Mid Year Review Schedules 2022-2023 (97 Pages)
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 an annual basis in accordance with provisions of the *Local Government Act 1995 and Local Government (Financial Management Regulations 1996)*.

The 2022-2023 Mid Year Review Schedules is attached for Councillor Information and consists of Schedules 1 to 14 showing accounts and jobs and includes comparatives to 28 February 2023.

Background Information

Nil

Officer Comment

A review of expenditure and income for the period from 1st July to the date of the report has been carried out. In addition, relevant financial information has been included from other sources so the annual expenditure and income to 30 June 2023 can be predicted as accurately as possible.

The predicted expenditure and income to 30 June 2023 are shown in the yellow “**Forecast Actual**” column. Where the forecast figure for 30 June 2023 is different from the Adopted Budget, and as previously amended if appropriate, it is shown in **bold** and shaded.

It is recommended that council review the Forecast Actual figures.

The figures presented in this review represent the bottom line Forecast Actual for each job and account.

A detailed consideration of the resources required to achieve that result has not been carried out and all changes are treated as cash.

No non cash amendments for allocations, profit and loss or depreciation have been included because they will have no impact on the end of year result.

With the takeover of the Community Resource Centre (CRC) on 1 April 2023 by the Shire of Mukinbudin the following provisions are made.

- a. Forecast Actual adjustments have been made to new and existing accounts to accommodate the shire takeover and mimic the CRC income and expenses.
- b. Recognition of the CRC "Cash on Hand" balances at 1 July 2022.
- c. Establishment of a "CRC Reserve" the purpose being "To fund CRC Operational and Capital expenses".
- d. Transfer of any CRC operational profit to date and the Cash on Hand bank balances at 1 July 2022 to the CRC Reserve.

The final actual figures involved in the CRC takeover may vary significantly from the "Forecast Actual", however the transfer to the CRC Reserve will be adjusted as required to achieve the same net result for the Shire of Mukinbudin.

It has been noted that overall gross wages and salary are below the year to date budget. See "SALARIES & WAGES" page 95. This potential savings has not been specifically addressed in the review. However some of these savings are intrinsically included in amendments to other accounts and jobs involving works related budgets.

It should also be noted that due to past staff vacancies salaries & wages expenditure is likely to be higher in the second half of the year than in the first half.

The audited end of year result for the 30 June 2022 was \$1,397,667 (Including Prepaid grants) down from the adopted figure of \$1,419,072, a decrease of \$21,405.

If all the Forecast Actual figures are adopted by council the as Amended Budgets the estimated end of year result will a deficit of \$22,169. This deficit is the result decrease in end of year result for the 30 June 2022 of \$21,405.

Strategic & Social Implications

Nil

Consultation

Internal Staff

Community Resource Centre Staff

Statutory Environment

General Financial Management of Council, Council 2021/2022 Budget, *Local Government Act 1995*, section 6.10 and *Local Government (Financial Management) Regulations 1996*, r33A.

The *Local Government Act 1995*, section 6.10 states:

“6.10. Financial management regulations

Regulations may provide for —

- (a) the security and banking of money received by a local government;*
 - and*
 - (b) the keeping of financial records by a local government;*
 - and*
 - (c) the management by a local government of its assets, liabilities and revenue;*
 - and*
 - (d) the general management of, and the authorisation of payments out of —*
 - (i) the municipal fund; and*
 - (ii) the trust fund,*
- of a local government.”*

The *Local Government (Financial Management) Regulations 1996*, Regulation 33A states:

“33A. Review of budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*
- (2A) The review of an annual budget for a financial year must —*
 - (a) consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) consider the local government’s financial position as at the date of the review;*
 - and*
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

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

Policy Implications

Nil

Financial Implications

If all the Forecast figures are adopted by council the as Amended Budgets the predicted end of year result at 30 June 2023 will be a deficit of \$ 22,169.00.

Voting Requirement

Absolute Majority Required

OFFICER RECOMMENDATION

Council Decision Number –

Moved:

Seconded:

That Council

- Review and note the “Forecast Actual” figures, and
- Adopt the “Forecast Actual” figures as Amended Budgets*, and
- Establish a “CRC Reserve” the purpose being “To fund CRC Operational and Capital expenses”.

Carried /

9.3 Chief Executive Officer's Reports

9.3.1 CEO – Request for Annual Leave/Appointment of Acting CEO	
Location:	All of Shire
File Ref:	EMP 122
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	17 th March 2023
Disclosure of Interest:	
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 consider a request for Annual leave from the CEO as well as the appointment of an Acting CEO in his absence.

Background

The CEO is requesting to take Annual Leave for the month of April and has spoken with a retired CEO who currently performs Acting CEO duties throughout Western Australia and whom the CEO believes is suitably trained and experienced to fill the position. The decision to appoint an Acting CEO is entirely one for the Councils, not the CEO's. The CEO's involvement in this process is purely to assist the Council with a finding a suitable replacement. Council is under no obligation to appoint an Acting CEO for the period however the CEO believes this appointment will be beneficial for the Council, staff and permanent CEO.

Comment

By allowing the CEO to take Annual leave from the ordinary day to day tasks and responsibilities the CEO is seeking to use this time to work on various projects to be delivered by the Shire prior to the end of the current financial year. These projects include:

- Various Cemetery improvements.
- Main Street improvements.
- Sporting Complex outdoor toilet.
- Barbalin Risk mitigation works and signage.
- Public Artworks throughout the townsite (colourful flora and fauna murals)
- Shade structure south of the indoor court.
- Working with the Department of water to commence the establishment of a southern strategic water supply program using water from the Barbalin Dam.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Council has made an appropriate allowance in the 2022/2023 Budget for the payment of an Acting CEO whilst the CEO is on Annual Leave.

OFFICER RECOMMENDATION**Council Decision Number –**

That Council appoints Mr John Merrick as Acting CEO at the Shire of Mukinbudin for the period 27th March 2023 to Friday 28th April 2023 (inclusive) on the rates, terms and conditions as presented to Council in a separate document.

Carried /

9.3.2 Cemetery – Tree Planting Structure Plan	
Location:	All of Shire
File Ref:	ADM 389
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	17 th March 2023
Disclosure of Interest:	
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 consider a tree planting program at the Mukinbudin Cemetery as part of various capital improvements to the Cemetery and surrounds.

Background

The Council via a Cemetery Committee has been working for some time to allow for improvements to be carried out at the Mukinbudin Cemetery. These improvements include the establishment of new plots to increase the physical size of the Cemetery, the purchase and installation of a new Niche wall for internment of ashes due to the fact the existing wall is at full capacity.

The tree planting program was raised following a discussion between Cr Shadbolt and Bill Davey who was planting trees on Cr Shadbolt's property. Cr Shadbolt contacted the CEO and the CEO suggested he would be keen to meet with Mr Davey to discuss a tree planting program and this was developed and costed accordingly. The development and implementation of a tree planting structure plan and signage is to help define the Cemetery areas, public carpark areas etc.



Plantation and Landcare Services Pty Ltd

ABN 32546652580 ACN 008754273

PO Box 591

Mount Lawley WA 6929

Bill Davey (Forester)

Phone 92718725

Mobile 0429961770

Email bdavey@palservices.com.au, www.palservices.com.au

Taking landcare into the future.....

February 10 2023

|
Shire of Mukinbudin
Cc Cemetery committee
MUKINBUDIN 6479 WA

Proposed Landscaping within the Mukinbudin cemetery

Dear Ashley

Great catching up last week and inspecting the Mukinbudin cemetery in the view of adding some much need aesthetics, shade and shelter to the site.

Parameters – The project should use of native water wise species that will be low maintenance but fulfil the above objectives. The soil type limits the choice of species given the salty water table

The following plan outlines how this project could be done.

Site preparation

Ideally it would be best to rip the planting zones with a small ag tractor and ripper. The soil is extremely compacted and any rains sheet off the site. Ripping will encourage water catchment where the trees will be planted. Ripping also minimises the need for summer watering. Overall the trees establish better when the site is ripped.

Species

A selection of species will be made from the following list.

<u>Allocasaurina heugliana</u>	<u>sheoak</u>	Small/medium tree
<u>Acacia microbotrya</u>	Manna wattle	Bushy shrub slightly salt tolerant
<u>Acacia hemitels</u>	Tan wattle	Spreading shrub
<u>Calothamnus quadrifidus</u>	net bush	Small/medium
<u>E kondininesis</u>	Blackbutt	Tall tree, a small percentage, mainly along northern boundary
<u>E burracoppin mallee</u>	Mallee	Medium size, dense
<u>E loxopheba</u>	mallee	Medium mallee moderate salt tolerant
<u>E sargentii/spathulata</u>	Salt river gum/mallet	Med to tall tree. Moderate salt <u>tolant</u>
<u>Melaleuca hamulosa/unicinata/cuticularis</u>	Tea tree	Small shrub

Planting zones

Zones	Estimated trees/shrubs
4 lines northern boundary	260
Infilling along east and southern boundaries	125
Internal screening zone <u>a+b</u>	150
Internal screening zone <u>c+d</u>	140
Internal zone <u>zone e</u>	180
	855
2 lines entrance screening (option)	+ 110

The following costs include

- Supply of all stock. Most stock will be grown in larger forestry tubes to gain a bigger root ball
- Spraying of tree lines prior to planting
- Planting of all stock
- Supply and installation of tree guards around each tree
- Liaison/design with shire on this project

Site preparation will be carried out if the shire/other can supply a tractor. I will be in the area with the equipment and will do this as part of the above cost. Where access is limited the trees will be augured.

The site preparation costs includes a good day to rip all tree lines includes the ripping equipment and layout. I personally carry out all the site works. I will need a linkage tractor. I am sure local dealer has a linkage tractor in the yards we can hire.

All underground services should be located prior to site preparation (water pipe?)

Trees required:	855
Unit cost:	\$9.25 +gst (supply, spray, plant and tree guard)
Install cost:	\$7908.75+gst
Site preparation:	<u>\$1525+gst</u>
Total project estimate:	\$9433.75

Tree guards: It is recommended that tree guards are installed around each plant to increase the survival rate. This will help protect the stock from the wind, possible vandalism and stops them getting run over by vehicles.

Watering: it is advised the trees are watered in immediately after planting, although the planting won't be implemented until opening rains and the rip lines are moist.

It is envisage the trees should be watered once a month across the summer period.

The stock is available to implement this project this coming winter.

Any queries please get back to me. I will be up in Muka area again in the coming weeks and discuss the project further

Yours sincerely



Bill Davey
Plantation and Landcare Services.



Comment

The Cemetery Committee members, including the CEO, met at the Cemetery on Tuesday 7th March, discussion took place amongst other things concerning a tree planting master plan and at the end of the meeting it was agreed that the CEO would make changes to the draft plan as provided by Bill Davey and this plan is shown below: Feedback on the draft plan from the Cemetery Committee as shown below has been generally positive.



Above: Existing Cemetery aerial view (as at 7th March 2023)



Above: Proposed/Draft Cemetery tree planting proposal.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Council has made an appropriate allowance in the 2022/2023 Budget for the purchase and installation of a new Niche wall at the Cemetery as the existing wall is currently at full capacity and the Council have a social obligation to provide this option to the Community.

Council does not have an allowance in the current years Budget for the planting of trees at the Cemetery as proposed in the draft plan. The CEO has spoken with Mr Davey who has suggested he would be seeking to carry out the planting in the Mukinbudin area early in the new financial year (post 1st July 2023) and it is recommended Council commit to this planting and acquisition of necessary trees and plants now to allow for the planning to take place.

OFFICER RECOMMENDATION

Council Decision Number –

That Council allocate \$10,000 (ten thousand dollars) in the 2023/2024 financial year Budget to allow for the tree planting program to be completed similar to the draft design as per below:



Carried /

9.3.3 Bonnie Rock Pony Club Grounds Extension	
Location:	All of Shire
File Ref:	ADM 478
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	8 th March 2023
Disclosure of Interest:	
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Absolute Majority
Documents Attached	Nil
Documents Tabled	Nil

Summary

To allow Council to consider a request from the Bonnie Rock Pony Club to support the approach to Landgate for the expansion of the existing Bonnie Rock Pony Club grounds to include the entirety of existing Crown Land ID 3102429 totalling 53.0 hectares.

Background Information

The CEO received a request from the Bonnie Rock Pony Club President, Mrs Suzi Sprigg concerning the expansion of the existing Bonnie Rock Pony Club grounds to include the entirety of existing Crown Land to allow for increased equestrian activity including cross country.

Officer Comment

The following correspondence is provided below by Mrs Suzi Sprigg, Bonnie Rock Pony Club President on behalf of the Club:

From: frednsuz@bigpond.com <frednsuz@bigpond.com>
 Sent: Wednesday, March 8, 2023 8:35 AM
 To: Dirk Sellenger <ceo@mukinbudin.wa.gov.au>
 Subject: Bonnie Rock Pony Club grounds extension

Hi Dirk,

As per our discussion last week, I'd like to propose applying to Landgate for use of crown land surrounding the existing recreation ground used by Bonnie Rock Horse and Pony Club, to extend where we are currently able to ride. Please see map below for details. At current we are only covered by insurance within the existing grounds and it would be hugely beneficial for members to be able to ride further afield then we are currently able to.

Kind regards
 Suzi Sprigg
 Club President



Consultation

Mrs Suzi Sprigg – Bonnie Rock Pony Club

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

OFFICER RECOMMENDATION

Council Decision Number –

That Council support the approach to Landgate for the expansion of the existing Bonnie Rock Pony Club to include the entirety of existing Crown Land ID 3102429 totalling 53.0 hectares.

Moved: Cr

Seconded: Cr

Carried /

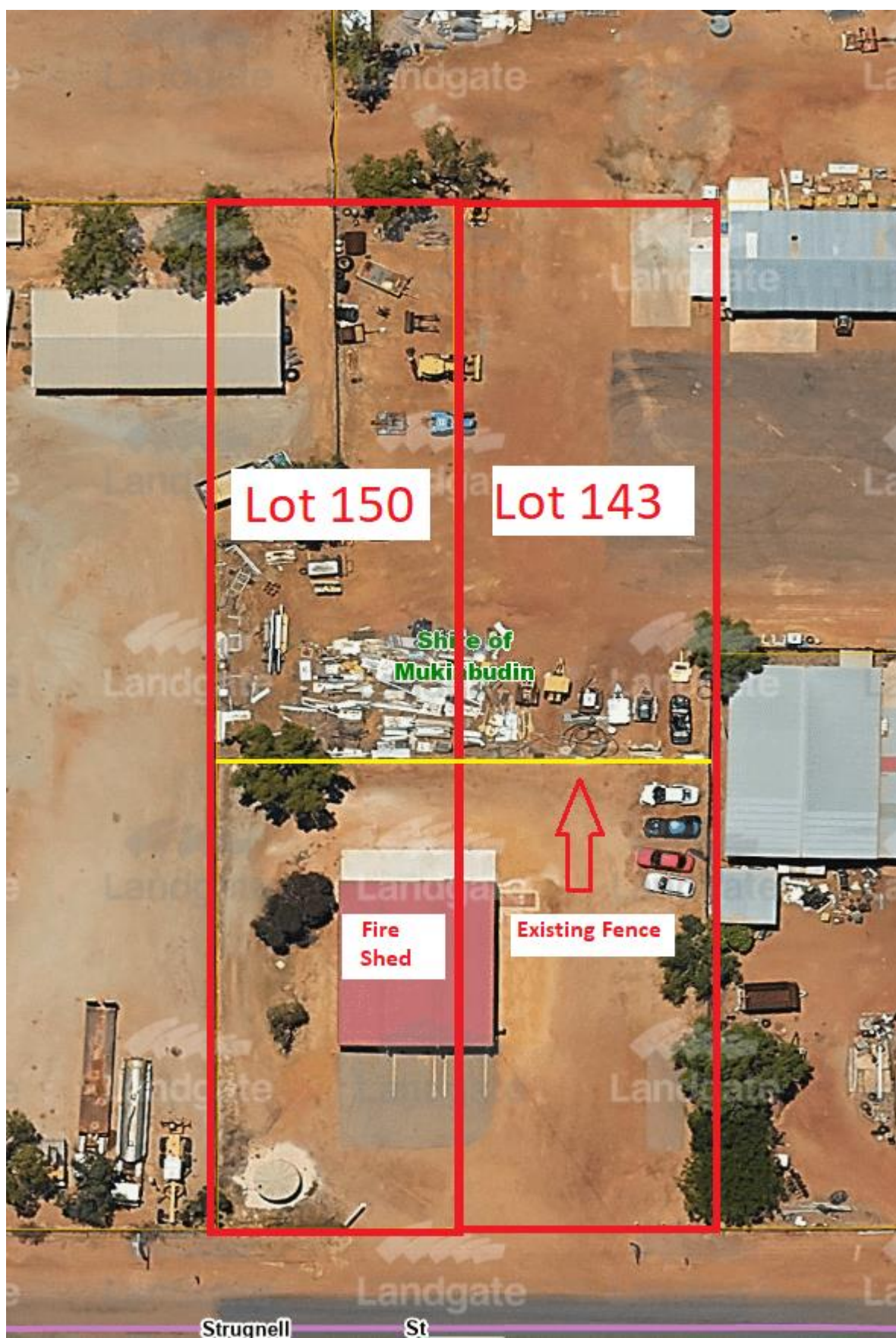
9.3.4 DFES – Lease of Land and Building (Fire Shed Strugnell Street, Mukinbudin)	
Location:	Shadbolt Street, Mukinbudin Townsite
File Ref:	ADM 146
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	20 th March 2023
Disclosure of Interest:	
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Absolute Majority
Documents Attached	9.3.4a Part Lot 143 Strugnell Street 9.3.4b Part Lot 150 Strugnell Street
Documents Tabled	Nil

Summary

For Council to enter into a lease agreement for the Land and Building currently used by the Department of Fire and Emergency Services (DFES) for the purpose of a fire shed located in Strugnell Street Mukinbudin.

Background Information

In circa 2018 the Mukinbudin Fire Brigade transitioned from a Shire run and managed Volunteer Bush Fire Brigade to a DFES run brigade to allow for the inclusion of Road Rescue, a service not possible with Local Government Managed Bush Fire Brigades. Since the transition from Shire to DFES, DFES has used the Shire owned Fire shed located in Strugnell Street Mukinbudin spread over parts of two individual lots, being P174020 150 (western side) and P171130 143 (eastern side), as follows:



A large number of problems have resulted due to the fact the shed was built over two separate blocks (Lot 143 and Lot 150) this is further complicated by the fact one block is freehold and one block is Reserve land. To complete the confusion Lot 143 takes in the eastern section of the fire shed and the western section of the Depot yard. Lot 150 takes in the western section of the fire shed, the most eastern section of the Depot yard and includes a portion of land used by the western neighbor to the Shire depot block.

Officer Comment

To rectify the issues, it would require requesting from Landgate the Reserve land be amalgamated with the freehold land and a number of subdivisions are also required, which would include the subdivision of the southern portions of Lot 143 and 150 and once eventually subdivided these two blocks eventually amalgamated.

The subdivision of the North West corner of Lot 150 which is currently used by the Western neighbour and undesirably includes a portion of the Northern neighbours shed. Cost estimates to rectify these various issues, including the Landgate subdivision fees are estimated to be in the vicinity of \$25-\$30k and whilst it is recommended to be rectified and it is understood this needs to be done at some stage in the future and it is recommended by the author that a staged approach be used commencing with the amalgamation of Lot 143 and Lot 150 and the changing of the reserve land to freehold to create one parcel of land prior to the commencement of any subdivisions.

Strategic & Social Implications

Nil

Consultation

DFES – Leasing Staff Department

President – Cr Gary Shadbolt

Mr Bruce Atkins (former owner of freehold block west of Lot 150)

Ross Mcloughlin – Consulting Surveyor

Paul Bashall – Contract Town Planner

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

The lease offered is for a ten (10) year period (5 plus 5 year option) at an annual fee of \$1.00 per year (peppercorn lease) for each of the two blocks.

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That Council accept the ten (10) year lease documents Lot 143 and Lot 150 Strugnell Street Mukinbudin being the section knows at the Mukinbudin Fire shed as defined by existing fencing boundaries not actual property boundaries.

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

Carried /

9.3.5 2023 Ordinary Local Government Elections	
Location:	Mukinbudin
File Ref:	ADM 374
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	14 th March 2023
Disclosure of Interest:	
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements:	Absolute Majority
Documents Attached:	Nil
Documents Tabled:	Nil

Summary

To allow Council to consider who will be responsible for the Management of the October 2023 Ordinary Local Government Elections.

Background Information

The Local Government Minister, wrote to all Local Governments in February 2023 as follows:



Hon John Carey MLA
Minister for Housing; Lands; Homelessness; Local Government

Our ref: 78-11008

3 February 2023

Dear Local Government Chief Executive Officers

MEMORANDUM TO CHIEF EXECUTIVE OFFICERS
ARRANGEMENTS FOR THE UPCOMING OCTOBER 2023 ORDINARY ELECTIONS

As you know, the State Government is continuing to work with the local government sector to deliver the most significant package of local government reforms in more than 25 years. These reforms include several measures to strengthen local democracy and increase community engagement, including new requirements for:

- the introduction of optional preferential voting for all local government elections;
- directly-elected Mayors and Presidents for all Band 1 and 2 local governments;
- the abolition of wards for all Band 3 and 4 local governments; and
- aligning the size of councils with the size of the population of each district.

In September 2022, I wrote to all local governments to outline the implications of the reforms for each council, and pathways for implementing required changes. Since then, the majority of impacted councils have been working to consider how best to transition in changes. Many councils have since completed Ward and Representation Reviews, while others will have more substantial changes implemented through reform elections, or minor changes made to apply by default.

I would like to acknowledge and thank local governments for the constructive and proactive way they have approached this forward planning.

Further to my previous letter, the State Government is continuing to work to implement election reforms ahead of the October 2023 Ordinary Elections. The reforms will introduce Optional Preferential Voting (OPV) for all local government elections. OPV is similar to preferential voting used in State and Federal Elections, and for local government elections in every other Australian state. OPV provides that electors can preference as many or as few candidates as they decide, and there will be no transfer of preferences other than the preferences electors mark on their ballot paper.

The reforms will also include related new changes for the backfilling of vacancies, including:

- in the event that a member of the council is directly elected as the Mayor or President, the consequent vacancy can be filled by the next highest-polling candidate through the relevant district or ward council election held on the same day;
- if a vacancy arises within one year of a council member being elected at an ordinary election, that vacancy may be filled by the next highest-polling candidate; and
- the timeframes for which certain vacancies can remain unfilled ahead of an upcoming ordinary election will also be extended.

Together, these reforms will greatly reduce the need for extraordinary elections, saving costs for ratepayers and administrative burden for local governments in the longer term.

However, these changes will require specific attention on election night, and returning officers will need to identify the candidates who are next in line to fill further vacancies for inclusion on the declaration of results. Accordingly, I am writing to encourage all local governments to commence early planning for the practical arrangements for the conduct of the October 2023 Ordinary Elections.

As you would know, the council may declare the Electoral Commissioner as responsible to conduct postal elections under sections 4.20 and 4.61 of the *Local Government Act 1995* (the Act). Section 4.28 of the Act further provides that the local government is to meet the costs incurred by the Western Australian Electoral Commission (WAEC) in conducting such elections.

Alternatively, if council decides that the CEO (or other appointee) is to be the returning officer, local governments will have the option to purchase a licence for access to the WAEC's CountWA software to facilitate the counting of votes. CountWA software is used to count votes in State Elections, and involves data entry of preferences indicated on ballot papers. This provides for preferences to be counted and re-counted using the software.

If a local government decides to license the software instead of appointing the Electoral Commissioner to conduct the election, the CEO (or other appointee) will remain wholly responsible for the conduct of the count, the use of the software, the introduction of the new OPV counting and backfilling provisions, and dealing with any disputes or complaints. The WAEC will only be able to provide general assistance on accessing and using the software.

The WAEC will shortly be writing to all local governments to provide information for each council. The WAEC can also provide further information on each of these options. Please contact Phil Richards, Manager Election Events on 9214 0443 or at Phillip.Richards@waec.wa.gov.au if you have any queries.

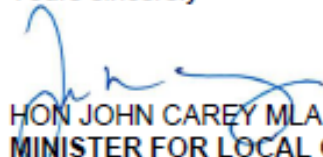
It is strongly recommended that the decision for whether to declare the Electoral Commissioner as responsible for your Ordinary Elections is put to Council at its March meeting. This will allow sufficient time for the WAEC to work with you to deliver the election, or provide you with a software licence, if preferred.

In considering potential arrangements, local governments should be mindful that the WAEC will require sufficient lead time to plan ahead. Accordingly, I strongly urge all local governments to make arrangements as early as possible, and consider the appointment of the WAEC to conduct the elections.

The Department of Local Government, Sport and Cultural Industries (DLGSC) is working closely with the WAEC to prepare further materials to assist local governments with the implementation of reforms. The DLGSC will provide further updates through LG Alerts to the sector and on the DLGSC's website. The DLGSC is also available to assist with any queries, including by email at lghotline@dlgsc.wa.gov.au or by phone on 1300 762 511.

I have also written a letter to the Mayor or President of your local government, which contains the same information as this memorandum. That letter should be received shortly.

Yours sincerely



HON JOHN CAREY MLA
MINISTER FOR LOCAL GOVERNMENT

The CEO has requested a quote from the WA Electrical Commission (WAEC) to conduct the Ordinary 2023 Election on behalf of the Shire and the quote is attached:



WESTERN AUSTRALIAN
Electoral Commission

LGE 028

Mr Dirk Sellenger
Chief Executive Officer
Shire of Mukinbudin
PO Box 67
MUKINBUDIN WA 6479

Dear Mr Sellenger

Local Government Ordinary Election: 2023

I refer to your email of 8 March 2023 in which you request a cost estimate for the Shire of Mukinbudin 2023 Local Government Election to be conducted as a postal election.

The estimated cost for the 2023 election if conducted as a postal ballot is \$12,500 inc GST, which has been based on the following assumptions:

- 390 electors
- response rate of approximately 60%
- 3 vacancies
- count to be conducted at the offices of the Shire of Mukinbudin
- appointment of a local Returning Officer
- regular Australia Post delivery service to apply for the lodgement of the election packages.

An additional amount of \$85 will be incurred if your Council decides to opt for the Australia Post Priority Service for the lodgement of election packages.

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

Costs not incorporated in this estimate include:

- any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission incurred as part of an invalidity complaint lodged with the Court of Disputed Returns
- the cost of any casual staff to assist the Returning Officer on election day or night
- any unanticipated costs arising from public health requirements for the COVID-19 pandemic.

As you are aware, the Government is currently considering reforms to the *Local Government Act 1995*, which include how elections are to be conducted. In order to assist with your local government's budget planning, we have included, to the best of our knowledge, costs that will arise from the changes proposed in legislation. These include increased costs from the Commission arising from improved processing procedures and additional resources to supplement the Commission's education, complaints management, investigation and legal efforts.

In order for the Commission to be responsible for the conduct of your election, the first step required by the *Local Government Act 1995* is my written agreement to undertake the election.

As such, you may take this letter as my agreement to be responsible for the conduct of the ordinary elections in 2023 for the Shire of Mukinbudin in accordance with section 4.20(4) of the *Local Government Act 1995*, together with any other elections or polls that may also be required. My agreement is subject to the proviso that the Shire of Mukinbudin also wishes to have the election undertaken by the Western Australian Electoral Commission as a postal election.

In order to achieve this, your council would need to pass the following two motions by absolute majority:

- Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary elections together with any other elections or polls which may be required
- Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

It would be greatly appreciated if this item was considered at your March 2023 council meeting, to enable the Commission to have sufficient time to work with you to effectively conduct the election.

I look forward to conducting this election for the Shire of Mukinbudin in anticipation of an affirmative vote by Council. If you have any further queries please contact Shani Wood Director, Election Operations on 9214 0400.

Yours sincerely



Robert Kennedy
ELECTORAL COMMISSIONER

9 March 2023

LGE 028



WESTERN AUSTRALIAN
Electoral Commission

Mr Dirk Sellenger
Chief Executive Officer
Shire of Mukinbudin
PO Box 67
MUKINBUDIN WA 6479

CountWA Software 2023 Local Government Ordinary Election

I refer to your email of 15th February 2023, where the Shire of Mukinbudin requested a cost estimate to use the CountWA software package for the 2023 Local Government Ordinary Election should your Chief Executive Officer (or other appointee) be the Returning Officer.

As you may be aware, CountWA is a counting software that is used for computing the results of more complex counts and is used to count votes in State Elections. It involves data entry of preferences indicated on ballot papers into the software and then the software computes the results depending on the counting method required.

The Western Australia Electoral Commission (WAEC) can offer two options for local governments that don't declare the Electoral Commissioner responsible for the conduct of their election.

We recommend that for any local governments expecting more than 300 ballot papers, you consider utilising Option 2, as this will enable you to have multiple data entry operators. We also recommend Option 2 for those local Governments who do not have sufficient in-house IT support to undertake Option 1.

Option 1 - CountWA software and support only

1. This is a single computer installation of CountWA and is best suited to smaller counts where there is a single operator undertaking the role of supervisor and data entry operator. There is no ability to connect any other computer to CountWA or show progressive results whilst also data entering.
2. WAEC will provide:
 - a. Installation package for CountWA. This will be supplied on a suitable download link.
 - b. Technical support (during business hours on phone) prior to election day to assist with the installation and setup of CountWA (times will be advised)
 - c. Training materials and documentation related to CountWA.
 - d. Training of use of Count WA (via Teams).
 - e. Helpdesk support on Election Day from 10.00am to 10.00pm

3. The Local Government will:
 - a. Supply all equipment.
 - b. Have Windows 10 installed on the computer.
 - c. Need appropriate IT capacity to install and setup software on the computer.
4. The cost for Option 1 is \$5,300 (ex GST) per Local Government, plus additional costs for helpdesk support and couriers.

Option 2 - Complete CountWA installation, including all hardware and equipment.

1. This can be used for a range of count sizes, requiring two to 20 computers. It also allows results to be progressively displayed.
2. WAEC will provide:
 - a. Two or more pre-networked laptops with CountWA pre-installed. This package includes all IT equipment needed to run CountWA, including laptop, numeric keypads, networking equipment, extension cords, power boards, etc.
 - b. Printer and modem
 - c. Technical support (during business hours on phone) prior to election day to assist with the setup of CountWA (times will be advised)
 - d. Training materials and documentation related to CountWA
 - e. Training of use of CountWA (via Teams)
 - f. Helpdesk support on Election Day from 10.00am to 10.00pm
 - g. Secure transport of the CountWA equipment to/from the Local Government. The equipment will be sent to the Local Government 1-2 weeks prior to the election so that there is time to setup and test.
3. The Local Government will:
 - a. Be responsible for unpacking and setting up the IT equipment. Clear instructions will be provided by WAEC, and telephone support will be available.
 - b. Provide a suitable HDMI compatible digital projector or large screen, should they wish to display the progressive results on a large screen.
 - c. After the election, pack up all equipment and follow instructions provided by the WAEC for the return of all supplied equipment within 2 weeks after the election.
4. The cost for Option 2 is \$8,000 (ex GST) per Local Government. This includes software license, laptop (one), printer, networked modem, technical support (install), training and materials, WAEC administration support. Please note that:
 - a. There is an additional \$1000 as a bond which is refundable when equipment is returned and if there are no damages.
 - b. There is an additional cost of \$650 per additional laptop required for either data entry or progressive display.
 - c. The cost of helpdesk support, packaging and couriers are variable costs to be added when confirmed.

For both options above, whilst technical support is provided the WAEC accepts no liability for the result and cannot undertake any counting or other administrative assistance with the election.

To determine the total requirements required for the 2023 Local Government Ordinary Elections could you please advise WAEC which option you would be considering and if option 2 can you also indicate the number of laptops required. Local Governments that have indicated they require either option, will be supplied with the CountWA service and invoiced if their election proceeds past the close of nominations.

Please respond to:

Attention Daniel Smith, Project Assistant, LGE Governance and Integrity,
at lgelections@waec.wa.gov.au

Yours sincerely



Robert Kennedy
ELECTORAL COMMISSIONER

15 March 2023

Officer Comment

From the tone of the letter from the Minister as well discussion within the Local Government sector it is undoubtably the preference of the Minister for Local Governments to utilise the services of the WAEC to conduct the October 2023 Elections. Mukinbudin has historically conducted their own elections without the assistance from the WAEC. At the Ordinary October 2021 Local Government Elections 98 of the 139 Elections (70.5%) were conducted by the WAEC on behalf of the various Local Governments and the WAEC expects this figure to rise significantly for the 2023 Election cycle.

By having the WAEC run the Local Government Election this provides the opportunity to allow for a postal election to be utilised. Local Government Elections often have very low elector voting numbers and postal voting is a effective tool to increase elector turnout by allowing people to vote in the comfort on their own home prior to election day without to need to personally attend the polling location on Election day.

The 2023 Election cycle is also likely to include a reduction of Elected Member vacancies from four (4) to three (3) in accordance with the current Local Government reform process which limit Band 4 Local Governments like Mukinbudin to Elected member numbers of between five (5) and seven (7) and Council resolving to reduce Elected Member number from the current nine (9) to seven (7) over two ordinary election cycles (October 2023 and October 2025) however we are yet to receive confirmation from the Local Government Advisory Board or the Ministers Office of the approval for Councils proposal however this is expected to be received in the near future and the process of reducing elected Member numbers likely approved.

The CEO requested a second quote from the WAEC to utilise the necessary Software to allow for the votes to be Counted, to need to pay at least \$8,000 to count perhaps 250 votes at Mukinbudin in the event of an Election. This is a questionable use of funding, which would amount to over \$30.00 per vote to count without the benefits provided by postal voting as mentioned above.

This is a difficult decision for the Council to make and whilst the WAEC run postal election prices have remained reasonably stable in recent years, the cost of running the Election in house is now more complex and costly to the point where the full service Election provided by the WAEC as well as the benefits provided by a Postal Election now need to be seriously considered.

Strategic & Social Implications

Nil

Consultation

Discussion with neighbouring Local Government CEO's suggest the majority either will be or have historically already appointed the WAEC to undertake the Election on behalf of their respective Shires.

Statutory Environment

4.20. CEO to be returning officer unless other arrangements made

- (1) *Subject to this section the CEO is the returning officer of a local government for each election.*
- (2) *A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint* a person other than the CEO to be the returning officer of the local government for —*
 - (a) *an election; or*
 - (b) *all elections held while the appointment of the person subsists.*

** Absolute majority required.*

- (3) *An appointment under subsection (2) —*
 - (a) *is to specify the term of the person's appointment; and*
 - (b) *has no effect if it is made after the 80th day before an election day.*
- (4) *A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

** Absolute majority required.*

- (5) *A declaration under subsection (4) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.*

- (6) *A declaration made under subsection (4) on or before the 80th day before election day cannot be rescinded after that 80th day.*

[Section 4.20 amended by No. 64 of 1998 s. 19(1); No. 49 of 2004 s. 16(4) and 32(1)-(4).]

4.61. *Choice of methods of conducting election*

- (1) *The election can be conducted as a —*
postal election *which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or*
voting in person election *which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.*

- (2) *The local government may decide* to conduct the election as a postal election.*

** Absolute majority required.*

- (3) *A decision under subsection (2) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.*
- (4) *A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20(4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.*
- (5) *A decision made under subsection (2) on or before the 80th day before election day cannot be rescinded after that 80th day.*
- (6) *For the purposes of this Act, the poll for an election is to be regarded as having been held on election day even though the election is conducted as a postal election.*
- (7) *Unless a resolution under subsection (2) has effect, the election is to be conducted as a voting in person election.*

[Section 4.61 amended by No. 64 of 1998 s. 25; No. 49 of 2004 s. 16(4) and 32(5).]

Policy Implications

Nil

Financial Implications

In the event the Council chooses to appoint the WAEC for conduct the 2023 Local Government Elections on its behalf costs of approximately \$12,500inc GST (twelve thousand five hundred dollars) will be Budgeted in the 2023/2024 financial year accordingly.

OFFICER RECOMMENDATION

Council Decision Number –

Moved:

Seconded:

That Council:

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

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

/

Carried by Absolute Majority

9.3.6 Novation of Contract Deed – Mukinbudin CRC	
Location:	Mukinbudin
File Ref:	ADM 477
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	20 th March 2023
Disclosure of Interest:	
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Absolute Majority
Documents Attached	Novation of Contract Deed – Mukinbudin CRC
Documents Tabled	Novation of Contract Deed – Mukinbudin CRC

Summary

To allow Council to formally accept the Novation of Contract Deed – Mukinbudin CRC. This formally changes an existing legal agreement between DPIRD and the Mukinbudin CRC to an agreement between DPIRD and the Shire of Mukinbudin.

Background Information

The matter was considered at the November 2022 Ordinary meeting of Council and Council resolved as follows:

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

Council Decision Number – 09 11 2022

Moved: Cr Seaby

Seconded: Cr Ventris

That Council request the Department of Primary Industries and Regional Development transfer the “DRDCS17001 Service Agreement”, for 2022-2027, from the Mukinbudin CRC to the Shire of Mukinbudin, effective 1st April 2023.

That subject to the formal approval by the Department of Primary Industries and Regional Development for the transfer of the Service Agreement DRDCS17001 from the CRC to the Shire of Mukinbudin, that the Shire of Mukinbudin take over all Management responsibilities of the Mukinbudin Community Resource Centre, including but not limited to the Employment and Management of all CRC staff from 1st April 2023.

Carried 5 / 0

Officer Comment

Shire staff have been working closely with Board Members and Staff from the CRC to ensure a smooth transition from 1st April 2023.

Consultation

Shire of Narembeen CRC (Local Government Managed)

Max Betteridge - Project Officer – DPIRD

Tara Chambers – Current Mukinbudin CRC Chairperson

Mukinbudin Council – Informal discussion

Renee Jenkin – Manager of Corporate and Community Services

Louise Sellenger – Former Manager of Corporate Services

Lucia Scari – Senior Finance Officer

Ed Nind – Finance Manager

Statutory Environment

Local Government Act 1995,

Policy Implications

Nil

Financial Implications

The current contract with DPIRD is for the period 1st July 2022 to 30th June 2027. No commitment by DPIRD exists beyond this date and it is possible no additional funding would be forthcoming however this is considered unlikely provided the CRC is well run and managed and milestones and goals achieved.

The total value of the current contract with DPIRD is \$548,371inc GST plus indexation. This amount is paid annually, amounting to approximately \$109,674.20 per year to assist with the operational costs, including but not limited to the payment of wages and other “cost of business expenses”.

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That Council endorse the agreement between DPRID and the Shire of Mukinbudin, effective from 1st April 2023.

That the CEO sign and use the Common Seal as required on the Novation of Contract Deed and return the signed and sealed document DPIRD for implementation.

Carried /

9.3.7 Mukinbudin Community Resource Centre Fees & Charges 2022-2023	
Location:	Mukinbudin
File Ref:	ADM 477
Applicant:	Dirk Sellenger – Chief Executive Officer
Date:	20 th March 2023
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger – Chief Executive Officer
Author:	Dirk Sellenger – Chief Executive Officer
Voting Requirements:	Absolute Majority
Documents Attached:	Mukinbudin CRC Fees & Charges
Documents Tabled:	Nil

Summary

To present Council with the proposed Fees & Charges for the Community Resource Centre (CRC) which Council becomes responsible for from 1st April 2023. The attached fees are largely unchanged from that of the CRC previously and each of the fees will be thoroughly reviewed during the period 1st April 2023 to 30th June 2023 once the CRC is under Shire Management.

Background Information

The 2022/23 Schedule of Fees and Charges for the CRC have been provided by the CRC staff and are provided to Council for formal endorsement effective from 1st April 2023 until 30th June 2023.

Officer Comment

Each year Council is required to review the annual fees and charges which are incorporated into the Annual Budget Document. Fees and Charges for a small Wheatbelt Shire such as Mukinbudin represent a very small portion of income on a percentage basis of the total annual income.

This year the officer has taken into account the increase in demand for services, the increase in costs such as fuel and the current rate of inflation.

Strategic & Social Implications

It is essential that all aspects are considered when Council sets the fees and charges. These include the demographic of the community, the ability to pay and the level and standard of service we as a Shire can provide to our community.

Consultation

Renee Jenkin – Manager of Corporate and Community Services
 Lucia Scari – Senior Finance Officer
 Ed Nind – Finance Manager

Statutory Environment

Local Government Act 1995,

Local Government (Financial Management) Regulations 1996

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.*

** Absolute majority required.*

6.17. Setting level of fees and charges

- (1) *In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —*
- (a) the cost to the local government of providing the service or goods; and*
 - (b) the importance of the service or goods to the community; and*
 - (c) the price at which the service or goods could be provided by an alternative provider.*
- (2) *A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.*
- (3) *The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —*
- (a) under section 5.96; or*
 - (b) under section 6.16(2)(d); or*
 - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.*
- (4) *Regulations may —*
- (a) prohibit the imposition of a fee or charge in prescribed circumstances; or*

- (b) *limit the amount of a fee or charge in prescribed circumstances.*
- 6.18. *Effect of other written laws*
- (1) *If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —*
- (a) *determine an amount that is inconsistent with the amount determined under the other written law; or*
- (b) *charge a fee or charge in addition to the amount determined by or under the other written law.*
- (2) *A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.*
- 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

Levels of income from Fees and Charges to be raised.

OFFICER RECOMMENDATION

Moved: Seconded

That Council adopt the new Mukinbudin Community Resource Centre Fees & Charges for 2022/2023 as presented and incorporate this document with the 2022/2023 Budget as required.

That the new schedule of fees and charges concerning the Mukinbudin Community Resource Centre be advertised in accordance with section 6.19 of the Local Government Act 1995, to be imposed from 1st April 2023.

Carried: /

9.3.8 Kingdom Hall - 53 Shadbolt Street, Mukinbudin	
Location:	Lot 20, Corner Greenslade and Shadbolt Streets, Mukinbudin
File Ref:	ADM 266
Applicant:	Elders Real Estate
Date:	18 th March 2023
Disclosure of Interest:	
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Paul Bashall, Consultant Planner – Planwest (WA) Pty Ltd
Voting Requirements	Absolute Majority
Documents Attached	
Documents Tabled	

Summary

Elders Real Estate has been approached by interested buyers to use the Kingdom Hall property in Shadbolt Street, Mukinbudin, for residential purposes and needs to gauge the Council's preparedness to approve the rezoning of the property to Residential.

Background

The existing Kingdom Hall on the corner of Shadbolt and Greenslade Streets is no longer required as a religious venue and is for sale. Elders Real Estate has parties interested in using the property for residential purposes and needs to gauge the Council's preparedness to support a rezoning to permit the use of the property for residential purposes.

Officer Comment

Whilst the repurposing of the Kingdom Hall to a residential use may not be the best outcome, it is possible to reverse the purpose.

The enquirer has requested that the site be rezoned to the Residential zone.

Generally, buildings in a Town centre zone should be built up to the front boundary to provide a shaded environment with a series of shop fronts, either commercial or offices. These uses are indicated in the objectives for the zone.

Notwithstanding that, the Kingdom Hall is currently setback about 7.5 metres from Shadbolt Street and is not ideally located on the property. The large lot provides ample potential for parking and other residential requirements. The site faces residential land to the west of Greenslade Street and backs on to residential land to the south in Maddock Street.

In view of the fact that the Council is able to approve residential uses in the Town centre zone, it appears unnecessary to rezone the property. Retaining the current zoning protects the town centre zone entity and opens the way in the future to return to a town centre use – should the demand ever arise.

Existing Development

Kingdom Hall is a substantial building set back about 7.5 metres from Shadbolt Street and about 14 metres from Greenslade Street as shown in **Figure 1**. The property is 2,168m² and is about 40m by 50 metres deep with a rear laneway.

FIGURE 1 – LOCATION PLAN



Source: Landgate, Planwest

Proposed Use

The real estate agents have no interest from buyers to use the existing premises for religious purposes, however, there has been interest in repurposing the premises as a residence.

Strategic & Social Implications

The Council is aware of the acute shortage of residential premises for sale or rent however needs to consider the implications for the loss of a 'Town Centre' property to a use that is clearly, in itself, not a town centre use.

Consultation

Nil.

Policy Implications

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

Financial Implications

Nil.

Statutory Environment

The Shire of Mukinbudin Local Planning Scheme No 4 (Scheme 4) gazetted in 2003 designates the land as 'Town centre'.

The objectives for the Town centre zone are as follows.

1. to ensure the established town centre in Mukinbudin remain the principal place for retail, commercial, civic, and administrative functions in the district.
2. to ensure development will not adversely affect local amenities, and will enhance the character of the townsite.
3. to provide for the efficient and safe movement of pedestrians and vehicles (including trucks, buses, and caravans).
4. to provide sufficient parking spaces for cars, caravans, and buses, without compromising pedestrian movements.
5. to provide an increased level of public amenities including public toilets, shaded areas, and street furniture.
6. to provide for expansion of commercial activity and community facilities to meet future demands.

Objectives 2-4 would not be affected by the change of use to residential, however objectives 1, 5 and 6 would not be achievable. Notwithstanding this, the change of use does not change the built environment and it must be assumed that the reversal of the use would be possible if the demand was so demonstrated.

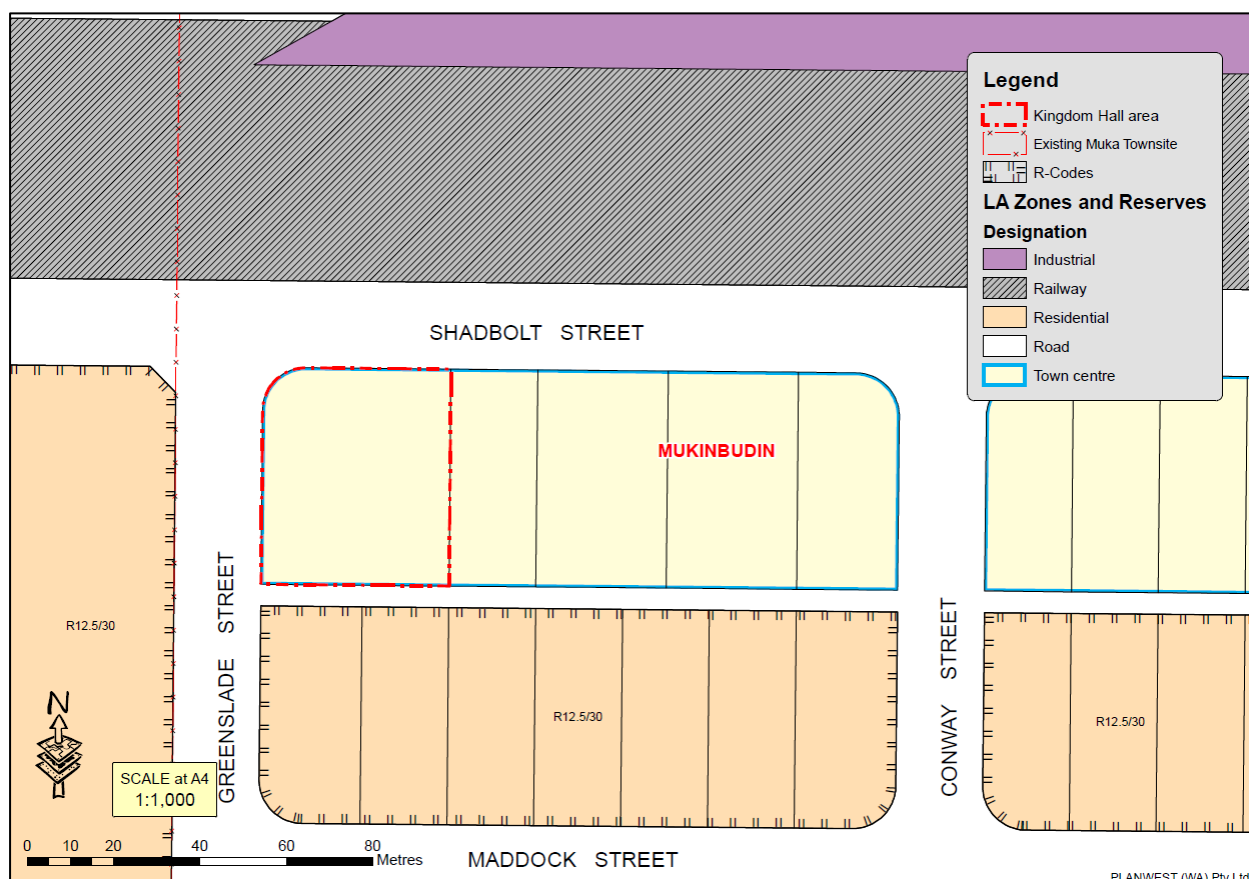
Table 1 – Zoning Table of the Scheme provides for the permissibility of certain uses in each zone of the Scheme.

A **Single house** in a Town centre zone is a 'D' use. (*"D" means that the use is not permitted unless the local government has exercised its discretion by granting development approval*).

A **Grouped dwelling** in a Town centre zone is an A use. (*"A" means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the deemed provisions*).

Figure 4 below shows an extract from the Scheme Map.

FIGURE 4 – EXTRACT FROM SCHEME MAP



Source: DPLH, Landgate, Planwest

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That the Council advise Elders Real Estate that, whilst it is prepared support the repurposing of Kingdom Hall in Shadbolt Street for a residential use in accordance with the Scheme provisions, it is not prepared to support a Scheme Amendment to rezone the land to Residential.

The Scheme requires the lodgement of a Development Approval (DA) application for the change of use as there will be internal works necessary for the repurposing of the building.

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.