



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 23rd May 2023

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

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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

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11.1

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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 23rd May 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
Ed Nind	Finance Manager

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 18th April 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 18th April 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 NEWROC Executive Meeting held 28th March 2023

[NEWROC Meeting Minutes](#)

8.1.2 SRRG Meeting held 18th April 2023

[SRRG Meeting Minutes](#)

Voting Requirement

Simple Majority

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That the Minutes of the following committee meetings be received.

- NEWROC Executive Meeting held 28th March 2023
- SRRG Meeting held 18th April 2023

Carried /

8.2 Recommendations from Committee Meeting for Council Consideration

9.1 Monthly Information Report

9.1.1 May 2023 Information Report	
Location:	Mukinbudin
File Ref:	ADM 360
Applicant:	John Merrick, Acting Chief Executive Officer
Date:	12 th May 2023
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Simple Majority
Documents Attached	May Information Report
Documents Tabled	Nil

Summary

To allow Council to receive the Monthly Information Report including reports from the Caravan Park Manager, Manager of Works, Community Resource Centre Coordinator, and Manager of Corporate and Community Services and Acting Chief Executive Officer.

Background Information

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

Officer Comment

Refer to May Information Report.

Consultation

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

Statutory Environment Nil

Policy Implications Nil

Financial Implications Nil

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That Council receive the May 2023 Information Report.

Carried /

9.2 Finance Reports

9.2.1 List of Payments – April 2023	
Location:	Mukinbudin
File Ref:	ADM 007
Applicant:	Edward Nind – Finance Manager
Date:	10 th May 2023
Disclosure of Interest:	
Responsible Officer:	Edward Nind – Finance Manager
Author:	Lucia Scari – Senior Finance Officer
Voting Requirements	Simple Majority
Documents Attached	List of Payments – Municipal Account (4 pages) List of Payments – Restricted Muni Account (1 page) Corporate Credit Card Statement March 2023 (6 pages) Credit Card Summary March 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 April 2023 for endorsement by Council.

Background Information

A list of payments submitted to Council on 23rd May 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: Cr

Seconded: Cr

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

Municipal Fund:

Muni EFTs	EFT 7972	to	EFT 8046	\$257,320.45
Muni Cheques	Chq 31949	to	Chq 31950	\$351.04
Muni Direct Debits (Superannuation, loans, leases)	DD 10258.1	to	DD 10318.9	\$62,875.11
Pays on (Not included on payment listing)	12/04/2023 & 26/04/2023			\$89,001.58
Total Municipal Funds				\$409,548.18

Restricted Muni Fund:

RMF EFTs	EFT -	to	EFT -	\$0.00
RMF Cheques	Chq -	to	Chq -	\$0.00
RMF Direct Debits	DD 10239.1	to	DD 10328.1	\$25,265.70
Total Restricted Muni Funds				\$25,265.70

Carried /

9.2.2 Monthly Statement of Financial Activity Report – 30 April 2023	
Location:	Mukinbudin
File Ref:	ADM 005
Applicant:	Edward Nind – Finance Manager
Date:	11 th May 2023
Disclosure of Interest:	Nil
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 30 April 2023 (23 Pages) Schedules 2 to 14 For the period 1 July 2022 to 30 April 2022 (98 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

The “Amended Budget” figures in the Statement Of Final Activity have been updated with the amendments adopted on 21 March 2023.

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.

In March 2023 council adopted a number of amended budgets.

Based on the amendments adopted, which includes reduction of the brought forward surplus of \$21,405, the predicted end of year result will be a deficit of 22,169.

The Community Resource Centre (CRC) account balances have not yet been recorded in the council ledger however the bank balances are disclosed under Note 1 "Bank Balances & Investment Information"

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 30 April 2023 the end of month position is a surplus of \$1,209,329. This excludes CRC assets and liabilities.

The reported variances are those to the Year To Date (YTD) "Original Budget".

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

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: Cr

Seconded: Cr

That Council adopt the Monthly Financial Report for the period ending 30 April 2023 and note any material variances greater than \$10,000 and 10%.

Carried /

9.3 Chief Executive Officer's Reports

9.3.1 Novation of Contract Deed – Mukinbudin CRC	
Location:	Mukinbudin
File Ref:	ADM 477
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	2 nd May 2023
Disclosure of Interest:	
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements:	Simple Majority
Documents Attached:	Deed of Novation – Mukinbudin CRC
Documents Tabled:	Nil

Summary

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

Background Information

Following the management structure change of the CRC from Community Board to Shire Management from 1st April 2023 prior Contracts and Agreements with the previous Management arrangement need to be corrected to reflect the change to Shire Management and a Deed of Novation is provided for Council consideration accordingly.

Officer Comment

The terms and conditions of the agreement between Services Australia and the Shire of Mukinbudin are as they were previously with the exception of the Shire of Mukinbudin replacing the Mukinbudin CRC.

Consultation

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

Strategic & Social Implications

Nil

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

- That Council endorse the agreement between Services Australia 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 Services Australia for implementation.

Carried: /

9.3.2 Council Members Fees 2023/24	
Location:	Mukinbudin
File Ref:	ADM 360
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	4 th May 2023
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Absolute Majority
Documents Attached	Salaries and Allowances Tribunal Determination – April 2023
Documents Tabled	Nil

Summary

Council to consider and set the Members Sitting Fees and Allowances which are to be incorporated in the 2023/2024 Budget once endorsed.

Background Information

The Salary and Allowances Tribunal (SAT) set a Minimum and Maximum payment amount for four (4) Bands of Local Governments within Local Government which is determined by an annual review.

The latest determination was on 6th April 2023 with the Tribunal determining that the minimum and maximum allowance amount within each band would increase by 1.5% rounded to the nearest \$5.00. This increase follows a 2.5% increase in the 22/23 year.

The Shire of Mukinbudin is deemed a Band 4 Council and will remain a band 4 Local Government until the populations exceeds 5,000 permanent residents.

Officer Comment

The relevant Fees and Charges for Council Members set by SAT are detailed below.

6.4 Annual Attendance Fees In lieu of Council Meeting, Committee Meeting and Prescribed Meeting Attendance Fees

(1) The ranges of fees in Table 8 and Table 9 apply where a local government or regional local government decides by an absolute majority that, instead of paying council members an attendance fee referred to in section 5.98 of the LG Act, it will pay all council members who attend council, committee, or prescribed meetings an annual fee.

Table 8: Annual attendance fees in lieu of council meeting, committee meeting and prescribed meeting attendance fees – local governments

	For a council member other than the mayor or president		For a council member who holds the office of mayor or president	
Band	Minimum	Maximum	Minimum	Maximum
1	\$25,600	\$32,960	\$25,600	\$49,435
2	\$15,470	\$24,170	\$15,470	\$32,410
3	\$8,000	\$17,030	\$8,000	\$26,370
4	\$3,735	\$9,890	\$3,735	\$20,325

7.2 Annual Allowance for a Mayor, President, or Chairman

(1) The ranges of allowances in Table 10 apply where a local government sets the amount of the annual local government allowance to which a mayor or president is entitled under section 5.98(5) of the LG Act.

(2) The range of allowances in Table 11 apply where a regional local government sets the amount of the annual local government allowance to which a chairman is entitled under section 5.98(5) of the LG Act.

(3) Despite the provisions of subsection (1), the Perth City Council is to set the amount of the annual local government allowance to which the Lord Mayor is entitled within the range of \$61,509 to \$137,268.

Table 10: Annual allowance for a mayor or president of a local government

	For a mayor or president	
Band	Minimum	Maximum
1	\$53,330	\$93,380
2	\$16,000	\$65,915
3	\$1,070	\$38,450
4	\$535	\$20,875

Current (2022/2023) Shire of Mukinbudin - Elected Members Fees and Allowances

President Allowance	\$ 10,455.00
Deputy President Allowance	\$ 2,613.75 *
Annual Attendance Fee (all 9 Members)	\$ 3,751.50

* Deputy President Allowance is linked to 25% of President Allowance and cannot be altered by the Council.

Whilst the Tribunal has increased the fees and allowances Council is permitted to set any amount providing the maximum amount indicated in Band 4 above is not exceeded. Whilst an Officer recommendation is provided below and an allowance for a nominal 1.5% increase in all the allowances the CEO (author) is reluctant to suggest to the President and Council what they should receive in the form of an allowance and whether this be at the minimum, mid or maximum of the rate provided (Band 4) by the Salary and Allowances Tribunal.

Strategic & Social Implications

2018-2028 Strategic Community Plan

Outcome 4.1 – Provide good strategic decision making, governance, leadership, and management.

4.1.1 Manage the organisation in a transparent and accountable manner.

Consultation

Salary and Allowances tribunal

Neighbouring Local Government CEO's

Statutory Environment

Local Government Act 1995, section 5.98A, 5.99 & 5.99A

5.98A. Allowance for deputy mayor or deputy president

- (1) A local government may decide* to pay the deputy mayor or deputy president of the local government an allowance of up to the percentage that is determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).

** Absolute majority required.*

- (2) An allowance under subsection (1) is to be paid in addition to any amount to which the deputy mayor or deputy president is entitled under section 5.98.

[Section 5.98A inserted: No. 64 of 1998 s. 37; amended: No. 2 of 2012 s. 15.]

5.99. Annual fee for council members in lieu of fees for attending meetings

A local government may decide* that instead of paying council members a fee referred to in section 5.98(1), it will instead pay all council members who attend council or committee meetings —

- (a) the annual fee determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B; or
- (b) where the local government has set a fee within the range for annual fees determined by that Tribunal under that section, that fee.

** Absolute majority required.*

[Section 5.99 amended: No. 2 of 2012 s. 16.]

5.99A. Allowances for council members in lieu of reimbursement of expenses

- (1) A local government may decide* that instead of reimbursing council members under section 5.98(2) for all of a particular type of expense it will instead pay all eligible council members —
 - (a) the annual allowance determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B for that type of expense; or
 - (b) where the local government has set an allowance within the range determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B for annual allowances for that type of expense, an allowance of that amount,

and only reimburse the member for expenses of that type in excess of the amount of the allowance.

** Absolute majority required.*

Policy Implications

Policy 1.3 'President's Allowance' and Policy 1.4 'Councillor Attendance Fees' indicates that the fees are to be set prior to the annual budget deliberations.

Financial Implications

The Fees and Allowances of Elected Members set by Council will be incorporated into the 2023/2024 Budget.

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That Council endorse the following Elected members Fees and Allowances payments.

Presidents Allowance	\$10,615.00
Deputy President's Allowance	\$2,653.75 *set at 25% of the President's Allowance.
Members Annual Fee	\$4,500.00
Annual Communication Allowance	\$0.00 – included in Annual Members Fee
Travel as per Council policy No. 1.8	

Carried /

9.3.3 Fees & Charges – Portable Toilet	
Location:	Mukinbudin
File Ref:	ADM 263
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	16 th May 2023
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 hire fees for the portable trailer-mounted toilet purchased in May 2020.

Background Information

Council considered Fees for a portable trailer mounted toilet in May 2020 with Council resolving as follows:

OFFICER RECOMMENDATION / COUNCIL DECISION

Council Decision Number – 12 05 20

Moved: Cr Bent

Seconded: Cr Ventris

That Council endorse the purchase of a portable trailer-mounted toilet at a cost of \$3,500.00 (three thousand, five hundred dollars).

That Council make an amendment to the Fees & Charges schedule to include portable toilet hire fee as:

- \$75.00 (seventy-five dollars) per day excluding weekends*
- \$145.00 (one hundred and forty-five dollars) per weekend*
- A \$500 (five hundred dollars) Bond payable at the discretion of the CEO.*

Carried: 9 / 0



Officer Comment

Total toilet rentals income for the current financial year to date total \$1,765.00inc GST. A number of the rentals have been for periods exceeding a weekend period and in some cases rental requests of up to a month have been requested which at the current rate amounts to \$2080.00 per month, by comparison the new lesser rate proposed would amount to \$990.00 per month plus \$85.00 emptying / cleaning fee if applicable upon return at the conclusion of the rental period.

The reason for the toilet was primarily for Shire staff use and rentals only ever take place when the toilet is not required by the Works Crew or for other Shire functions.

Strategic & Social Implications

Nil

Consultation

Various Hire Businesses in Perth
Lucia Scari – Senior Finance Officer

Statutory Environment

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

Policy Implications

Nil

Financial Implications

Any financial income from the rental of the toilet will be insignificant in the total scheme of the Annual Shire Budget revenue, the priority is not financial benefit but to provide a community service (Portable toilet) not otherwise available in Mukinbudin.

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That Council make an amendment to the Fees & Charges schedule to include portable toilet hire fee as:

- from \$75.00 to \$33.00inc GST per day irrespective of the rental period.
- An emptying / cleaning fee of \$85.00inc GST if applicable / required at the conclusion of the rental period.
- A \$500 (five hundred dollars) Bond payable at the discretion of the CEO.

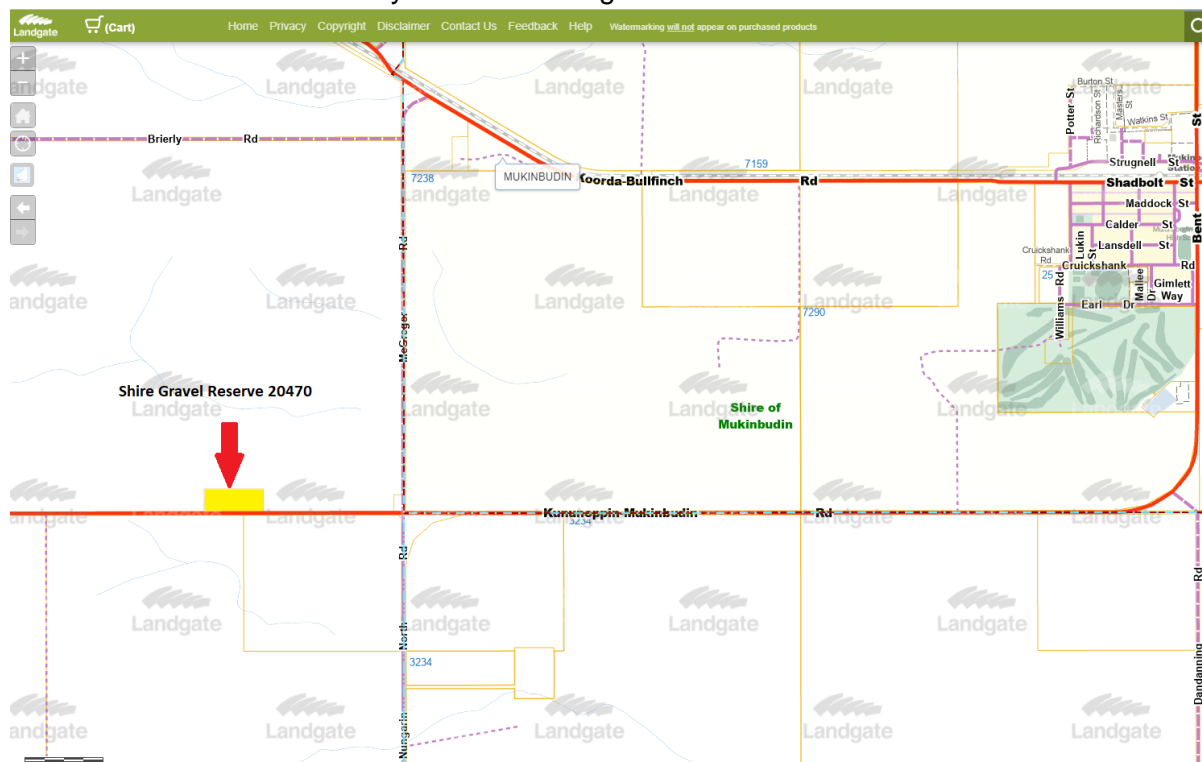
That the new fee become effective from 1st July 2023.

Carried /

9.3.4 Exhausted Gravel Reserve 20470	
Location:	Mukinbudin
File Ref:	ADM 360
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	17 th May 2023
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements:	Absolute Majority
Documents Attached:	Nil
Documents Tabled:	Nil

Summary

Council to consider relinquishing the gravel reserve R20470 located on the Kununoppin Mukinbudin Road as shaded yellow in the diagram below:



Background Information

The Road Board arranged for a gravel reserve to be created over 90 years ago and on 20th June 1930 Reserve 20470 was formally created and vested in at the time of the Board (equivalent in the day to what is in 2023 the Mukinbudin Shire Council). The Shire has a number of gravel reserves throughout the Shire, estimated between 20 and 30, many of which were created in the 1930's. Over the past ninety or so years gravel has been extracted from a number of these pits, some of these gravel reserves now have no gravel in them.

Reserve 20470 has been used at various times since its creation in 1930 and was most recently used in 2023 to provide gravel to the reconstruction of the Kununoppin Mukinbudin Road between the Nungarin North Road / Kununoppin Mukinbudin Road intersection and the

Mukinbudin Townsite. During this time the remaining useful gravel within the Reserve was exhausted and this reserve is now considered of no use or benefit to the Shire of Mukinbudin.



Above: Aerial photo of Gravel supply – photo taken circa 2021



Above: Aerial photo of Gravel supply taken 19th May 2023

LAND DESCRIPTION:

LOT 25423 ON DEPOSITED PLAN 154671

**STATUS ORDER AND PRIMARY INTEREST HOLDER:
(FIRST SCHEDULE)****STATUS ORDER/INTEREST:** RESERVE WITHOUT MANAGEMENT ORDER**PRIMARY INTEREST HOLDER:** STATE OF WESTERN AUSTRALIA**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)**

1. RESERVE 20470 FOR THE PURPOSE OF QUARRY GRAVEL

- Warning: (1) A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
Lot as described in the land description may be a lot or location.
- (2) The land and interests etc. shown hereon may be affected by interests etc. that can be, but are not, shown on the register.
- (3) The interests etc. shown hereon may have a different priority than shown.

-----END OF CERTIFICATE OF CROWN LAND TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND:	DP154671
PREVIOUS TITLE:	LR3022-974
PROPERTY STREET ADDRESS:	NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AUTHORITY:	SHIRE OF MUKINBUDIN
RESPONSIBLE AGENCY:	DEPARTMENT OF PLANNING, LANDS AND HERITAGE (SLSD)

NOTE 1: M164602 CORRESPONDENCE FILE 03519-1929-01RO

Officer Comment

The CEO and the Acting Manager of Works, Mr Bob Edwards, recently met with the adjoining land owner of gravel reserve 20470, Mr Robey Jones, concerning a number of issues with regards to the Reserve. During this meeting the CEO advised the land owner that the Reserve was no longer a viable gravel supply for the Shire of Mukinbudin and an item would be put to Council seeking the abolishment of the separate gravel reserve to transfer this from the Shire of Mukinbudin to the State of Western Australia, who would likely offer this to the adjoining landowner as they have in the past, when exhausted gravel reserves have been returned by Local Government to the State.

The Landowner requested some remedial work to the Reserve be carried out. This included the spreading of topsoil and flattening of several old scrub filled windrows to improve the appearance from the road, as well as some ripping of the Reserve against the road to allow for future planting to help create a visual barrier. This work was recently carried out and is considered ordinary gravel pit rehabilitation works.

Strategic & Social Implications

Consultation

Landgate Staff – Reserves
Mr Robey Jones – Adjoining Landowner
Cr Gary Shadbolt – Shire President
Mr Bob Edwards – Acting Manager of Works

Statutory Environment

Policy Implications

Financial Implications

Costs associated with the rehabilitation of gravel pits are not considered excessive, the Shire has an Environmental and Social obligation to carry out works to encourage and promote area to be rehabilitated once the existing use (gravel supply) is no longer possible or required.

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That Council advise the State that as Gravel reserve 20470 on Lot 25243 on Deposited plan 154671 is exhausted of any usable gravel the reserve is considered surplus to requirements and the Shire wish to forfeit this reserve and have it returned to the State.

Carried /

9.3.5 Mukinbudin Community Hub	
Location:	Mukinbudin
File Ref:	ADM 479
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	18 th May 2023
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 consider the building of a Community Hub in the main street of Mukinbudin to replace existing aging infrastructure and to provide significantly improved community facilities.

Background Information

The creation of a Community Hub is to create a central facility to include essential community facilities and services including but not limited to a Café / indoor and outdoor dining, Tourist Information services, short term office rental, popup short term retail sales (shopfront), modern public toilets and a Mukinbudin History Wall incorporating indigenous and non-indigenous settlement history of the Shire and Region.

The building of a Community Hub in Mukinbudin will deliver community-focused infrastructure which contributes to local and regional priorities.

Officer Comment

A funding round has been identified by the author who believes this would be ideal to allow for the part funding of such a facility in Mukinbudin.

Growing Regions Program - Expressions of Interest

Open: 1 July 2023

Closes: 1 August 2023

Full Applications open: 1 November 2023

Full Applications close: 12 December 2023

The program will deliver community and economic benefits by investing in community-focused infrastructure which revitalises regions and enhances amenity and liveability throughout regional Australia. Growing Regions Program Round 1 will be delivered through a two-stage selection process. Applicants must first submit an Expression of Interest at Stage 1 and if successful, applicants will be invited to submit a full application at Stage 2.

Objectives

The objectives of the program are:

- constructing or upgrading community infrastructure that fills an identified gap or need for community infrastructure
- contributing to achieving a wide range of community socio-economic outcomes
- is strategically aligned with regional priorities.

The intended outcomes of the program are:

- delivery of community-focused infrastructure which contributes to local and regional priorities
- provision of infrastructure which benefits the community by improving equity and supports diverse social inclusion
- to contribute to the achievement of broader Government priorities such as net zero emissions, gender equity, and/or First Nations priorities
- growing local economies and enhancing amenity and liveability in the regions.

Eligible Activities

To be eligible your project must:

- be aimed at constructing new community infrastructure or expanding or upgrading existing infrastructure for wider community benefit
- not have commenced construction
- not have received Commonwealth funding to undertake the same grant activities
- have a minimum eligible expenditure of at least \$555,556 (group 1), \$714,286 (group 2) or \$1,000,000 (group 3) depending on co-funding requirements as outlined in section 3.1.

Eligible activities must directly relate to the project and must include at least one of the following:

- constructing new community infrastructure
- expanding or upgrading existing infrastructure for wider community benefit

Examples of these activities include but not limited to:

- community hubs and centres (youth centres, men's sheds)
- art galleries/libraries/museums/cultural facilities
- aquatic/sports centres
- social and community infrastructure which encourages economic and social liveability

All activities must be strategically aligned to regional priorities and benefit the wider community. This will need to be addressed through the assessment criteria.

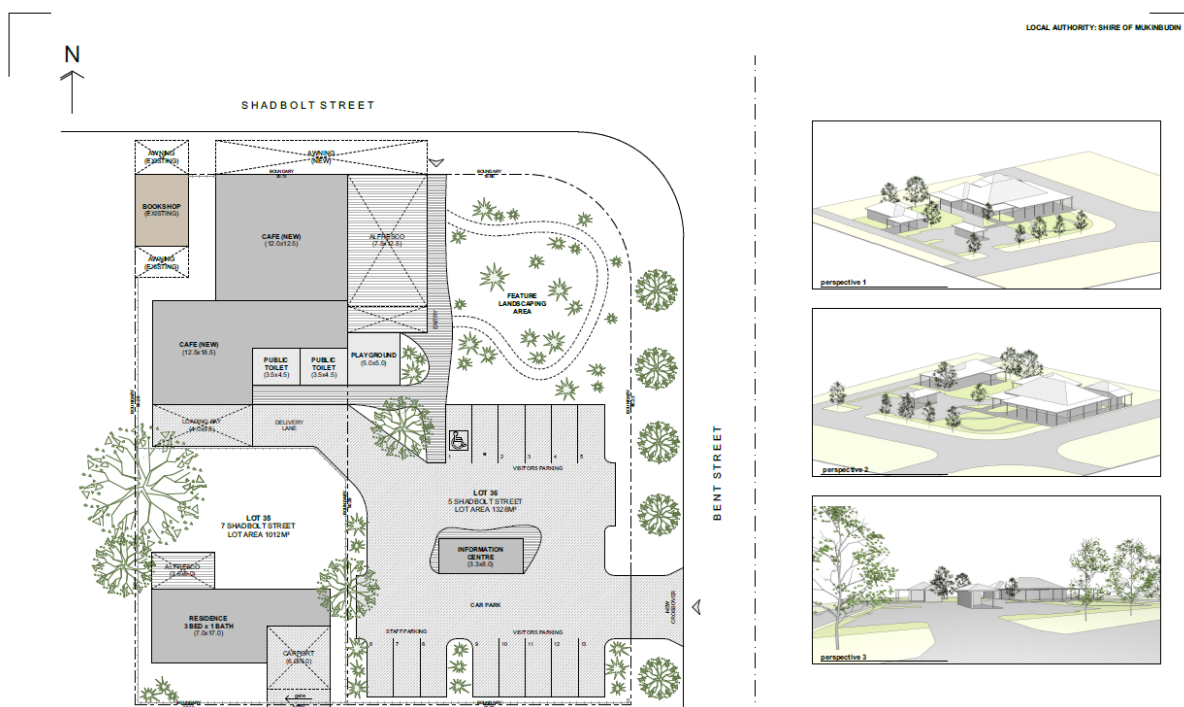
Grant Amount

The Australian Government has announced a total of \$600 million over 3 years for the program. For Round 1, \$300 million is available over 3 years.

- The minimum grant amount is \$500,000.
- The maximum grant amount is \$15 million.

If the applicant is located in a 'very remote' area, up to 90% of eligible project costs can be sought. If the applicant is located in a 'remote' area, up to 70% of eligible project costs can be sought. All other areas may seek up to 50% of eligible project costs. Contributions must be cash.

Early draft designs have been completed recently however this is far from a final design and much work is required prior to the development of the project and the calling public tenders which will be subject to securing necessary grant funding.



Above: An example of a history wall recently completed in Coorow.

Consultation

Tammy King – Grant Empire
Cr Gary Shadbolt – Shire President

Statutory Environment

Local Government Act 1995.

Policy Implications

Nil

Financial Implications

Nil

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

- That Council prioritise the building of a Mukinbudin Community Hub as the highest current priority project of the Council.
- That the CEO arrange for a Growing Regions Program - Expressions of Interest funding application to be lodged prior to close of applications on 1st August 2023.

Carried /

9.3.6 Mukinbudin Hotel – Request for Roadside Signage Approval	
Location:	Mukinbudin
File Ref:	ADM 249
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	18 th May 2023
Disclosure of Interest:	Dirk Sellenger – Impartiality
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 the request for the installation of roadside signage to promote their business to motorists.

Background Information

The Manager from the Mukinbudin Hotel recently made the following request via email:

Hello Dirk

The Mukinbudin Hotel seek Council's permission to erect the attached sign within the road verge on the four roads leading into town. They will be approximately 1.5m x 1m and mounted 2m high.

The exact locations haven't been decided however we envisage each sign would be approximately 5kms out of town.

If you would like any further details, please don't hesitate to contact me.

Regards

Louise Sellenger

Manager

Mukinbudin Hotel Motel

23-25 Shadbolt Street, Mukinbudin WA 6479

08 90471133

0428832048

mukapub@outlook.com



Above: Proposed roadside signage.

Officer Comment

As the roadsign proposed by the Mukinbudin Hotel would be located within the Shire owned and Managed Road reserve, permission from the Local Government is required. Business promotion signage on the outskirts of Town is not unusual or rare and the author sees no reason why the request would not be approved subject to the installation being in a location to the satisfaction of the Manager of Works.



Above: Approximate location for each of the proposed signs (5kms from Town center)

Consultation

Nil

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

The applicant would be responsible for any and all costs associated with the purchase and installation of the signage as well as any future replacement and or signage repairs.

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

- That Council approve the request from the Mukinbudin Hotel to allow for the installation of four (4) roadside business advertising signs like the proposal example shown above.
- That the Mukinbudin Hotel seek the approval from the Shire prior to the final installation within the Road reserve to ensure the signage or its location chosen does not cause any current or future direct or indirect traffic hazard.

Carried /

9.3.7 WALGA – Memorandum of Understanding (MOU) – Emergency Response	
Location:	Mukinbudin
File Ref:	ADM 269
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	19 th May 2023
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements:	Simple Majority
Documents Attached:	WALGA Memorandum of Understanding
Documents Tabled:	Nil

Summary

To allow Council to consider entering a new WALGA MOU for the provision of mutual aid during emergencies and post incident recovery with Great Eastern Country Zone Member Shires.

Background Information

A new MOU's purpose is as follows:

5. Partnering Objectives

Partners to this Memorandum, in times of community distress due to an emergency incident, agree where possible to:

- a) provide whatever resources may be available within the means of that Council to respond to the emergency incident if requested; and*
- b) provide whatever resources may be available within the means of that Council to assist with post incident recovery in the community.*

6. Allocation of Resources

- a) This Memorandum acknowledges that the allocation of a participating Council's staff resources and plant is an operational issue, and as such is the responsibility of the CEO of the Council seeking to offer aid.*
- b) This Memorandum seeks to demonstrate that the CEO's commitment to supporting other Councils in need is backed by the elected members of a participating Council.*

7. Partnering Expectations

- 1. To provide where possible both physical and human resources to assist with the recovery management during emergencies. The type of assistance initially is to assist immediate response and recovery of a short duration. Ongoing protracted assistance, but still in the absence of the emergency being declared a disaster, will be subject to further negotiation and agreement in writing between the parties concerned.*
- 2. To ensure that all requests for support will be made through the Incident Controller (IC) of the designated Hazard Management Agency (HMA) for the incident, in consultation with the designated Local Recovery Coordinator (LRC) and the Local Emergency Coordinator (LEC).*

3. *To ensure all personnel and equipment provided are covered by the providers own insurance.*
4. *Providers of support will be responsible for all costs associated with its legislative responsibilities for its employees and equipment incurred during the provision of support unless otherwise agreed in writing.*
5. *The Requester for support will be responsible for all incidental costs associated with the Provider's personnel and equipment such as catering, accommodation, OHS issues, transport, fuel, and storage.*
6. *In the event the emergency is of sufficient scale to qualify for State and Commonwealth Funding assistance, such assistance will be sought in compliance with relevant State and Commonwealth Policies.*

Officer Comment

The MOU formalises what is generally understood and would occur in the instance another member Shire needed assistance during of post an emergency.

Consultation

Cr Gary Shadbolt – Shire President

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Council makes an annual allowance to allow for ordinary type emergency response throughout the year, often in the form of Bushfires during the summer period. The Local Government Act 1995 allows for the expenditure of emergency funds as authorised by the Shire President.

6.8. *Expenditure from municipal fund not included in annual budget*

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
 - (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - (b) *is authorised in advance by resolution*;* or
 - (c) *is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required.*

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That Council approve the signing of the new WALGA MOU for the provision of mutual aid during emergencies and post incident recovery with Great Eastern Country Zone Member Shires as presented.

Carried /

****CONFIDENTIAL ITEM****

9.3.8 Deed of Variation – Kununoppin Medical Practice & Olatwhaler Medical Pty Ltd	
Location:	Kununoppin
File Ref:	ADM 292
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	18 th May 2023
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements:	Simple Majority
Documents Attached:	Deed of Variation vn2 18.05.23
Documents Tabled:	Nil

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

- (1) Subject to subsection (2), the following are to be open to members of the public —
- (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
- (a) a matter affecting an employee or employees; and
 - (b) the personal affairs of any person; and
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,

where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;

And

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

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

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

(b) the personal affairs of any persons:

Carried /

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That the meeting be reopened to members of the public.

Carried /

****LATE ITEM ****

9.3.9 Early Learning Centre Staffing – REED Mukinbudin	
Location:	Mukinbudin
File Ref:	ADM
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	22 nd May 2023
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 consider a letter from a concerned REED Mukinbudin user with regards to the current operations and the inability to place her children at the centre to allow her to return to the workforce.

Background Information

The following letter was received on 22nd May 2023:.

Dear Gary,

I'm writing to you and council to express my concern over the current management of the Mukinbudin day care centre, under REED. In particular the lack of available childcare placements for both casual and permanent bookings. It is my understanding that council have no direct involvement in the day to day running of the centre, however, I thought that you would appreciate being informed of a few issues with the centre and the impact it is having on families in our community.

Personally, I was due to return to paid work in mid April after twelve months maternity leave and have been unable to secure childcare placements. I requested two full day bookings for two children (ages 1 and 3) for two days per week, as well as two children for after school care (ASC). They have been on the waitlist since May 2022 (to start care from mid April 2023). Being unable to secure childcare for my children has meant that I have had to take an additional year of unpaid leave. I'm unsure of the full extent of this problem (as its hard to know what the staff to child ratios are for each day) but know for sure that there are a number of families who have tried to get casual bookings this year who haven't been able to do so.

There are also a number of other issues that I have been brought to my attention including:

- A number of parents have expressed their frustration with the lack of communication from REED. In particular emails taking two or more weeks to be replied to;*
- People only being offered placements until 3 pm, rather than full day placements;*

- Difficulty getting ASC placements;
- Difficulty getting additional placements to care that they currently have;
- Former part time/casual staff being given minimal hours and or their conditions/contract changing on return from maternity leave.

Some initial thoughts of solutions to help with these issues include:

- A parent working group who can help improve communication between REED management/administration and parents;
- Extensive local, regional and state wide advertising for the current REED manager position for the Mukinbudin centre along with
- A local casual and relief staff list.

I hope that council can help advocate on behalf of parents wanting to use the centre and or currently using the centre to provide a stronger voice and help assist in finding some solutions to some of the current issues being faced. It would be wonderful to see the incredible daycare facility that we have in Mukinbudin used to its full capacity. A centre the former Boodie Rats committee along with support from council and the community worked so hard to achieve.

Thank you for your time.

Kind Regards,

Sally Sprigg

Officer Comment

The CEO met with REED Management, Tania Darby-Gethin, Cluster Manager, on Thursday 18th May to discuss various issues at the Mukinbudin Centre, discussion included minor building issues, high water usage concerns, current and future staffing of the facility and potential future staff housing to assist with new Centre Management which the Shire may be able to assist with.

Whilst aware of some recent staffing challenged the centre has faced, The author was unaware of the issues highlighted in the email from Sally Sprigg until the email was received earlier today (22nd May 2023).

Strategic & Social Implications

The Mukinbudin Early Learning Centre was completed in 2021 and Council considers the availability of a high quality and a well-managed Early Learning Centre as essential, and of highest priority for Parents and Carers within the Mukinbudin Shire and neighbouring local governments.

Consultation

Cr Gary Shadbolt – Shire President

Cr Abi Farina – Early Learning Centre Council representative

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Council makes a financial contribution towards the Early Learning Centre in the annual Budget. Expenses associated with the facility include but are not limited to Lawns and Garden Maintenance, Building Maintenance, Building Insurance and servicing of WA Treasury Loan taken out in 2021 to allow for the completion of the facility to the highest standard.

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

That Council request the Shire President, Cr Gary Shadbolt, Cr Farina - Councils Early Learning Centre representative and the Chief Executive Officer meet with REED Senior Management as a matter of urgency, to discuss current concerns with the Mukinbudin Centres Operations and the implications of this as detailed in the correspondence recently received by facility user, Sally Sprigg .

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.