



**Shire of Mukinbudin**  
Ordinary Meeting of Council

# Confirmed Minutes

Meeting held in Council Chambers at  
15 Maddock Street, Mukinbudin  
Commenced at 1.00pm Tuesday 20<sup>th</sup> July 2021

Dirk Sellenger  
**CHIEF EXECUTIVE OFFICER**



**\*\*\*\* 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**

## SUMMARY OF MEETINGS

### Shire of Mukinbudin 2021

	Briefing / Workshop	Council Meeting
January	<b>X</b>	<b>X</b>
February	✓	✓
March	✓	✓
April	<b>X</b>	✓
May	✓	✓
June	✓	✓
July	✓	✓
August	✓	✓
September	✓	✓
October	✓	✓
November	<b>X</b>	✓
December	✓	✓

## Table of Contents

- 1. Declaration of Opening**
  - 1.1 Declaration of Opening
- 2. Public Question Time**
  - 2.1 Response to previous questions taken on notice
  - 2.2 Declaration of Public Question time open
  - 2.3 Declaration of public time closed
- 3. Record of Attendance, apologies, approved leave of absence**
  - 3.1 Present
  - 3.2 Apologies
  - 3.3 On Leave of Absence
  - 3.4 Staff
  - 3.5 Visitors
  - 3.6 Gallery
  - 3.7 Applications for leave of absence
- 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 15<sup>th</sup> June 2021.
  - 7.2 Confirmation of Minutes of Special Meeting of Council held on 24<sup>th</sup> June 2021
- 8. Reports**
  - 8.1 Council Monthly Information Reports**
    - 8.1.1 Receipt of June 2021 Information Report
  - 8.2 Finance Reports**
    - 8.2.1 List of Payments –June 2021
    - 8.2.2 Monthly Financial Statement – June 2021
    - 8.2.3 Proposed Schedule of Fees & Charges 2021/2022
  - 8.3 Chief Executive Officer’s Reports**
    - 8.3.1 **\*\*CONFIDENTIAL\*\*** NEWROC Council Meeting Minutes 29<sup>th</sup> June 2021
    - 8.3.2 WALGA Great Eastern Country Zone Meeting Minutes 28<sup>th</sup> June 2021
    - 8.3.3 Proposed Shed, Lansdell St, Mukinbudin Development Application
    - 8.3.4 WALGA Local Government Convention - Voting Delegate
    - 8.3.5 New Policy 1.20 – Appointment of Acting Chief Executive Officer

- 8.3.6 New Policy 1.21 – Code of Conduct – Complaints Handling
- 8.3.7 Tennis Court Resurfacing
- 8.3.8 Proposed Cabin, Lake Brown Development Application
- 8.3.9 Barbarlin Pipeline Project
- 8.3.10 Support Mukinbudin CRC – Spring Tours **\*\*Late Item\*\***

**9. Elected members Motions of which previous notice has been given**

9.1 Nil

**10. Urgent Business without notice (with the approval of the President or meeting)**

10.1 Nil

**11. Dates to Remember**

11.1 See attached list

**12. Closure of Meeting**

12.1 Closure of Meeting

## AGENDA

Minutes of the Ordinary Meeting of Council to be held in Council Chambers, Maddock Street, Mukinbudin on 20<sup>th</sup> July 2021.

### 1. Declaration of Opening

1.1 The Shire President to declare the Meeting open at 1.00pm

### 2. Public Question Time (min 15 minutes)

2.1 Response to previous questions taken on notice.

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

The Shire President to declare public question time open.

2.3 Declaration of public question time closed

The Shire President to declare public question time closed.

### 3. Record of attendance, apologies and approved leave of absence

3.1 Present:

Cr Gary Shadbolt, President  
Cr Rod Comerford, Deputy President  
Cr Callum McGlashan  
Cr Romina Nicoletti  
Cr Jeff Seaby  
Cr Geoff Bent  
Cr Ashley Walker  
Cr Steven Paterson

3.2 Apologies:

Cr Sandie Ventris

3.3 On leave of absence:

3.4 Staff:

Dirk Sellenger, Chief Executive Officer  
Louise Sellenger, Manager of Corporate Services  
Edward Nind, Finance Manager

3.5 Visitors:

Mr B Crook  
Ms J Busniak

3.6 Applications for leave of absence:

**4. Declarations of Interest**

**5. Petitions, deputations and presentations**

5.1 Petitions

5.2 Deputations

5.3 Presentations

Mr Bill Crook – Spoke of a historical issue concerning the 2008/2009 GRV Rate charges. Finance Manager, Mr Ed Nind provided Mr Crook with both current and historical rating information with regards to GRV and UV Rate charges within the Shire compared to other Local Governments in WA.

*Cr Paterson left the meeting 1.25pm returned at 1.27pm.  
Mr B Crook left the meeting at 1.35pm and did not return.  
Ms J Busniak left the meeting at 1.37pm and did not return.*

**6. Announcements by the Presiding person without discussion**

**7. Confirmation of the Minutes of previous meetings**

7.1 Confirmation of Minutes for the Ordinary Meeting of Council held on the 15<sup>th</sup> June 2021.

**Voting Requirement**

Simple Majority

**OFFICER RECOMMENDATION**

**Council Decision Number – 01 07 21**

**Moved: Cr Bent**

**Seconded: Cr Nicoletti**

**That the Minutes of the Ordinary Meeting of Council held on the 15<sup>th</sup> June 2021 be accepted as a true and correct record of proceedings.**

**Carried 8/0**

7.2 Confirmation of Minutes for the Special Meeting of Council held on the 24<sup>th</sup> June 2021.

**Voting Requirement**

Simple Majority

**OFFICER RECOMMENDATION**

**Council Decision Number – 02 07 21**

**Moved: Cr McGlashan      Seconded: Cr Comerford**

**That the Minutes of the Special Meeting of Council held on the 24<sup>th</sup> June 2021 be accepted as a true and correct record of proceedings.**

**Carried      8/0**



## 8.1 MONTHLY INFORMATION REPORT

<b>8.1.1 July 2021 Information Report</b>	
Location:	Mukinbudin
File Ref:	ADM 360
Applicant:	Louise Sellenger, Manager of Corporate Services
Date:	14 <sup>th</sup> July 2021
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Louise Sellenger, Manager of Corporate Services
Voting Requirements	Simple Majority
Documents Attached	Nil
Documents Tabled	Nil

### **Summary**

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

### **Background Information**

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

### **Officer Comment**

Refer to Information Report.

### **Strategic & Social Implications**

#### **Consultation**

Dirk Sellenger – Chief Executive Officer  
 Luke Sprigg – Manager of Works  
 Tania Sprigg - Caravan Park Manager  
 Allan Ramsay – Environmental Health Officer

**Statutory Environment** Nil

**Policy Implications** Nil

**Financial Implications** Nil

### **OFFICER RECOMMENDATION**

**Council Decision Number – 03 07 21**

**Moved: Cr Walker**

**Seconded: Cr McGlashan**

**That Council receive the July 2021 Information Report.**

**Carried 8/0**

## 8.2 Finance Reports

<b>8.2.1 List of Payments – June 2021</b>	
Location:	Mukinbudin
File Ref:	ADM 007
Applicant:	Edward Nind – Finance Manager
Date:	12 <sup>th</sup> July 2021
Disclosure of Interest:	Nil
Responsible Officer:	Edward Nind – Finance Manager
Author:	Melissa Jones – Finance Officer
Voting Requirements	Simple Majority
Documents Attached	List of Payments – Municipal Account (5 pages) List of Payments – Restricted Muni Account (1 pages) Credit Card Summary June 2021 (1 page) Corporate Credit Card Statement June 2021 (4 pages)
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 June 2021 for endorsement by Council.

### **Background Information**

A list of payments submitted to Council on 20th July 2021, for confirmation in respect of accounts already paid or for the authority to those unpaid. (Please refer to Payment listing submitted as a separate attachment).

### **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 2020/2021 Budget.

**OFFICER RECOMMENDATION****Council Decision Number – 04 07 21****Moved: Cr Paterson****Seconded: Cr Bent****That the list of payments made in June 2021, be endorsed for payment.****Municipal Fund:**

Muni EFTs	EFT 6201	to	EFT 6275	\$212,467.12
Muni Cheques	Chq 31905	to	Chq 31906	\$15,749.88
Muni Direct Debits (Superannuation, loans, leases)	DD 8088.1	to	DD 8125.11	\$53,226.84
Pays on (Not included on payment listing)			09/06/2021 – 23/06/2021	\$73,674.46
<b>Total Municipal Funds</b>				<b>\$355,118.30</b>

**Restricted Muni Fund:**

Trust EFTs	EFT -	to	EFT -	\$0.00
Trust Cheques	Chq -	to	Chq -	\$0.00
Trust Direct Debits	DD 8094.1	to	DD 8155.1	\$37,149.50
<b>Total Trust Funds</b>				<b>\$37,149.50</b>

**Carried 8/0**

<b>8.2.2 Monthly Statement of Financial Activity Report – 30 June 2021</b>	
Location:	Mukinbudin
File Ref:	ADM 005
Applicant:	Edward Nind – Finance Manager
Date:	15 <sup>th</sup> July 2021
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 June 2021 (23 Pages) Schedules 2 to 14 For the period 1 July 2020 to 30 June 2021 (90 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 Australian Accounting Standards have been applied to this report to recognise unspent grants as liabilities and Right Of Use (ROU) asset lease liabilities.

Where the income shown could be less than the full income received because some of the income had been recorded as a liability this information is shown on the line below the income line.

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

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

### **Officer Comment**

The “Budget” is based on a surplus carried forward of \$702,248 using end of year figures at the time of estimating.

The “Actual” brought forward surplus from 2019/2020 is \$711,495, an increase of \$9,247. This is the final audited figure and is now taken as the Opening Balance for the Amended Budget.

The “Amended Budget” includes all budget amendments adopted by council to the end of March 2021.

The Amended Budget predicted end of year result at 30 June 2021 will be a deficit of \$82,705.

At 30 June 2021 the end of month position is a surplus of \$1,017,917.

In early June 2021 we received advance Financial Assistant Grant payments for the 2021-2022 financial year, \$593,490 of general purpose funding and \$307,024 of road funding making a total of \$900,514. These figures were based on “approximately half” of the Commonwealth Government funding pool which has subsequently changed.

If Financial Assistant Grant advance payments are excluded from the end of month position then the 30 June 2021 position would be a surplus of \$117,403. This figure is not final and will be subject to end of year adjustments and audit.

We have recently been advised that the Financial Assistant Grant payments that will be paid in 2021-2022 are now expected to be \$496,132 as General Purpose Funding and \$271,317 for Roads. However this is still subject to change.

The Grants Revenue report within the Statement of Financial Activity has been adjusted to include income in prior years and brought forward as a liability that was expected to be spent in the current year. This amount is included in the first quarter figures where appropriate.

**Strategic & Social Implications** N/A

**Consultation** N/A

### **Statutory Environment**

General Financial Management of Council, Council 2020/21 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 18 August 2020 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 – 05 07 21**

**Moved: Cr McGlashan**

**Seconded: Cr Paterson**

**That Council:**

**Adopt the Monthly Financial Report for the period ending 30 June 2021 and note any material variances greater than \$10,000 and 10%.**

**Carried 8/0**

*Cr Walker left the meeting at 1.40pm returned at 1.43pm*

*Mr Ed Nind left the meeting 1.44pm and did not return.*

<b>8.2.3 Fees &amp; Charges 2021-2022</b>	
Location:	Mukinbudin
File Ref:	ADM 016
Applicant:	Dirk Sellenger – Chief Executive Officer
Date:	13 <sup>th</sup> July 2021
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger – Chief Executive Officer
Author:	Ed Nind – Finance Manager
Voting Requirements:	Absolute Majority
Documents Attached:	Proposed Fees & Charges for 2021/2022 (13 pages)
Documents Tabled:	Nil

### **Summary**

To present Council with the proposed Fees & Charges for 2021/2022 for approval.

### **Background Information**

The 2021/22 Schedule of Fees and Charges have been reviewed and prepared by the Administration to include, but not limited to, the following changes. Generally fees and charges have been increased by 2%. A full list of Fees and Charges follow the resolution:

#### Housing

- Decrease to rent for 25A & 25B Calder Street \$170
- Adjustment to Aged Unit 3 & 4 as they are two bedroom units. These were previously charged the same as a 1 bedroom unit. \$120
- Increase to 12 White St and 6 Lansdell St; \$190

#### Community Amenities

- 2% increase to Sanitation Charges in line with Avon Waste's increase
- Asbestos Disposal to charge to be per cubic meter and not per load.

#### Building / Health

- Statutory fees but minimum charges have increased from \$105 to \$110

#### Cemetery Fees

- A 2% increase has been applied to these fees.

#### Swimming Pool

- A small increase to the daily entry fees
- Improved clarification on child age and also family Season Ticket

#### Recreation & Culture

- Annual Recreation Ground fees have been increase by 2%
- Netball, Tennis and Hockey annual fees to be the same amount @ \$572
- Recommend removing the Outdoor court fee and squash court fees
- Removal of the Indoor cricket Club and Badminton Club fees

#### Economic Services

- Standpipe water – as each standpipe is charged at a different rate an average rate costs to be covered.
- Industrial Unit – increase of rent \$185.00

- Community bus increase of 2%

#### Caravan Park

- Washing Machine and dryer charges increase \$6

#### Private Works

- Labour Rate per hour increased \$65
- Materials – delivery charge in town changed to \$35 for up to 3 cubic metres
- Plant hire increase by 2%

#### **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.

Due to the impacts of COVID-19 the Fees and Charges for 2020/21 year remained the same.

#### **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**

Previous decisions of council.

#### **Statutory Environment**

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

#### **Policy Implications**

Nil

#### **Financial Implications**

Levels of income from Fees and Charges to be raised.

#### **OFFICER RECOMMENDATION**

**Council Decision Number – 06 07 21**

**Moved: Cr Bent**

**Seconded: Cr Comerford**

**That Council adopt the Fees & Charges for 2021/2022, as presented and incorporate this document with the 2021/2022 Budget as required.**

**Subject to the amendments as follows:**

**Daily Pool entry Adult reduced from \$5.00 to \$4.00**

**Daily Pool entry Child reduced from \$3.50 to \$2.50**

**Carried: 8/0**



### 8.3 Chief Executive Officer's Reports

<b>8.3.1 NEWROC Council Meeting Minutes 29<sup>th</sup> June 2021 - CONFIDENTIAL</b>	
Location:	ZOOM Meeting
File Ref:	ADM 236
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	6 <sup>th</sup> July 2021
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Louise Sellenger, Manager of Corporate Services
Voting Requirements	Simple Majority
Documents Attached	Minutes of NEWROC Meeting held 29 <sup>th</sup> June 2021
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;

- (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 – 07 07 21**

**Moved: Cr McGlashan**

**Seconded: Cr Nicoletti**

**That in accordance with section 5.23 (2) (d) of the Local Government Act 1995 that the meeting be closed to members of the Public as Agenda item 8.3.1 is deemed to be**

**(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**

**Carried 8/0**

**OFFICER RECOMMENDATION**

**Council Decision Number – 09 07 21**

**Moved: Cr Paterson**

**Seconded: Cr Comerford**

**That the July 2021 Ordinary Meeting of Council be reopened to the public.**

**Carried 8/0**

<b>8.3.2 WALGA Great Eastern Country Zone Minutes 28 June 2021</b>	
Location:	Online - MS Teams
File Ref:	ADM 269
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	12 <sup>th</sup> July 2021
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Louise Sellenger, Manager of Corporate Services
Voting Requirements	Simple Majority
Documents Attached	Minutes of GECZ Meeting held 28th June 2021 (29 pages) Attachments to Minutes (71 pages) DFES Presentation (26 pages) Shire of Dowerin – Home Care Presentation (16 pages)
Documents Tabled	Nil

### **BACKGROUND**

A Council Meeting of WALGA Great Eastern Country Zone was held on Tuesday 28 June via MS Teams.

### **COMMENT:**

The following items form part of the Minutes:

#### **7. ZONE BUSINESS**

- 7.1 Invite to Minister David Kelly, Minister for Water, Forestry & Youth
- 7.2 Telecommunications Issues in Regional WA
- 7.3 Fire Bans and Public Holidays
- 7.4 Local Roads and Community Infrastructure Program
- 7.5 Officer of Auditor General Costs
- 7.6 Information items

#### **8. ZONE REPORTS**

- 8.1 Zone President Report
- 8.2 Local Government Agricultural Freight Group
- 8.3 Wheatbelt District Emergency Management Committee
- 8.4 Wheatbelt Health MOU Group
- 8.5 WALGA Roadwise

#### **9. WALGA BUSINESS**

- 9.1 State Councillor Report
- 9.2 WALGA Status Report
- 9.3 Review of WALGA State Council Agenda – Matters for Decision
- 9.4 WALGA President's Report

#### **12. EMERGING ISSUES**

- 12.1 St John Ambulance
- 12.2 Closure of National Bank
- 12.3 Promotion to attract more candidates to run for Council
- 12.4 Transport and Roads Forum

WALGA GECZ Meeting dates:  
23 August Shire of Merredin

**OFFICER RECOMMENDATION**

**Council Decision Number – 10 07 21**

**Moved: Cr McGlashan**

**Seconded: Cr Walker**

**That Council receive the WALGA Great Eastern Country Zone Council meeting minutes from 28th June 2021.**

**Carried 8/0**

<b>8.3.3 Proposed Shed, Lansdell St, Mukinbudin Development Application</b>	
Location:	Lot 76 Lansdell St, Mukinbudin
File Ref:	A408
Applicant:	Shaun Boyce
Date:	12 <sup>th</sup> July 2021
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Paul Bashall, Consultant Planner - Planwest
Voting Requirements:	Simple Majority
Documents Attached:	Development Application - Boyce (20 pages)
Documents Tabled:	Nil

### **Summary**

A Development Approval (DA) application has been submitted by the owner of Lot 76 Lansdell Street, Mukinbudin, for the construction of an oversized shed of nearly 65m<sup>2</sup>. The application contains letters of consent from the neighbours each side and behind the land subject of the DA.

### **Background Information**

**Figure 1** shows the location of the subject land in relation to the Mukinbudin Townsite. The property measures 1,239m<sup>2</sup> and is surrounded by other residences.

**FIGURE 1 – LOCATION PLAN**



Source: Landgate, Planwest

**Figure 2** shows an aerial photograph of the subject land in relation to the neighbouring land. The three yellow asterisks indicate the location of the neighbours that have consented to the proposed shed. The location of the proposed shed is shown in red.

**FIGURE 2 – AERIAL PHOTOGRAPH OF SUBJECT LAND**



Source: Landgate, Planwest]

### **Proposed Development**

The proposed shed measures about 8m x 8m with 3m sides, a ridge of 3.7m and two roller doors facing the house. A single door provides the only other opening to the shed. This door faces westwards to another shed on the property.

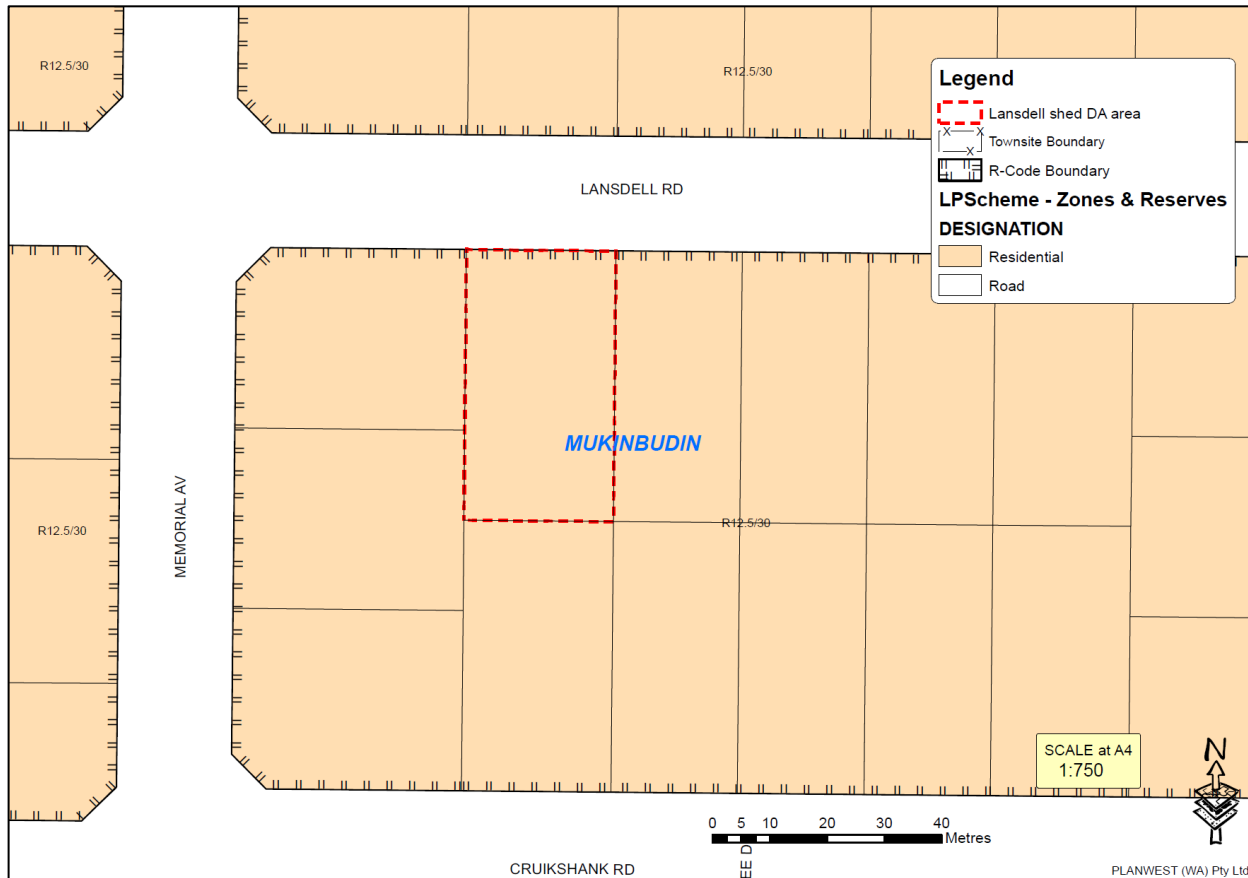
### **Existing Scheme**

The land is zoned 'Residential' in the Shire of Mukinbudin Local Planning Scheme No 4 (Scheme). **Figure 3** provides an extract from the Scheme mapping.

The R-Code applied to this property is R12.5/30. The higher density is supported where the property is connected to reticulated sewerage. In this case the density is not relevant to this application, but the other components of the R-Codes still apply.

The shed is considered to be an 'outbuilding' as it is '*An **enclosed non-habitable structure that is detached from any dwelling***'.

**FIGURE 3 – EXTRACT FROM MUKINBUDIN SCHEME 4 MAPPING**



Source: DPLH, Planwest]

### **Residential Design Codes (R-Codes)**

The R-Codes specify sizes, wall heights, ridge heights and setbacks for the development of an outbuilding to be 'deemed-to-comply'. The proposal does not meet the size and wall height of these requirements and would ordinarily need to be advertised.

However, the proposal is considered to comply with the 'Design principles' for outbuildings as it is considered to not adversely impact the adjoining properties or the street.

The following is an extract from the R-Codes;

#### **Design principles**

*Development demonstrates compliance with the following design principles (P)*

#### **5.4.3 Outbuildings**

**P3** **Outbuildings** that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.

In view of the consent of adjoining owners to the proposed shed, is it not considered necessary to advertise the proposal.

**Officer Comment**

Outbuildings are considered to be other buildings associated with a dwelling, much like a carport, swimming pool and or pergola. The proposed shed is not considered to have an impact on the streetscape or the neighbouring properties – as confirmed by the consent of the three abutting owners. The shed will still need to comply with other building and drainage regulations (BCA).

**Strategic & Social Implications**

The Council has not adopted a Local Planning Strategy.

**Consultation**

Nil.

**Statutory Environment**

An outbuilding is part of a single house and is a permitted use (P) in a Residential zone but, because the proposal does not meet the ‘*deemed-to-comply*’ principles of the R-Codes for outbuildings, the DA requires the Council’s approval.

**Policy Implications**

Nil.

**Financial Implications**

Nil.

**Officer Recommendation**

That the Council approves the DA subject to the following conditions;

1. Nil.

**Advice Notes**

- 1 If the development, the subject of this approval, is not substantially commenced within a period of 24 months from the date of the approval, the approval will lapse and be of no further effect. For the purposes of this condition, the term “substantially commenced” has the meaning given to it in the *Planning and Development (Local Planning Schemes) Regulations 2015* as amended from time to time.
- 2 Prior to lodging an application for a building permit, stormwater and effluent disposal plans, details and calculations must be submitted for approval by the Local Government and thereafter implemented, constructed and maintained to the satisfaction of the Local Government.
- 3 If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.



**Council Decision Number – 11 07 21****Moved: Cr Paterson****Seconded: Cr Bent***Planning and Development Act 2005***Shire of Mukinbudin****Notice of determination on application for development approval****Location:** Lot 76 Lansdell St, **Mukinbudin****Lot: Plan/Diagram:** Plan 48256**Vol. No:** 1406 **Folio No:** 12**Application date: Received on:** 14 June 2021**Description of proposed development:** Shed.**The application for development approval is:****Approved subject to the following conditions;**

1. Nil

**Date of determination:** 20 July 2021**ADVICE NOTES**

- 1 If the development, the subject of this approval, is not substantially commenced within a period of 24 months from the date of the approval, the approval will lapse and be of no further effect. For the purposes of this condition, the term “substantially commenced” has the meaning given to it in the *Planning and Development (Local Planning Schemes) Regulations 2015* as amended from time to time.
- 2 Prior to lodging an application for a building permit, stormwater and effluent disposal plans, details and calculations must be submitted for approval by the Local Government and thereafter implemented, constructed and maintained to the satisfaction of the Local Government.
- 3 If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

**Carried: 8/0**

<b>8.3.4 WALGA Local Government Convention – Voting Delegate</b>	
Location:	Mukinbudin
File Ref:	ADM
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	12 <sup>th</sup> July 2021
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Louise Sellenger, Manager of Corporate Services
Voting Requirements:	Simple Majority
Documents Attached:	Nil
Documents Tabled:	Nil

### **Summary**

Council to consider formally appointing voting delegate for the 2021 WALGA Local Government Convention.

### **Background Information**

The role of the President and Deputy President is that they are to be voting delegates on behalf of the Council at the Annual WALGA AGM. As Deputy President, Cr Comerford, will not be attending the Convention this year a second Elected voting delegate who is attended the conference is required and needs authorisation from council accordingly.

### **Officer Comment**

By authorising the necessary voting delegates Council agrees to allow for the authorised delegates to vote on behalf of the Shire of Mukinbudin, however they deem most appropriate often after considering debate for and against Agenda items held during the meeting.

### **Strategic & Social Implications**

Nil

### **Consultation**

Dirk Sellenger, Chief Executive Officer

### **Statutory Environment**

Nil

### **Policy Implications**

Nil

### **Financial Implications**

Nil

### **OFFICER RECOMMENDATION**

**Council Decision Number – 12 07 21**

**Moved: Cr Bent**

**Seconded: Cr Comerford**

**That Council endorse the following Elected members as voting delegate for the 2021 Local Government Convention Annual General Meeting Cr Gary Shadbolt, Shire President, and Cr Geoff Bent.**

**Carried: 8/0**

<b>8.3.5 New Policy 1.20 Appointment of Acting Chief Executive Officer</b>	
Location:	Mukinbudin
File Ref:	ADM 450
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	13 July 2021
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements:	Absolute majority
Documents Attached:	Proposed Policy (1 page)
Documents Tabled:	Nil

### **Summary**

For Council to consider the adoption of Policy 1.20 (NEW) that will allow for a formal short-term Appointment of an Acting Chief Executive Officer in the future.

### **Background Information**

Local Governments are required to adopt a policy for appointment of Acting CEO and publish the policy on the Shire website.

### **Officer Comment**

The attached Policy is considered a model template for a Tier 4 West Australian Local Government and is considered fit for purpose and appropriate for use at the Shire of Mukinbudin.

### **Strategic & Social Implications**

2018-2028 Strategic Community Plan

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

*4.1.2 Manage the organisation in a transparent and accountable manner.*

### **Consultation**

Paul Sheedy, Acting Chief Executive Officer

### **Statutory Environment**

#### **LOCAL GOVERNMENT ACT 1995 - SECT 5.39**

#### **5.39 . Contracts for CEO and senior employees**

- (1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.
  - (1a) Despite subsection (1) —
    - (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and
    - (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.
- (2) A contract under this section —

- (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
- (b) in every other case, cannot be for a term exceeding 5 years.
- (3) A contract under this section is of no effect unless —
  - (a) the expiry date is specified in the contract; and
  - (b) there are specified in the contract performance criteria for the purpose of reviewing the person’s performance; and
  - (c) any other matter that has been prescribed as a matter to be included in the contract has been included.
- (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.
- (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.
- (6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.
- (7) A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the [Salaries and Allowances Act 1975](#) section 7A.
- (8) A local government is to ensure that subsection (7) is complied with in entering into, or renewing, a contract of employment with a CEO.

*[Section 5.39 amended: No. 49 of 2004 s. 46(1)-(3); No. 2 of 2012 s. 13 (correction to reprint: Gazette 28 Mar 2013 p. 1317).]*

### **Policy Implications**

The proposal is for Council to adopt a new policy, 1.20.

### **Financial Implications**

There are no immediate implications in the adoption of this policy.

### **OFFICER RECOMMENDATION**

**Council Decision Number – 13 07 21**

**Moved: Cr Nicoletti**

**Seconded: Cr Seaby**

**That Council adopt new Policy 1.20 ‘Appointment of Acting Chief Executive Officer’ detailed in the attachment.**

**Carried: 8/0**

<b>8.3.6 New Policy 1.21 Code of Conduct – Complaints Handling</b>	
Location:	Mukinbudin
File Ref:	ADM 450
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	13 <sup>th</sup> July 2021
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements:	Absolute majority
Documents Attached:	Proposed Policy (9 pages)
Documents Tabled:	Nil

### **Summary**

For Council to consider the adoption of Policy 1.21 Code of Conduct – Complaints Handling.

### **Background Information**

The Local Government Amendment Act 2019 local governments are required to adopt a policy Code of Conduct – Complaints Handling and publish the policy on the Shire website.

### **Officer Comment**

A part of the Local Government Act 1995 legislative changes to the

### **Strategic & Social Implications**

2018-2028 Strategic Community Plan

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

*4.1.2 Manage the organisation in a transparent and accountable manner.*

### **Consultation**

Paul Sheedy, Acting Chief Executive Officer

### **Statutory Environment**

#### **LOCAL GOVERNMENT ACT 1995 - SECT 5.103 & 5.104**

#### **5.103 . Model code of conduct for council members, committee members and candidates**

- (1) Regulations must prescribe a model code of conduct for council members, committee members and candidates.
- (2) The model code of conduct must include —
  - (a) general principles to guide behaviour; and
  - (b) requirements relating to behaviour; and
  - (c) provisions specified to be rules of conduct.
- (3) The model code of conduct may include provisions about how the following are to be dealt with —
  - (a) alleged breaches of the requirements referred to in subsection (2)(b);
  - (b) alleged breaches of the rules of conduct by committee members.
- (4) The model code of conduct cannot include a rule of conduct if contravention of the rule would, in addition to being a minor breach under section 5.105(1)(a), also be a serious breach under section 5.105(3).

- (5) Regulations may amend the model code of conduct.  
*[Section 5.103 inserted: No. 16 of 2019 s. 50.]*

#### **5.104 . Adoption of model code of conduct**

- (1) Within 3 months after the day on which regulations prescribing the model code come into operation, a local government must prepare and adopt\* a code of conduct to be observed by council members, committee members and candidates that incorporates the model code.  
*\* Absolute majority required.*
- (2) Within 3 months after the day on which regulations amending the model code come into operation, the local government must amend\* the adopted code of conduct to incorporate the amendments made to the model code.  
*\* Absolute majority required.*
- (3) A local government may include in the adopted code of conduct requirements in addition to the requirements referred to in section 5.103(2)(b), but any additional requirements —  
 (a) can only be expressed to apply to council members or committee members; and  
 (b) are of no effect to the extent that they are inconsistent with the model code.
- (4) A local government cannot include in the adopted code of conduct provisions in addition to the principles referred to in section 5.103(2)(a) or the rules of conduct.
- (5) The model code is taken to be a local government’s adopted code of conduct until the local government adopts a code of conduct.
- (6) An alleged breach of a local government’s adopted code of conduct by a candidate cannot be dealt with under this Division or the adopted code of conduct unless the candidate has been elected as a council member.
- (7) The CEO must publish an up-to-date version of a local government’s adopted code of conduct on the local government’s official website.

*[Section 5.104 inserted: No. 16 of 2019 s. 50.]*

#### **Policy Implications**

The proposal is for Council to adopt a new policy, 1.21.

#### **Financial Implications**

There are no immediate implications in the adoption of this policy.

#### **OFFICER RECOMMENDATION**

**Council Decision Number – 14 07 21**

**Moved: Cr McGlashan**

**Seconded: Cr Walker**

**That Council adopt new Policy 1.21 ‘Code of Conduct – Complaints Handling’ detailed in the attachment.**

**Carried: 8/0**

<b>8.3.7 Tennis Court Resurface</b>	
Location:	Cruickshank Rd, Mukinbudin
File Ref:	ADM 150
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	13 <sup>th</sup> July 2021
Disclosure of Interest:	
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Louise Sellenger, Manager of Corporate Services
Voting Requirements:	Simple Majority
Documents Attached:	Nil
Documents Tabled:	Nil

### **Summary**

For Council to formally support the additional allocation of LRCIP funding for the resurfacing of the Tennis Courts.

### **Background Information**

Following an in person meeting with Damen Maddock on Monday 12<sup>th</sup> July in his capacity of Tennis Club President, the following email was received with regards to the recently funding announcement from CSRFF concerning the resurfacing of the three courts.

*Hi Councillors & Dirk,*

*We are extremely happy that some funding was secured and the resurface of the courts is going ahead as this will set our tennis club up for the next generation of tennis players to come.*

*We would however like the Shire to consider more funding towards the tennis club if possible for us to change from 3 resurfaced courts to 4. We originally thought that going for 3 courts would secure us funding easier from Department of Sport & Rec but upon discussions with club members we feel that 4 courts would be better for the club as this would be great to set up on a weekly basis for any club members/juniors that would like to play. It would also be utilised on intraclub competition/visiting days by clubs in the Centra Wheatbelt Tennis Association. Aesthetically it would also be pleasing to the eye to have all 4 of them completed. As 1 synthetic court at the end would not be able to be played on so therefore we would lose 25% of our playing surface.*

*On a side note we have heard that the Shire are considering putting a toilet in the rough area for Tennis, Pump Track & possibly hockey. The Tennis Club feel that it would be great to be close by as it would serve greatly for the pump track and the tennis club members on Sundays, competition days and especially on Friday Night Pennant nights.*

*If there is any other funding opportunities we would like to be considered for a new club room.*

*Thank you and we look forward to hearing from you.*

*Yours faithfully,*

*Damen Maddock  
Mukinbudin Tennis Club President.*

### **Officer Comment**

The author believes that given the recent funding announcement, combined by the already increased and approved Local Roads and Community Infrastructure funding (LRCIF) of \$90,000 (formally approved on 16<sup>th</sup> June 2021), increased from an original allocation of \$50,000 of LRCIF by Acting CEO, Paul Sheedy due to strict end of year deadlines and to allow the resurfacing of the Tennis Courts to proceed even if the CSRFF Funding was not successful. Thankfully the CSRFF Grant application was partially approved (17% funded down from a possible 27%).

The CSRFF funding announcement totalling \$21,099, plus the already approved \$90,000 increases external funding totalling \$111,099. Adding the Tennis Club contribution of \$33,955 plus Donated materials and donated labour (total \$3,664) amounts to a total of \$148,718, exceeding the total project cost of \$148,074 for the resurfacing of four courts.

### **Strategic & Social Implications**

2018-2028 Strategic Community Plan

Outcome 1.3

1.3.2 Effectively plan, develop and manage infrastructure and facilities.

1.3.4 Provide high quality recreation facilities and public open spaces.

### **Consultation**

Damen Maddock, President, Mukinbudin Tennis Club

Jenifer Collins, Department of Local Government, Sport and Cultural Industries

### **Statutory Environment**

Local Government Act 1995

### **Policy Implications**

Nil

### **Financial Implications**

Council has allowed \$5,000 (five thousand dollars) in the 2020/21 Annual Budget as contribution towards the project, along with funding which has been approved through the Local Roads and Community Infrastructure program of \$90,000 (ninety thousand dollars).

The budget for the CSRFF grant application is (ex GST)

#### **Expenses**

	<b>3 Courts</b>	<b>4 Courts</b>
Sports Surface	\$121,000	\$142,500
Donated Materials	\$1,814	\$1,814
Volunteer Labour	\$1,850	\$1,850
Total Project Costs	<u>\$126,574</u>	<u>\$148,074</u>

#### **Income**

	<b>3 Courts</b>	<b>4 Courts</b>
Tennis Club	\$33,955	\$33,955
CSRFF	\$21,099	\$21,099
LRCIP	\$90,000	\$90,000
Non Cash	\$3,664	\$3,664
Shire Contribution	<u>\$5,000</u>	<u>\$5,000</u>
	<u>\$153,718</u>	<u>\$153,718</u>
Excess funds	<u>\$27,144</u>	<u>\$5,644</u>



**OFFICER RECOMMENDATION**

**Council Decision Number – 15 07 21**

**Moved: Cr Seaby**

**Seconded: Cr McGlashan**

**That Council accepts the Grant from CSRFF Grant totalling \$21,099 to allow for the resurfacing of the three Tennis Courts.**

**That Council fund the resurfacing of the fourth Tennis Court (most western) totalling an additional \$21,500 by utilising the already allocated and approved Local Roads and Community Infrastructure funding totalling \$90,000 (ninety thousand dollars).**

**Carried: 8/0**

<b>8.3.9 Proposed Cabin, Lake Brown Development Application</b>	
Location:	Lot 41 Koorda-Bullfinch Rd, Lake Brown 6479
File Ref:	AS1022
Applicant:	Jennifer Busniak
Date:	24 June 2021
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Paul Bashall, Consultant Planner - Planwest
Voting Requirements:	Simple Majority
Documents Attached:	Development Application from J Busniak – (18 pages)
Documents Tabled:	Nil

### Summary

A Development Approval (DA) application has been submitted by the owner of Lot 41 Koorda-Bullfinch Road, Lake Brown, for the construction of a small 30m<sup>2</sup> cabin and water tank. The application is supported by a Bushfire Management Statement and a Flood Mitigation Plan.

### Background Information

**Figure 1** shows the location of the subject land in relation to the Mukinbudin Townsite. The property measures 1.49 hectares with a 105m frontage to the Koorda-Bullfinch Road and is within the townsite of Lake Brown. Lake Brown is located about 13 kilometres east of Mukinbudin.

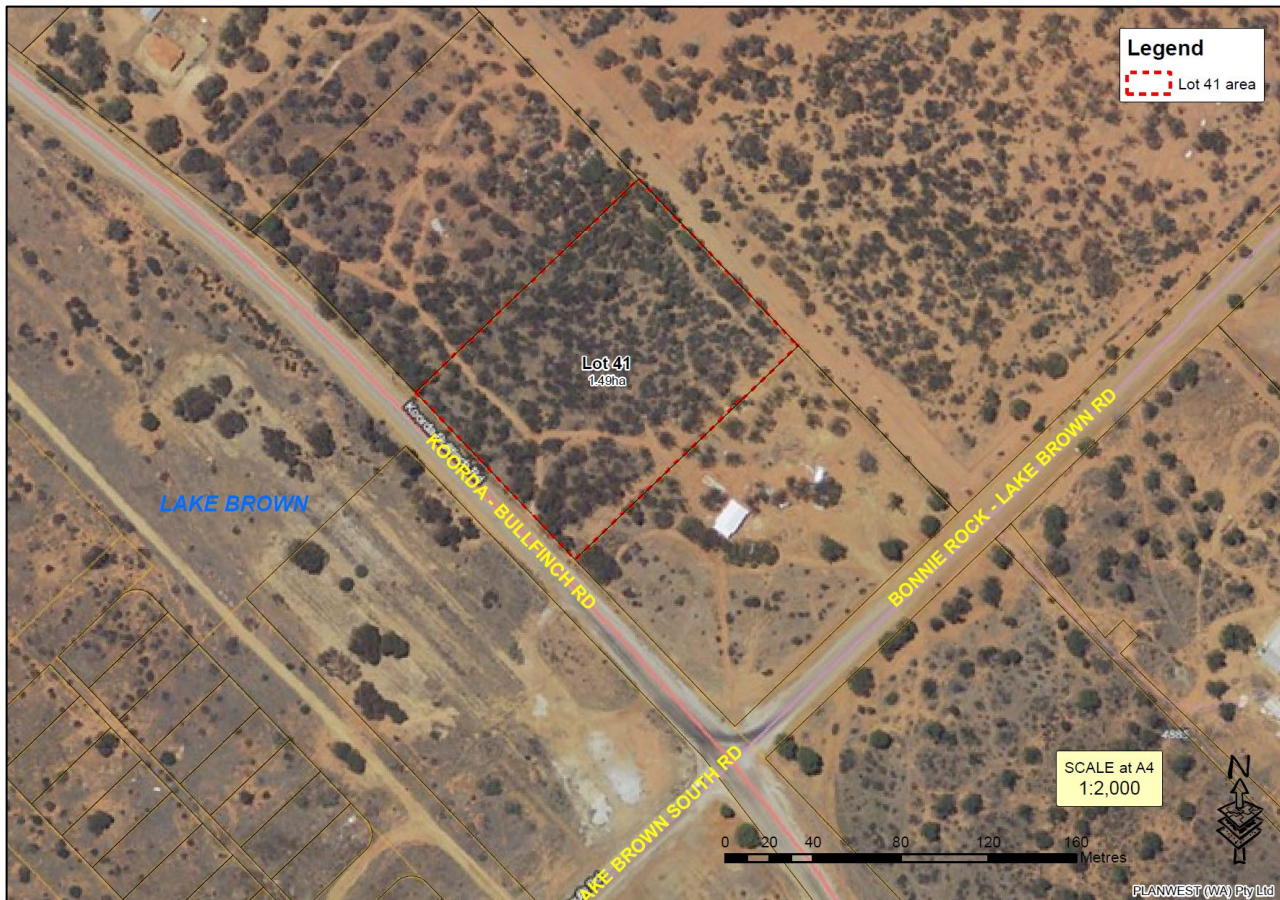
**FIGURE 1 – LOCATION PLAN**



Source: Landgate, Planwest

**Figure 2** shows an aerial photograph of the subject land showing the extent of the existing woodlands.

**FIGURE 2 – AERIAL PHOTOGRAPH OF SUBJECT LAND**



Source: Landgate, Planwest]

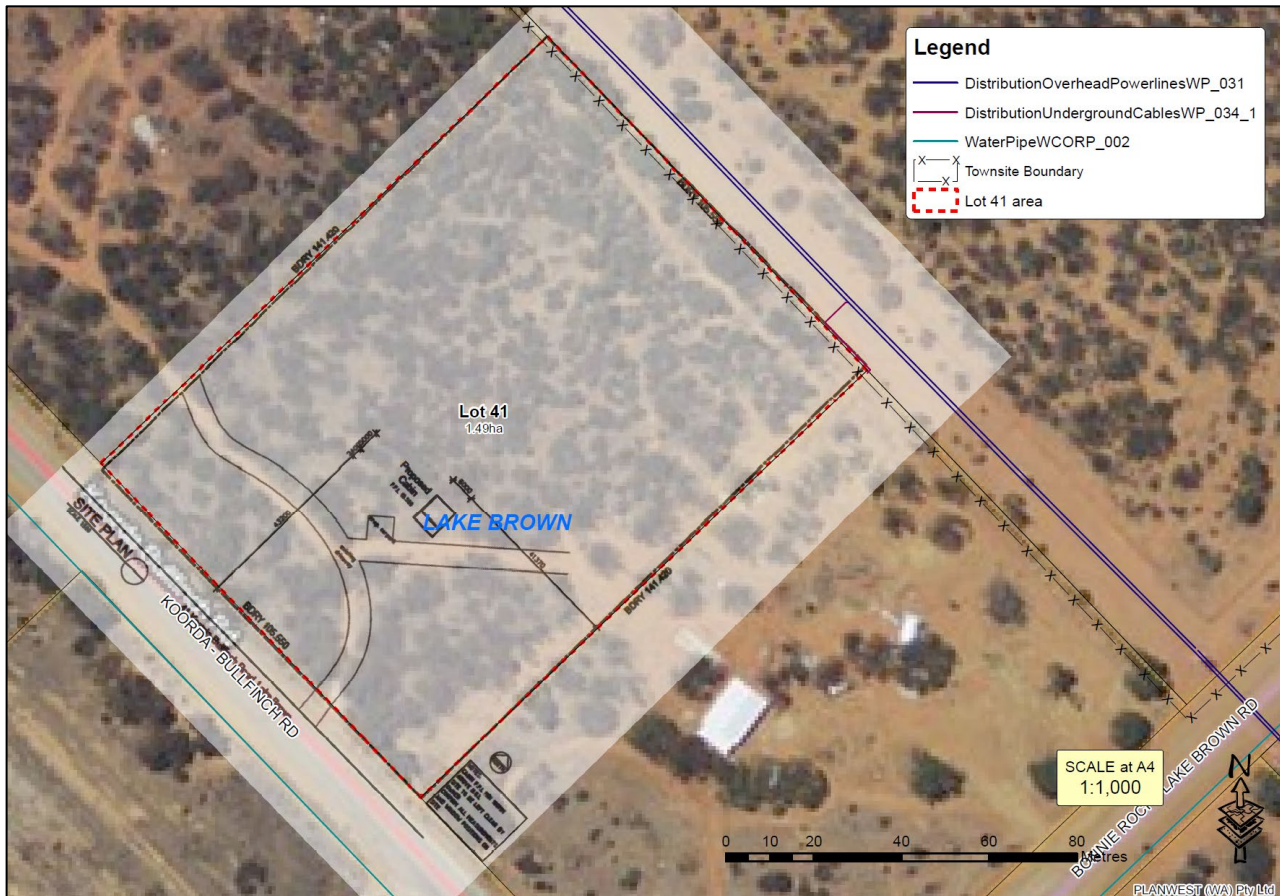
### Proposed Development

The cabin is proposed to be located about 43 metres from the Koorda-Bullfinch Road and 41 metres from the south-eastern boundary abutting Lot 42. The DA shows that the cabin will be serviced through onsite water tanks of 10,000 litres and 27,400 litre water tanks, and a septic tank and leach drain.

The land is serviced with a 50mm Water Corporation P-12 water distribution main to the front of the property, and the opportunity for a power supply from the rear of the lot. There are two transmission lines exist along the rear boundary of the lot. It appears that Lot 42 may already have established a supply from one of these lines.

**Figure 3** shows the lodged site plan imposed on the aerial photograph to indicate the proposed location of the cabin. The Figure also shows the location of water mains and power transmission lines.

**FIGURE 3 – SITE PLAN ON AERIAL PHOTOGRAPH OF SUBJECT LAND**



Source: DA, Landgate, WC, WP, Planwest

### Bushfire Management Statement

The whole of the property is included in the Bushfire Prone mapping.

The DA includes a Bushfire Management Statement (BMS) by Green Start Consulting - a level 2 BDAP (Bushfire Planning and Design) Assessor. This assessment was prepared in 2017.

The Statement concludes that the development must conform to the Bushfire Attack Level 29 (BAL 29). This is predicated on the development of a firefighting water supply, access and vegetation conditions that must be complied with at the time of the issue of a building permit. The BMS also states that the APZ (Attack Protection Zone) of 14m must be maintained throughout the life of the building.

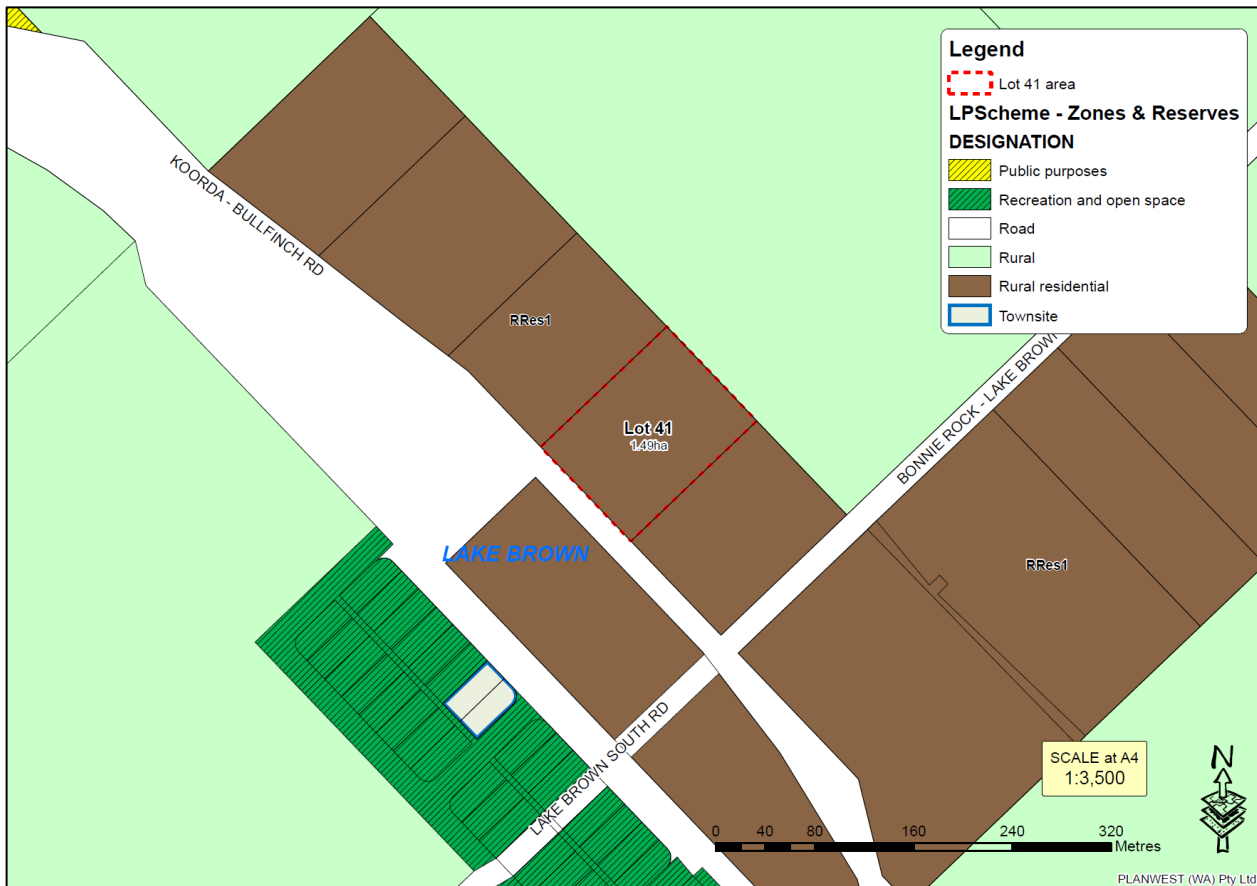
### Existing Scheme

The land is zoned 'Rural Residential' in the Shire of Mukinbudin Local Planning Scheme No 4 (Scheme). **Figure 4** provides an extract from the Scheme mapping.

The Scheme requires;

- A DA to be determined by the Council.
- Site requirements include a front setback of 30m and 10m from other boundaries,
- Additional planting where necessary, and
- A water supply.

**FIGURE 4 – EXTRACT FROM MUKINBUDIN SCHEME 4 MAPPING**



Source: Landgate, Planwest]

### Flood Risk

Previous Shire advice indicates that the area around Lake Brown is subject to flash flooding with prolonged rains further flooding to heights over 300mm above ground level.

Although the DA includes a Flood Mitigation Plan there is no evidence that this plan has been prepared by a qualified engineer. It has been reported that previous damage through flooding has been blamed on Shire works (or lack of).

It is therefore important that the development of the land should not proceed without confirmation from an accredited engineer that the works deemed necessary to protect the development from flood damage have been designed and completed prior to occupation of the house.

### Officer Comment

A previous DA was considered by the Council in 2015, however it appears that the application may not have been formally submitted and was therefore not determined. Several concerns were raised in the report to Council; however, several circumstances have changed since that application.

In the 2015 DA;

- a 92,000-litre water tank was required because a reticulated water supply was not available.
- The proposed dwelling was composed of sea containers.
- The dwelling was to be serviced with a compost toilet.

The current DA can be serviced by a water main along Koorda-Bullfinch Road, the dwelling is now a weatherboard and tin roof cabin.

The ablutions will be serviced through a septic tank and leach drain system. A condition should be imposed to ensure the effluent disposal system can operate effectively given the potential for flooding.

### **Strategic & Social Implications**

The Council has not adopted a Local Planning Strategy.

### **Consultation**

Nil.

### **Statutory Environment**

A single house is a permitted use (P) in a Rural Residential zone but requires the Council's approval.

### **Policy Implications**

The Council must ensure that it is indemnified from any damage claims from flooding. A certification from an accredited engineer specifying works required to protect the single house from flood damage should be required as a condition of approval.

### **Financial Implications**

Nil.

### **Officer Recommendation**

That the Council approves the DA subject to the following conditions;

1. Confirmation that the Bushfire Management Statement prepared in 2017 by Green Start Consulting complies with the current State Planning Policy 3.7.
2. Compliance with Bushfire Attack Level 29 (BAL 29) requirements as assessed in a current Bushfire Management Plan or Assessment.
3. Certification from a suitably qualified engineer that the flood mitigation works will protect the proposed cabin and works from flood damage.
4. Implementation of flood mitigation works as certified by a suitably qualified engineer.
5. Compliance with Council requirements for the provision of effluent disposal.
6. The construction of a crossover to Koorda-Bullfinch Road to the satisfaction of the Council.
7. The Attack Protection Zone of 14m to be maintained throughout the life of the building.

### **Advice Notes**

1. If the development, the subject of this approval, is not substantially commenced within a period of 24 months from the date of the approval, the approval will lapse and be of no further effect. For the purposes of this condition, the term "substantially commenced" has the meaning given to it in the *Planning and Development (Local Planning Schemes) Regulations 2015* as amended from time to time.
2. Prior to lodging an application for a building permit, stormwater and effluent disposal plans, details and calculations must be submitted for approval by the Local Government and thereafter implemented, constructed and maintained to the satisfaction of the Local Government.
3. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

**Council Decision Number –****Moved: Cr****Seconded: Cr***Planning and Development Act 2005***Shire of Mukinbudin****Notice of determination on application for development approval****Location:** Lot 41 Koorda-Bullfinch Road, **Lake Brown****Lot: Plan/Diagram:** Plan 219142**Vol. No:**2220 **Folio No:** 632**Application date: Received on:** 21 June 2021**Description of proposed development:** Single dwelling and water tank.**The application for development approval is:**** Approved subject to the following conditions;**

1. Confirmation that the Bushfire Management Statement prepared in 2017 by Green Start Consulting complies with the current State Planning Policy 3.7 (SPP 3.7).
2. Compliance with Bushfire Attack Level 29 (BAL 29) requirements as assessed in a current Bushfire Management Plan or Assessment.
3. Certification from a suitably qualified engineer that the flood mitigation works will protect the proposed cabin and other works from flood damage.
4. Implementation of flood mitigation works as certified by a suitably qualified engineer.
5. Compliance with Council requirements for the provision of effluent disposal.
6. The construction of a crossover to Koorda-Bullfinch Road to the satisfaction of the Council.
7. The Attack Protection Zone of 14m to be maintained throughout the life of the building.

**Date of determination:** 15 July 2021**ADVICE NOTES**

1. If the development, the subject of this approval, is not substantially commenced within a period of 24 months from the date of the approval, the approval will lapse and be of no further effect. For the purposes of this condition, the term “substantially commenced” has the meaning given to it in the *Planning and Development (Local Planning Schemes) Regulations 2015* as amended from time to time.
2. Prior to lodging an application for a building permit, stormwater and effluent disposal plans, details and calculations must be submitted for approval by the Local Government and thereafter implemented, constructed and maintained to the satisfaction of the Local Government.
3. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

**Carried:** /

**Council Decision Number – 16 07 21****Moved: Cr Comerford****Seconded: Cr McGlashan****That Council delegate the authority to the CEO to progress the approval of the Development Application to Lot 41 Koorda-Bullfinch road.****Carried: 8/0**

*Motion differs from that of the officer recommendation with the intention of Council to reduce the approval conditions where possible.*



*Dylan Copeland, NRMO entered the meeting at 2.53pm*

<b>8.3.9 Local Roads and Community Infrastructure Program – Barbalin Pipeline</b>	
Location:	Barbalin Dam
File Ref:	ADM 431
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	16 July 2021
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dylan Copeland, Natural Resource Management Officer
Voting Requirements:	Simple Majority
Documents Attached:	
Documents Tabled:	Nil

### **Summary**

#### **Background Information**

##### **April 2020**

In April 2020, in an email to the CEO, the Water Corporation proposed the transfer of Barbalin Dam to the Shire under the following arrangement:

1. The Shire accepts the transfer of the entire Reserve 20514, as delineated by the red boundary on the map over leaf. This land includes the Barbalin Dam and catchment (although excludes any operational infrastructure being retained by Water Corporation).
2. The reserve and all infrastructure associated with the dam is transferred in its current state and condition, and the Shire accepts responsibility for the future operation and maintenance of the land and infrastructure.
3. The Shire recognises that Water Corporation will retain easements over operational infrastructure that will remain on the reserve, including the Barbalin Tanks, chlorinator asset and associated pipeline corridors and treatment/pumping assets. The dam structure will require an engineering structural and condition review at a frequency determined by the Water Corporation at the Shire's cost.
4. The Shire recognises that Barbalin Dam may have heritage significance which requires assessment as part of any transfer.
5. The Water Corporation will negotiate in good faith with the Shire in relation to costs associated with the transfer of Reserve 30274 to the Shire.

##### **February 2021**

Council at its February Council Meeting (Minute 12 02 21) resolved:

*'That Item 8.3.3 lay on the table until the March OCM pending further negotiations and information from Water Corporation.'*

Funding allocations for the LRCI Program have been calculated in a similar way to how the Roads to Recovery Program and the road component of the Financial Assistance Grants works.

This formula takes into consideration road length and population and is based on recommendations of Local Government Grants Commissions.

Current Approved Work Schedule for the Shire of Mukinbudin from Stage 1 of the LRCI is as follows, with \$75,754 (seventy-five thousand, seven hundred and fifty-four dollars) remaining from this initial allocation which is due to be expended by 31st June 2021.

Note: Funding for LRCIP Stage 1 has now been fully allocated and potentially so has Stage 2.

### **May 2021**

The Shire engaged Rod Munns Engineering Consulting Services (RMECS) to conduct an initial analysis of the concept.

### **July 2021**

During a video conference with representatives from Water Corporation, it was indicated to the Shire that the initial offering of the proposed the transfer of Barbalin Dam to the Shire was no longer the preferred option of either party.

The Shire was reluctant to take over the reserve given the issues with asbestos and creosote contamination at the site and the potential burden of maintaining the dam wall. Water Corporation was reluctant to handover the site given that they still have significant operational infrastructure in place.

An in-principle agreement was reached that would allow the Shire to maintain the catchment wall on the rock (for the purposes of water-harvesting) and access the water directly from the dam.

### **Officer Comment**

This an opportunity to secure a significant water source for the townsite. The amount of water that would be made available through this project would allow the Shire to remove its reliance on scheme water to irrigate the oval in dry conditions. By using 90 mm or above size pipe, there could be enough surplus water to use for other green open spaces around town and for use in roadworks. There is also potential for water to be used beyond these immediate possibilities.

### **Catchment Water Harvest Yield**

*Assumptions:-*

1. *Rainfall based on past 4 full years from the Mukinbudin Weather Station (Station number 010102)*
2. *Rainfall runoff trigger  $\geq$  5mm of rain (any rainfall event less than 5mm will not result in any runoff)*
3. *Runoff coefficient = 0.8 (rock catchment)*
4. *Barbalin Dam Catchment Area = 1100000 sqm (based on WC information)*

*Based on these assumptions the following is a summary of the net water harvest yields per annum (after evaporation) :-*

2017	184532 kL
2018	118532 kL
2019	115540 kL
2020	126364 kL

**Average                    136,242 kL**

If the catchment is as per your estimate **700,000 sqm** then the average yield reduces to **77,994 kL/annum**

Hence the yield of the Barbalin Catchment is **3 to 6 times** the water demand required for the Mukinbudin Sports Oval of 21,468 kL/annum.

**Transfer from Barbalin Dam to Mukinbudin Stormwater Dam**

I have looked at gravity flow (siphon) and pumping using a solar pump.

Gravity flow assumptions:-

1. Pipeline Length = 15,210m
2. Gravity head minimum = 52.5m (Barbalin LWL and Muka Dam TWL)
3. Gravity head maximum = 62m (Barbalin TWL and Muka Dam LWL)

<u>Pipe</u>	<u>Flow (L/s)</u>	<u>Flow (kL/annum)</u>
Poly DN63	1.0	29,624
Poly DN75	1.6	47,020
<b>Poly DN90</b>	<b>2.5</b>	<b>76,051***</b>
Poly DN110	4.3	128,722

Given the annual demand is only 21,468 kL/annum the smallest pipe size DN63 will suffice – this is good as the pipeline is very long and will help to keep costs down. However this could be increased if the Shire are considering watering other areas around town (Golf course?)

Because the solar pump only operates effectively 8 hours per day (average sunlight hours) there is no benefit in using a solar pumping system for this project.

Note on RMECS's calculations: From discussions with others in the industry and by comparing figures from other sources for this proposal, it would appear that the flow rates estimated by RMECS are at the upper end of the range: for example, two other estimated flow rates for 90 mm pipe are 2.0 l/s and 2.04 l/s. RMECS have estimated 2.5 l/s. The estimated flow rates were similarly different for 75 mm pipe (1.24 l/s versus 1.6 l/s). This is not intended to undermine or otherwise call into question any of the calculations, but merely serve as a reminder that each set of calculations has a set of assumptions involved and for Council to be mindful of the level of conservatism with which they understand the parameters of the project.

## **Strategic & Social Implications**

2018-2028 Strategic Community Plan

Outcome 1.3 – Align infrastructure and facilities to community needs

*1.3.2 Effectively plan, develop, and manage infrastructure and facilities*

*1.3.4 Provide high quality recreation facilities and public open space*

Outcome 3.1 – Protect and enhance the natural environment

*3.1.3 Actively seek partnerships for landcare projects, salinity, drainage, and natural resource management initiatives*

## **Consultation**

Dirk Sellenger, Chief Executive Officer

Luke Sprigg, Manager of Works

Various Hydrologist and Engineers

## **Statutory Environment**

Nil

## **Policy Implications**

Nil

## **Financial Implications**

A grant total of \$110,000 (including GST) was recently received from the Department of Water and Environmental Regulation (DWER) as a contribution towards the pipeline project.

Quotations for the supply and installation of the pipeline, ranging from \$263,160 to \$486,086 ex GST have been obtained.

*Dylan Copeland left the meeting at 3.30pm*

## **OFFICER RECOMMENDATION**

**Council Decision Number – 17 07 21**

**Moved: Cr Comerford**

**Seconded: Cr McGlashan**

**That Council allocate an additional \$165,000 ex GST of the available Phase three of the Local Roads and Community Infrastructure Funding (assuming eligibility) to the \$100,000 ex GST from funding received through the Community Water Supply Program and call for tenders on the supply and installation of 15,500 m of 90mm PN 12.5 poly pipe and budget accordingly in the 2021/22 year.**

**Carried: 8/0**

**\*\* LATE ITEM \*\***

<b>8.3.10 Support Mukinbudin CRC – Spring Tours</b>	
Location:	Mukinbudin
File Ref:	
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	19 <sup>th</sup> July 2021
Disclosure of Interest:	
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements:	Simple Majority
Documents Attached:	Spring Tours Project Outline (1 page)
Documents Tabled:	

**Summary**

The Mukinbudin Community Resource centre is seeking to partner with the Shire to run a Mukinbudin Spring Tours project during wildflower season.

**Background Information**

The following letter was received from the Mukinbudin Community Resource Centre regarding a Spring Tours Partnership.

*Good Afternoon Dirk,*

*Thank you for the time to chat just now about the possibility of partnering on tours during spring. Further information outline below:*

*The CRC are in the planning phase of organising three spring tours during wildflower season, that in addition to the wildflowers highlight Mukinbudin's attractions, history, and provide insight to agriculture in our region.*

*Proposed dates are Fridays-27th August, 10th September, and 24th September.*

*The tour route would begin in town, go north to Cleomine Horse, Wattoning, out to Bonnie Rock, Berringbooding, Elachbutting, Weira, and back to town. Approximately 170km per tour.*

*The CRC is seeking partnership with the Shire with the hopes the use of the community bus (inclusive of bus fees/fuel) could be provided in kind, as well as the support of promoting the tours. In return the Shire logo will be added to the advertisement. In addition the Shire could offer a "stay and tour" type package at the caravan park.*

*The CRC will be responsible for the promotion, bookings, and execution of the tours. However, if there is anything additional the Shire would like to offer to this partnership we would be grateful for the support behind this initiative.*

*Our aim is that these tours drive tourism to Mukinbudin, encouraging spending within the town, increase visitors at the caravan park, and that the tours will promote Mukinbudin as a great place to visit, whilst showcasing our main attractions.*

*We look forward to hearing from you.*

*Please do not hesitate to contact me if you would like any further information.*

*Kind regards,*

*Alyce Ventris | Manager  
Mukinbudin Community Resource Centre*

#### **Officer Comment**

The author believes these tours will be of benefit to tourism in our Shire and Region, especially given what is expected to be an excellent Wildflower season in 2021. The Shire often arranges various area promotion type events during the year, including Advertising, Social Media promotions, live music at the Caravan Park, free shuttle Bus to Mangowine Concert etc.

The CRC proposed Spring Tours is considered a new initiative to promote tourism and for this reason believes this should be supported and the costs associated with the running of the Bus charged to area promotion accordingly.

Mrs Linda Vernon, NEWTRAVEL Executive Officer, is supportive of the Spring Tours and has suggested NEWTRAVEL will help promote these tours on behalf of the CRC.

#### **Strategic & Social Implications**

Nil

#### **Consultation**

Linda Vernon – NEWTRAVEL Executive Officer

#### **Statutory Environment**

Nil

#### **Policy Implications**

Nil

**Financial Implications**

The current fees and charges for 2020/21 are as follows:

Community Bus – per kilometre (Community Group)	\$1.35
Community Bus – per kilometre (Commercial)	\$1.90

Estimated 170km per tour is \$323 per tour and total of \$969 for three tours.

**OFFICER RECOMMENDATION**

**Council Decision Number – 18 07 21**

**Moved: Cr Bent**

**Seconded: Cr Comerford**

**That Council support the Mukinbudin Community Resource Centre’s Spring Tours project by way of free use of the Community Bus for a maximum of three tours scheduled for 27<sup>th</sup> August 2021; 10<sup>th</sup> September 2021 and 24<sup>th</sup> September 2021.**

**Carried: 8/0**

## 9. Elected Members Motions of which previous notice has been given

8.1 Nil

## 10. Urgent Business without notice (with the approval of the President or majority of Council)

9.1 Nil

## 11. Important Dates

10.1 Dates to Remember

ANNUALLY	
Date	Details
January	No Council Meeting in January
February	Chief Executive Officer and Works Supervisor to inspect all plant and evaluate and/or amend its plant replacement programme for recommendation to Council. Audit Committee to review Statutory Compliance Return, meet with Auditor and report to next full Council meeting Local Government Compliance Return 1 January to 31 December each year. Community Strategic Plan, Long Term Financial Plan and Asset Management Plans – commence review process (Every two years)
March	Roads Inspection – Annual Road inspections to prioritise items of roadwork's for forthcoming year. Councillors to present road proposals to CEO for consideration prior to this inspection. Complete review of Annual Budget (FM Regulations (33A) Completion of Statutory Compliance Audit Return (LG Act 7.13, Audit Regulations 13-15) to be sent to Department of Local Government prior to 31 March. Arrange AGM Bush Fire Advisory Committee meeting with Chief Bush Fire Control Officer for April
April	Buildings inspection Shire buildings with Property Manager and report to Council's April or May meeting Present any items Councillors or Community requests for Budget inclusion Undertake Review of Delegation of Authority Register to Committee and CEO (written confirmation to staff concerned) CEO to commence a full review of Delegations Register Policy / Procedures Manual Review – CEO to commence review process by including as last item on Council Agenda (if necessary)
May	Send out recoups of roads and other projects so grant funding can be received by 30 June Review Councils Fees and Charges for all Council services and facilities including rubbish service and charges MF to review and renew Council's insurance policies with LGIS
June	Sitting fees – Reminder to Councillors re: forthcoming years fees FOI Return (Note: not necessary if Nil return) FOI Statement – Review this month Manager of Works and Services to provide comments on RRG Submissions, which are due to go to Council in the August meeting. FM to conduct a Finance & Audit Committee meeting and meet with Auditor as per Committee Roles Council's Audit Committee to meet to discuss Interim Audit Every 4 years Financial Management Review due before 30 June WALGA Local Government Convention deadline for nominations 30 June each year – Public Interest Disclosure Return to be submitted for previous period 1/7 to 30/6. Chief Executive Officer's performance and remuneration review – commence this month
July	Draft Budget submitted by Chief Executive Officer and Finance Manager Councillors and Senior Staff issued with Annual Interest Returns for completion CEO performance review Undertake Staff Annual Performance Reviews
August	Councillors and Senior Staff – reminder of Annual Financial Interest Return to be completed to CEO prior to 31 August Completion/Adoption of budgets (absolute majority). Send copy to Department of Local Government within 30 days (LG Act 6.2, FM Regulations 33)
September	Completion of Annual Financial Report & submitted to Auditor. AFR sent Dept. of Local Government within 30 days (LG Act 6.5, FM Regulations 5.1) Advertise Community Chest Funding



October	<p>Review of Council's Code of Conduct – Section 5.103 (if unable to complete full review at this meeting discuss with Council the need to convene a Special Meeting to finalise review at this meeting or simply complete review at December Ordinary Meeting)</p> <p>Local Govt is to review its Code of Conduct within 12 months after each ordinary election day &amp; make such changes to the code as appropriate.</p> <p>Advise Council in the October Information Bulletin of the time, date and venue for the annual staff end of year function.</p> <p>Special Meeting (Election Years Only) advertise special meeting to swear in Councillors, Elect President, Deputy President, Committee etc. for Monday immediately after the Saturday elections.</p>
November	<p>Pensioner rates rebate claim to be lodged</p> <p>Call for nominations for Shire of Mukinbudin Citizens of the Year (Australia Day)</p>
December	<p>Annual Financial Report – Acceptance by Council within two months of receipt of the Auditors report</p> <p>Newsletter &amp; Local Newspaper – advertise date, time and venue of all Council and Committee meetings for next calendar year (with delegated authority, if any) (S.5.251 (g) &amp; Reg 12).</p> <p>Council's Audit Committee to meet to discuss Final Audit Report and Management Letter.</p> <p>Close of nominations for Shire of Mukinbudin Citizens of the Year (Australia Day)</p>

## 12. Closure of Meeting

### 12.1 The Chairperson to declare the meeting closed at 3.37pm.