



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 19 July 2022

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No responsibility whatsoever is implied or accepted by the Shire of Mukinbudin for any act, omission or statement or intimation occurring during Council or Committee meetings. The Shire of Mukinbudin disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by a member or officer of the Shire of Mukinbudin during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire of Mukinbudin. The Shire of Mukinbudin warns that anyone who has any application lodged with the Shire of Mukinbudin must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Mukinbudin in respect of the application.

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

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



Dirk Sellenger
CHIEF EXECUTIVE OFFICER

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- 10.1 Nil

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- 11.1 Nil

12. Closure of Meeting

- 12.1 Closure of Meeting

AGENDA

Agenda of the Ordinary Meeting of Council to be held in Council Chambers, Maddock Street, Mukinbudin on 19th July 2022.

1. Declaration of Opening

The Shire President to declare the Meeting open at 1.00pm

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 S Ventris	
Cr A Walker	
Cr J Seaby	

2.2 Staff:

Dirk Sellenger	Chief Executive Officer
Louise Sellenger	Manager of Corporate 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 21st June 2022

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 21st June 2022 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 29th June 2022
[Attachment 8.1.1](#)
- 8.1.2 Great Eastern Country Zone Meeting held 27th June 2022
[Attachment 8.1.2](#)

Voting Requirement

Simple Majority

OFFICER RECOMMENDATION

Council Decision Number -

Moved: Cr

Seconded: Cr

That the Minutes of the following committee meetings be received.

- NEWROC Executive Meeting held 29th June 2022; and
- Great Eastern Country Zone Meeting held 27th June 2022.

Carried /

8.2 Recommendations from Committee Meeting for Council Consideration

9.1 MONTHLY INFORMATION REPORT

9.1.1 July 2022 Information Report	
Location:	Mukinbudin
File Ref:	ADM 360
Applicant:	Louise Sellenger, Manager of Corporate Services
Date:	12 July 2022
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.

Consultation

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

Statutory Environment Nil

Policy Implications Nil

Financial Implications Nil

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That Council receive the July 2022 Information Report.

Carried /

9.2 Finance Reports

9.2.1 List of Payments – June 2022	
Location:	Mukinbudin
File Ref:	ADM 007
Applicant:	Louise Sellenger – Manager of Corporate Services
Date:	8 th July 2022
Disclosure of Interest:	Nil
Responsible Officer:	Louise Sellenger – Manager of Corporate Services
Author:	Lucia Scari – Finance Officer
Voting Requirements	Simple Majority
Documents Attached	List of Payments – Municipal Account (5 pages) List of Payments – Restricted Muni Account (1 page) Corporate Credit Card Statement June 2022 (4 pages) Credit Card Summary June 2022 (1 page)
Documents Tabled	Nil

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

Summary

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

Background Information

A list of payments submitted to Council on 19th July 2022, 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 2021/2022 Budget.

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

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

Municipal Fund:

Muni EFTs	EFT 7171	to	EFT 7265	\$472,778.13
Muni Cheques	Chq 31930	to	Chq 31930	\$30.00
Muni Direct Debits (Superannuation, loans, leases)	DD 9146.10	to	DD 9185.10	\$54,134.47
Pays on (Not included on payment listing)	08/06/2022 & 22/06/2022			\$71,138.95
Total Municipal Funds				\$598,081.55

Restricted Muni Fund:

RMF EFTs	EFT -	to	EFT -	\$0.00
RMF Cheques	Chq -	to	Chq -	\$0.00
RMF Direct Debits	DD 9139.1	to	DD 9225.1	\$51,037.25
Total Restricted Muni Funds				\$51,037.25

Carried /

9.2.2 Monthly Statement of Financial Activity Report – 30 June 2022	
Location:	Mukinbudin
File Ref:	ADM 005
Applicant:	Edward Nind – Finance Manager
Date:	14 July 2022
Disclosure of Interest:	Nil
Responsible Officer	Edward Nind – Finance Manager
Author:	Edward Nind – Finance Manager
Voting Requirements	Simple Majority
Documents Attached	<u>Statement of Financial Activity – For the period ended 30 June 2022 (24 Pages)</u> <u>Schedules 2 to 14 For the period 1 July 2021 to 30 June 2022 (98 Pages)</u>
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 in the schedules.

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.

The "Original Budget", was adopted on 17 August 2021, is based on a surplus carried forward of \$1,022,592 using end of year figures at the time of estimating.

The "Actual" brought forward surplus from 2020/2021 is \$989,271. This is the final audited figure. This is reduction to the brought forward surplus of \$33,321 from the surplus upon which the budget was based. There were many factors contributing to this and the detail can be seen in Note 5. of the Financial Statements.

The "Amended Budget" figures are those adopted by council on 22 March 2022.

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 subsequently changed.

Officer Comment

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

These figures were based on "... *approximately 75% of the total 2022-23 funding pool* ...". It is important to note that these advance payments do not reflect 75% of our local governments total 2022-23 grant allocation and we may receive an extremely limited or no quarterly payment in 2022-23.

The Commission is currently calculating the 2022-23 Notional Financial Assistance Grants. In June we advised additional informal projection as follows based on past grants;

Total General Purpose Grant 2022-23:	\$1,089,622
Advance paid in April 2022:	\$795,252
Projected remaining payment in 2022-23:	\$294,370
Total Purpose Roads Grant 2022-23:	\$579,488
Advance paid in April 2022:	\$502,419
Projected remaining payment in 2022-23:	\$77,069

At 30 June 2022 the end of month position is a surplus of \$1,447,651, 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 \$149,980.

It is important to note that the surplus is not final and the final 30 June 2022 brought forward surplus and is expected to reduce by \$20K to \$30K due to known outstanding invoices and end of year accrual adjustments.

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

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

The Grants Revenue report within the Statement of Financial Activity has been adjusted to include income in prior years and brought forward as a liability that was expected to be spent in the current year. 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 2021/22 Budget (Pending Adoption), *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 17 August 2021 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 June 2022 and note any material variances greater than \$10,000 and 10%.

Carried /

9.3 Chief Executive Officer's Reports

9.3.1 Proposed new Local Planning Policy	
Location:	Unspecific
File Ref:	ADM343
Applicant:	Not applicable
Date:	11 July 2022
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger - CEO
Author:	Paul Bashall, Consultant Planner - Planwest
Voting Requirements:	Absolute Majority
Documents Attached:	Draft Local Planning Policy for DA Exemptions
Documents Tabled:	Nil

Summary

The Council has requested a mechanism be developed to ensure that certain classes of development, specifically in the Rural zone, are exempt from requiring a development approval.

Background Information

The Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* specify that most classes of development within the Shire require a Development Approval (DA) application to be lodged with the Council for determination. The Council has received feedback from many farmers complaining about the additional time and expense incurred because of this requirement for rural sheds for example.

The Council is prepared to exempt certain classes of development from requiring a Development Approval that are not already exempted by the Deemed Provisions.

Notwithstanding the current exemptions outlined in clause 61 of the Deemed Provisions, the Council supports additional exemptions in accordance with item 20 of the **Table** included in clause 61 (1), an extract of which is shown below.

Table

	Column 1 Works	Column 2 Conditions
20.	Works specified in a local planning policy or local development plan that applies to the works as works that do not require development approval (other than works referred to in item 10).	The works comply with any requirements specified in the local planning policy or local development plan in relation to the exemption from the requirement for development approval.

Attachment 1 provides an extract from the Deemed Provisions for a Local Planning Policy (LPP) and the procedure for making a LPP.

There are other methods to deal with these exemptions, including;

1. An amendment to clause 61 of the Deemed provisions

Clause 61 of the Deemed Provisions currently provides the criteria for exempting certain classes of development from requiring a DA. Currently these exemptions apply to single houses (that comply with the R-Codes), internal works etc.

To change these exemptions, an amendment would need to be drafted by the WA Planning Commission. These exemptions would then apply to every Scheme in the State. This is a very lengthy and complicated process as consultation would need to be statewide. This option is not favoured by Departmental staff.

2 An amendment to a Scheme

A scheme amendment would potentially insert a new clause to specify the exemptions. Scheme amendments would provide the statutory authority to exempt the included uses, however the procedure for amending a Scheme is complicated and time-consuming. In addition, the provision is likely to be difficult to refine if changes are required.

3 Adoption of a new Local Planning Policy

The Deemed provisions provide for the preparation of a LPP to exempt use classes as outlined in the background information. This procedure is controlled by the local government and provides the Council with more discretion in the preparation of the policy.

Existing Situation

The existing Scheme relies on the Deemed provisions that do not exempt these rural based uses which are the main topic of this LPP.

Proposed Provision

The objectives of this policy are as follows;

- (a) To avoid unnecessary costs and delays in obtaining Development Approval.
- (b) To avoid inclusion of unnecessary standard items on the Council agenda.
- (c) To better streamline development implementation where certain conditions are satisfied.

This LPP provides the basis for this application of exemptions and allows the LPP to be modified (according to the procedures) to include other exemptions at a later date where the Council considers appropriate.

These exemptions are usually qualified by certain conditions (as set out in Column 2) to better focus in on the specific type of use class.

In the majority of cases the rural shed type DAs are approved without conditions. However, there are some exceptions where applications may be affected by buildings that;

- Are proposed to be close to common lot boundaries,
- Are affected by heritage provisions,
- Are not part of an existing operation,

- Are in bushfire prone areas,
- Create drainage issues,
- Create additional traffic movements, and
- Require new public road crossovers.

In the draft LPP Development approval is not required for works, as defined in Part 1 of the Deemed Provisions, if -

- the works are of a class specified in Column 1 of an item in **Table 2**; and
- if conditions are set out in Column 2 of **Table 2** opposite that item - all of those conditions are satisfied in relation to the development or works.

A Development approval exemption does not relate to any other legislation that would otherwise apply to such development or works. This ensures that compliance with building, safety and health requirement still may apply to the proposed development or works.

Table 2

Zone	Column 1 Works	Column 2 Conditions
Rural	Any development or works that are determined to be required as part of an approved operating agricultural business or activity.	<ol style="list-style-type: none"> The development or works are not located with a setback area of 20 metres from a street boundary and 10 metres from any other boundary. The development or works are not within a heritage area or have any heritage status. The development or works are not new activities, or use classes, that have not received Council's prior approval. The development or works are not within a Bushfire Prone mapping area as determined by Department of Fire and Emergency Services. The development or works do not create excessive increase in road traffic. The development or works do not require a new or reconfigured crossover to a public road. The development or works include adequate provision for any altered drainage that may be created by the proposal.

Consultation

To be advertised in accordance with Clause 4 of Part 2 of the Deemed provisions.

Policy Implications

There are policy implications that relate to the development of rural sheds and the like.

Financial Implications

Exemptions for DAs will not provide any application fees for the DA.

Statutory Environment

Notwithstanding that the Deemed provisions require a DA for sheds and the like, this LPP exempts the need for the Council to determine such proposals from a planning perspective.

Officer Comment

The LPP has been designed such that **Table 2** can be modified, if and when, the Council decides that certain additional use classes should be exempted from requiring a DA.

The LPP also states that the compliance with the conditions in column 2 of the Table 2 are subject to the discretion of the Chief Executive Officer.

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That the Council adopts the draft LPP for advertising in accordance with clause 87 of the Deemed provisions (see Attachment).

Carried / 0

ATTACHMENT - EXTRACTS FROM DEEMED PROVISIONS

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 Deemed provisions for local planning schemes

Part 2 Local planning framework

Division 2 — Local planning policies

3. Local planning policies

- (1) The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.
- (2) A local planning policy —
 - (a) may apply generally or in respect of a particular class or classes of matters specified in the policy; and
 - (b) may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.
- (3) A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.
- (4) The local government may amend or repeal a local planning policy.
- (5) In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.

4. Procedure for making local planning policy

- (1) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —
 - (a) publish in accordance with clause 87 the proposed policy and a notice giving details of —
 - (i) the subject and nature of the proposed policy; and
 - (ii) the objectives of the proposed policy; and
 - (iii) how the proposed policy is made available to the public in accordance with clause 87; and
 - (iv) the manner and form in which submissions may be made; and
 - (v) the period for making submissions and the last day of that period;
 - (b) if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;
 - (c) give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.
- (2) The period for making submissions specified in a notice under subclause (1)(a)(v) must not be less than the period of 21 days after the day on which the notice is first published under subclause (1)(a).

- (3) After the expiry of the period within which submissions may be made, the local government must —
- (a) review the proposed policy in the light of any submissions made; and
 - (b) resolve to —
 - (i) proceed with the policy without modification; or
 - (ii) proceed with the policy with modification; or
 - (iii) not to proceed with the policy.
- (3A) The local government must not resolve under subclause (3) to proceed with the policy if —
- (a) the proposed policy amends or replaces a deemed-to-comply provision of the R-Codes; and
 - (b) under the R-Codes, the Commission’s approval is required for the policy; and
 - (c) the Commission has not approved the policy.
- (4) If the local government resolves to proceed with the policy, the local government must publish notice of the policy in accordance with clause 87.
- (5) A policy has effect on publication of a notice under subclause (4).
- (6) The local government must ensure that an up-to-date copy of each local planning policy made under this Scheme that is in effect is published in accordance with clause 87.
- (7) Subclause (6) is an ongoing publication requirement for the purposes of clause 87(5)(a).

[Clause 4 amended: SL 2020/252 r. 46.]

5. Procedure for amending local planning policy

- (1) Clause 4, with any necessary changes, applies to the amendment to a local planning policy.
- (2) Despite subclause (1), the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.

6. Revocation of local planning policy

A local planning policy may be revoked —

- (a) by a subsequent local planning policy that —
 - (i) is prepared in accordance with this Part; and
 - (ii) expressly revokes the local planning policy;
 or
- (b) by a notice of revocation —
 - (i) prepared by the local government; and
 - (ii) published by the local government in accordance with clause 87.

[Clause 6 amended: SL 2020/252 r. 47.]

87. Requirements for making documents available to public

- (1) This clause applies if under a provision of this Scheme the local government is required to publish in accordance with this clause a notice, plan, application or other document (the *document*).
- (2) The local government must make the document available in accordance with the applicable requirements of subclauses (3) to (5).

Note for this subclause:

Under clause 88, the Commission may approve varied requirements that apply if it is not practicable for the local government to publish documents in accordance with subclauses (3) to (5).

- (3) For all documents, the local government must —
 - (a) publish on the website of the local government —
 - (i) the document; or
 - (ii) a hyperlink to a webpage on which the document is published;

and
 - (b) if it is reasonably practicable to do so — make a copy of the document available for public inspection at a place in the district of the local government during normal business hours.
- (4) If the document is a notice and the local government considers that it is appropriate in the circumstances for the notice to be published in a newspaper, the local government must also ensure that the notice is published in a newspaper circulating in the relevant locality in the local government district.
- (5) The local government must ensure that the document remains published under subclause (3)(a) and (if applicable) available for public inspection under subclause (3)(b) —
 - (a) if the document is published in compliance with a requirement that is expressed to be an ongoing publication requirement — at all times that the document is in effect; or
 - (b) if the document is published in compliance with a requirement to advertise for submissions under this Scheme — during the whole of the period within which submissions may be made; or
 - (c) if paragraphs (a) and (b) do not apply — during a period that the local government considers is reasonable.

[Clause 87 inserted: SL 2020/252 r. 79.]

9.3.2 LRCIP Phase 3 – Mukinbudin Cemetery	
Location:	Mukinbudin
File Ref:	ADM 389
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	11 th July 2022
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements:	Simple Majority
Documents Attached:	Nil
Documents Tabled:	Nil

Summary

To allow Council to amend the allocation of funds from Phase 3 of the Local Roads and Community Infrastructure (LRCI) funding.

Background Information

A landscape plan of the cemetery has now been completed and endorsed by the Cemetery Committee and council.

The first priority on the plan is the installation of a new Niche wall as the current wall has reached capacity. Initial estimates for this works to be completed are approximately \$30,000 (thirty thousand dollars).

Officer Comment

The matter of the capital works at the Cemetery was discussed at the recent Budget workshop. As the current niche wall has reached capacity and the costs involved in installing a new wall are expected to be well above the annual budget allowance discussion was held to reallocate LRCI funds from the Main Street Upgrade project to the Mukinbudin Cemetery.

The continued annual allocation of \$10,000 (ten thousand dollars) will remain in place for the capital works at the Cemetery and additional \$20,000 (twenty Thousand dollars) of LRCI funding will be allocation.

Strategic & Social Implications

Council acknowledges the need for a cemetery to be clean, tidy and presentable.

Consultation

Cemetery Committee

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

The allocation to the Main street Upgrade project to reduce from \$255,508 to \$235,508 and these funds to be allocated to the Cemetery.

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That Council allocate \$20,000 (twenty thousand) to the Cemetery Niche wall, reducing the allocated budget for the main street upgrade by the same amount.

That Council make an allowance of \$10,000 (ten thousand) of own source funding in the Draft 2022/2023 Budget year for the upgrade of the Niche Wall.

That the total available budget for the cemetery in 2022/23 be \$30,000.

Carried /

9.3.3 Regional Road Group – 5 year Plan	
Location:	Mukinbudin
File Ref:	ADM 271
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	12 th July 2022
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements:	Simple Majority
Documents Attached:	Nil
Documents Tabled:	Nil

Summary

To allow Council to allocate funds from Regional Road Group (RRG) for the 2024/2025 and 2025/2026 financial years.

Background Information

Regional Road Group funding is dealt with in five-year blocks, the current 5 year block involves reconstruction of the Kununoppin Mukinbudin Road and at the time of writing 8.16 kms remains and is scheduled to be completed in the 2023/2024 financial year.

Officer Comment

The following program is proposed.

SHIRE OF MUKINBUDIN

SRFTLGA ROAD FUNDING - 5 YEAR PROGRAM - 2022/23 Yr to 2026/27 Yr - Rev 0 - Current at 13-07-22

Road Name	Start SLK	End SLK	Length (Km)	Work Description	Funding		
					SRFTLGA	Matching Muni.	Total
Year 1 - 2022/23 Yr							
Kununoppin - Mukinbudin Rd	14.02	18.83	4.81	Reconstruction & Primerseal	\$417,003	\$208,502	\$625,505
Annual Total					\$417,003	\$208,502	\$625,505
Year 2 - 2023/24 Yr							
Kununoppin - Mukinbudin Rd	0.00	3.74	3.74	Reconstruction & Primerseal	\$420,000	\$210,000	\$630,000*
Annual Total					\$420,000	\$210,000	\$630,000
Year 3 - 2024/25 Yr							
Koorda Bullfinch Road	8.49	11.83	3.34	Reconstruction & Primerseal	\$425,000	\$212,500	\$637,500*
Annual Total					\$425,000	\$212,500	\$637,500

Year 4 - 2025/26 Yr							
Koorda Bullfinch Road	0.00	4.75	4.75	Reconstruction & Primerseal	\$430,000	\$215,000	\$645,000
							*
Annual Total					\$430,000	\$215,000	\$645,000
Year 5 - 2026/27 Yr							
Mukinbudin Bonnie Rock	0.50	4.65	4.15	Reconstruction & Primerseal	\$430,000	\$215,000	\$645,000
							*
Annual Total					\$430,000	\$215,000	\$645,000

* Denoted estimated funds for future years requiring confirmation in each financial year.

In year five of the current five year program the CEO recommends once the Koorda Bullfinch road to the west of the Mukinbudin townsite is complete that the next road to receive attention be the Mukinbudin Bonnie Rock road, commencing at SLK 0.50 to 4.65 in year 2026/2027, SLK 4.65 to 8.65 in the 2027/2028 year etc. The road in question to the Bonnie Rock Townsite is 28kms and would take approximately seven years to complete, being 2033/2034.

Strategic & Social Implications

Consultation

Cr Gary Shadbolt – Shire President

Cr Romina Nicoletti, Deputy President / Regional Road Group Delegate

Councillors - Informal Council discussion

Councils 10 year road works program

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Council makes the necessary allocation for Regional Road Group funding which works on a 2/3 (State Government) and 1/3 (Local Government) contribution basis. For example, a \$600,000 RRG job would utilise \$399,960 from our RRG allocation and the remaining funds from a \$200,040 Council allocation.

RRG allocations for each year are only made available by the State Government late in each Financial year so estimates are made for all future years.

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That Council allocate Regional Road Group funding for the 2024/25 and 2025/2026 financial years as follows:

SHIRE OF MUKINBUDIN

SRFTLGA ROAD FUNDING - 5 YEAR PROGRAM - 2022/23 Yr to 2026/27 Yr - Rev 0 - Current at 13-07-22

Road Name	Start SLK	End SLK	Length (Km)	Work Description	Funding		
					SRFTLGA	Matching Muni.	Total
Year 1 - 2022/23 Yr							
Kununoppin - Mukinbudin Rd	14.02	18.83	4.81	Reconstruction & Primerseal	\$417,003	\$208,502	\$625,505
Annual Total					\$417,003	\$208,502	\$625,505
Year 2 - 2023/24 Yr							
Kununoppin - Mukinbudin Rd	0.00	3.74	3.74	Reconstruction & Primerseal	\$420,000	\$210,000	\$630,000*
Annual Total					\$420,000	\$210,000	\$630,000
Year 3 - 2024/25 Yr							
Koorda Bullfinch Road	8.49	11.83	3.34	Reconstruction & Primerseal	\$425,000	\$212,500	\$637,500*
Annual Total					\$425,000	\$212,500	\$637,500
Year 4 - 2025/26 Yr							
Koorda Bullfinch Road	0.00	4.75	4.75	Reconstruction & Primerseal	\$430,000	\$215,000	\$645,000*
Annual Total					\$430,000	\$215,000	\$645,000
Year 5 - 2026/27 Yr							
Mukinbudin Bonnie Rock	0.50	4.65	4.15	Reconstruction & Primerseal	\$430,000	\$215,000	\$645,000*
Annual Total					\$430,000	\$215,000	\$645,000

* Denoted estimated funds for future years requiring confirmation in each financial year.

Carried /

9.3.4 Request For Dogs Exceeding Maximum At property	
Location:	Mukinbudin
File Ref:	ADM 300
Applicant:	Dirk Sellenger – Chief Executive Officer
Date:	13 th July 2022
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger - Chief Executive Officer
Author:	Dirk Sellenger - Chief Executive Officer
Voting Requirement:	Simple Majority
Documents Attached:	Nil
Documents Tabled:	Nil

Summary

To allow Council to consider a request from Mrs Bianca Heel to have a total number of 3 dogs on their townsite property, this exceeds the number of dogs allowable.

Background Information

Council received the following correspondence from Mrs Bianca Heel

To shire of Mukinbudin

I'm writing to you because I have been made aware that I need to get permission to have three dogs {French Bulldog} on my property

The reason I would like to be able to keep three dog on my property is because I'm a registered dog breed through MDBA

I have enclosed a copy of my certificate from them and I need to have 2 dogs male and female for them to be able to breed they are both got full paper and are micro chipped And the other dog is my pet and I do not want to re home him because my youngest is super attached to him and so am I and the breed are small and really good with people.

The 3 dogs live inside most of the time and then now that the big dog that we had is living with my husband's son in Perth they have some outside time behind a 6-foot fence and gates.

If I get approved to keep all 3 on my property I will register them all with the shire asap.

Kind regards Bianca Heel

046719780 if any questions don't hesitate call

An inspection of their property by Councils Ranger the following report was received.

29/06/2022 @ 12:30hrs

Senior Ranger Brad Miller WA Contract Ranger Services, acting on behalf of the Shire of Mukinbudin was tasked with investigating an application for a third dog registration at 17 Greenslade Street.

Applicant is Bianca Heel. Bianca has officially applied in writing as per my instructions after it was reported that there were four dogs living in her property. Upon investigation it was proven to be correct intel so my job as an authorised officer, Ranger was to find out why those dogs were permanently living in her property. Both Bianca and her husband Jay were cooperative and explained the mitigating circumstances, I was happy with the end result being one large, registered dog was permanently removed from the house. Bianca and Jay still have (3) dogs hence the application but are all compliant.

Formally interviewing Bianca and her husband Jay, I've informed them both due process as per the dog Act 1976. Please note that during the application process no issues at time of finding have been reported to council.

Bianca's property is safe and secured with a sufficient fence line. Their only neighbour, Bridgette Ryder: 0455 656 752 from 15 Greenslade Street has no problems with the Heel's being awarded a 3rd dog approval. 19 & 21 Greenslade street properties are either a vacant block or empty house so no issues to report. The house directly behind them, 12 Lukin Street was empty at time of knocking too.

From a personal point of view taking all into consideration including weighing up the positives against the negatives I cannot see any reason to reject Bianca's application. I fully recommend the councillors take all my findings into account and allow her to register a third dog.

WACRS

Brad M.

Officer Comment:

The Office has made contact with the neighbours and it is not unanimous that approved is a supported to have three dogs at this property.

As this property is owned by Dpt of Communities they have also been consulted which they advised that they don't have any issues with dog on the premises and this is really a Local Government Issue to deal with.

Strategic & Social Implications

Allowing for increased numbers of animals which exceed the Act may set a precedent and have negative social impacts on the Shire longer term.

Consultation

WA Ranger Services

Dept Communities - Merredin

Adjoining Property Neighbours

Statutory Environment:

Dog Act 1976

Policy Implications

Nil

Financial Implications

Nil

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

That Council agree to the granting of an exemption for keeping three dogs at 17 Greenslade Street Mukinbudin subject to the following conditions:

- **That the exemption be reviewed in twelve months to ensure that no adverse problems have been experienced as a result of the exemption.**
- **That Council reserves the right to withdraw the exemption at any time.**
- **That the exemption applies only to Dolly, Kobra and Cash as currently registered with the Shire.**
- **Each dog on the property must be registered at all times with the Shire of Mukinbudin.**
- **Upon the death or permanent removal of any of the nominated dogs a maximum of two dogs only will be permitted to be kept on this property.**

Carried /

9.3.5 Proposed Shed DA, Lot 160 Potter Street	
Location:	Lot 160 Potter Street, Mukinbudin
File Ref:	AS479
Applicant:	Ian Holthouse
Date:	13 July 2022
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger – Chief Executive Officer
Author:	Paul Bashall, Consultant Planner - Planwest
Voting Requirements:	Absolute
Documents Attached:	Nil
Documents Tabled:	Nil

Summary

Ian Holthouse has applied for a DA for a Stratco shed measuring 18.4 x 6.9 on Lot 160 Potter Street in Mukinbudin. The property is owned by Central Super Management Pty Ltd with a contact person stated as David Holthouse. It must be assumed that the applicant has the authority to sign for the owner. The DA form has no details of the certificate of title.

The land is vacant, zoned industrial and is about 2,700m² in area with a 34m frontage to Potter Street. The building and slab are estimated to cost \$36,000 and is expected to be constructed within 3 months of approval. **Figure 1** shows the location of the subject land as it relates to the Mukinbudin townsite

FIGURE 1 – LOCATION PLAN



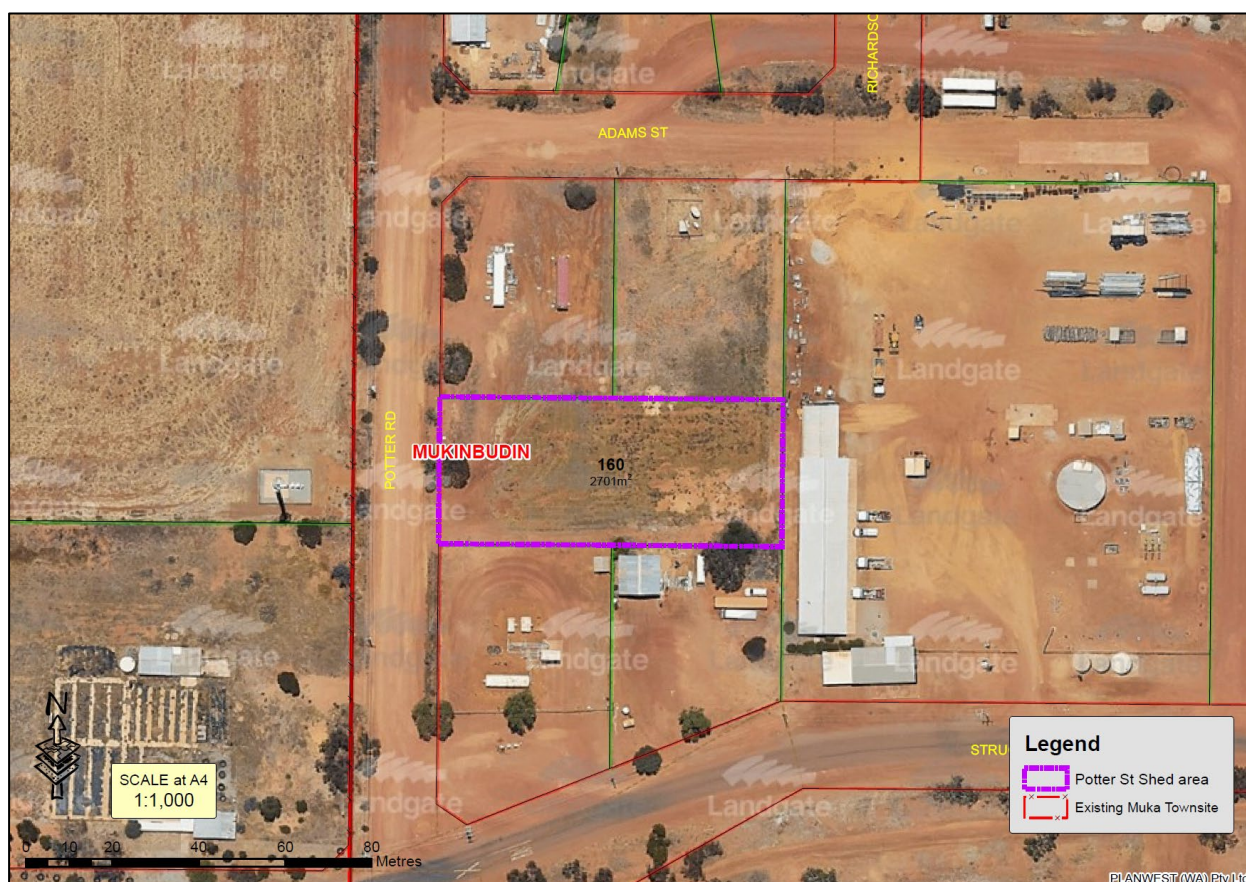
Source: ESRI, Landgate, Planwest

Background Information

The land is mostly devoid of any vegetation and located in the industrial area in the northern part of Mukinbudin townsite. The land faces a NBN tower on rural land on the west side of Potter Street.

Figure 2 provides an enlargement of the site area in respect to the adjacent developments.

FIGURE 2 – AERIAL PHOTOGRAPH OF SUBJECT LAND



Source: Landgate, Planwest

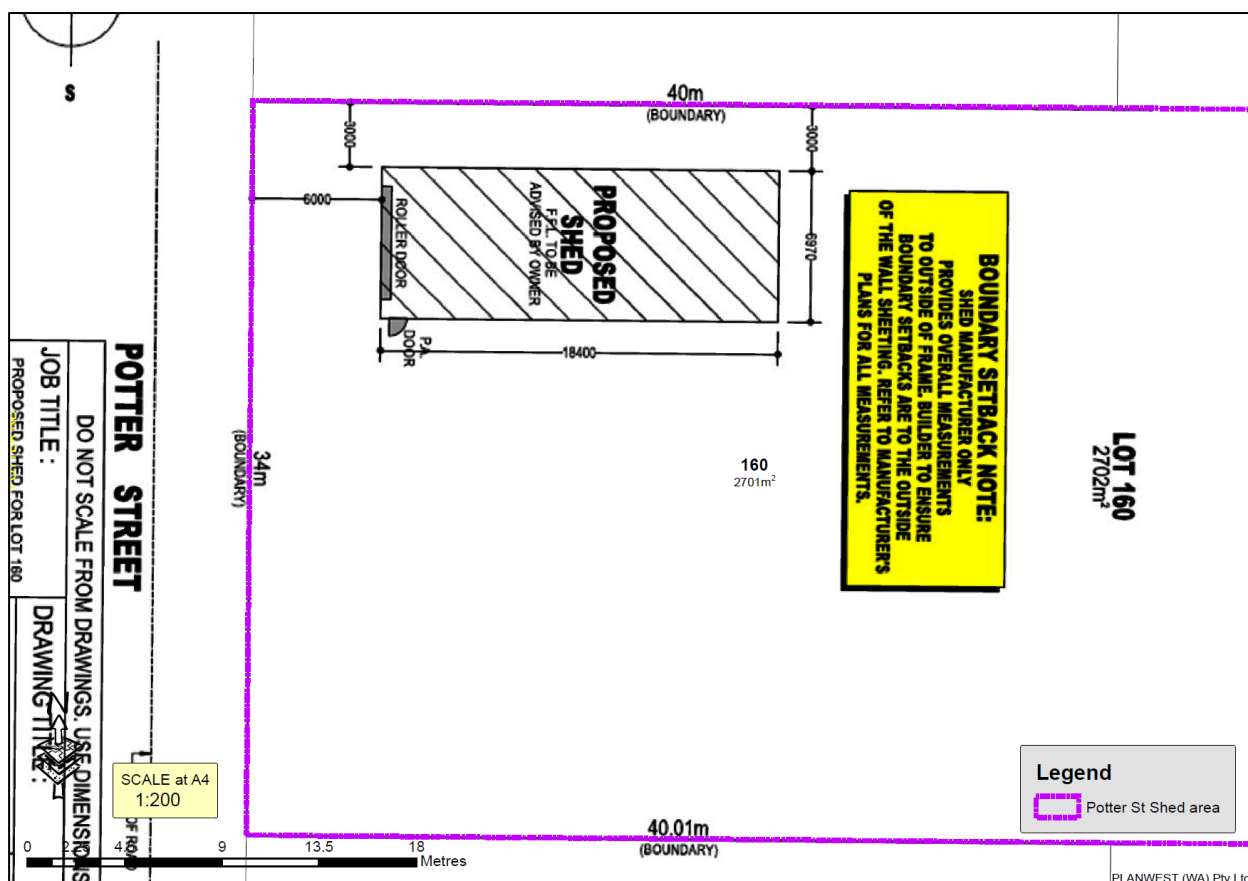
Proposed Development

Figure 3 superimposes the floor plan of the proposed shed as provided in an email from the applicant. As the Figure shows, the new shed proposes a setback of 6m from Potter Street and 3m from the northern side boundary.

The cross-section drawings of the shed show the height of the gable roof is 3.926m although the application form indicates 2.7m. The shed design shows a single roller door (5.73m wide x 2.7m high) on the frontage facing Potter Street, with only a single door on the south facing side of the building near the front. There are no other openings, including windows, shown on the plans and elevations.

The proposed use of the building is recorded as a 'storage shed'. There are no details of parking, drainage, access or landscaping. It is noted that the application form and other documentation is dated December 2021.

FIGURE 3 – EXTRACT OF DA PLAN OF PROPOSED BUILDING



Source: DA, Planwest

Strategic & Social Implications

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

Consultation

Nil.

Policy Implications

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

Financial Implications

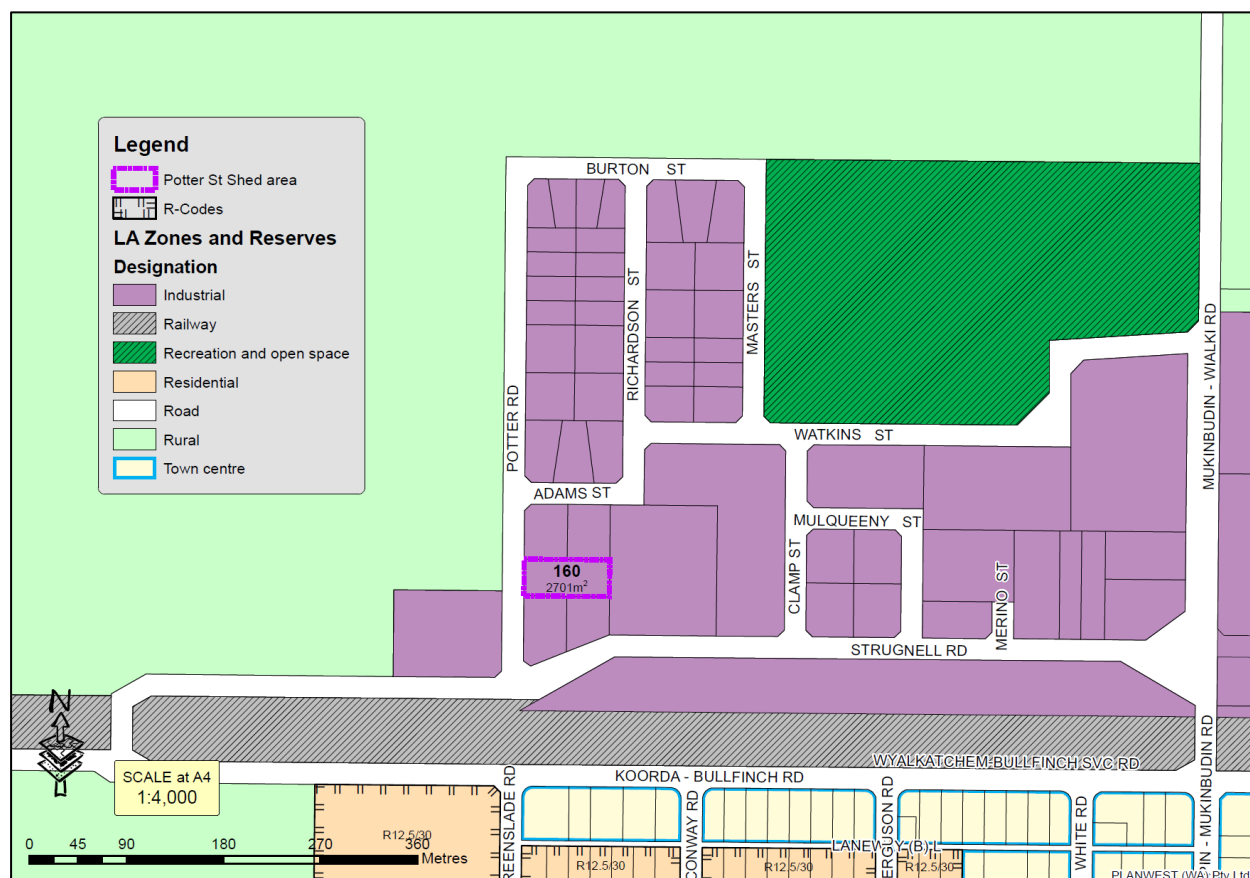
Nil.

Statutory Environment

The Shire of Mukinbudin Local Planning Scheme No 4 (Scheme 4) zones the land as Industrial. The proposed use is consistent with the objectives of the Industrial zone.

Figure 4 provides an extract from the Scheme map showing the zones and local scheme reserves.

FIGURE 4 – EXTRACT FROM SCHEME MAP



Source: DPLH, Landgate, Planwest

The Scheme outlines site requirements for building setbacks in an Industrial zone with a minimum front and rear setback of 7.5m, and a side setback of 5m on one side (clause 4.16.1).

Clause 4.16.2 states that the first 5 metres of the front setback on any lot is to be landscaped to the satisfaction of the local government.

Officer Comment

There are no objections to the use of the building as a storage shed, however the setbacks do not comply with the Scheme provisions.

There is no information whether there will be any ablutions or drainage of the site, or where a crossover to Potter Street may be. Retention of any existing vegetation will be encouraged.

As there are no landscaping, drainage, access or parking plans, these will need to be imposed as conditions to allow the Council to ensure that it is satisfied with the proposals.

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded:

That the Council approves the DA application subject to the following conditions and advice notes;

1. The proposed building being setback 7.5m from the front boundary and 5m from the side boundary.
2. The applicant providing a landscaping plan, including installation and ongoing maintenance strategy, to the satisfaction of the local government.
3. The applicant providing an access, crossover and parking plan to the satisfaction of the local government.
4. The applicant providing a drainage plan to the satisfaction of the local government.

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

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

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

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

Carried /

Planning and Development Act 2005

Shire of Mukinbudin

Notice of determination on application for development approval

Location: Lot 160 Potter Street, Mukinbudin

Lot: 160 **Plan/Diagram:** 214274

Vol. No: 2220 **Folio No:** 810

Application date: Received on: 13 July 2022

Description of proposed development:

Installation of a storage shed measuring 18.4m x 6.9m

The application for development approval is:

Approved subject to the following conditions

Refused for the following reason(s)

Conditions of approval:

1. The proposed building being setback 7.5m from the front boundary and 5m from the side boundary.
2. The applicant providing a landscaping plan, including installation and ongoing maintenance strategy, to the satisfaction of the local government.
3. The applicant providing an access, crossover and parking plan to the satisfaction of the local government.
4. The applicant providing a drainage plan to the satisfaction of the local government.

Advice Notes

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

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

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

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

Date of determination: *** July 2022

CONFIDENTIAL ITEM

9.3.6 Annual Performance Review – Chief Executive Officer	
Location:	Mukinbudin
File Ref:	Personnel
Applicant:	N/A
Date:	15 th July 2022
Disclosure of Interest:	Dirk Sellenger – Financial Interest
Responsible Officer	Cr Gary Shadbolt, Shire President
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirement:	Simple Majority
Documents Attached:	CEO Dirk Sellenger, Annual Performance Review
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:

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 9.3.6 is deemed to be

(b) the personal affairs of any person;

Carried /

OFFICER RECOMMENDATION

Council Decision Number –

Moved:

Seconded:

That the meeting be reopened to members of the public.

Carried /

- 10. Elected Members Motions of which previous notice has been given**
 - 10.1 Nil

- 11. Urgent Business without notice (with the approval of the President or majority of Council)**
 - 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.