Shire of Mukinbudin

Unconfirmed Minutes

Ordinary Meeting of Council

Meeting held in Council Chambers at
15 Maddock Street, Mukinbudin
Commencing at 1.06pm Thursday 14th September 2023

**** DISCLAIMER ****

Disclaimer:

The Shire of Mukinbudin assumes no responsibility for any act, omission, statement, or implication arising during Council or Committee meetings. The Shire of Mukinbudin explicitly disclaims any liability for any loss incurred as a result of reliance on such acts, omissions, statements, or implications by any individual or legal entity. Any person or legal entity who chooses to act or refrain from acting based on statements, acts, or omissions made during Council or Committee meetings does so at their own risk.

In particular, it should be noted that in discussions pertaining to planning applications or license applications, any statements or implications of approval made by members or officers of the Shire of Mukinbudin during meetings should not be construed as official notice of approval from the Shire of Mukinbudin. The Shire of Mukinbudin advises that individuals with pending applications must obtain written confirmation of the application's outcome and should only rely on such written confirmation, including any attached conditions determined by the Shire of Mukinbudin.

Ethical Decision Making and Conflicts of Interest:

Council adheres to a code of conduct and ensures that all decisions are based on an honest assessment of the matter, ethical decision-making, and personal integrity. Councillors and staff members comply with statutory requirements to disclose financial, proximity, and impartiality interests. Once declared, they abide by the relevant legislation.

Dirk Sellenger
CHIEF EXECUTIVE OFFICER

Vision Statement

To assist our community towards a prosperous future by providing a positive environment in which to work and live.

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AGENDA

Agenda of the Ordinary Meeting of Council held in Council Chambers, Maddock Street, Mukinbudin on Thursday 14th September 2023.

1. Declaration of Opening

The Shire President declared the Meeting open at 1.06pm

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 C McGlashan
Cr S Paterson
Cr J Seaby
Cr A Walker

2.2 Staff:

Dirk Sellenger	Chief Executive Officer
Renee Jenkin	Manager of Corporate and Community Services

2.3 Visitors:

2.4 Apologies:
Cr S Ventris

2.5 On leave of absence:
Cr A Farina

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 1.09pm.

3.3 Declaration of public question time closed

The Shire President to declare public question time closed at 1.10pm.

4. Declarations of Interest

Nil

5. Petitions, deputations, and presentations

5.1 Petitions
5.2 Deputations
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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 15th August 2023.
7.2 Confirmation of Minutes for the Special Meeting of Council held on the 24th August 2023.
7.3 Confirmation of Minutes for the Special Meeting of Council held on the 6th September 2023.

Voting Requirement Simple Majority

OFFICER RECOMMENDATION

Council Decision Number – 04 09 2023

Moved: Cr Nicoletti **Seconded: Cr Walker**

That the Minutes of the following meetings be accepted as a true and correct record of proceedings.

- **Ordinary Meeting of Council held on 15 August 2023**
- **Special Meeting of Council held on 24 August 2023**
- **Special Meeting of Council held on 6 September 2023**

Carried 7 / 0

8. Committee Meetings

8.1 Receipt of Minutes of Committee Meetings

8.1.1 NEWROC Council Meeting held 21st August 2023
NEWROC Minutes

8.1.2 CEACA Management Committee Meeting held 4th September 2023
CEACA Management Committee Meeting Minutes

8.1.3 Great Eastern Country Zone Meeting held 21st August 2023
GECZ Meeting Minutes
WACHS Presentation
Main Roads Presentation

Voting Requirement Simple Majority

OFFICER RECOMMENDATION

Council Decision Number – 05 09 2023

Moved: Cr McGlashan **Seconded: Cr Bent**

That the Minutes of the following committee meetings be received.

- **NEWROC Council Meeting held 21st August 2023**
- **CEACA Management Committee Meeting held 4th September 2023**
- **Great Eastern Country Zone Meeting held 21st August 2023**

Carried 7 / 0

8.2 Recommendations from Committee Meeting for Council Consideration

9.1 Monthly Information Report

9.1.1 September 2023 Information Report	
Location:	Mukinbudin
File Ref:	ADM 360
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	8th September 2023
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Simple Majority
Documents Attached	September Information Report
Documents Tabled	Nil

Summary

The purpose of this communication is to enable the Council to receive the Monthly Information Report, which includes reports from key personnel, namely the Environmental Health Officer, Caravan Park Manager, Acting Manager of Works, Community Resource Centre Coordinator, Manager of Corporate and Community Services, and the Chief Executive Officer.

Background Information

The Monthly Information Report serves as a means to provide Council with updates on various operational matters within the Shire of Mukinbudin. These reports offer valuable insights into the performance and progress of the respective areas under the purview of the aforementioned personnel.

Officer Comment

Refer to September Information Report.

Consultation

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

Statutory Environment Nil

Policy Implications Nil

Financial Implications Nil

OFFICER RECOMMENDATION

Council Decision Number – 06 09 2023

Moved: Cr Seaby **Seconded: Cr Paterson**

That Council receive the September 2023 Information Report.

Carried 7 / 0

9.2 Finance Reports

9.2.1 List of Payments – August 2023	
Location:	Mukinbudin
File Ref:	ADM 007
Applicant:	Edward Nind – Finance Manager
Date:	6th September 2023
Disclosure of Interest:	Nil
Responsible Officer:	Edward Nind – Finance Manager
Author:	Lucia Scari – Senior 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 August 2023 (6 pages) Credit Card Summary August 2023 (1 page)
Documents Tabled	Nil

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

Summary
List of payments made in August 2023 for endorsement by Council.

Background Information
A list of payments submitted to Council on 14th September 2023, for confirmation in respect of accounts already paid or for the authority to those unpaid. (Please refer to Payment listing attached).

Officer Comment
Standard process of obtaining Council endorsement of payments.

Strategic & Social Implications N/A

Consultation N/A

Statutory Environment
A list of payments is required to be presented to Council as per section 13 of the Local Government (Financial Management) Regulations 1996.

Policy Implications
Council Policy No. 1.6.5 (e) states that a list of payments is required to be presented to Council each month in accordance with Financial Management Regulations 13(1) for recording in the minutes.

Financial Implications
All payments have been made in accordance with the 2023/2024 Budget.

OFFICER RECOMMENDATION

Council Decision Number – 07 09 2023

Moved: Cr McGlashan **Seconded: Cr Nicoletti**

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

Municipal Fund:

Muni EFTs	EFT	8313	to	EFT	8415	$479,959.24
Muni Cheques	Chq	31957	to	Chq	31959	$12,986.72
Muni Direct Debits	DD	10740.1	to	DD	10851.9	$30,751.33
(Superannuation, loans, leases)						
Pays on	02/08/2023 & 16/08/2023 & 30.08.2023					$141,013.25
(Not included on payment listing)						
Total Municipal Funds						$664,710.54

Restricted Muni Fund:

RMF EFTs	EFT	-	to	EFT	-	$0.00
RMF Cheques	Chq	-	to	Chq	-	$0.00
RMF Direct Debits	DD	10742.1	to	DD	10872.1	$22,045.35
Total Restricted Muni Funds						$22,045.35

Carried 7 / 0

9.2.2 Monthly Statement of Financial Activity Report – 31 August 2023	
Location:	Mukinbudin
File Ref:	ADM 005
Applicant:	Edward Nind – Finance Manager
Date:	5 September 2023
Disclosure of Interest:	Nil
Responsible Officer	Edward Nind – Finance Manager
Author:	Edward Nind – Finance Manager
Voting Requirements	Simple Majority
Documents Attached	Statement of Financial Activity – For the period ended 31 August 2023 (23 Pages) Schedules 2 to 14 For the period 1 July 2023 to 31 August 2023 (98 Pages)
Documents Tabled	Nil

If a Councillor has any questions regarding the enclosed finance report, please discuss these queries with the Finance Manager so that a researched answer may be provided for you.

Summary

This information is provided to Council on a monthly basis in accordance with provisions of the *Local Government Act 1995 and Local Government (Financial Management Regulations 1996).*

The Monthly Statement of Financial Activity Report attached for consists of;

Statement of Financial Activity comprising:

1. Acquisition of Assets
2. Disposal of Assets
3. Information on Borrowings
4. Reserves
5. Net Current Assets
6. Rating Information
7. Restricted Municipal and Trust Funds
8. Operating Statement
9. Statement of Financial Position
10. Financial Ratios
11. Grants Revenue
12. Bank Balances & Investment Information

Schedules 2 - 14

Background Information

Unspent grants and prepayments received are identified in Note 5. “Net Current Assets “within the Statement of Financial Activity, however at the time of writing they will be impacted by adjustments yet to be made to the liabilities at 30 June 2023. These will include adjustments to unspent grant liabilities including Roads to Recovery and LRCI Phase 3 grant liabilities.

The NRM Grants have now been finalised with unspent funds having been returned to the grant provider.

The “Actual” brought forward surplus from 2022/2023 is $2,362,765. This is not the final figure as further end of year accounting adjustments are yet to be completed.

The 2023-2024 budget was adopted on 24 August 2023 and was based on a carried forward surplus of $2,360,165. The budgeted surplus is $2,600 less than the 2022/2023 surplus reported at this time.

In June 2023 we received $1,927,705 as Advance Grants for 2023-2024. $1,254,521 was General Purpose Funding and $673,184 was Road funding.

Without these advance payments of $1,927,705 the brought forward amount would be $435,060.

Officer Comment

At 31 August 2023 the end of month position is a surplus of $3,500,514, this includes 2023-2024 Rates that were raised in August 2023 and the $1,297,671 advance Financial Assistant Grant payments for the 2022-2023 financial year.

Without these advance payments of $1,297,671 the end of month position would be a surplus of $1,572,809.

We have been advised of the Financial Assistance Grant payments that will be received in 2023-2024 and these have been included in the 2023-2024 Budget.

Strategic & Social Implications N/A

Consultation N/A

Statutory Environment

General Financial Management of Council, Council 2022/23 Budget, *Local Government (Financial Management)* Regulations 1996, r34, *Local Government Act 1995*, section 6.4.

Policy Implications

Council is required annually to adopt a policy on what it considers to be material as far as variances that require to be reported for Council.

Council adopted a policy on 24 August 2023 that the material variation be set at $11,000 and 10%.

Financial Implications

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

OFFICER RECOMMENDATION

Council Decision Number – 08 09 2023

Moved: Cr Nicoletti **Seconded: Cr Bent**

That Council:

Adopt the Monthly Financial Report for the period ending 31 August 2023.

Carried 7 / 0

9.3 Chief Executive Officer's Reports

9.3.1 Equal Employment Opportunity Management Plan	
Location:	All of Shire
File Ref:	ADM
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	7th September 2023
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Simple Majority
Documents Attached	Draft Equal Employment Opportunity Management Plan
Documents Tabled	Nil

Summary:

The proposed agenda item seeks the Council's approval for the adoption of an Equal Employment Opportunity Management Plan (EEOMP) for our Shire. The EEOMP is a comprehensive framework designed to promote diversity, equity, and inclusion within our workforce. It outlines specific strategies, goals, and actions that will be implemented to ensure fair employment practices, eliminate discrimination, and create a more inclusive workplace.

Background Information

Council is required to develop and implement an EEOMP and the draft document is presented for consideration.

Officer Comment:

The adoption of an Equal Employment Opportunity Management Plan is a crucial step in fostering a workplace culture that values diversity and equal opportunities for all employees. This plan aligns with our commitment to promoting fairness, eliminating discrimination, and embracing diversity in our municipal workforce.

The EEOMP has been carefully developed in consultation with various stakeholders, including employees, community members, and relevant experts. It encompasses the following key components:

Diversity Recruitment and Hiring: The plan outlines strategies to attract a diverse pool of candidates during recruitment and hiring processes. This includes targeted outreach, partnerships with diverse organizations, and the removal of barriers that may deter underrepresented groups from applying.

Training and Development: The plan emphasizes the importance of ongoing training and development programs to raise awareness of diversity and inclusion issues among employees and supervisors. This includes mandatory diversity training and leadership development programs.

Equal Opportunity Complaint Procedures: The EEOMP includes clear procedures for reporting and addressing discrimination or harassment within the workplace, ensuring that employees have a safe and confidential mechanism to voice their concerns.

Data Collection and Monitoring: Regular data collection and reporting on demographic information and the representation of different groups within the workforce will be a key aspect of the plan. This data will be used to track progress and make informed decisions.

Community Engagement: The plan also encourages engagement with the broader community to reflect the diversity of our municipality in our workforce and services.

Accountability: The EEOMP includes mechanisms for regular review, assessment, and accountability to ensure the plan's effectiveness and relevance over time.

I recommend the Council's approval of this plan, as it not only reflects our commitment to equality and fairness but also aligns with legal requirements and best practices in employment management. Adoption of the EEOMP will help us create a more inclusive and equitable workplace, ultimately benefiting both our employees and the community we serve.

Consultation
Nil

Strategic & Social Implications
Nil

Statutory Environment
Nil

Policy Implications
Nil

Financial Implications
Nil

OFFICER RECOMMENDATION

Council Decision Number – 09 09 2023

Moved: Cr Walker **Seconded: Cr Paterson**

That Council adopt the Equal Employment Opportunity Management Plan (EEOMP) as presented.

Carried 7 / 0

9.3.2 2023/2024 REQUEST FOR TENDER – ANNUAL SEALING PROGRAM	
Location:	Mukinbudin
File Ref:	ADM 475
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	8th September 2023
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Simple Majority
Documents Attached	Nil
Documents Tabled	Nil

Summary

To allow Council to consider various quotes received for the 2023/2024 Road works sealing program.

Background Information

In accordance with the adopted Budget, quotes were recently requested via the via the WALGA preferred supplier portal and at close a total of three were received.

Officer Comment

The three quotes received to carry out the 2023/2024 program are as follows:

Supplier	**Colas**	**Fulton Hogan**	**Downer**
Description	Apply Two Coat Cutback Primerseal	Apply Two Coat Cutback Primerseal	Apply Two Coat Cutback Primerseal
M2	29,920	29,920	29,920
Unit Cost	$ 5.79	$ 7.33	$ 9.68
Value of Works	$ 173,236	$ 219,313	$ 289,625

Consultation

Rod Munns – Consultant Engineer

Strategic & Social Implications

Nil

Statutory Environment

Local Government Act 1995

Policy Implications

Nil

Financial Implications

Whilst sealing prices have increased considerably over the previous financial year due to inflation increases, Council has made an appropriate allowance for costs associated with various Bitumen sealing works in the 2023 / 2024 financial year.

OFFICER RECOMMENDATION

Council Decision Number – 10 09 2023

Moved: Cr Seaby **Seconded: Cr Walker**

That Council award the sealing works for the 2022/2023 financial year to Colas to carry out a two coat Hot Bitumen seal on the Kununoppin Mukinbudin Road between SLK 0.00 and 3.74 for a total of $173,236 plus GST.

Carried 7 / 0

9.3.3 PROPOSED SCHEME AMENDMENT – REZONING OF OLD BOWLING CLUB LAND	
Location:	Lots 98-102 Calder Street, **Mukinbudin**
File Ref:	A341
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	11th September 2023
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Paul Bashall – Planwest (WA) Pty Ltd
Voting Requirements:	Simple Majority
Documents Attached:	Scheme Amendment document
Documents Tabled:	Nil

Summary

A Scheme Amendment (No 2) has been prepared for the Council's adoption to rezone the old bowling club site in Calder Street from 'Special use – Club premises' to 'Residential' and adding a new Residential density code of R12.5/30.

Background Information

The Council's old bowling club land, on the corner of Calder and Greenslade Streets in Mukinbudin, is now no longer required for the purpose of a Crown Reserve. The bowling club has been relocated into the Shire's recreation centre in Cruikshank Street and therefore the Calder Street land is longer required for the club premises.

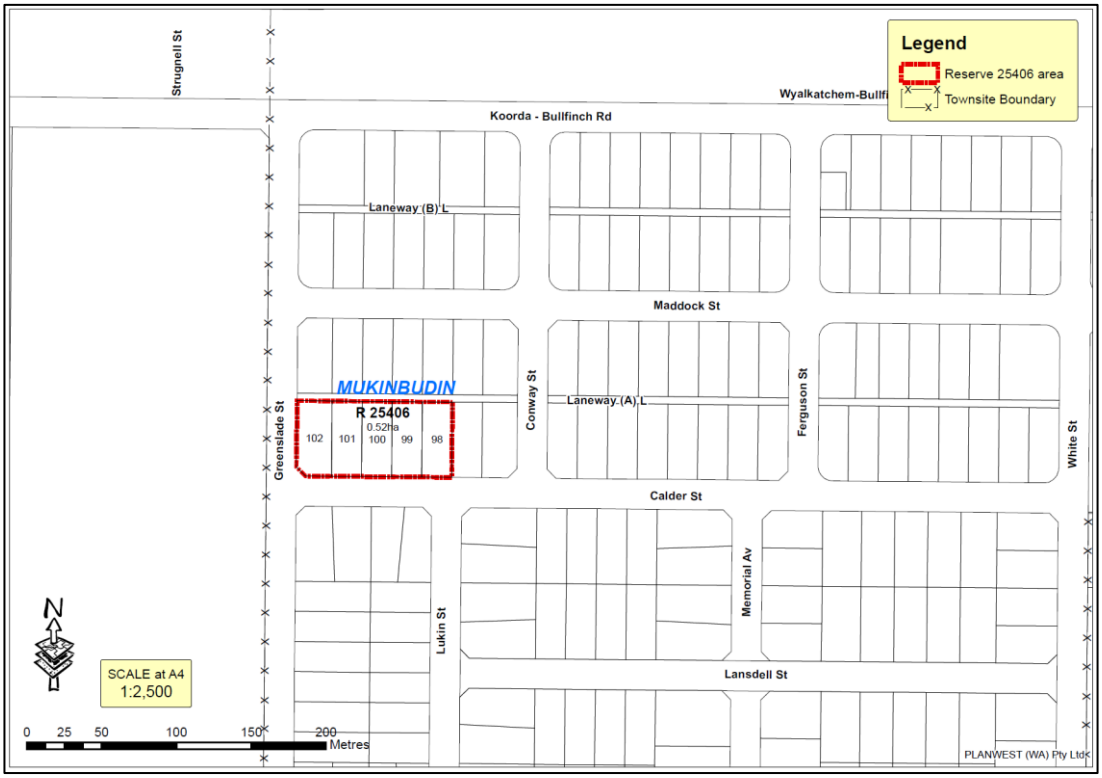
The subject land is shown in **Figure 1** and comprises of 4 lots of 1,011.7m^2 (the equivalent to the old quarter acre) and the corner lot of 1,160.9m^2.

The subject land, Lots 98-102 Calder Street, Mukinbudin, is currently a Crown 'C' class Reserve 25406 which has a total legal area of 0.5206 hectares. The current purpose of the Reserve is 'Recreation bowling club' with the management orders vested in the Shire of Mukinbudin. The Shire has the power to lease for any term not exceeding 21 years, subject to the consent of the Minister for Lands. The lots are all part of Certificate of Title number LR3022/220 on Deposited Plan 186571. The Responsible Authority is the Department of Planning, Lands and Heritage.

Figure 2 provides a recent aerial photograph of the site showing that the land is now cleared and ready for development. The surrounding land is all developed for residential purposes except the area immediately west of Greenslade Street which is currently vacant and zoned 'Rural residential'.

Concurrent with this Amendment, the Council has lodged an application to the Department of Planning, Lands and Heritage to cancel the Crown Reserve on the current land to enable the Council to dispose of the lots for residential purposes.

FIGURE 1 – LOCATION PLAN



Source: Planwest, Landgate

FIGURE 2 – AERIAL PHOTOGRAPH OF SUBJECT LAND

Source**: Planwest, Google Earth, Landgate**

Officer Comment

There are 2 actions that are required to enable these 5 lots to be used for residential development.

The first is the cancellation of the Crown Reserve and the issue of titles to create freehold lots.

The second action is to rezone the subject land to 'Residential' in the Council's scheme. There is no reason that these two actions cannot be progressed simultaneously.

Strategic & Social Implications

The Council has no local planning strategy; however, it is apparent that the subject land would be better used for residential purposes consistent with the surrounding development. There is no need to subdivide the land unless the Council feels the need to create smaller lots with narrower frontages.

Making these additional lots for sale will provide a short-term stock of land for new development. The land will be within easy reach of all the necessary town services including water, power, and roads. As the land is in the Mukinbudin townsite it has easy access to all the other social, recreation, commercial and administration services.

Consultation

Department of Planning, Lands and Heritage.

Statutory Environment

The Shire of Mukinbudin Local Planning Scheme No 4 (the Scheme) was gazetted on 29th April 2003. An extract from the Scheme is shown in **Figure 3.**

The Scheme was updated in April 2016 (Amendment No 1) to ensure that the Scheme was aligned with the deemed provisions of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

There are no Local Planning Policies adopted under the provisions of the Scheme that relate to, or effect, the amendment area.

Policy Implications

Nil

Financial Implications

There may be some financial implications to progress the cancelling of the Crown Reserve and creation of new titles, however these costs are not yet known. If the costs become prohibitive, the Council may choose to discontinue with the project.

Officer Recommendation

That the Council adopt the resolution to prepare a Scheme Amendment (see Resolution on Page 1 of the Amendment document), and thereby forwarding a copy of the Scheme Amendment documents to the Department of Planning, Lands and Heritage for consent to advertise and the Environmental Protection Authority for clearance under Section 81 of the *Planning and Development Act 2005*.

During advertising, the documents will be forwarded to servicing agencies and nearby residents for comment. At the close of advertising (after 42 days), the Council will assess the submissions received and decide whether to proceed with Amendment, modify the proposal, or decide not to continue with the proposal.

FIGURE 3 – EXTRACT FROM SCHEME MAP

Source: Planwest, DPLH, Landgate

OFFICER RECOMMENDATION

Council Decision Number – 11 09 2023

Moved: Cr Walker **Seconded: Cr Seaby**

The Council lodge the Scheme amendment with the Department of Planning for the rezoning of the five blocks (Lot 98 – 102 Calder Street) used previously for the purposes of recreation (Old Bowling Club) from Special use – Club premises' to 'Residential' and code of R12.5/30 R-Code.

That Council advertise the following Scheme Amendment accordingly:

Planning and Development Act 2005
RESOLUTION TO ADOPT AN AMENDMENT
TO LOCAL PLANNING SCHEME

Shire of Mukinbudin Local Planning Scheme No. 4

Amendment No. 2

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act* 2005, amend the above Local Planning Scheme by:

> **Rezoning of Lots 98-102 Calder Street, Mukinbudin, from 'Special use – Club premises' to 'Residential' with a 'R12.5/30' R-Code.**

This Scheme Amendment is classified as a *Standard Amendment* because it is –

(a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
(e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
(f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Dated this _____ day of _____ 20___

_____
(Chief Executive Officer)

Carried 7 / 0

9.3.4 2023 Local Government Election Process	
Location:	All of Shire
File Ref:	ADM 016
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	12th September 2023
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Simple Majority
Documents Attached	Nil
Documents Tabled	Nil

Summary:

In 2021, Hon. John Carey MLA, who was the Local Government Minister at the time, initiated a comprehensive reform process for Local Government in Western Australia. The primary goal of this reform was to modernize and enhance Local Government practices, as they had seen minimal changes since the introduction of the Local Government Act in 1995 (known as the Local Government Act 1995).

Background Information:

The reform process was a collaborative effort, with significant input and cooperation from the Local Government Sector. The WA Local Government Association played a leading role in this endeavour, and overall, the Local Government sector is satisfied with the outcomes achieved through the reform process.

One aspect of this reform is the regulation of Local Government numbers, specifically tailored to different-sized Local Governments across the state. Below is an excerpt from the Department of Local Governments' reform document, available on the department's webpage.

Changes to council sizes

Local governments will have a maximum and minimum number of council members based upon their population. Namely:

- local governments with a population of less than 5000 will have between 5 and 7 members
- local governments with a population between 5000 and 75,000 members will have between 5 and 9 members
- local governments with a population above 75,000 will have between 9 and 15 members.

With a Shire population of 555 (2021 Census) Council which has operated with nine (9) Councillors for many years was required to reduce numbers at the request of the Minister by at least two (2) to adhere to these new requirements as a review was undertaken and Council resolving as follows:

Council resolution:

OFFICER RECOMMENDATION

Council Decision Number – 07 02 2023

Moved: Cr Ventris **Seconded: Cr Walker**

Following the six-week consultation period which closed on the 4th January 2023, Council received no public submissions.

That in accordance with schedule 2.2 of the Local Government Act, that the Shire of Mukinbudin recommends to the Local Government Advisory Board that an order be made under S2.18(3) of the Local Government Act 1995 to reduce the number of offices of Councillor on the Council from nine (9) to seven (7).

That the reduction of offices of Council to seven (7) be implemented at the 2023 and 2025 Ordinary Election, with the scheduled vacancies of four (4) be set at three (3) for the 2023 Election cycle and scheduled vacancy of five (5) be set at four (4) for the 2025 Election providing a three (3) and four (4) split in election cycle.

That in accordance with the direction of the Minister for Local Government that there be no wards for populations under 5000, the Shire of Mukinbudin will remain with the status quo and not implement or reintroduce wards for Council in the future.

Carried 8 / 0

Officer Comment:

The implementation of a two-stage election cycle process was crucial to ensure that we maintain a maximum of seven (7) Councillors while striving to keep approximately 50% of the Councillors up for election in each two-year election cycle. To achieve this fairness, it was necessary to reduce the number of vacancies filled during both the 2023 and 2025 Election processes. This transition shifted from a previous split of four (4) and five (5) Councillors in 2023 and 2025, respectively, to a new split of three (3) and four (4) Councillors, respectively.

About two months before the ordinary 2023 Election process, Cr Jeff Seaby, whose term was scheduled to end in 2025, announced his intention to step down during the 2023 Local Government Election process. He submitted his resignation to allow for the inclusion of this vacancy in the upcoming 2023 Election. Consequently, the following vacancies were announced for the upcoming elections:

- Three (3) positions for 4-year terms
- One (1) position for a 2-year term

Upon the closure of nominations at 4:00 pm on Thursday, September 7th, three nominations were received for each of the 4-year terms. However, the fourth vacancy for the 2-year term remained unfilled.

As a result, the candidates for the 2023 vacancies were each re-elected unopposed to the Council. The fourth term for the 2-year term remained vacant and unfulfilled, leaving us with a total of seven (7) Councillors in alignment with the previously agreed breakdown of 3 in 2023 and 4 in 2025. This breakdown had been formally approved by the Minister for Local Government based on our motion and submission.

Department of
Local Government, Sport and Cultural Industries

GOVERNMENT OF WESTERN AUSTRALIA

Our ref	E23072465
Enquiries	Julie Craig
Phone	9492 9830
Email	Julie.craig@dlgsc.wa.gov.au

Mr Dirk Sellenger
Chief Executive Officer
Shire of Mukinbudin
15 Maddock Street
MUKINBUDIN WA 6479

Dear Dirk

SHIRE OF MUKINBUDIN – REDUCE COUNCILLOR NUMBERS – PUBLICATION IN GOVERNMENT GAZETTE

I am writing to advise that the Governor has made an order on the recommendation of the Minister for Local Government to reduce the Shire of Mukinbudin's number of offices of councillor from nine to seven over two election cycles. This follows the submission of the Shire's ward and representation review to the Local Government Advisory Board in February 2023.

These changes will be implemented at the 2023 and 2025 local government elections.

Notice to this effect was published in the *Government Gazette* on 30 June 2023.

Thank you to the Shire staff for their time and effort in undertaking the review. The publication of the order in the Gazette now finalises the review process. The Western Australian Electoral Commission will now commence their statutory and administrative requirements ahead of the next local government elections.

Yours sincerely

J. Craig

Julie Craig
STRATEGY AND RESEARCH OFFICER
EXECUTIVE SUPPORT BRANCH

On behalf of the Local Government Advisory Board

3 July 2023

While it is recognised and acknowledged that the utilisation of the two election cycles to achieve our desired outcome was necessary, this circumstance only arose due to the unexpected resignation of Jeff Seaby, whose term was set to expire in 2025.

Despite this unforeseen event and resignation, it is important to note that had the two-year term been filled before the nominations closed at 4:00 pm on Thursday, September 7th, 2023, Council would have subsequently "dropped" this position again during the 2025 Election process. This is deemed necessary to adhere to the maximum allowable limit of seven (7) Councillors, with a required split of 3 and 4 over the 2023 and 2025 Election years, respectively.

In light of recent discussions with the Department of Local Government staff to clarify our unique situation, it has been explained that Mukinbudin is now obligated to conduct an extraordinary Local Government Election to fill the vacant position. The intention behind this is to increase the number of elected Members in Mukinbudin from the current seven (7) to eight (8), which is one more than the maximum limit permitted by the Department of Local Government for Local Governments with a population of less than 5000 from 2025.

Consultation
Emma Johns - Strategy and Research Officer | Local Government Advisory Board
Vern McKay - Returning Officer Liaison Officer – WAEC

Strategic & Social Implications
Nil

Statutory Environment
Local Government Act 1995 (as amended)
Local government reform | DLGSC

Policy Implications
Nil

Financial Implications
Nil

OFFICER RECOMMENDATION

Council Decision Number – 12 09 2023

Moved: Cr Paterson **Seconded: Cr Nicoletti**

The Council formally request special Ministerial approval from the Department of Local Government to permit the two-year term to remain unfilled, as it stands vacant following the closure of nominations at 4:00 pm on Thursday, September 7th.

This request acknowledges that the vacancy of the 8th Councillor for a duration of two years would remain unfilled, thereby enabling the Council to function with a total of seven (7) elected members from 21st October 2023. This number aligns and adheres to the maximum allowable number of elected members prescribed for local governments with a population of less than 5000 people under the Local Government Reform process.

Carried 7 / 0

9.3.5 CEO – Request for Annual Leave	
Location:	Mukinbudin
File Ref:	EMP 122
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	12th September 2023
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Simple Majority
Documents Attached	Nil
Documents Tabled	Nil

Summary
To allow Council to consider the request for Annual Leave for the CEO.

Background Information
The CEO is seeking to take Annual Leave over the Term 3 school holiday period. The exact dates for the Annual Leave are not known at this point in time and the CEO is seeking approval to take a period Annual leave between Monday 25th September and Friday 6th October, when time permits (availability of other members of staff etc).

Officer Comment
The CEO will ensure the absence does not cause the organisation and remaining staff operational difficulties.

Consultation
Bob Edwards – Acting Manager of Works
Lucia Scari – Senior Finance Officer
Renee Jenkin – Manager of Corporate and Community Services

Strategic & Social Implications
Nil

Statutory Environment
Local Government Act 1995,

Policy Implications
Nil

Financial Implications
Council has made an appropriate Budget allowance for costs associated with staff Annual leave costs in the ordinary Salaries and Wages account.

OFFICER RECOMMENDATION

Council Decision Number – 13 09 2023

Moved: Cr Nicoletti **Seconded: Cr Bent**

That Council approve the CEO's request for up to two (2) weeks Annual Leave from Monday 25th September until Friday 6th October 2023 (inclusive).

That the CEO email the Council prior to taking leave and when returning from leave so the Council is aware when the CEO will be at work and when he will be on leave.

Carried 7 / 0

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

10.1

11. Urgent Business Approved by Person Presiding or by Decision

11.1 Closing comments from retiring Councillors

11.1.1 Councillor Seaby extended his appreciation and gratitude to his esteemed colleagues and CEO Dirk Sellenger for their unwavering support and cooperation throughout his tenure.

11.1.2 Councillor Paterson conveyed his gratitude and appreciation to his colleagues, as well as to CEO Dirk Sellenger, for their support and collaboration throughout his lengthy tenure. He extended his well-wishes to the council as they pursue their vision for the betterment of the community, Proverbs 29:18 “Without a vision my people will perish”.

12. Closure of Meeting

12.1 The Chairperson thanked Elected Members and Staff for attending and declared the meeting closed at 1.50pm.