



# AGENDA

Ordinary Council Meeting



Meeting to be held in Council Chambers at  
15 Maddock Street, Mukinbudin  
Commencing at 2.30pm Tuesday 21st May 2024

**\*\*\*\* 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 to be held in Council Chambers, Maddock Street, Mukinbudin on Tuesday 21<sup>st</sup> May 2024

### 1. Declaration of Opening

The Shire President to declare the Meeting open at 2.\_\_\_\_pm

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

#### 2.1 Present:

Cr G Shadbolt                      Shire President

Cr G Bent  
Cr C McGlashan  
Cr S Ventris  
Cr A Walker

#### 2.2 Staff:

|                |   |
|----------------|---|
| Dirk Sellenger | Chief Executive Officer                     |
| Renee Jenkin   | Manager of Corporate and Community Services |
| Ed Nind        | Manager of Finance                          |

#### 2.3 Visitors:

#### 2.4 Apologies:

#### 2.5 On leave of absence:

Cr Farina  
Cr Nicoletti

#### 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 16<sup>th</sup> April 2024.

**Voting Requirement**

Simple Majority

**OFFICER RECOMMENDATION**

**Council Decision Number –**

**Moved: Cr**

**Seconded: Cr**

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

- **Ordinary Meeting of Council held on 16<sup>th</sup> April 2024.**

**Carried /**

## 8. Committee Meetings

### 8.1 Receipt of Minutes of Committee Meetings

8.1.1 Kununoppin Medical Practice Meeting held 26<sup>th</sup> March 2024  
[KMPC Meeting Minutes](#)

8.1.2 Great Easter Country Zone Meeting held 11<sup>th</sup> April 2024.  
[GECZ Meeting Minutes](#)

### Voting Requirement

Simple Majority

## OFFICER RECOMMENDATION

### Council Decision Number –

Moved: Cr

Seconded: Cr

That the Minutes of the following committee meetings be received.

- Kununoppin Medical Practice Meeting held 26th March 2024
- Great Easter Country Zone Meeting held 11th April 2024.

Carried /

## 8.2 Recommendations from Committee Meeting for Council Consideration

### 9.1 Monthly Information Report

| <b>9.1.1 May 2024 Information Report</b> |   |
|--|---|
| Location:                                | Mukinbudin                              |
| File Ref:                                | ADM 360                                 |
| Applicant:                               | Dirk Sellenger, Chief Executive Officer |
| Date:                                    | 14 <sup>th</sup> May 2024               |
| Disclosure of Interest:                  | Nil                                     |
| Responsible Officer                      | Dirk Sellenger, Chief Executive Officer |
| Author:                                  | Dirk Sellenger, Chief Executive Officer |
| Voting Requirements                      | Simple Majority                         |
| Documents Attached                       | <a href="#">May Information Report</a>  |
| 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 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 May Information Report.

#### **Consultation**

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 –****Moved: Cr****Seconded: Cr****That Council receive the April 2024 Information Report.****Carried /**

## 9.2 Finance Reports

| <b>9.2.1 List of Payments – April 2024</b> |  |
|--|--|
| Location:                                  | Mukinbudin   |
| File Ref:                                  | ADM 007  |
| Applicant:                                 | Edward Nind – Finance Manager  |
| Date:                                      | 8 <sup>th</sup> May 2024   |
| Disclosure of Interest:                    |  |
| Responsible Officer:                       | Edward Nind – Finance Manager  |
| Author:                                    | Lucia Scari – Senior Finance Officer   |
| Voting Requirements                        | Simple Majority  |
| Documents Attached                         | <a href="#">List of Payments – Municipal Account (6 pages)</a><br><a href="#">List of Payments – Restricted Municipal Account (1 page)</a><br><a href="#">Corporate Credit Card Statement – April 2024 (4 pages)</a><br><a href="#">Credit Card Summary – April 2024 (1 page)</a><br><a href="#">Fuel Cards Statement – April 2024 (3 pages)</a> |
| Documents Tabled                           | Nil  |

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

### **Summary**

List of payments made in April 2024 for endorsement by Council.

### **Background Information**

A list of payments submitted to Council on 21<sup>st</sup> May 2024, 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 –**

**Moved: Cr**

**Seconded: Cr**

**That the list of payments made in April 2024, be endorsed for payment.**

**Municipal Fund:**

|   |                         |    |             |                     |
|---|-------------------------|----|-------------|---------------------|
| Muni EFTs   | EFT 9033                | to | EFT 9143    | \$777,671.04        |
| Muni Cheques  | Chq 31974               | to | Chq 31975   | \$25,767.69         |
| Muni Direct Debits<br>(Superannuation, loans, leases) | DD 11705.1              | to | DD 11754.12 | \$37,918.10         |
| Pays on<br>(Not included on payment listing)          | 11/04/2024 & 24/04/2024 |    |             | \$95,487.13         |
| <b>Total Municipal Funds</b>                          |                         |    |             | <b>\$936,843.96</b> |

**Restricted Muni Fund:**

|                                    |            |    |            |                    |
|------------------------------------|------------|----|------------|--------------------|
| RMF EFTs                           | EFT -      | to | EFT -      | \$0.00             |
| RMF Cheques                        | Chq -      | to | Chq -      | \$0.00             |
| RMF Direct Debits                  | DD 11675.1 | to | DD 11784.1 | \$29,987.55        |
| <b>Total Restricted Muni Funds</b> |            |    |            | <b>\$29,987.55</b> |

**Carried /**

| <b>9.2.2 Monthly Statement of Financial Activity Report – 30 April 2024</b> |   |
|---|---|
| Location:   | Mukinbudin  |
| File Ref:   | ADM 005   |
| Applicant:  | Tanika McLennan – Financial Consultant  |
| Date:   | 14 <sup>th</sup> May 2024   |
| Disclosure of Interest:   | Nil   |
| Responsible Officer   | Tanika McLennan – Financial Consultant  |
| Author:   | Tanika McLennan – Financial Consultant  |
| Voting Requirements   | Simple Majority   |
| Documents Attached  | <a href="#">Statement of Financial Activity – For the period ended 30 April 2024 (23 Pages)</a><br><a href="#">Schedules 2 to 14 For the period 1 July 2023 to 30 April 2024 (98 Pages)</a> |
| 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" in the Statement of Financial Activity.

The "Actual" brought forward surplus from 2022/2023 is \$ 2,344,429. End of year accounting adjustments are completed and this is the final audited figure.

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 was \$ 15,736.00 more than the 2022/2023 the final audited figure.

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.

Including the advance payments the audited Surplus Carried Forward from June 2023 is \$2,344,429. Without the advance payments the brought forward amount from 2022-2023 would be \$416,724.

**Officer Comment**

The audit for 2022-2023 has been completed and this identifies a Net Current Assets brought forward surplus of \$2,344,429 in the Audited Financial Statements.

At 30 April 2024 the end of month position in the monthly report is a surplus of \$850,406, this includes 2023-2024 Rates that were raised in August 2023 and the \$1,297,671 advance Financial Assistant Grant payments for the full 2023-2024 financial year.

Without these advance payments the end of month position would be reduced by approximately 17% of the advance payment.

**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 –**

**Moved: Cr**

**Seconded: Cr**

**That Council:**

**Adopt the Monthly Financial Report for the period ending 30 April 2024.**

**Carried /**

| <b>9.2.3 Fees &amp; Charges 2024/2025</b> |   |
|---|---|
| Location:                                 | All of Shire  |
| File Ref:                                 | ADM 016   |
| Applicant:                                | Dirk Sellenger, Chief Executive Officer                   |
| Date:                                     | 14 <sup>th</sup> May 2024                                 |
| Disclosure of Interest:                   |   |
| Responsible Officer                       | Dirk Sellenger, Chief Executive Officer                   |
| Author:                                   | Lucia Scari, Senior Finance Officer                       |
| Voting Requirements                       | Absolute Majority   |
| Documents Attached                        | <a href="#">Proposed Fees &amp; Charges for 2024/2025</a> |
| Documents Tabled                          | Nil   |

### **Summary**

To present Council with the proposed Fees & Charges for 2024/2025 for approval.

### **Background Information**

The 2024/2025 Schedule of Fees and Charges has been reviewed and prepared by the Senior Finance Officer. Generally, fees and charges have been increased by an average of 5%.

### **Officer Comment**

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

This year the Officer has taken into account the increase in demand for services and also the increase in costs such as fuel. Detailed below are a list of noteworthy changes included within the Proposed Fees & Charges for 2024/2025:

- A nightly charge of \$200 is introduced for the new Caravan Park House (Karloning Villa).
- The private works labour rate is being raised from \$80 to \$100 per hour.
- The fee for renting the Large Marquee is increased from \$1,550 to \$2,500. This updated fee now includes the cost of labour for assembling/disassembling and delivering/collecting the marquee, which was previously charged separately.
- The nightly charge for 25 Cruickshank House and Beringbooding Villa is being raised from \$195 to \$200.
- The nightly charge for Wattoning Villa is being increased from \$215 to \$220.

### **Consultation**

Previous decisions of Council.

Dirk Sellenger – Chief Executive Officer

Lucia Scari – Senior Finance Officer

Renee Jenkin – Manager of Corporate and Community Services

Tanika McLennan – Financial Consultant

Tania Sprigg – Caravan Park Manager

**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.

**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 –**

Moved: Cr

Seconded: Cr

**That Council adopt the Fees & Charges for 2024/2025 as presented and incorporate this document with the 2024/2025 Budget, as required.**

**Carried /**



### 9.3 Chief Executive Officer's Reports

| <b>9.3.1 Shire of Mukinbudin – Delegated Authority Register Annual Review</b> |  |
|---|--|
| Location:   | All of Shire   |
| File Ref:   | ADM 309  |
| Applicant:  | Dirk Sellenger, Chief Executive Officer                          |
| Date:   | 24 <sup>th</sup> April 2024                                      |
| Disclosure of Interest:   | Nil  |
| Responsible Officer   | Dirk Sellenger, Chief Executive Officer                          |
| Author:   | Dirk Sellenger, Chief Executive Officer                          |
| Voting Requirements   | Absolute Majority  |
| Documents Attached  | <a href="#">Shire of Mukinbudin Delegated Authority Register</a> |
| Documents Tabled  | Nil  |

#### **Summary**

To present Council a request to review and adopt the Shire of Mukinbudin Delegated Authority Register for 2024/2024.

**NB:** To ensure the Shire meets its statutory compliance obligations this item must be adopted no later than the June 2024 Council Meeting or it may potentially be identified by Councils auditors as a matter of Non-Compliance (Please refer to reviewed and amended Delegations Register submitted as a separate attachment).

#### **Background Information**

Under the *Local Government Act 1995* there are basically two types of delegations Council may make:

- Delegations to a Committee of Council or
- Delegations to the CEO

Other Delegations made under the *Bush Fires Act 1954*, *Building Act 2011*, *Health Act 1911* and *Food Act 2008*.

- Delegations to Others such as Chief Bush Fire Control Officer

Section 5.8 of the *Local Government Act 1995* deals with Delegations to Committees of Council. Currently the Shire of Mukinbudin only has an Audit Committee that it may wish to delegate to.

The Shire of Mukinbudin Register of Delegations is attached as a separate attachment and was last reviewed on 18<sup>th</sup> May 2021. Section 5.46 (1) & (2) requires the Register of Delegations to be reviewed annually.

The *Local Government Act 1995* states the following for delegations to Committees of Council:  
*Subdivision 2 — Committees and their meetings*

#### *5.8. Establishment of committees*

A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

\* *Absolute majority required.*

#### 5.16. *Delegation of some powers and duties to certain committees*

(1) Under and subject to section 5.17, a local government may delegate\* to a committee any of its powers and duties other than this power of delegation.

\* *Absolute majority required.*

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

(3) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —

(a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and

(b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.

(4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

#### 5.17. *Limits on delegation of powers and duties to certain committees*

(1) A local government can delegate —

(a) to a committee comprising council members only, any of the council's powers or duties under this Act except —

(i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and

(ii) any other power or duty that is prescribed;

and

(b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and

(c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —

(i) the local government's property; or

(ii) an event in which the local government is involved.

(1) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

The *Local Government Act 1995* states the following for delegations to the CEO:

#### 5.42. *Delegation of some powers and duties to CEO*

(1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —

(a) this Act other than those referred to in section 5.43; or

(b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

*\* Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

*[Section 5.42 amended by No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]*

#### **5.43. Limits on delegations to CEO**

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

*[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.]*

#### **5.44. CEO may delegate powers and duties to other employees**

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
  - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
  - (b) the exercise of that power or the discharge of that duty by the CEO's delegate,

are subject to any conditions imposed by the local government on its delegation to the CEO.

- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.

- (5) In subsections (3) and (4) —  
**conditions** includes qualifications, limitations or exceptions.  
*[Section 5.44 amended by No. 1 of 1998 s. 14(1).]*

5.45. *Other matters relevant to delegations under this Division*

- (1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
- (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
  - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.

5.46. *Register of, and records relevant to, delegations to CEO and employees*

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Audit Committee

7.1B. *Delegation of some powers and duties to audit committees*

- (1) Despite section 5.16, the only powers and duties that a local government may delegate\* to its audit committee are any of its powers and duties under this Part other than this power of delegation.
- \* *Absolute majority required.*
- (2) A delegation to an audit committee is not subject to section 5.17.
- [Section 7.1B inserted by No. 49 of 2004 s. 5.]*

**Officer Comment**

The Chief Executive Officer has reviewed the Register of Delegations and recommends the following change:

Local Government Act Delegations

No 1 Implementation of the Budget

4. Update list of Teir 1 Senior Employees to include Communications and Engagement Officer.

Update purchase order value for Teir 1 employees from \$10,000 to \$25,000 (inc GST)

4. That the sub-delegation limit for the following two staffing categories:

*Teir 1 – Senior Employees have sub-delegated authority to issue purchase orders up to the value of \$25,000 (inc GST) per order, in relation to all goods and services designated within the annual budget. As at 2024/25 these positions include the following members of staff:*

- *Manager of Works and Services*
- *Manager of Finance*
- *Manager of Corporate and Community Services*
- *Senior Finance Officer*
- *Communications and Engagement Officer*

*Teir 2 – Other Employees have sub-delegated authority to issue purchase orders up to the value of \$2,500 (inc GST) per order in relation to all goods and services designated within the annual budget. As at 2024/25 these positions include the following members of staff:*

- *Administration Officer*
- *CRC Coordinator*
- *Customer Liaison Officer*

### **Consultation**

Dirk Sellenger – Chief Executive Officer

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**

Nil

## **OFFICER RECOMMENDATION**

**Council Decision Number –**

**Moved: Cr**

**Seconded: Cr**

**That Council adopts the reviewed Register of Delegations as presented 21<sup>st</sup> May 2024.**

**Carried /**

| <b>9.3.2 Shire of Mukinbudin Policy Manual Annual Review</b> |   |
|--|---|
| Location:  | All of Shire                                      |
| File Ref:  | ADM 360   |
| Applicant:   | Dirk Sellenger, Chief Executive Officer           |
| Date:  | 24 <sup>th</sup> April 2024                       |
| Disclosure of Interest:                                      | Nil   |
| Responsible Officer  | Dirk Sellenger, Chief Executive Officer           |
| Author:  | Dirk Sellenger, Chief Executive Officer           |
| Voting Requirements  | Absolute Majority                                 |
| Documents Attached   | <a href="#">Shire of Mukinbudin Policy Manual</a> |
| Documents Tabled   | Nil   |

### **Summary**

It is necessary for the Council to review its Shire of Mukinbudin Policy Manual in the 2024/2025 year.

**NB:** To ensure the Shire meets its statutory compliance obligations this item must be adopted no later than the June 2023 Council Meeting. (Please refer to Policy Manual submitted as a separate attachment.)

### **Background Information**

The Shire of Mukinbudin Policy Manual was last reviewed by Council on 17<sup>th</sup> May 2022. Council Policy currently states the following regarding the Policy Manual.

#### ***Policy Number: 1.1.8 Policy Change and Review***

##### ***Policy Statement***

- (1) That policies of Council be fully reviewed within 6 months of each Ordinary Local Government Election.*
- (2) New policies or changes to existing policy be made only by notice of motion or as a specific agenda item.*
- (3) All changes of policy be issued to Policy Manual holders for Manual update.*

##### ***Purpose***

*To provide for the periodic review of policies and provide a process under which new policies and amendments will not be made 'on the run'.*

### **Officer Comment**

The Policy Manual is reviewed annually, and the proposed changes are summarised below:

#### ***Governance***

##### **1.2 Meeting Dates**

*Update monthly Council meeting time from 1pm to 2.30pm.*

#### ***Community Support***

##### **2.8 Dog Exercise Area – Mukinbudin Recreation Ground Oval**

*Remove reference to specific exclusion times to allow for a more flexible policy.*

**Staff**

## 4.3 Staff Housing Rental Subsidy

*Include provisions for staff to request an increase in rental subsidy from the CEO in case of a rise in private rental costs.*

*Incorporate a clause to prohibit two employees residing at the same property from receiving a rental subsidy exceeding 50% of the current market value of the property.*

## 4.4 Staff – Service Allowance

*Reword policy to state that only Permanent Council staff shall be eligible for the Service Allowance.*

*Increase Years of Service Amount by \$10.00 per fortnight for each service bracket.*

*Include clause to state that part-time employees shall be entitled to the Service Allowance which will be calculated on a pro-rata basis.*

## 4.16 MBL Allowance / Housing Allowance

*Minor formatting change to simplify fee structure.*

4.21 Time In Lieu (TOIL) **\*\*NEW POLICY\*\***

*No prior policy exists.*

4.22 Leave Without Pay/Unpaid Leave **\*\*NEW POLICY\*\***

*No prior policy exists.*

**Works**

## 5.8 Property Access and Crossovers

*Remove crossover application form from policy manual as it is an operational procedure not policy, to allow for amendments as required.*

**Administration**

## 7.10 Mukinbudin Caravan Park Free Aquatic Centre Access

*Remove reference to image (and image of) "Pool Pass/Voucher" as it is an operational procedure not policy, to allow for amendments as required. New aquatic access implemented in the form of wristband for Caravan Park guests.*

**Consultation**

Dirk Sellenger – Chief Executive Officer

Lucia Scari – Senior Finance Officer

Renee Jenkin – Manager of Corporate and Community Services

Tanika McLennan – Financial Consultant

**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*

**Statutory Environment**

*Local Government Act 1995*

*Local Government Legislation Amendment Act 2019*

**Policy Implications**

Updated Policy Manual

**Financial Implications**

Nil

**OFFICER RECOMMENDATION****Council Decision Number –**

**Moved: Cr**

**Seconded: Cr**

**That Council adopts the reviewed Shire of Mukinbudin Policy Manual as presented.**

**Carried /**



| <b>9.3.3 Council Members Fees 2024/2025</b> |   |
|---|---|
| Location:                                   | Mukinbudin  |
| File Ref:                                   | ADM 360   |
| Applicant:                                  | Dirk Sellenger, Chief Executive Officer                                     |
| Date:                                       | 24 <sup>th</sup> April 2024   |
| Disclosure of Interest:                     | Nil   |
| Responsible Officer                         | Dirk Sellenger, Chief Executive Officer                                     |
| Author:                                     | Dirk Sellenger, Chief Executive Officer                                     |
| Voting Requirements:                        | Absolute Majority   |
| Documents Attached:                         | <a href="#">Salaries and Allowances Tribunal Determination – April 2024</a> |
| Documents Tabled:                           | Nil   |

### **Summary**

Council to consider and set the Members Sitting Fees and Allowances which are to be incorporated in the 2024/2025 Budget once endorsed.

### **Background Information**

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

The latest determination was on 5<sup>th</sup> April 2024 with the Tribunal determining that the minimum and maximum allowance amount within each band would increase by 4%.

### **Officer Comment**

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

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

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

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

| <b>Band</b> | <b>For a council member other than the mayor or president</b> |                 | <b>For a council member who holds the office of mayor or president</b> |                 |
|-------------|---|-----------------|--|-----------------|
|             | <b>Minimum</b>  | <b>Maximum</b>  | <b>Minimum</b>   | <b>Maximum</b>  |
| 1           | \$26,624  | \$34,278        | \$26,624   | \$51,412        |
| 2           | \$16,089  | \$25,137        | \$16,089   | \$33,706        |
| 3           | \$8,320   | \$17,711        | \$8,320  | \$27,425        |
| <b>4</b>    | <b>\$3,884</b>  | <b>\$10,286</b> | <b>\$3,884</b>   | <b>\$21,138</b> |

## 7.2 Annual Allowance for a Mayor, President, or Chairman

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

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

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

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

| <b>For a mayor or president</b> |                |                 |
|---------------------------------|----------------|-----------------|
| <b>Band</b>                     | <b>Minimum</b> | <b>Maximum</b>  |
| 1                               | \$55,463       | \$97,115        |
| 2                               | \$16,640       | \$68,552        |
| 3                               | \$1,113        | \$39,988        |
| <b>4</b>                        | <b>\$556</b>   | <b>\$21,710</b> |

Current (2023/2024) Shire of Mukinbudin - Elected Members Fees and Allowances

|                                       |               |
|---------------------------------------|---------------|
| President Allowance                   | \$ 10,615.00  |
| Deputy President Allowance            | \$ 2,653.75 * |
| Annual Attendance Fee (all 7 Members) | \$ 4,500.00   |

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

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

### **Strategic & Social Implications**

2018-2028 Strategic Community Plan

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

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

### **Consultation**

Salary and Allowances tribunal

Neighbouring Local Government CEO's

### **Statutory Environment**

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

### **5.98A. Allowance for deputy mayor or deputy president**

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

\* *Absolute majority required.*

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

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

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

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

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

\* *Absolute majority required.*

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

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

- (1) A local government may decide\* that instead of reimbursing council members under section 5.98(2) for all of a particular type of expense it will instead pay all eligible council members —

- (a) the annual allowance determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B for that type of expense; or
- (b) where the local government has set an allowance within the range determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B for annual allowances for that type of expense, an allowance of that amount,

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

\* *Absolute majority required.*

### **Policy Implications**

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

### **Financial Implications**

The Fees and Allowances of Elected Members set by Council will be incorporated into the 2024/2025 Budget.

## OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

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

|                                      |   |
|--------------------------------------|---|
| Presidents Allowance                 | \$11,000.00   |
| Deputy President's Allowance         | \$ 2,750.00 *set at 25% of the President's Allowance. |
| Members Annual Fee                   | \$ 5,000.00   |
| Annual Communication Allowance       | \$0.00 – included in Annual Members Fee               |
| Travel as per Council policy No. 1.8 |   |

Carried /

| <b>9.3.4 Gravel Royalty Payments</b> |  |
|--------------------------------------|--|
| Location:                            | Whole of Shire                           |
| File Ref:                            | ADM 299                                  |
| Applicant:                           | Dirk Sellenger – Chief Executive Officer |
| Date:                                | 10 <sup>th</sup> May 2024                |
| Disclosure of Interest:              |  |
| Responsible Officer                  | Dirk Sellenger – Chief Executive Officer |
| Author:                              | Dirk Sellenger – Chief Executive Officer |
| Voting Requirements:                 | Simple Majority                          |
| Documents Attached:                  | Nil                                      |
| Documents Tabled:                    | Nil                                      |

### **Summary:**

The purpose is to prompt the Council to review the current rate of royalty payment for gravel across the Shire of Mukinbudin.

### **Background Information:**

The Council presently pays \$1.50 per cubic meter of gravel taken from landowners, as determined by Council policy. The rate was last reviewed in September 2021, when it was increased from 88 cents per cubic meter to \$1.50.

### **5.6 Road Making Materials POLICY**

Should it be necessary to obtain road making materials from private property, then any compensation is to be at a flat rate per cubic metre, as prescribed in Council's annual budget and is to be evidenced by a written agreement [see Attachment 5.6(a)] endorsed by the Works Supervisor and countersigned by the Chief Executive Officer.

- Permission to collect material shall be in writing with any conditions detailed on the form provided; and
- All care shall be taken to ensure that the least amount of inconvenience is caused to the landowner as possible.

### **OBJECTIVES**

To ensure that all landowners receive fair and equitable payment for gravel and proper written evidence of Council's obligations

### **GUIDELINES**

- To document agreements with landholders for the supply of road making materials e.g. gravel.
- To outline any conditions relating to the taking of road making materials
- Property owner not required to obtain Extractive Industries license as it is the Shire that is operating the pit
- To specify compensation payable

- To prescribe rehabilitation requirements to ensure gravel pits are rehabbed to the landowners satisfaction.
- To prevent disputes arising from removal of road making materials.
- That Council set the initial price for gravel at \$1.50 per m3 plus GST to apply from 1st July 2024 with the amount to be revised annually having regard to CPI movements and comparisons with neighbouring Councils.

**HISTORY**

Former policy 1.5.6

**REVIEW**

Chief Executive Officer

**Officer Comment:**

The CEO has contacted a number of neighbouring Local Governments to determine what others are paying for gravel from landowners within their Shires. Rates varied between \$1.72 and \$3.00 per m3, and the CEO believes a rate increase at this time is justified and warranted, given that the existing rate has not been increased since September 2021.

**Strategic & Social Implications:**

Maintaining a good working relationship with landowners to allow access to essential road-building materials, as well as financially compensating the landowner, is considered both fair and reasonable for the Shire.

**Consultation**

CEO's – Various Local Governments in the district.

**Statutory Environment**

Local Government Act 1995

**Policy Implications**

Policy 5.6 - Road Making Materials

**Financial Implications**

The Council has made an allowance for costs associated with the purchase of gravel from various landowners. An increase from the existing \$1.50 to the recommended \$2.00, excluding GST, is not expected to have any significant impact on the overall cost of various road works jobs, given the relatively small input cost of gravel in the road building process. Labour and plant operating costs are responsible for the majority of expenses incurred.

**Voting Requirement**

Simple Majority

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

**That Council will increase the royalties for gravel payments from \$1.50 to \$2.00, excluding GST, for loose gravel taken or removed from retrospective gravel pits within the Shire. This increase be effective from July 1st, 2024. That Policy 5.6 be amended to reflect the new payment rate as at July 1<sup>st</sup>, 2024.**

**Carried /**

| <b>9.3.5 Property Use Agreement – Mukinbudin Hotel</b> |  |
|--|--|
| Location:  | Mukinbudin Hotel – 23-25 Shadbolt Street, Mukinbudin |
| File Ref:  | ADM 299  |
| Applicant:   | Dirk Sellenger – Chief Executive Officer             |
| Date:  | 10 <sup>th</sup> May 2024                            |
| Disclosure of Interest:                                |  |
| Responsible Officer                                    | Dirk Sellenger – Chief Executive Officer             |
| Author:  | Dirk Sellenger – Chief Executive Officer             |
| Voting Requirements:                                   | Simple Majority                                      |
| Documents Attached:                                    | Nil  |
| Documents Tabled:                                      | Nil  |

### **Summary:**

The purpose of this communication is to present to the Council the consideration of establishing a property use agreement to facilitate the Mukinbudin Hotel's utilization of Shire-owned equipment at the Mukinbudin Café, subsequent to the expiration of the current lease on 30th June 2024, and the cessation of the Café's operation in its present configuration.

### **Background Information:**

The existing lease with Claire Barber is scheduled to conclude on 30th June 2024, and Claire has indicated her intention not to extend beyond this date. The Council has currently submitted a funding application to the Federal Government's Growing the Regions (GTR) program. As of the time of drafting this document, no announcement regarding the funding has been made. It is widely understood that the delay is attributed to the recent unveiling of the 24/25 Federal government Budget, resulting in a freeze on all grant announcements pending the release of the Budget document.

### **Officer Comment:**

The uncertainty surrounding the success of our funding application precludes precise planning regarding the acquisition of necessary resources and the funding thereof. Upon clarification of this matter, the Council will be able to adjust the project's scope and scale accordingly. In the event that no funding is secured from the GTR program, a phased approach will be imperative to project implementation. This approach may involve the demolition of the existing Café and residence, followed by the construction of a new Café, with additional infrastructure development deferred until future funding opportunities arise.

The Mukinbudin Hotel has expressed its intention to establish a Café-type facility to address the void created by the current Café's closure on 30th June 2024. While specific operational details are currently unknown, such matters do not directly concern the Council. The Shire's sole involvement will be in the form of a property use agreement, facilitating the temporary utilisation of Shire-owned Café items and equipment by the Mukinbudin Hotel. A draft Property Use Agreement has been prepared accordingly.



## **Property Use Agreement**

*This Agreement ("Agreement") is made effective as of [Date], between the Shire of Mukinbudin, 15 Maddock Street, Mukinbudin, herein referred to as "Owner", and Mukinbudin Hotel, located at 23-25 Shadbolt Street, Mukinbudin, herein referred to as "Hotel".*

### **1. Equipment Description:**

*Owner agrees to provide the following Cafe equipment to Hotel at no charge, effective from 1st July 2024:*

*[List of Cafe equipment TBA]*

### **2. Use of Equipment:**

*Hotel agrees to use the provided equipment solely for the operation of the Cafe located at Mukinbudin Hotel premises.*

### **3. Care and Maintenance:**

*Hotel agrees to maintain the equipment in good condition, undertaking reasonable care and cleaning to prevent damage. Hotel shall be responsible for any damage caused by accident or malicious acts and agrees to repair or replace such damaged equipment at its own expense.*

### **4. Repairs and Replacements:**

*Owner shall be responsible for any repairs or replacements required due to normal wear and tear. However, any damage caused by accident or malicious acts shall be the responsibility of Hotel.*

### **5. Inspection:**

*Owner reserves the right to inspect the equipment at reasonable times to ensure proper care and maintenance.*

### **6. Return of Equipment:**

*Owner reserves the right to request the return of any or all items from Hotel for any reason, providing Hotel with not less than 60 days written notice.*

### **7. Term:**

*This Agreement shall commence on 1<sup>st</sup> July 2024 and shall continue until terminated by either party in accordance with its terms.*

*IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.*

Shire of Mukinbudin:

[Signature]

[Printed Name]

[Title]

Mukinbudin Hotel:

[Signature]

[Printed Name]

[Title]

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

The provision of a café facility is regarded as essential within any township, including Mukinbudin. The imminent conclusion of the current CAFÉ lease on 30th June 2024, coupled with the necessity for extensive renovations or potential demolition, impedes the café's ability to sustain its historical operation since the Council's acquisition of the business and property circa 2014. The willingness and capability of private enterprise to establish a temporary café facility at the existing Mukinbudin Hotel, situated on Shadbolt Street, Mukinbudin, represents a significant asset for residents and travellers alike. The endorsement of this initiative through the allocation of surplus café equipment, provided to the private enterprise at no cost, is regarded as a prudent and efficacious measure to support the venture. Collaboration with private enterprise stands to yield tangible benefits for the Mukinbudin Community, both directly and indirectly and allows for the essential café facility/service to remain operational within the Mukinbudin townsite.

### **Consultation**

Shire President – Cr Gary Shadbolt – informal discussion

Councillors – Informal discussion

Louise Sellenger – Mukinbudin Hotel Manager

### **Statutory Environment**

Local Government Act 1995

### **Policy Implications**

Nil

### **Financial Implications**

The Council presently leases the Café facility for \$370 (three hundred and seventy dollars) per week, encompassing the utilization of the Café land, buildings, and all Council-owned Café equipment, including, but not limited to, Fridges, Freezers, Furniture, Pots, and Pans, among others. Under the existing lease, the Council bears responsibility for any necessary repairs or replacements of all Café equipment. The proposal suggests maintaining this arrangement unchanged in the proposed Property Use Agreement.

While assigning a precise value to the Café equipment and Café building and residence separately proves challenging, given that the entire facility and equipment are currently leased for \$370 per week, it is reasonable to estimate that the equipment may constitute approximately 25 - 30% of the total rental value, equating to around \$100 per week. The waiver of this rental charge is not anticipated to exert any significant impact on the Council's operations, either directly or indirectly.

**Voting Requirement**

Simple Majority

**OFFICER RECOMMENDATION**

**Council Decision Number –**

**Moved: Cr**

**Seconded: Cr**

**That Council enter into a property use agreement with the Mukinbudin Hotel to allow for the use of any and all Council owned equipment, furniture and items from the Mukinbudin Café effective from 1<sup>st</sup> July 2024.**

**Carried /**

| <b>9.3.6 Development Application Kingdom Hall - 53 Shadbolt Street</b> |  |
|--|--|
| Location:  | Mukinbudin   |
| File Ref:  | ADM 266  |
| Applicant:   | Piccolo Family Trust                                     |
| Date:  | 14 <sup>th</sup> May 2024                                |
| Disclosure of Interest:  |  |
| Responsible Officer  | Dirk Sellenger – Chief Executive Officer                 |
| Author:  | Paul Bashall, Consultant Planner – Planwest (WA) Pty Ltd |
| Voting Requirements:   | Absolute Majority  |
| Documents Attached:  | <a href="#">Development Application Kingdom Hall</a>     |
| Documents Tabled:  | Nil  |

### **Summary**

Frank Piccolo, on behalf of the Piccolo Family Trust (the owner), has lodged a Development Approval (DA) application for the newly acquired property known as the Kingdom Hall in Shadbolt Street, **Mukinbudin**. The DA seeks approval for a 10x14m shade house as part of the establishment of a shop on the property. In addition, the applicant has requested approval to also use the hall for residential purposes.

### **Background Information**

The existing Kingdom Hall on the corner of Shadbolt and Greenslade Streets (see Figure 1 below) is no longer required as a religious venue and has been purchased by the Piccolo Family Trust.

**FIGURE 1 – LOCATION PLAN**



Source: Landgate, Planwest

### **Existing Development**

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

### **Proposed Use**

The current proposal seeks to set up a shop selling gardening products and includes the construction of a 10x14m shadehouse. In conjunction with this proposal, the applicant proposes to convert a portion of the building for residential purposes. The Council has previously indicated that it is not in favour of rezoning the site to 'Residential', however it is supportive of allowing a residential use in the 'Town centre' zone.

### **Strategic & Social Implications**

The Council is supportive of the gardening shop as it is consistent with the objectives of the 'Town centre' zone. The Council is also aware of the acute shortage of residential premises for sale or rent and supports the dual use as the residential component will perform a caretakers residence function.

### **Consultation**

Advertising in accordance with Scheme requirements for a caretaker's dwelling.

### **Policy Implications**

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

### **Financial Implications**

DA fees have been paid and advertising fees will be subsequently invoiced to the applicant.

### **Statutory Environment**

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

The objectives for the Town centre zone are as follows.

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

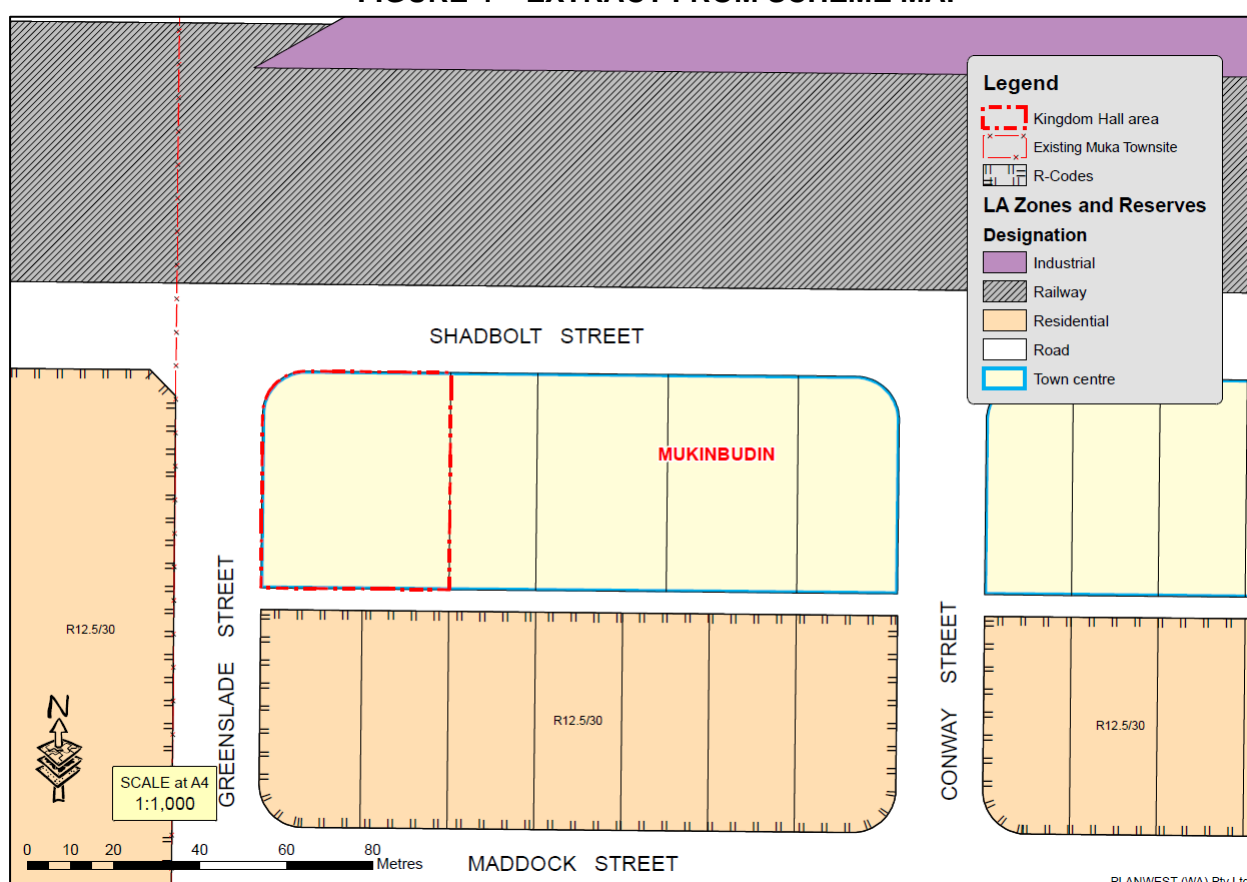
Table 1 – Zoning Table of the Scheme provides for the permissibility of certain uses in each zone of the Scheme.

In the Scheme a “shop” means premises used to sell goods by retail, hire goods, or provide services of a personal nature but does not include a showroom or fast-food outlet. A **Shop** in a Town centre zone is a ‘D’ use. (“D” means that the use is not permitted unless the local government has exercised its discretion by granting development approval).

In the Scheme a “caretaker’s dwelling” means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant. A **Caretaker’s dwelling** in a Town centre zone is an A use. (“A” means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the deemed provisions).

Figure 2 below shows an extract from the Scheme Map.

FIGURE 4 – EXTRACT FROM SCHEME MAP



Source: DPLH, Landgate, Planwest

The Scheme specifies that the site requirements for development in the Town centre zone are ‘at the discretion of the local government’. This includes parking and landscaping.

### **Officer Comment**

Whilst the repurposing of the whole of the Kingdom Hall to a residential use would not be the best outcome, the part use as a ‘Caretaker’s dwelling’ and shop is an acceptable outcome.

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

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

In view of the fact that the Council is able to approve residential uses in the Town centre zone, it appears unnecessary to rezone the property. Retaining the current zoning protects the town centre zone entity and supports the establishment of the proposed shop with the caretakers dwelling function.

## OFFICER RECOMMENDATION

**Council Decision Number –**

**Moved: Cr**

**Seconded: Cr**

**That the Council advises the applicant that it supports the establishment of the shop and the associated works, however, it requires that the DA be advertised in accordance with the Scheme requirements for a ‘caretaker’s dwelling’ prior to determining the DA.**

**The scheme refers to the *Deemed provisions* for local planning schemes for advertising requirements. The Deemed provisions state that, as a DA that is not a complex DA, the application must be advertised for a period of at least 14 days, after which the Council can determine the application after considering any submissions lodged within the advertising period.**

**Carried /**

| <b>9.3.7 Chief Executive Officer Credit Card Limit Increase</b> |  |
|---|--|
| Location:   | Mukinbudin                               |
| File Ref:   | ADM 003                                  |
| Applicant:  | Dirk Sellenger – Chief Executive Officer |
| Date:   | 14 <sup>th</sup> May 2024                |
| Disclosure of Interest:   |  |
| Responsible Officer   | Dirk Sellenger – Chief Executive Officer |
| Author:   | Dirk Sellenger – Chief Executive Officer |
| Voting Requirements:  | Absolute Majority                        |
| Documents Attached:   | Nil                                      |
| Documents Tabled:   | Nil                                      |

### **Summary**

To allow Council to consider a request from the Chief Executive Officer (CEO) regarding the adjustment of the credit card limit held by the Shire. The proposal seeks an increase in the credit card limit from its existing threshold of \$5,000 (five thousand dollars) to a revised limit of \$20,000 (twenty thousand dollars).

### **Background Information:**

The Shire maintains only one credit card, held with the Bendigo Bank and allocated to the CEO. This card has been in the possession of the Shire for over 15 years, and we believe it has had a credit limit of \$5,000 (five thousand dollars) since its issuance circa 2009. Over time, due to inflation and various purchases made on the credit card, it has become necessary to "top up" the credit card between the automatic sweep and the full repayment, which typically occurs on or around the 15th day of each month.

### **Officer Comment:**

The CEO and Finance Staff believe that increasing the credit card limit from the existing \$5,000 (five thousand dollars) to \$20,000 (twenty thousand dollars) would be beneficial and would improve the operations of the Shire. This adjustment would completely eliminate or at least significantly reduce the need for frequent fund transfers prior to the monthly automatic repayment and sweep.

While credit cards are inherently high-risk items due to their ability to purchase almost anything, the Shire has implemented a very high level of transparency measures to mitigate these risks. These measures include physically labelling the card clearly with the words "Shire" (or similar) to avoid potential confusion with personal credit cards, requiring detailed purchase receipts, conducting monthly reconciliations by someone other than the cardholder, and providing the Council with a copy of the actual credit card statement on a monthly basis. As a result of these measures, the risk of unauthorized transactions using the Shire credit card is considered low.

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

N/A



**Consultation**

Ed Nind – Finance Manager

Lucia Scari – Senior Finance Officer

Renee Jenkin – Manager of Corporate and Community Services

**Statutory Environment**

Local Government Act 1995

**Policy Implications**

Nil

**Financial Implications**

Any increase to the Credit Card is deemed effectively an overdraft for the purpose of the financial statement and any credit increase (if approved) will be reflected in the financial statement accordingly.

**Voting Requirement**

Absolute Majority

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

**The Council requests that the CEO seek an increase to the existing Credit Card limit from \$5,000 (five thousand dollars) to \$20,000 (twenty thousand dollars) from the Bendigo Bank, effective as soon as possible.**

**Carried /**

| <b>9.3.8 Disposal of Industrial Land – Lot 4 Strugnell Street</b> |  |
|---|--|
| Location:   | Mukinbudin                               |
| File Ref:   | ADM 456                                  |
| Applicant:  | Dirk Sellenger – Chief Executive Officer |
| Date:   | 14 <sup>th</sup> May 2024                |
| Disclosure of Interest:   |  |
| Responsible Officer   | Dirk Sellenger – Chief Executive Officer |
| Author:   | Dirk Sellenger – Chief Executive Officer |
| Voting Requirements:  | Absolute Majority                        |
| Documents Attached:   | Nil                                      |
| Documents Tabled:   | Nil                                      |

### **Summary**

To allow Council to consider the disposal of freehold property located at Lot 4 Strugnell Street Mukinbudin.

### **Background Information:**

The CEO was recently approached by a local Business seeking to purchase industrial land to allow for the expansion of their business. Lot 4 Strugnell Street has been identified as potentially suitable freehold land available for immediate sale.

### **Officer Comment:**

The block in question has no current or planned future use for the Shire and it is thought the sale of the block would bring benefits to the local business as well as the development of an otherwise empty block.



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

N/A

### **Consultation**

Mr Peter Sippe – Elders Real Estate

**Statutory Environment**

Local Government Act 1995

**Policy Implications**

Nil

**Financial Implications**

Whilst no allowance has been made in the current year's Budget for the sale of the property, if the sale was to proceed this would be after 30<sup>th</sup> June 2024 and would be included in the 2024/2025 Annual year's Budget accordingly. The CEO has spoken with Peter Sippe with regards to an approximate valuation and Peter suggested the most accurate way to determine value was to use the other land offered for resale by the Shire as the cost per m2. For example, a block with a total land mass of 1157m2 selling for \$30,000 amounts to \$25.92 per m2 (\$30,000) using the same methodology for the block in question as suggested by Peter would amount to an approximate valuation of \$56,557, being \$25.92 x 2,182m2. It is worth noting that the interested party has suggested they believe the block to be worth considerably less than the valuation using the methodology suggested by Peter.

Given the size of the property Peter suggested a cost to conduct a public auction of 10% of the selling price, for example if the property was to sell for \$50,000 the cost would total \$5,000, leaving \$45,000 payable to the Shire.

**Voting Requirement**

Absolute Majority

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

**The Council dispose of Lot 4, Assessment 635 located in Strugnell street by way of public auction to be held within the first quarter of the 2024/2025 financial year.**

**In the event the highest bid at tender is less than \$50,000 (fifty thousand dollars) that the highest bid be referred to the next Council meeting following the auction for Council consideration.**

**Carried /**



**Officer Comment:**

Due to the delay between the commencement of works and the approval of the funding, the \$90,000 (ninety thousand dollars) allocated to "Footpath – Various town streets (stage 2)" was deemed ineligible due the fact the works having commenced (and in fact been completed) prior to funding approval.

Formal approval for these projects was only received on Monday 13<sup>th</sup> May 2024 and staff are seeking Councils approval to amend the LRCIP works program (as approved) as outlined below:

|   |           |
|---|-----------|
| Project 1 - Football Oval Lighting Upgrade                          | \$ 60,000 |
| Project 2 - Lions Park Shade and BBQ Area                           | \$ 65,000 |
| Project 3 - Aquatic Centre Changeroom & Chlorination System Upgrade | \$150,000 |
| Project 4 – Memorial Hall Capital Improvements                      | \$100,754 |
| Part A Total  | \$375,754 |

Council has yet to consider the allocation of the Part B (Roads portion, totalling \$216,743) of the Phase 4 funding. Staff members are requesting partial endorsement from the Council for the LRCIP works program. Once more, owing to the delay in the approval process, a modification of the LRCIP endorsed works program will be necessary, and funding will need to be reallocated (at a later date) due to the commencement and eventual completion of Project No. 5, "Shadbolt Street."

|  |           |
|--|-----------|
| Project 5 – Shadbolt Street <b>(CANCELLED)</b>   | \$110,000 |
| Project 6 - Sheardown Road – Road Number 4160072 | \$106,746 |
| Allocated Part B Total                           | \$106,746 |
| To be reallocated (Project 5)                    | \$110,000 |

**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**

Renee Jenkin – Manger Corporate and Community Services

Ed Nind – Finance Manager

Lucia Scari – Senior Finance Officer

**Statutory Environment**

Local Government Act 1995

**Policy Implications**

Nil

**Financial Implications**

The change to the LRCIP funding effectively removes the \$90,000 from the LRCIP program and reallocates the same amount amongst the remaining four existing jobs according to allow for increased project scope.

**Voting Requirement**

Absolute Majority

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

That Council allocated the Local Roads and Community Infrastructure funding as follows, noting the removal of the \$90,000 from the footpath program, with these funds reallocated amongst the remaining jobs as follows:

|  |                  |
|--|------------------|
| <b>Project 1 - Football Oval Lighting Upgrade</b>                              | <b>\$ 60,000</b> |
| <b>Project 2 - Lions Park Shade and BBQ Area</b>                               | <b>\$ 65,000</b> |
| <b>Project 3 - Aquatic Centre Changeroom &amp; Chlorination System Upgrade</b> | <b>\$150,000</b> |
| <b>Project 4 – Memorial Hall Capital Improvements</b>                          | <b>\$100,754</b> |
| <b>Part A Total</b>  | <b>\$375,754</b> |

**PART B**

That Council allocated the Local Roads and Community Infrastructure funding as follows:

|   |                  |
|---|------------------|
| <b>Project 6 - Sheardown Road – Road Number 4160072</b> | <b>\$106,746</b> |
| <b>Part B Total</b>                                     | <b>\$106,746</b> |

That the balance of funding for Part B, being \$110,000 remain unallocated. The allocation of the remaining funds will be determined when the 2024/2025 Capital Works Program is established.

Carried /

| <b>9.3.10 Freedom Of Information Statement</b> |   |
|--|---|
| Location:                                      | All of Shire                                |
| File Ref:                                      | ADM 036                                     |
| Applicant:                                     | Dirk Sellenger – Chief Executive Officer    |
| Date:  | 15 <sup>th</sup> May 2024                   |
| Disclosure of Interest:                        |   |
| Responsible Officer                            | Dirk Sellenger – Chief Executive Officer    |
| Author:  | Dirk Sellenger – Chief Executive Officer    |
| Voting Requirements:                           | Simple Majority                             |
| Documents Attached:                            | <a href="#">Freedom of Information 2024</a> |
| Documents Tabled:                              | Nil   |

### **Summary**

To allow Council to consider the adoption of a Freedom of Information Document.

### **Background Information**

It was recently identified that the Freedom of Information statement of the Shire was out of date. A new document was prepared and is presented to Council as an attachment.

### **Officer Comment**

It is a requirement of the Department of Local Government for each Local Government to have a current Freedom of Information document, the attached document will meet these requirements to ensure compliance with regards to this matter.

### **Strategic & Social Implications**

N/A

### **Consultation**

Auditors – Dry Kirkness

Renee Jenkin – Manager of Corporate and Community Services

### **Statutory Environment**

Freedom of Information Act 1992

Local Government Act 1995

### **Policy Implications**

Nil

### **Financial Implications**

N/A.

### **Voting Requirement**

Simple Majority

**OFFICER RECOMMENDATION****Council Decision Number –****Moved: Cr****Seconded: Cr****That Council adopt the Freedom of Information document 2024 as presented.****Carried /**



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

10.1 Nil

**11. Urgent Business Approved by Person Presiding or by Decision**

11.1 Nil

**12. Closure of Meeting****12.1** The Chairperson thanked Elected Members and Staff for attending and declared the meeting closed at \_\_\_\_pm.