



MINUTES
ORDINARY COUNCIL
MEETING

Held Wednesday 18 March 2026 4.00pm
in the Council Chambers, 36 Johnston Street Kulin

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1 DECLARATION OF OPENING

The President declared the meeting open at 4.00pm.

2 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

In accordance with Section 5.23A of the *Local Government Act 1995*, and Part 2A of the *Local Government (Administration) Regulations 1996*, the President announced the Council meeting is being digitally recorded (audio). All recordings will be retained as part of the Shire of Kulin's records and will be made available to the public via Council's website, excluding recordings of matters that Council take Behind Closed Doors.

3 RECORD OF ATTENDANCE

ATTENDANCE

G Robins	President
B Smoker	Deputy President
J Noble	Councillor
C Mullan	Councillor
R Bowey	Councillor
B Miller	Councillor
L Siviour	Councillor
A Leeson	Chief Executive Officer
F Murphy	Executive Manager Financial Services
T Scadding	Executive Manager Community Development
C Higgins	Executive Support Officer

APOLOGIES

J Hobson	Executive Manager of Works
C Lewis	Executive Manager of Governance and Risk

LEAVE OF ABSENCE

Nil

4 DECLARATIONS OF INTEREST BY MEMBERS

4.1 Declarations of Financial Interest

Nil

4.2 Declarations of Proximity Interest

Nil

4.3 Declarations of Impartiality Interest

Nil

4.4 Declarations of Indirect Financial Interest

Nil

5 PUBLIC QUESTION TIME

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Previous Council Meetings

Minutes of Shire of Kulin Ordinary Council meeting held on 18 February 2026, provided to Councillors via the Shire's portal.

01/0326

Moved Cr Smoker Seconded Cr Siviour that the minutes of the Shire of Kulin Ordinary meeting held on 18 February 2026 be confirmed as a true and correct record.

Carried 7/0

For – Cr Robins, Cr Smoker, Cr Noble, Cr Mullan, Cr Bowey, Cr Miller & Cr Siviour

Against – Nil

7.2 Committee Meetings

Minutes of the meeting of RoeROC (Roe Regional Organisation of Councils), held on 5 March 2026 provided to Councillors via the Shire's portal and attached as Attachment 1.

02/0326

Moved Cr Bowey Seconded Cr Miller that the minutes of the meeting of RoeROC (Roe Regional Organisation of Councils) held on 5 March 2026, be received.

Carried 7/0

For – Cr Robins, Cr Smoker, Cr Noble, Cr Mullan, Cr Bowey, Cr Miller & Cr Siviour

Against – Nil

8 PRESENTATIONS / DEPUTATIONS

Nil

9 Agenda Business - Matters Requiring Decision

9.1 List of Accounts Paid During the Month of February 2026

Responsible Officer:	Chief Executive Officer
File Reference:	12.06
Author:	Fiona Murphy, Executive Manager Financial Services
Strategic Reference:	12 – Accurate forward planning to achieve community priorities
Disclosure of Interest:	Nil
Attachment:	February 2026 List of Accounts

SUMMARY

For Council to receive the list of accounts paid from the municipal fund and the trust fund, and payments made using purchasing cards under the Chief Executive Officer's delegated authority, during the month of February 2026, in accordance with its statutory obligations under *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*.

BACKGROUND & COMMENT

Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the Shire's Municipal and Trust funds.

Regulation 13 – List of Accounts

In accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the Chief Executive Officer is to be provided to Council each month.

Lists detailing the payments for February 2026 are attached within **Attachment 2**.

The table below summarises the payments made during February 2026.

February 2026	
Fund	Amount
Municipal	\$1,226,643.40
Trust	\$0
Total	\$1,226,643.40

Regulation 13A – Credit, Debit and Other Purchasing Cards

Regulation 13A of the *Local Government (Financial Management) Regulations 1996* requires a list of payments made using credit, debit or other purchasing cards to be prepared and presented to Council each month.

Lists of payments made using credit, debit and other purchasing cards in February 2026 are attached within **Attachment 2**.

FINANCIAL IMPLICATIONS

The expenditure explained in this report is in accordance with the Annual Budget, as adopted or amended by Council. Relevant financial delegations for the expenditure have been granted by Council (last reviewed in May 2025).

STATUTORY AND PLANNING IMPLICATIONS

Regulations 13 and 13A of the *Local Government (Financial Management) Regulations 1996* are set out below:

13. **Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.**
 - (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
 - (a) *the payee's name; and*
 - (b) *the amount of the payment; and*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
 - (2) *a list of accounts for approval to be paid is to be prepared each month showing –*
 - (a) *for each account which requires council authorisation in that month –*
 - (i) *the payee's name; and*

- (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction; and
 - (b) the date of the meeting of the council to which the list is to be presented.
 - (3) A list prepared under subregulation (1) or (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

13A. Payments by employees via purchasing cards

- (1) If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared —
 - (a) the payee's name;
 - (b) the amount of the payment;
 - (c) the date of the payment;
 - (d) sufficient information to identify the payment.
- (2) A list prepared under subregulation (1) must be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

POLICY IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

WORKFORCE IMPLICATIONS

Nil

VOTING REQUIREMENTS:

Simple majority required.

03/0326

Moved Cr Mullan Seconded Cr Miller that Council receive:

- 1. the list of accounts paid from the Municipal and Trust accounts during the month of February 2026, totalling \$1,226,643.40, as detailed within Attachment 2; and**
- 2. the list of payments made using credit, debit and purchasing cards in February 2026, as detailed within Attachment 2.**

Carried 7/0

For – Cr Robins, Cr Smoker, Cr Noble, Cr Mullan, Cr Bowey, Cr Miller & Cr Siviour

Against – Nil

9.2 Financial Report – February 2026

Responsible Officer:	Chief Executive Officer
File Reference:	12.06
Author:	Fiona Murphy, Executive Manager Financial Services
Strategic Reference:	12 – Accurate Forward Planning To Achieve Community Priorities
Disclosure of Interest:	Nil
Attachment:	February 2026 Monthly Financial Report

SUMMARY

Council is provided with the financial report for the month ended 28 February 2026 for review, in accordance with its statutory obligations under the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*. The monthly financial report is attached as **Attachment 3**.

BACKGROUND & COMMENT

The monthly financial report include:

- an update on revenue and expenditure in comparison to the annual budget;
- a statement of financial position;
- the basis of preparation;
- an explanation of material variances (greater than \$10,000 and 10%) are included in the monthly financial report; and
- other supplementary financial information relevant to the report month.

FINANCIAL IMPLICATIONS

Nil

STATUTORY AND PLANNING IMPLICATIONS

Council is required by section 6.4 of the *Local Government Act 1995* to prepare financial reports as prescribed. Regulations 34 and 35 of the *Local Government (Financial Management) Regulations 1996* require preparation of monthly financial activity statements and statements of financial position.

Regulations 34 and 35 are set out below:

34. **Financial Activity Statement required each month (Act s.64)**

(1A) *in this regulation –*

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

- (1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for the previous month (the relevant month) in the following detail –*
 - (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
 - (b) *budget estimates to the end of the relevant month; and*
 - (c) *actual amounts of expenditure, revenue and income to the end of the relevant month; and*
 - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) *the net current assets at the end of the relevant month and a note containing a summary explaining the composition of the net current assets.*
- (1B) *The detail included under subregulation (1)(e) must be structured in the same way as the detail included in the annual budget under regulation 31(1) and (3)(a).*
- (1C) *Any information relating to exclusions from the calculation of a budget deficiency that is included as part of the budget estimates referred to in subregulation (1)(a) or (b) must be structured in the same way as the corresponding information included in the annual budget.*
- (2) *Each statement of financial activity is to be accompanied by documents containing –*
 - [(a) deleted]
 - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity must be shown according to nature classification.*

- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
- (a) presented at an ordinary meeting of the council within 2 months after the end of the relevant month; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percent or value, calculated in accordance with the ASS, to be used in statements of financial activity for reporting material variances.

35. Financial position statement required each month

- (1) A local government must prepare each month a statement of financial position showing the financial position of the local government as at the last day of the previous month (the **previous month**) and —
- (a) the financial position of the local government as at the last day of the previous financial year; or
 - (b) if the previous month is June, the financial position of the local government as at the last day of the financial year before the previous financial year.
- (2) A statement of financial position must be —
- (a) presented at an ordinary meeting of the council within 2 months after the end of the previous month; and
 - (b) recorded in the minutes of the meeting at which it is presented.

POLICY IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

WORKFORCE IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority required.

04/0326

Moved Cr Noble Seconded Cr Siviour that Council, in accordance with Regulations 34 and 35 of the *Local Government (Financial Management) Regulations 1996*, receive the Monthly Financial Report, including Statement of Financial Activity, Statement of Financial Position and supporting documentation for the period ending 28 February 2026, as presented in Attachment 3.

Carried 7/0

For – Cr Robins, Cr Smoker, Cr Noble, Cr Mullan, Cr Bowey, Cr Miller & Cr Siviour

Against – Nil

9.3 Draft Renewable Energy Planning Code – Council Submission and Advocacy Position

Responsible Officer: Chief Executive Officer, Alan Leeson
File Reference: 14.0
Author: Chief Executive Officer, Alan Leeson
Strategic Pillar 1 – Economy: Key enabling infrastructure and services to support the local and regional economy.

Strategic Pillar 3 – Environment: Protection of the natural and built environment for future generations.

Strategic Pillar 4 – Civic Leadership: Responsible, accountable and transparent leadership and advocacy on issues affecting the community.

Strategic Reference:

Nil

Disclosure of Interest:

Attachment 4

1. Draft Shire of Kulin Submission
2. *Draft Renewable Energy Planning Code (WAPC)*
3. *Draft Renewable Energy Planning Code – Guidelines (WAPC)*
4. *Local Planning Policy No.8 – Extractive Industries*
5. *Local Planning Policy No.10 – Exemption for Non-Habitable Farm Buildings & Incidental Farm Structures*
6. *Local Planning Policy No.11 – Workforce Accommodation*

Attachment:

SUMMARY

The Western Australian Planning Commission (WAPC) has released the Draft Renewable Energy Planning Code and associated Guidelines for public consultation, with submissions closing on **10 April 2026**.

The Code proposes a statewide planning framework to guide the siting, design, construction, operation and decommissioning of renewable energy infrastructure including wind farms, solar farms, battery energy storage systems and associated transmission infrastructure.

Given the increasing scale of renewable energy proposals across regional Western Australia, including the Wheatbelt, it is considered appropriate that the Shire of Kulin make a formal submission to ensure that the interests of rural communities, agricultural landholders and local government infrastructure are appropriately recognised within the State planning framework.

A recommended draft submission to the Western Australian Planning Commission is attached to this Agenda within **Attachment 4**.

BACKGROUND AND COMMENT

Renewable energy development represents one of the most significant emerging land use changes affecting regional Western Australia.

While renewable energy development can provide economic opportunities and contribute to the State's energy transition, large-scale developments have the potential to impact agricultural productivity, community amenity, water resources and local government infrastructure if not appropriately planned.

Regional local governments across the Wheatbelt have increasingly expressed concern regarding planning controls for renewable energy developments and the need for appropriate safeguards to protect rural communities and productive agricultural land.

Strategic Risks Context

The Shire of Kulin Strategic Integrated Plan identifies renewable energy projects as a potential strategic risk where developments may impact productive agricultural land, water infrastructure, road networks and community amenity. Ensuring appropriate planning controls within the Renewable Energy Planning Code is therefore important to

mitigate these risks and protect the long-term sustainability of rural communities.

Regional Advocacy Context

Renewable energy development is a significant emerging issue across the Wheatbelt and broader regional Western Australia. Local governments through WALGA Zones, regional collaboration groups and other advocacy forums are actively considering the planning implications of large-scale renewable energy projects. A coordinated advocacy approach assists in ensuring that the interests of regional communities, agricultural industries and local governments are recognised within the State planning framework.

Supporting Context for Officers Recommendation

Setbacks from Non-Participating Property Boundaries (Recommendation 2)

Minimum setbacks of three times turbine height from non-participating property boundaries are considered a prudent planning measure to minimise land use conflict, protect agricultural operations and maintain the ability for adjoining landowners to utilise and develop their land without unreasonable constraint.

Separation Distances from Noise Sensitive Premises (Recommendation 3)

Wind energy facilities can generate noise, shadow flicker and visual impacts that may affect nearby dwellings and other sensitive land uses. A minimum separation distance of at least three kilometres, and preferably four kilometres, provides a precautionary planning approach to reduce potential land use conflict between residents and wind farm operators.

Social Impact Assessments and Community Benefit Agreements (Recommendation 4)

Large scale renewable energy developments can have significant social impacts during both construction and operational phases. Mandatory Social Impact Assessments and community benefit mechanisms ensure impacts on housing availability, community services, volunteer capacity and local amenity are appropriately assessed and mitigated.

Construction Resource and Materials Management (Recommendation 5)

Renewable energy developments require significant quantities of gravel, sand and other construction materials. A Construction Resource and Materials Management Plan would ensure transparency regarding material extraction locations, haulage routes and potential impacts on local government road networks and gravel resources.

Water Resource Management (Recommendation 6)

Construction of renewable energy facilities can require significant volumes of water for dust suppression, earthworks and foundation construction. A Water Resource Management Plan would ensure proponents clearly identify water demand, sources and transport arrangements and assess potential impacts on local water resources.

Status of Local Planning Policies (Recommendation 7)

Regional local governments have adopted Local Planning Policies addressing matters such as extractive industries, workforce accommodation and broader rural development. Clarification is sought from the Western Australian Planning Commission that locally adopted planning policies will continue to be recognised within the State planning framework once the Renewable Energy Planning Code is implemented.

Liability for Development Approvals Near Wind Farms (Recommendation 8)

The Draft Renewable Energy Planning Code includes provisions relating to dwellings located near wind energy facilities. Concern has been raised that these provisions could expose local governments to potential liability or restrict the ability of non-host landowners to construct dwellings on their land. Clarification is therefore sought to ensure local governments are not exposed to legal risk associated with development approvals near wind energy facilities.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with the preparation of this submission.

However, appropriate planning controls may reduce potential infrastructure costs and financial risks to the Shire associated with large scale developments including road impacts, material extraction and water supply pressures.

STATUTORY AND PLANNING IMPLICATIONS

Renewable energy development is regulated through the *Planning and Development Act 2005*, State Planning Policies, Local Planning Schemes and Local Planning Policies.

The *Draft Renewable Energy Planning Code* has been prepared under Part 3A of the *Planning and Development Act 2005* and will form part of the State planning framework once adopted.

POLICY IMPLICATIONS

The Shire of Kulin does not currently have a Local Planning Policy specifically addressing renewable energy development or wind energy facilities.

However, the Shire does have adopted Local Planning Policies that are relevant to secondary impacts associated with large-scale renewable energy projects.

These include:

Local Planning Policy No.11 – Workforce Accommodation

This policy provides a framework for assessing temporary worker accommodation including need, location, servicing, management, duration and decommissioning.

Local Planning Policy No. 8 - Extractive Industries

This policy addresses extraction of gravel, sand and other basic raw materials and includes provisions relating to haulage routes, dust management, drainage, rehabilitation and impacts on local roads.

Local Planning Policy No.10 - Exemption to Requirement for Development Approval Non-Habitable Farm Buildings and Incidental Farm Structures

This policy also provides general rural development context for non-habitable farm buildings and incidental farm structures including considerations relating to waterways, landscape siting and rural amenity.

The introduction of the *Draft Renewable Energy Planning Code* would therefore establish a more direct State planning framework for renewable energy infrastructure than currently exists at the local policy level within the Shire of Kulin.

For this reason, it is appropriate that Council advocate for clear provisions within the State Code addressing matters of local concern, including setbacks, non-host landowner rights, workforce accommodation, construction materials, water use and impacts on local infrastructure.

COMMUNITY CONSULTATION

The *Draft Renewable Energy Planning Code* is currently open for public consultation, with submissions closing on **10 April 2026**.

Subject to Council endorsement, the Shire will lodge a submission with the Western Australian Planning Commission and will provide a copy of the submission to WALGA to inform the broader sector position. A draft submission for Council's consideration is included within **Attachment 4**.

WORKFORCE IMPLICATIONS

There are no workforce implications associated with this report.

VOTING REQUIREMENTS

Simple Majority

05/0326

Moved Cr Siviour Seconded Cr Bowey that Council endorses the Shire of Kulin submission to the Western Australian Planning Commission regarding the Draft Renewable Energy Planning Code, which includes advocating and requesting:

- a. Minimum setbacks of three times turbine height from any non-participating property boundary;**
- b. Support of minimum separation distances of at least 3km and preferably 4km from noise sensitive premises including dwellings;**

- c. **Mandatory Social Impact Assessments and Community Benefit Agreements for renewable energy developments;**
 - d. **The inclusion of Construction Resource and Materials Management Plans;**
 - e. **The inclusion of Water Resource Management Plans;**
 - f. **Clarification regarding the status of existing Local Planning Policies following introduction of the Renewable Energy Planning Code; and**
 - g. **Assurance that Local Governments will not be exposed to legal liability relating to development approvals for dwellings on non-host lots near wind farms.**
2. **Endorses the approved submission to the Western Australian Planning Commission to be sent to WALGA; and**
 3. **Publishes the submission through appropriate Shire communication channels.**

Carried 7/0

For – Cr Robins, Cr Smoker, Cr Noble, Cr Mullan, Cr Bowey, Cr Miller & Cr Siviour

Against – Nil

9.4 WALGA Electoral Reform Discussion Paper – Council Submission

Responsible Officer: Chief Executive Officer, Alan Leeson
File Reference: 14.0
Author: Chief Executive Officer, Alan Leeson

Strategic Pillar 4 – Civic Leadership: Responsible, accountable and transparent leadership and advocacy on issues affecting the community.

Strategic Reference:

Disclosure of Interest: Nil
Attachment 5

1. Draft submission to WALGA; and
2. WALGA – Electoral Reform Discussion Paper

Attachment:

SUMMARY

The Western Australian Local Government Association (WALGA) has released an Electoral Reform Discussion Paper seeking feedback from local governments regarding potential reforms to the electoral framework governing local government elections in Western Australia.

The consultation focuses primarily on two potential reform areas currently being discussed by the State Government:

1. Election frequency, including the possibility of full spill elections every four (4) years; and
2. Compulsory versus voluntary voting in local government elections.

WALGA has requested Council-endorsed responses from member local governments to inform the sector's advocacy position ahead of any potential legislative reform.

This report recommends that Council provide a submission to WALGA, supporting the continuation of the current staggered election model and the retention of voluntary voting in local government elections.

A draft submission for Council's consideration is included within **Attachment 5**.

BACKGROUND & COMMENT

Local government elections in Western Australia are conducted under the *Local Government Act 1995* and the *Local Government (Elections) Regulations 1997*.

Under the current electoral framework:

1. Councillors serve four (4) year terms;
2. Elections are conducted every two (2) years for approximately half of the council positions; and
3. Voting in local government elections is voluntary.

This staggered election system has been a longstanding feature of local government governance in Western Australia and has historically been regarded as a mechanism that supports continuity of governance within councils.

The WALGA Electoral Reform Discussion Paper notes that most other Australian States and Territories conduct local government elections every four (4) years, with all council positions contested at the same time.

Arguments supporting full spill elections

Advocates for a four (4) year election cycle with 'full spill' elections note several potential advantages including but not necessarily limited to:

- A full spill election may provide a clearer and more direct mandate from the community for the composition of the entire council at a single point in time;

- It is also suggested that conducting elections every four (4) years rather than every two (2) years may reduce the administrative burden associated with running local government elections and may result in cost efficiencies over time.

Considerations supporting staggered elections

Notwithstanding the potential benefits identified above, the current staggered election model has historically provided an important governance safeguard for local governments in Western Australia, including but not necessarily limited to:

- Staggered elections assist in maintaining continuity within councils by ensuring that experienced elected members remain following each election cycle;
- For smaller rural and regional local governments, where candidate pools are typically limited, the staggered election system can provide an additional level of governance resilience by reducing the likelihood of significant turnover in elected members at a single election;
- Many council initiatives, strategic plans and infrastructure programs extend across multiple election cycles. The presence of experienced elected members following each election assists in maintaining continuity of strategic direction and institutional knowledge; and
- Available election data also indicates that even in jurisdictions that conduct full spill elections, complete turnover of councils is uncommon, with many elected members returning at subsequent elections.

For these reasons, the officer's recommendation is that the Shire of Kulin should support the continuation of the staggered election model to provide a balanced framework that allows for both democratic renewal and governance stability.

With respect to voting requirements, local government elections in Western Australia currently operate under a voluntary voting system.

Participation in Western Australian local government elections remains comparatively low, with approximately 31 percent of electors participating in the 2023 local government elections.

While compulsory voting may increase participation rates, it may also increase election administration costs and

The officer's recommendation considers that voluntary voting remains appropriate for local government elections given the community-based nature of local government and the administrative implications associated with enforcing compulsory voting.

FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report.

STATUTORY AND PLANNING IMPLICATIONS

Local government elections in Western Australia are governed by the *Local Government Act 1995* and the *Local Government (Elections) Regulations 1997*. Any changes to election frequency or voting requirements would require amendments to State legislation.

POLICY IMPLICATIONS

Nil.

COMMUNITY CONSULTATION

WALGA has undertaken sector consultation with all Western Australian local governments and has requested Council-endorsed feedback.

WORKFORCE IMPLICATIONS

Nil.

SUMMARY

The Western Australian Local Government Association (WALGA) has released an Electoral Reform Discussion Paper seeking feedback from local governments regarding potential reforms to the electoral framework governing

local government elections in Western Australia.

As stated above, the consultation focuses primarily on two (2) potential reform areas currently being discussed by the State Government:

1. Election frequency, including the possibility of full spill elections every four (4) years; and
2. Compulsory versus voluntary voting in local government elections.

WALGA has requested Council-endorsed responses from member local governments to inform the sector's advocacy position ahead of any potential legislative reform.

This report recommends that Council provide a submission to WALGA supporting the continuation of the current staggered election model and the retention of voluntary voting in local government elections.

VOTING REQUIREMENTS

Simple majority

06/0326

Moved Cr Miller Seconded Cr Noble that Council, with respect to the Western Australian Local Government Association (WALGA) sector consultation regarding compulsory and voluntary voting and election frequency, resolves to provide a Council-endorsed submission to WALGA that the Shire of Kulin:

- a. supports the continuation of the current system of staggered local government elections whereby half of Council positions are elected every two (2) years;**
- b. does not support the introduction of full spill elections every four (4) years; and**
- c. supports the continuation of voluntary voting in local government elections.**

2. That Council authorises the Chief Executive Officer to submit the Shire's response to WALGA reflecting the Shire of Kulin Council-endorsed position regarding compulsory and voluntary voting and election frequency, in accordance with recommendation 1 in this report.

Carried 7/0

For – Cr Robins, Cr Smoker, Cr Noble, Cr Mullan, Cr Bowey, Cr Miller & Cr Siviour

Against – Nil

9.5 Policy Amendment A14A Sale of Land and Housing and Adoption of Reserve Price for Vacant Land Report

Responsible Officer:	Chief Executive Officer
File Reference:	05.19
Author:	Fiona Murphy, Executive Manager of Financial Services
Strategic Reference:	5 – Provide opportunity to grow our resident population
Disclosure of Interest:	Nil
Attachment:	Attachment 6.1 – Policy A14A – Sale of Land and Housing (amended) Attachment 6.2 - Reserve Price of Vacant Land Report

SUMMARY

For Council to adopt the amended Policy A14A - Sale of Land and Housing and the updated Reserve Price of Vacant Land Report, set forth in Attachments 6.1 and 6.2, respectively.

A review of the current policy has been undertaken following increased interest in residential land within the Shire and consideration of whether the current policy settings remain appropriate to support timely residential development and housing supply within the Shire of Kulin.

BACKGROUND & COMMENT

There has been a significant increase in interest in residential land for sale in Kulin. After many years with no sales, seven blocks have sold in the last two years. The Shire has received many enquiries over recent months, with any potential negotiations currently awaiting the outcome of this policy review.

The Shire of Kulin currently offers residential blocks for sale within Proudview Estate, Robertson Park and other residential areas within the Kulin townsite. Under the existing policy framework, land is sold at market value with development incentives, such as discounts and site works, available where construction of a residence reaches lock-up stage within a specified timeframe.

Management has reviewed the existing policy to determine whether the current approach remains effective in encouraging residential development and supporting the Shire's housing objectives.

Identified issues and risks of the current policy include:

- Residential land prices are comparatively low relative to metropolitan and other regional areas. In some cases, this may contribute to delays between purchase of land and commencement of residential development;
- Current incentives may not be a sufficient incentive to drive timely construction; and
- Once title transfers, Council has limited mechanisms to encourage development within a reasonable timeframe.

The policy review considered a range of factors, including but not necessarily limited to:

- residential land sales in surrounding towns over the past 12 months;
- appropriate timeframes for construction of a residence to commence and be completed
- mechanisms commonly used by Development WA in residential estate developments, including restrictions on resale prior to development and contractual buy-back provisions where development does not occur within the required timeframe; and
- consideration of contractual provisions that encourage development of residential land within defined timeframes.

The proposed policy amendments:

- introduce clearer definitions and development expectations associated with the purchase of Shire-owned residential land;
- align with Council's strategic objective of supporting sustainable population growth and encourage residential development within the Shire;
- encourage timely development while discouraging speculative land banking; and
- retains Council discretion to consider exceptional circumstances, where appropriate.

As a result of the review, the following changes have been made to Policy A14A Sale of Land and Housing:

1. the policy outlines that the Reserve Price of Vacant Land Report is adopted by Council six monthly and sets both the reserve price for each block of land for sale along with incentives offered;

2. introduction of Option to Repurchase Special Condition into residential land sales contracts. The Option to Repurchase Special Condition encourages timely construction of a residence by:
 - giving Council the Option to Repurchase the property if construction of a residence
 - (a) has not commenced within 2 years of settlement; and
 - (b) construction has not reached lock up stage within 3 years of settlement.
 The policy sets the repurchase price, with any costs related to the repurchase being borne by the buyer.
 - gives Council the power to place a caveat on the Certificate of Title when the land is sold. This prevents the property being sold or transferred until the Special Condition is met.

The Reserve Price of Vacant Land Report has been updated to:

- increase reserve prices to be more consistent with sales in the region
- outline that discounts are only offered to local buyers (as defined in the Report)
- remove the site works incentive

FINANCIAL IMPLICATIONS

Increased sales prices will result in additional income for Council, with funds set aside to cover discounts and repurchase of land as necessary.

STATUTORY AND PLANNING IMPLICATIONS

Local Government Act 1995

Section 3.58 of the *Local Government Act 1995* is set out below:

3.58. Disposing of property

(1) *In this section —*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

(a) *it gives local public notice of the proposed disposition —*

(i) *describing the property concerned; and*

(ii) *giving details of the proposed disposition; and*

(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

(4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

(a) *the names of all other parties concerned; and*

(b) *the consideration to be received by the local government for the disposition; and*

(c) *the market value of the disposition —*

(i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*

(ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

(5) *This section does not apply to —*

(a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*

(b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*

(c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*

(d) *any other disposition that is excluded by regulations from the application of this section.*

POLICY IMPLICATIONS

Policy A14A Sale of Land and Housing
Delegation A.14 Disposal of Vacant Land

COMMUNITY CONSULTATION

Nil

WORKFORCE IMPLICATIONS

Nil

RECOMMENDATION

That Council:

1. Adopts the revised Policy A14A – Sale of Residential Land and Housing, as attached.
2. Adopts the updated Reserve Price of Vacant Land report which sets the market value, reserve price and incentives offered on sale of vacant residential land, as attached.
3. Authorises the Chief Executive Officer to implement the policy and make minor administrative amendments where required.

VOTING REQUIREMENTS

Simple majority

The President indicated that given the level of detail within both the draft Policy A14A and the Reserve Price of Vacant Land Report, he was open to receiving a procedural motion to suspend standing orders to allow discussion of the elements informally prior to formal debate and sought a mover and seconder.

07/0326

Moved Cr Smoker Seconded Cr Siviour that Council suspend standing orders to discuss the content of the draft Policy A14A and the Reserve Price of Vacant Land Report.

Carried 7/0

For – Cr Robins, Cr Smoker, Cr Noble, Cr Mullan, Cr Bowey, Cr Miller & Cr Siviour

Against – Nil

Standing orders were suspended at 4.13pm.

The President announced the standing orders had been suspended. The President noted that this was an opportunity for Councillors to discuss the policy and land report and work through the key elements.

The President indicated draft that the items would be kept separate and that Policy A14A – Sale of Residential Land and Housing would be discussed first, with discussion then moving to the updated Reserve Price of Vacant Land report.

Amendments to both documents were discussed in the meeting.

CEO Alan Leeson departed Chambers at 4.21pm and returned at 4.26pm.

Discussion of both documents concluded and the President sought a motion to resume standing orders.

08/0326

Moved Cr Mullan Seconded Cr Miller that Council resume standing orders.

Carried 7/0

For – Cr Robins, Cr Smoker, Cr Noble, Cr Mullan, Cr Bowey, Cr Miller & Cr Siviour

Against – Nil

Standing orders were resumed at 5.02pm.

In accordance with Regulation 11 (da) of the Local Government (Administration) Regulations 1996, the officer's recommendation was adopted with amendment after Council had resolved to suspend standing orders to provide for Councillors to more informally discuss the draft policy A14A – Sale of Residential Land and Housing and the draft Reserve Price of Vacant Land report. Councillors discussed proposed alternative drafting which would be put to a vote.

09/0326 Moved Cr Noble Seconded Cr Siviour that Council

1. Adopts the revised Policy A14A – Sale of Residential Land and Housing, as attached, noting the following changes:
 - (i) Inserted under clause 6 (with reference to the 3 year condition of reaching lock up stage):

Notwithstanding the above, a purchaser may make written application to the Shire seeking an extension of time to meet the construction requirements, specifically the requirements to reach lock up stage within three years of settlement.

Such application must be made prior to the expiry of the applicable timeframe and must demonstrate reasonable grounds for delay, including but not limited to builder availability, supply chain constraints, weather events or other unforeseen circumstances.

Council may, at its discretion, grant an extension subject to such terms and conditions as it considers appropriate.
2. Adopts the updated Reserve Price of Vacant Land report which sets the market value, reserve and incentives offered on sale of vacant residential land, as attached, noting the following changes:
 - (i) *Removal of the discount;*
 - (ii) *Noting the value of the discount being removed will be deducted from the listed reserve price of the attachment circulated with agenda papers; and*
 - (iii) *Removal of blocks noted within Robertson Park, namely those blocks referenced I through to M (as they will not be listed for sale).*
3. Authorises the Chief Executive Officer to implement the policy and make minor administrative amendments where required.

Carried 6/1

For - Cr Robins, Cr Bowey, Cr Miller, Cr Siviour, Cr Noble, Cr Mullan

Against - Cr Smoker

The revised Policy A14A and updated Reserve Price of Vacant Land report adopted by Council can be found here:

Attachment-Revised-Policy-A14A-Sale-of-Land-and-Housing-and-Updated-Reserve-Price-of-Vacant-Land-Report.pdf

9.6 2025/2026 Annual Budget Review

Responsible Officer:	Chief Executive Officer
File Reference:	12
Author:	Executive Manager of Governance and Risk, Cassi Lewis Strategic Pillar 4: Civic Leadership – Responsible, accountable and transparent leadership to deliver our priorities
Strategic Reference:	
Disclosure of Interest:	Nil
Attachment:	Attachment 7 – 2025/2026 Annual Budget Review (Financial Statements)

SUMMARY

In accordance with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*, local governments are required to review their annual budget during the financial year. This report presents the outcome of the 2025/26 budget review and recommends a number of budget adjustments to align the adopted budget with current operational requirements, updated project costs, and grant funding received.

The review considers the Shire's financial performance to date and identifies areas where amendments are required to ensure the budget continues to accurately reflect the Shire's financial position and planned activities.

BACKGROUND & COMMENT

The Shire adopted its 2025/26 Annual Budget at the Ordinary Council Meeting held on 6th August 2025.

Since adoption of the budget, a number of variances have occurred due to updated project costs, unplanned maintenance works, grant funding received, and changes to operational service delivery arrangements. These variations require adjustment to the adopted budget to ensure financial records accurately reflect the Shire's current financial position.

A detailed explanation of the variances identified through the budget review is provided below, with a summary of the proposed adjustments included in the attached Budget Review worksheet.

Fees and Charges

An increase in fee income has been recorded within Private Works (\$20,000) and Caravan Park Charges (\$15,000) to reflect additional revenue received above the originally budgeted amounts.

A reduction in fee income for Childcare Centre charges (\$33,000) is also proposed due to lower enrolments at the beginning of the 2026 year. Ordinarily, reduced enrolments would result in a corresponding decrease in employee costs; however, due to the receipt of an employee training grant, employee costs will remain at the budgeted level and will instead be funded by this grant.

Operating Grants & Contributions

Increases have been made to the budget allowance for the Kulin Community Childcare Centre employee training and development grant (\$34,000). This grant provides funding for course fees and wages to support childcare staff in completing required training.

Budgeted CRC operational funding has also been increased by \$10,000 to reflect a CPI-related increase in funding received.

A decrease in the Financial Assistance Grant (\$81,000) has also been included in the review. When the budget was prepared, the Shire was advised that the advance payment of the grant represented approximately 50% of the total 2025/26 allocation. The advance payment was ultimately greater than 50%, resulting in a lower remaining balance payable during the 2025/26 financial year.

The budget included contributions from the Kulin Netball and Kulin Junior Basketball Clubs for the court fans (\$10,000), these funds were received in June 2025, and were therefore incorrectly included in the budget.

Asset Grants

Three water infrastructure upgrade projects that were not originally budgeted for have been awarded grant funding totalling \$485,000. These projects include:

- Pingaring Rock Wall
- Pingaring Tank Roof
- Kulin Bush Races water infrastructure

Corresponding expenditure of \$485,000 has also been included in the materials and contracts budget.

The Town Oval Dam Upgrade project has been removed from the budget as the grant is unlikely to be awarded prior to winter rainfall and the project is therefore unlikely to proceed during the current financial year.

Salaries & Wages

A change to the management structure of the Aquatic Centre has resulted in a reduction in Salaries and Wages (\$60,000). The facility is now managed under a contracted arrangement rather than through direct employment.

Materials and Contracts – Operating

A number of adjustments have been made to the Materials and Contracts budgets across various services, including:

- Office Maintenance increased by \$20,000 for roof repairs which were not included in the original budget.
- Aquatic Centre management fees included following the transition to a contracted management structure previously reported to Council.
- Pool maintenance budget increased to allow for works not originally budgeted, including engineering assessment of the slide structure (\$13,000), purchase of a pool blanket (\$3,000) which had been incorrectly budgeted as capital expenditure, repairs to pump equipment (\$5,000)
- Reduction in Medical Centre operating costs (\$20,000) as actual expenditure is lower than originally budgeted.
- Reduction in election expenses, as the budget was prepared assuming an election would be held which ultimately did not occur.
- Increase in plant parts and repairs allowance due to planned maintenance of Council's bulldozer (\$40,000) and a general increase in parts expenditure due to the original allowance being insufficient (\$10,000).
- Repairs to the Freebairn Recreation Centre roof (\$35,000) were not included in the budget.
- Correct coding of discounts to be repaid on the sale of land from Materials & Contracts to Other Expenditure (\$40,000)

Materials and Contracts – Capital

- Additional \$15,000 required to finalise the slide pool project.
- Reduction of \$10,000 allowance for pool blanket replacement as this was completed within the Aquatic Centre's operating budget.
- Freebairn Recreation Centre expenditure of \$100,000 for replacement of the function room air conditioning system not included in the original budget.
- Increase of \$100,000 to the housing construction project budget, previously reported to Council and expected to be funded through additional loan funds.
- Increase in cement stabilising costs (\$26,000) due to storm damage during construction works.
- Reduction in materials cost for the Gordon Street footpath (\$25,000) as the project is now expected to be completed using internal resources.
- Removal of Town Oval upgrade project materials (\$170,000) in line with the removal of the associated grant funding.
- Increase in the cost of replacing plant written off in a traffic accident (\$601,000). To accommodate this purchase, the replacement of a dual cab truck has been deferred to the next financial year. The remaining funding gap will be offset by insurance proceeds and a transfer from the Plant Reserve.
- The replacement of the dual cab truck which was planned for 2025/26 financial year will be postponed to the 2026/27 financial year to allow for the purchase of plant written off in the traffic accident.
- Increase in expenditure of \$485,000 relating to the replacement of the Pingaring water tank roof replacement, Pingaring rock wall works and the KBR water infrastructure upgrade, in line with the requirements of grants received from the Department of Water.

Transfers to/from Reserve

Transfers from the Plant Reserve have been adjusted to fund the replacement of plant written off in the traffic accident earlier in the year. The difference between the replacement cost and insurance proceeds is \$173,000, which is proposed to be funded from the reserve. This adjustment will reduce the expected balance of the Plant Reserve from \$523,000 to approximately \$350,000.

A transfer from the Freebairn Recreation Centre Reserve is also proposed to fund the replacement of the function room air conditioning and associated roof repairs. This transfer will reduce the reserve balance from \$235,000 to approximately \$100,000.

Non-cash adjustments

A number of non-cash adjustments have been made to account codes within the budget to ensure accurate variance reporting in monthly financial statements. These adjustments relate to the recording of sale proceeds, profit on sale, and the refund of discounts on land sales. These changes do not impact the overall financial position of the budget review.

FINANCIAL IMPLICATIONS

The proposed budget adjustments reflect a combination of:

- unplanned maintenance and operational expenditure,
- revised capital project costs,
- grant funding received during the year, and

Where applicable, additional expenditure is offset by grant funding, reserve transfers, insurance proceeds, or revised project funding arrangements.

The adjustments ensure the adopted budget remains accurate and reflective of the Shire's financial activities for the 2025/26 financial year.

STATUTORY AND PLANNING IMPLICATIONS

This report has been prepared in accordance with section 6.4 of the *Local Government Act 1995* and regulation 33A of the *Local Government (Financial Management) Regulations 1996*.

Section 6.4 of the Act requires local governments to review their annual budget during the financial year. Regulation 33A requires that this review occur between 1 January and 31 March each year and that the results of the review be presented to Council.

Following the review, Council must determine whether the current annual budget requires amendment. If Council determines that amendments are required, the budget must be amended in accordance with section 6.8 of the *Local Government Act 1995*.

POLICY IMPLICATIONS

There are no policy implications.

COMMUNITY CONSULTATION

Not applicable.

WORKFORCE IMPLICATIONS

The proposed budget adjustments do not result in any additional workforce implications beyond those already anticipated in the adopted 2025/26 budget.

10/0326

Moved Cr Bowey Seconded Cr Miller that Council:

- 1. Receives the 2025/2026 Budget Review prepared in accordance with regulation 33A of the Local Government (Financial Management) Regulations 1996;**
- 2. Adopts, by absolute majority, the amended 2025/26 Annual Budget, incorporating the adjustments outlined in the attached Budget Review schedule.**

Carried 7/0

For – Cr Robins, Cr Smoker, Cr Noble, Cr Mullan, Cr Bowey, Cr Miller & Cr Siviour

Against – Nil

10 Compliance

10.1 Compliance Reporting – General and Financial Compliance February 2026

Responsible Officer:	Chief Executive Officer
File Reference:	04.05 Corporate Management Procedures - Compliance
Author:	Alan Leeson, Chief Executive Officer SIP 4: Civic Leadership - accurate forward planning to achieve community priorities
Strategic Reference:	
Disclosure of Interest:	Nil
Attachment:	February 2026 General and Financial Compliance Checklist

SUMMARY

This report addresses General and Financial Compliance matters for February 2026. This process is not definitive, each month additional items and/or actions may be identified that are then added to the monthly checklist. Items not completed each month e.g. quarterly action - will be notations. The report provides a guide to the compliance requirements being addressed as part of staff workloads and demonstrates the degree of internal audit being completed.

BACKGROUND & COMMENT

The General and Financial Compliance Checklist is an internal working document. This document is tabled at regular Management Team meetings where the list is reviewed and updated.

FINANCIAL IMPLICATIONS

Usual administration expenses associated with complying with Council obligations.

STATUTORY AND PLANNING IMPLICATIONS

Nil

POLICY IMPLICATIONS

Identified as necessary. For this report - Nil.

COMMUNITY CONSULTATION

N/A

WORKFORCE IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

11/0326

Moved Cr Smoker Seconded Cr Mullan that Council receive the General and Financial Compliance Checklist for February 2026.

Carried 7/0

For – Cr Robins, Cr Smoker, Cr Noble, Cr Mullan, Cr Bowey, Cr Miller & Cr Siviour

Against – Nil

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 MOTIONS FROM MEMBERS WITHOUT NOTICE

Nil

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

The President announced that an item of business of urgent nature (Item 13.1) was sought to be introduced by decision of the meeting. The proposed Item 13.1 had been circulated to Councillors via the Shire's Portal for consideration and a copy of officer's report (authored by the Chief Executive Officer, Alan Leeson) is attached to these Minutes.

The Chief Executive Officer also spoke to the report and noted the urgency of the item was due to the closure of the nomination period on 26 March 2026 for nominations to be made to WALGA for appointment of nominees to the State Road Funds to Local Government Advisory Committee.

12/0326

Moved Cr Mullan Seconded Cr Noble that Council accept Item 13.1 as an item of business of an urgent nature.

Carried 7/0

For – Cr Robins, Cr Smoker, Cr Noble, Cr Mullan, Cr Bowey, Cr Miller & Cr Siviour

Against – Nil

13.1 State Road Funds to Local Government Advisory Committee (SAC) – Nomination of Cr Grant Robins

Responsible Officer:	Chief Executive Officer, Alan Leeson
File Reference:	12.01
Author:	Chief Executive Officer, Alan Leeson Pillar 2 – Infrastructure Ensuring safe, reliable and efficient transport infrastructure that supports regional economic activity and community connectivity
Strategic Reference:	regional economic activity and community connectivity
Disclosure of Interest:	Nil
Attachment:	Attachment 13 – WALGA Selection Committee Vacancy Information – State Road Funds to Local Government Advisory Committee (SAC)

SUMMARY

The purpose of this report is to seek Council's formal endorsement of the nomination of Shire President, Cr Grant Robins to the State Road Funds to Local Government Advisory Committee (SAC).

The Western Australian Local Government Association (WALGA) has called for nominations for three Local Government representatives to serve on the Committee for a two-year term.

Nominations close at 5.00pm on Thursday 26 March 2026, after which time the selection committee will meet and resolve on preferred candidates or make recommendations on preferred candidates to the WALGA State Council.

BACKGROUND & COMMENT

The State Road Funds to Local Government Advisory Committee operates under the State Road Funds to Local Government Agreement 2023/24 – 2027/28 and provides strategic oversight of State funding allocated for Local Government road programs across Western Australia.

The Committee is responsible for overseeing the administration and operation of the Agreement, monitoring program delivery, and endorsing the annual Local Roads Program to the Managing Director of Main Roads Western Australia.

The Committee also provides strategic advice regarding the allocation and redistribution of road funding and responds to issues raised by Local Governments, Regional Road Groups and Main Roads Western Australia in relation to the delivery of Local Government road infrastructure programs.

The officer's recommendation is that Council formally endorse and support Cr Robin's nomination for the SAC.

Cr Robins was first elected to the Shire of Kulin Council in October 2013 and has since developed extensive experience in regional road governance and freight network issues. He currently serves as Chairperson of the Wheatbelt South Regional Road Group and is a member of the Wheatbelt Secondary Freight Network Program Steering Committee (currently Deputy Chairperson), working closely with Main Roads Western Australia and regional Local Governments on road planning and funding matters.

In addition, Cr Robins owns and operates Kulin Transport, a rural freight transport business operating across the Wheatbelt and surrounding regions transporting agricultural machinery, grain and fertiliser. This provides him with practical, day to day insight into regional road network performance, heavy vehicle access and the broader economic importance of reliable freight routes.

This provides Cr Robins with a unique perspective combining both local government governance experience and direct operational knowledge of freight network performance. His day-to-day use of the regional road network provides practical insight into road condition, freight efficiency, heavy vehicle access and the economic importance of maintaining reliable road infrastructure for the agricultural sector.

Given his combined experience in Local Government governance, regional road funding processes and freight network operations, Cr Robins is well placed to contribute constructively to the work of the State Road Funds to Local Government Advisory Committee and represent the interests of regional Local Governments.

STATUTORY IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with Council endorsing the nomination. Meeting attendance costs and travel associated with the Committee are managed in accordance with WALGA policies.

RISK IMPLICATIONS

Nil.

COMMUNITY AND STAKEHOLDER CONSULTATION

Nil.

VOTING REQUIREMENTS

Simple majority

13/0326

Moved Cr Smoker Seconded Cr Siviour that Council:

- 1. Endorse and support the nomination of Cr Grant Robins to the State Road Funds to Local Government Advisory Committee (SAC); and**
- 2. Authorise the Chief Executive Officer to submit Council's endorsement to the Western Australian Local Government Association (WALGA) in support of Cr Robins' nomination.**

Carried 7/0

For – Cr Robins, Cr Smoker, Cr Noble, Cr Mullan, Cr Bowey, Cr Miller & Cr Siviour

Against – Nil

14 MEETING IS CLOSED TO THE PUBLIC

Nil

15 CLOSURE / DATE AND TIME OF NEXT MEETING

There being no further business, the President declared the meeting closed at 5.10pm.

The President announced that the next Ordinary Meeting of Council would be on 15 April 2026 at 4:00pm.

UNCONFIRMED

A14A SALE OF LAND and HOUSING

Administration

PREAMBLE: The Shire offers a variety of residential and semi-rural land for sale, with benefits accruing to the Shire with every lot sold.

For housing stock, the Shire of Kulin has adopted a practice of turning over nominated housing stock on a regular basis, with an aim of maintaining the asset class at the lowest life cycle cost.

OBJECTIVE: To establish a clear and consistent framework for the sale of land and housing.

PRACTICE: The CEO shall report regularly to the Council opportunities for the sale of land or housing.

Valuation and Sales Price of Vacant Residential Land for Sale:

The Reserve Price of Vacant Land Report (the Report) sets the market value, reserve price and incentives offered for the sale of vacant land.

s3.58(4)(c) of the *Local Government Act 1995* states that the market value of property being disposed must be:

- (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
- (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

Market values in the Report are based on an independent valuation. If this valuation is more than six months old, Council considers whether this is an appropriate indication of market value. If not, another independent valuation is sought.

The Report will be reviewed and adopted by Council every six months.

Valuation and Sales Price for Housing and Industrial Land for Sale:

The CEO will report to Council the proposed market value for each asset for sale (based on an independent valuation less than 6 months old) and proposed sales price.

SALES PROCESS:

Where a property is to be sold by private treaty or public tender, section 3.58 (3) of the *Local Government Act 1995* will apply as follows:

1. The prospective buyer makes an offer to purchase the property in writing to the CEO.
2. The CEO has delegation to accept an offer for the sale of residential land if it is at or above the Reserve Price set in the Reserve Price of Vacant Land Report or is not less than 10% below this Reserve Price. All other offers (including for housing and industrial land) must be accepted by Council.
3. Local public notice must be given for the sale in accordance with s3.58(3).
4. The CEO must consider any submissions received under s3.58(3). If necessary, the sale will need to be approved by Council.
5. If no submissions are received and the offer meets the requirements outlined above, the CEO can accept the offer.
6. A contract of sale will be drafted and signed.

For residential vacant land for sale, the contract will be in the form of:

- The current REIWA Contract for Sale of Land or Strata Title by Offer and Acceptance; and
- Include a Special Condition being an Option to Repurchase if construction of a residence:
 - a. has not commenced within 2 years of settlement. Evidence of commencement could be a signed construction contract, or approval of a Shire development application, or similar; and
 - b. construction has not reached lock up stage within 3 years of settlement.

Notwithstanding the above, a purchaser may make written application to the Shire seeking an extension of time to meet the construction requirements, specifically the requirements to reach lock up stage within three years of settlement.

Such application must be made prior to the expiry of the applicable timeframe and must demonstrate reasonable grounds for delay, including but not limited to builder availability, supply chain constraints, weather events or other unforeseen circumstances.

Council may, at its discretion, grant an extension subject to such terms and conditions as it considers appropriate.

The Option to Repurchase Special Condition is to be drafted by a solicitor. The repurchase price will be the original purchase price (as set in the sales contract) less any costs incurred by the Shire including legal costs, lodgement costs, valuation costs and settlement costs.

7. A deposit amount of \$10,000 is to be paid by the buyer upon signing of the contract, with the balance purchase price payable upon settlement.
8. During settlement a caveat will be placed on the Certificate of Title preventing the land being sold or transferred until the Special Conditions are met. The caveat will be lifted when the Special Conditions are met.

Council may offer additional incentives such as discounts. The value of these additional incentives for each block of vacant land is detailed in the Reserve Price of Vacant Land Report.

Where there is either:

- a discount offered when construction milestones are met, or
- an Option to Repurchase is included in the sales contract,

proceeds of the sale should be transferred to the Shire's restricted funds bank account until they are either repaid to the buyer or there is no chance of repayment being necessary.

If residential development does not occur within the timeframe outlined in the Special Condition within the sales contract, Council can elect to give notice of their intention to repurchase the land. Legal advice is to be sought at the time, and the terms of the Special Condition followed.

DELEGATION: A.14 Disposal of Vacant Land. All other property sales must be approved by Council.

HEAD OF POWER: *Local Government Act 1995*

RESERVE PRICE OF VACANT LAND REPORT

APOG Policy A14A sets out the requirements and process for selling vacant land.

This Reserve Price of Vacant Land Report (Report) sets the market value, reserve price and incentives offered for the sale of vacant land, as set out in the table below.

Market Value:

This Report must be adopted by Council every six months to declare the market value for each block of vacant land in accordance with s3.58(4) of the *Local Government Act 1995*. s3.58(4)(c) states that the market value of property being disposed must be:

- (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
- (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

The market values listed in the table below are based on an independent valuation of land completed at 30 June 2025.

Reserve Price:

The reserve price is sales price for each block of land (including GST).

Current blocks of land for sale:

Block (see diagram below)	Street No.	Street Name	Area (m2)	Market Value (GST exclusive)	Reserve Price (GST inclusive)
Proudview Estate					
A	3	Davies Road	10,287	\$36,000	\$52,000
B	9	Davies Road	10,000	\$35,000	\$50,000
C	15	Davies Road	10,000	\$35,000	\$50,000
D	20	Hodgson Street	9,999	\$35,000	\$50,000
E	21	Davies Road	10,000	\$35,000	\$50,000
F	25	Davies Road	10,000	\$35,000	\$50,000
H	8	Hodgson Street	9,998	\$35,000	\$50,000
Robertson Park					
A	2	Ellson Street	509	\$7,000	\$20,000
B	4	Ellson Street	501	\$7,000	\$20,000
F	12	Ellson Street	701	\$9,000	\$30,000
N	35	Price Street	703	\$9,000	\$30,000
O	37	Price Street	701	\$9,000	\$30,000
P	39	Price Street	703	\$9,000	\$30,000
Other					
B	19	Ellson Street	1,056	\$12,000	\$40,000
C	27	Ellson Street	1,266	\$14,000	\$50,000
D	29	Ellson Street	1,190	\$13,000	\$45,000

Proudview Estate Blocks:



Robertson Park:



Other:

