

Unconfirmed Minutes

October 2025



ORDER OF BUSINESS

- 1 DECLARATION OF OPENING**
- 2 ANNOUNCEMENTS FROM THE PRESIDING MEMBER**
- 3 RECORD OF ATTENDANCE**
- 4 DECLARATION OF INTEREST BY MEMBERS**
 - 4.1 Declarations of Financial Interest
 - 4.2 Declarations of Proximity Interest
 - 4.3 Declarations of Impartiality Interest
 - 4.4 Declarations of Indirect Financial Interest
- 5 PUBLIC QUESTION TIME**
- 6 APPLICATIONS FOR LEAVE OF ABSENCE**
- 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**
 - 7.1 Shire of Kulin Ordinary Meeting - Minutes 17 September 2025
- 8 PRESENTATIONS / DEPUTATIONS**
- 9 AGENDA BUSINESS - MATTERS REQUIRING DECISION**
 - 9.1 List of Accounts Paid During the Month of September 2025
 - 9.2 Financial Reports – September 2025
 - 9.3 Pingaring Water Tank & DEWR Funding
 - 9.4 Reserve No. 43896 (Kulin Lot 312) - Designated Purpose "Emergency Services & St John Ambulance Depot
 - 9.5 Chief Executive Officer's Mid-Year Performance Review
 - 9.6 Council Meeting Dates 2026
 - 9.7 Proposed Sale of Transportable (Donga) - Surplus to Council Requirements
- 10 COMPLIANCE**
 - 10.1 Compliance Reporting – General Compliance September 2025
- 11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 12 MOTIONS FROM MEMBERS WITHOUT NOTICE**
- 13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**
- 14 MEETING IS CLOSED TO THE PUBLIC**

Minutes of an Ordinary Meeting of Council held in the Council Chambers on Wednesday 15 October 2025 commencing at 4:00pm

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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, this 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/APOLOGIES/LEAVE OF ABSENCE

Attendance

G Robins	President
B Smoker	Deputy President
J Noble	Councillor
C Mullan	Councillor
R Bowey	Councillor
B Miller	Councillor
P Clarke	Acting Chief Executive Officer
F Murphy	Executive Manager Financial Services
C Lewis	Executive Manager Governance & Risk
N Thompson	Manager Executive Support Services
J Hobson	Executive Manager Works

Apologies

M Lucchesi	Councillor
------------	------------

Leave of Absence

T Gangell	Councillor
-----------	------------

4. DECLARATIONS OF INTEREST BY MEMBERS

Nil

5. PUBLIC QUESTION TIME

Member of the public, Lachie Siviour in attendance as an observer.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION / RECEIVAL OF MINUTES OF PREVIOUS MEETINGS

Shire of Kulin Ordinary Meeting 17 September 2025

01/1025

Moved Cr Miller Seconded Cr Smoker that the minutes of the Shire of Kulin Ordinary Meeting held on 17 September 2025 be confirmed as a true and correct record.

Carried 6/0

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

Against – Nil

8. PRESENTATIONS / DEPUTATIONS

Nil

9 AGENDA BUSINESS - MATTERS REQUIRING DECISION

9.1 List of Accounts Paid During the Month of September 2025

Responsible Officer:	Acting Chief Executive Officer
File Reference:	12.06
Author:	Executive Manager Financial Services
Strategic Reference:	12.01
Disclosure of Interest:	Nil
Attachment:	September 2025 List of Accounts

SUMMARY:

For Council to note 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 September 2025.

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. 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. The table below summarises the payments made during September 2025.

September 2025	
Fund	Amount
Municipal	\$594,349.30
Trust	0.00
Total	\$594,349.30

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. A list of payments made using credit, debit and other purchasing cards in September 2025 is attached.

FINANCIAL IMPLICATIONS:

Expenditure is in accordance with the Annual Budget as adopted or amended by Council.

STATUTORY AND PLANNING IMPLICATIONS:

Local Government (Financial Management) Regulations 1996

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.
- (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

OFFICER'S RECOMMENDATION:

That Council note,

1. the list of accounts paid from the Municipal and Trust accounts during the month of September 2025, totalling \$594,349.30 as attached; and
2. the list of payments made using credit, debit and purchasing cards in September 2025.

VOTING REQUIREMENTS:

Simple majority required.

02/1025

Moved Cr Bowey Seconded Cr Mullan that Council note,

1. the list of accounts paid from the Municipal and Trust accounts during the month of September 2025, totalling \$594,349.30 as attached; and
2. the list of payments made using credit, debit and purchasing cards in September 2025.

Carried 6/0

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

Against – Nil

9.2 Financial Reports – September 2025

Responsible Officer:	Acting Chief Executive Officer
File Reference:	12.01
Author:	Executive Manager Financial Services
Strategic Reference:	12.01
Disclosure of Interest:	Nil
Attachment:	September 2025 Monthly Financial Statements

SUMMARY:

Council is provided with the monthly financial reports for the month ended 30 September 2025.

BACKGROUND & COMMENT:

The monthly financial reports includes:

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

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND PLANNING IMPLICATIONS:

Local Government Act 1995 s6.4

Under the *Local Government (Financial Management) Regulations 1996*:

34. Financial activity statement required each month

- (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 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 —
 - (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.

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 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

OFFICER'S RECOMMENDATION:

That Council in accordance with Regulations 34 and 35 of the Local Government (Financial Management) regulations 1996, receive the Statement of Financial Activity and Statement of Financial Position and supporting documentation for the period ending 30 September 2025, as presented.

VOTING REQUIREMENTS:

Simple majority required.

03/1025

Moved Cr Noble Seconded Cr Miller that Council in accordance with Regulations 34 and 35 of the Local Government (Financial Management) regulations 1996, receive the Statement of Financial Activity and Statement of Financial Position and supporting documentation for the period ending 30 September 2025, as presented.

Carried 6/0

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

Against – Nil

9.3 Transfer of Pingaring Water Tank – Water Corporation to Shire of Kulin (Reserve 18926) and Progressing Upgrade to Inlet Pipe via Department of Water & Environmental Regulation Grant Funding

Responsible Officer:	Acting Chief Executive Officer
File Reference:	32.01
Author:	Peter Clarke ACEO SIP 3 Environment Goal 9: Protection of Natural and Built Assets – 9.5
Strategic Reference:	Drought Preparedness (Pingaring)
Disclosure of Interest:	Nil
Attachments:	Nil

SUMMARY:

To update Council on the progress of transferring the Pingaring Water Tank from Water Corporation to the Shire of Kulin and additional work with the Department of Water and Environmental Regulation to secure grant funding for the upgrade of the Inlet Pipe from the catchment area to the Pingaring Tank.

BACKGROUND & COMMENT:

At the April 2025 OCM the CEO presented a report on the potential transfer of the Pingaring Tank to the Shire of Kulin and recommending the following:-

“That Council accepts the transfer of a water tank from the Water Corporation, and authorises the Chief Executive Officer to execute Asset Transfer Deed (as circulated) to facilitate the transfer of ownership of the tank to the Shire of Kulin, in support of enhanced water infrastructure, rainfall capture, drought resilience, and community benefit”.

Council resolved the following in respect to the above:-

06/0425

Moved Cr Smoker Seconded Cr Noble that Council defer Item 9.5 until the May 2025 Ordinary Meeting.

Carried 6/0

For – Cr Robins, Cr Smoker, Cr Gangell, Cr Noble, Cr Mullan, Cr Bowey & Cr Lucchesi

Against – Nil

Council deferred this item due to recent issues regarding the structural integrity of the inlet following recent rainfall.

At the August 2025 Concept Forum, the CEO provided further information with respect to the Pingaring Tank:-

In July 2025, Water Corporation's Inspection and Condition Assessment Unit conducted a visual structural inspection of the tank using drone-based technology (Elios 3 internal cage drone and Matrice 4E UAV), to confirm the asset's condition prior to handover.

Key findings from the inspection included:

- *The concrete tank structure, both internal and external, was found to be visually sound, with no major evidence of concrete cracking or material loss. However, this was a visual-only assessment, and no core sampling or sounding tests were undertaken.*
- *The galvanised steel roof sheeting has deteriorated significantly, with several sheets missing or loose and widespread corrosion. Large openings now exist in the roof structure, compromising water quality and protection.*
- *The steel support columns are partially corroded, particularly at the baseplates. The existing petrolatum wrap has deteriorated, concealing further potential corrosion underneath. The columns require further invasive assessment, including wrap removal and ultrasonic thickness testing.*
- *Roof purlins also show localised corrosion, but coating remains intact in many areas.*
- *The concrete pedestals supporting the roof structure appear undamaged.*
- *Of particular note, there are **significant water retention and leakage issues affecting both the tank itself and the inlet infrastructure**, which raise concerns about the tank's capacity to hold water effectively without remedial works.*

In parallel, the Department of Water and Environmental Regulation (DWER) has had contractors on site to examine structural remediation solutions, with a focus on the tank roof, inlet structure, and water containment issues. A technical summary of this work is expected in the coming days and will provide further clarity on required remediation strategies.

Given the issues identified, the following steps are proposed before bringing the matter back to Council for a final decision:

- *Obtain costed remediation options addressing:*
 - *Roof repair or removal*
 - *Support column refurbishment or replacement*
 - *Inlet infrastructure restoration*
 - *Sealing or resurfacing works to address internal leakage*
- *Confirm intended future use scenarios (e.g. open reservoir vs enclosed tank; firefighting vs non-potable supply).*
- *Seek advice from DWER on potential funding assistance for required works.*
- *Maintain dialogue with the Pingaring community to ensure the project retains local support and aligns with long-term community benefit expectations.*

While the tank remains a valuable heritage asset with significant potential as a strategic water supply, it is now evident that substantial structural and water containment issues must be addressed to ensure its long-term usability. The project cannot proceed on a minimal-cost basis, and targeted investment will be required to return the infrastructure to a functional standard.

A further report will be brought to Council once DWER's engineering advice is received and preliminary costings are confirmed. Unofficially, DWER have indicated the costs of structural repairs will be funded by them. This will be confirmed before the matter is brought back to Council for formal consideration.

Since that time, the Shire of Kulin has worked closely with the Department of Water and Environmental Regulation (DWER) and secured external funding to fully renew the inlet pipe system and headwall structure. These works include:

- Replacement of the old, cracked 180m DN550 reinforced concrete pipeline with new DN600 RCP
- Installation of mass concrete anchor blocks and full reconnection to the existing tank inlet
- Construction of a new structurally reinforced concrete headwall chemically anchored to the tank wall
- Implementation of a long-term vegetation and root-intrusion management plan.

It was determined through on-ground inspection and technical advice that the majority of water loss was occurring at the inlet, and not due to tank failure. While minor external seepage has been observed on the tank shell, Water Corporation and DWER have advised that external synthetic membrane sealing can be applied in future stages if required.

By prioritising remediation of the inlet system, the Shire has taken a logical and risk-based approach to restoring the functionality of the catchment-tank system before progressing with broader investment into the tank itself. This staged approach ensures captured water is no longer lost upstream and that any future tank sealing works will be worthwhile.

The tank remains structurally sound based on recent visual inspection by Water Corporation's engineering team, with no observed damage to the internal or external concrete structure. Roof repairs may be considered in future years but are not critical to immediate water storage use (the tank is gravity-fed into downstream infrastructure).

DWER have advised that it is imperative that Council formally resolve to proceed with the initial inlet pipe upgrades to ensure that funding is secured from DWER and to allow funding agreements to be processed. Also, without formal acknowledgement of Council's receptiveness in the transfer of the Pingaring Water Tank from Water Corporation to the Shire of Kulin, DWER would be reluctant to provide funding for the upgrade to the Inlet Pipe.

As Council will note from the Officer's Recommendation, a further matter has arisen in respect to vegetation clearing to enable contractors to access the 180-metre section from the Tank to the catchment area to install the new inlet pipe. A Native Vegetation Clearing Permit (NVCP) will most likely have to be obtained as the rare Pingaring Spider Orchid has been detected close to the proposed clearing area. It is hoped that a Clearing Permit exemption may be granted, however, this has yet to be established.

Staff are currently working with the Native Vegetation Section of DWER and also the Department of Biosecurity Conservation and Attractions (DBCA) regarding the protection of this species.

As an NVCP application will take considerable time to process, it is considered by DWER and Shire staff that in the first instance, it may be a better option to replace the inlet pipe for the first 20 metres from the tank, including repairs to the headwall. This section of inlet pipe is the most dilapidated section for water loss and once this section is replaced, together with the headwall works, water is expected to flow more freely into the tank.

FINANCIAL IMPLICATIONS:

There is no cost to acquire the tank asset. Inlet pipe renewal and reconnection works are being funded externally. Routine maintenance (eg. inspections, vegetation management) will be incorporated into the Shire's existing infrastructure operations budget.

Future sealing of the tank (if required) can be scoped and externally funded through DWER or similar programs. Roof repairs are not presently funded and will be reviewed in future asset renewal cycles.

STATUTORY AND PLANNING IMPLICATIONS:

The tank is located on Crown Reserve 18926. Water Corporation is facilitating the formal transfer via Asset Transfer Deed, with no statutory impediments. The land use is consistent with historic use and the proposed continuation of non-potable water storage. No additional planning approvals are required.

POLICY IMPLICATIONS:

Nil. The transfer and ongoing management of the tank align with current Shire infrastructure policies.

COMMUNITY CONSULTATION:

The Pingaring community has been actively engaged and supportive of preserving this local water asset over the past two years. Community members have participated in site discussions, historical input, and alignment of priorities. The inlet upgrade and transfer reflect a shared vision between Council and the community.

WORKFORCE IMPLICATIONS:

Ongoing maintenance and inspections can be handled within the Shire's current staffing and operational structure. Short-term additional effort may be required to coordinate project close-out and integration of the asset into the Shire's management systems.

RECOMMENDATION:

That Council:

1. Acknowledges the successful funding negotiations with the Department of Water and Environmental Regulation (DWER) and that Council initially commences structural upgrade works to the Pingaring Tank headwall and inlet connecting pipework up to 20 metres east of the Tank;
2. Authorises the Chief Executive Officer to execute the Agreement and all associated documentation for the DWER funding application for the above works;
3. Recognises that the Shire of Kulin will have to meet all necessary Native Vegetation Clearing Permits associated with the installation of the new inlet pipe east of the above 20 metre section to the rock catchment as a significant part of the inlet pipe is contained within an Environmentally Sensitive Area; and
4. To ensure that the funding via DWER is secured, Council acknowledges that it is receptive to the transfer of the 9,000,000-litre Pingaring Tank from Water Corporation to the Shire of Kulin and following completion of the above works, Council then commences formal negotiations with the Water Corporation.

VOTING REQUIREMENTS:

Simple majority

04/1025

Moved Cr Mullan Seconded Cr Miller that Council:

1. Acknowledges the successful funding negotiations with the Department of Water and Environmental Regulation (DWER) and that Council initially commences structural upgrade works to the Pingaring Tank headwall and inlet connecting pipework up to 20 metres east of the Tank;
2. Authorises the Chief Executive Officer to execute the Agreement and all associated documentation for the DWER funding application for the above works;
3. Recognises that the Shire of Kulin will have to meet all necessary Native Vegetation Clearing Permits associated with the installation of the new inlet pipe east of the above 20 metre section to the rock catchment as a significant part of the inlet pipe is contained within an Environmentally Sensitive Area; and
4. To ensure that the funding via DWER is secured, Council acknowledges that it is receptive to the transfer of the 9,000,000-litre Pingaring Tank from Water Corporation to the Shire of Kulin and following completion of the above works, Council then commences formal negotiations with the Water Corporation.

Carried 6/0

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

Against – Nil

9.4 Reserve No. 43896 (Kulin Lot 312 – Designated Purpose “Emergency Services & St John Ambulance Depot

Responsible Officer:	Acting Chief Executive Officer
File Reference:	18.01
Author:	Peter Clarke – A/CEO SIP 3 Environment - Goal 9 Protection of the natural & built environment for future generations – 9.4 Facilitate opportunities to ensure emergency services are trained and resourced across towns
Strategic Reference:	
Disclosure of Interest:	Nil
Attachments:	Nil

SUMMARY:

To update Council on the progress of the preparation of a Draft Lease Agreement between the Shire of Kulin and the Department of Fire & Emergency Services (DFES) as Lessee with the granting of Licences to Occupy for the Kulin Town BFB, St. John Ambulance and VFRS.

BACKGROUND & COMMENT:

The CEO has been in discussions with DFES regarding the preparation/development of the above Lease Agreement for the various emergency services indicated above to occupy the premises on Reserve 43896 (Kulin Lot 312).

DFES has advised that the current Vesting/Management Order for the Reserve does not provide Council with the power to lease the premises. Whilst Council's current Vesting does not provide provision for Lease, previous records indicate that an Agreement was made in 1996 between the Shire, St. John Ambulance, WAFB and WA SES with an initial 21-year Lease with 2 x 21 year options to renew. It is apparent that this Lease may have been prepared without Ministerial approval.

To ensure that Council is meeting the provisions of Section 46 of the *Land Act 1997* in the preparation of a new Lease Agreement with DFES and other emergency services, it would be prudent for Council to formally resolve that it seeks Ministerial approval with power to lease Reserve 43896

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND PLANNING IMPLICATIONS:

Land Administration Act 1997

46. Care, control and management of reserves

- (1) *The Minister may by order place with any one person or jointly with any 2 or more persons the care, control and management of a reserve for the same purpose as that for which the relevant Crown land is reserved under section 41 and for purposes ancillary or beneficial to that purpose and may in that order subject that care, control and management to such conditions as the Minister specifies.*
- (2) *The Minister may, with the consent of the management body of a reserve and of the holders of any interests within the reserve to which this subsection applies, by order vary any condition to which the care, control and management of the reserve is subject.*
- (2A) *Subsection (2) applies to an interest within a reserve if the interest —*
 - (a) *was granted by the management body of the reserve; or*
 - (b) *resulted from a transaction to which the management body of the reserve was a party.*
- (3) *The Minister may —*
 - (a) *by order confer on a management body power, subject to section 18, to grant a lease or sublease or licence over the whole or any part of the Crown land within the reserve in question for the purposes referred to in subsection (1); and*
 - (b) *approve a mortgage of any such lease.*
- (3a) *The Minister may by order —*
 - (a) *without the consent of the management body of a reserve, vary —*
 - (i) *an order made under subsection (3)(a); or*
 - (ii) *an order made under section 33 of the repealed Act or section 42 or 43 of the Land Act 1898 that subsists as an order made under subsection (3)(a),*
 - in relation to whether or not prior approval in writing of the Minister is required to a grant of a lease, sublease, or licence; or*

(b) with the consent of the management body of a reserve, vary any other condition to which —
(i) an order made under subsection (3)(a); or
(ii) an order made under section 33 of the repealed Act or section 42 or 43 of the Land Act 1898 that subsists as an order made under subsection (3)(a),

(3b) The Minister's approval under section 18 is not required for the exercise of a power conferred under subsection (3)(a) unless —

(a) the person on whom the power is conferred is —
(i) a body corporate that is constituted for a public purpose under an enactment and is an agency of the Crown in right of the State; or
(ii) a person referred to in subsection (10)(b),
and the order provides that the Minister's approval under section 18 is required; or
(b) the person on whom the power is conferred is a person other than a person referred to in paragraph (a).

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That Council seeks formal approval from the Minister for Lands to grant the Shire of Kulin with the "power to lease" Reserve No.43896 (Kulin Lot 312) in accordance with Section 46 of the *Land Act 1997*, to allow the Shire of Kulin to enter into a Lease Agreement with the Department of Fire and Emergency Services, with the granting of Licences to occupy the premises for the Kulin Town BFB, St. John Ambulance and VFRS.

VOTING REQUIREMENTS:

Simple majority

05/1025

Moved Cr Smoker Seconded Cr Nobe that Council seeks formal approval from the Minister for Lands to grant the Shire of Kulin with the "power to lease" Reserve No.43896 (Kulin Lot 312) in accordance with Section 46 of the *Land Act 1997*, to allow the Shire of Kulin to enter into a Lease Agreement with the Department of Fire and Emergency Services, with the granting of Licences to occupy the premises for the Kulin Town BFB, St. John Ambulance and VFRS.

Carried 6/0

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

Against – Nil

9.5 Chief Executive Officer's Mid-Year Performance Review

Responsible Officer:	Chief Executive Officer, Alan Leeson
File Reference:	22
Author:	Chief Executive Officer, Alan Leeson
Strategic Reference:	SIP – Goal 11 – High Standard of Governance
Disclosure of Interest:	Nil

SUMMARY:

The Annual Performance Review of the Chief Executive Officer is presented for formal endorsement by Council.

This item was laid on the table at the September Ordinary Meeting as *initially Council intended to discuss behind closed doors, however agreed to hold over until the October Ordinary Council Meeting due to the Key Focus Items / Projects document not being available to all Councillors.*

Documents were emailed to Councillors on 17 September 2025.

BACKGROUND & COMMENT:

The Chief Executive Officer commenced employment with the Shire of Kulin 20 March 2023 for a three-year period, subject to terms and conditions as listed in the employment contract.

In line with the employment contract, it is a requirement to carry out an annual review of the CEO's performance against set criteria as detailed in the Shire of Kulin's Policy HR2 Standards for CEO Recruitment, Performance and Termination.

Key steps as part of the annual review process have been;

- Performance Evaluation Surveys circulated and completed by Elected Members
- Evaluation Meeting held between Shire President, Deputy Shire President and Chief Executive Officer on 4th September 2025 – minutes circulated under separate cover.

FINANCIAL IMPLICATIONS:

The provisions of the Chief Executive Officer's Remuneration Package are contained within the Council's Budget and any variations to the Remuneration Package, pursuant to the outcomes of appraisal, must not exceed the value laid out by the State Government, pursuant to the Salaries and Allowances Tribunal Determination of 5 April 2024 available here:

[Local Government Chief Executive Officers and Elected Members Determination No 1 of 2024](#)

The Chief Executive Officer's total employment package is within the parameters of Band 4.

STATUTORY AND PLANNING IMPLICATIONS:

The Chief Executive Officer's Contract of Employment (provided under separate cover) contract law, employment law and relevant taxation law relates. Section 5.38 of the Local Government Act 1995 requires the local government to review the performance of the CEO at least once per annum.

Sections 5.39A and B of that Act specify regulations in relation to reviewing performance of a Chief Executive Officer.

Local Government (Administration) Regulations 1996, regulation 18FA also relates.

POLICY IMPLICATIONS:

Council Policy HR2 Standards for CEO Recruitment, Performance and Termination – Division 3 – Standards for Review of Performance of CEO's

Division 3 — Standards for review of performance of CEOs

15. Overview of Division

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEOs.

16. Performance review process to be agreed between local government and CEO

- (1) The local government and the CEO must agree on —*
 - (a) the process by which the CEO's performance will be reviewed; and*
 - (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.*
- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.*
- (3) The matters referred to in subclause (1) must be set out in a written document.*

17. Carrying out a performance review

- (1) *A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.*
- (2) *The local government must —*
 - (a) *collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and*
 - (b) *review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.*

18. Endorsement of performance review by local government

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

19. CEO to be notified of results of performance review

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (a) *the results of the review; and*
- (b) *if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.*

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That with respect to the Chief Executive Officer's annual performance appraisal provided to Elected Members under separate (confidential) cover, the Council, pursuant to section 5.38, 5.39A and 5.39B of the Local Government Act 1995, and the Employment Contract between Alan James Leeson and Shire of Kulin:

1. Notes that the mid-year performance appraisal of Mr Alan Leeson, Chief Executive Officer, has been completed in line with Section 4 of the Employment Contract, for the period March 2025 to September 2025;
2. Endorses the annual review of the Chief Executive Performance in line with the Minutes of the Chief Executive Officer Performance Evaluation Meeting held on 4th September 2025.
3. Endorses the Key Focus Items / Projects for the period 1st September 2025 to 30th March 2026 (circulated under separate cover).

VOTING REQUIREMENTS:

Absolute Majority.

06/1025

Moved Cr Mullan Seconded Cr Smoker that with respect to the Chief Executive Officer's annual performance appraisal provided to Elected Members under separate (confidential) cover, the Council, pursuant to section 5.38, 5.39A and 5.39B of the Local Government Act 1995, and the Employment Contract between Alan James Leeson and Shire of Kulin:

1. Notes that the mid-year performance appraisal of Mr Alan Leeson, Chief Executive Officer, has been completed in line with Section 4 of the Employment Contract, for the period March 2025 to September 2025;
2. Endorses the annual review of the Chief Executive Performance in line with the Minutes of the Chief Executive Officer Performance Evaluation Meeting held on 4th September 2025.
3. Endorses the Key Focus Items / Projects for the period 1st September 2025 to 30th March 2026 (circulated under separate cover).

Carried by Absolute Majority 6/0

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

Against – Nil

9.6 Council Meeting Dates 2026

Responsible Officer:	Chief Executive Officer
File Reference:	13.00
Author:	Acting Chief Executive Officer
Strategic Reference:	SIP – Goal 11 – High Standard of Governance
Disclosure of Interest:	Nil

SUMMARY:

Legislation requires meeting dates are advertised in advance, for all Council meetings to be held in the following year. As Council does not hold any committee meetings that have delegated powers there are no committee meetings requiring the necessary notification.

BACKGROUND & COMMENT:

Proposed meeting dates and times are as follows:

Date	Time
18 February 2026	4:00pm
18 March 2026	4:00pm
15 April 2026	4:00pm
20 May 2026	4:00pm
17 June 2026	4:00pm
22 July 2026	4:00pm
19 August 2026	4:00pm
16 September 2026	4:00pm
21 October 2026	4:00pm
18 November 2026	4:00pm
16 December 2026	4:00pm

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Regulation 12 of the Local Government (Administration) Regulations 1996 requires Council to at least once each year, give local public notice of the dates on which and the time and place at which-

- (a) the ordinary council meetings; and
- (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That Council advertise that all 2026 Ordinary Council meetings are held on the third Wednesday of each month, commencing at 4pm, excluding January 2026 when no meeting is held; and noting the July meeting is one week later on the fourth Wednesday. Meeting dates and times changed due to extraordinary circumstances will be advertised in the Shire of Kulin Update and on the Council's Website in accordance with legislation.

VOTING REQUIREMENTS:

Simple majority required.

07/1025

Moved Cr Bowey Seconded Cr Noble that Council advertise that all 2026 Ordinary Council meetings are held on the third Wednesday of each month, commencing at 4pm, excluding January 2026 when no meeting is held; and noting the July meeting is one week later on the fourth Wednesday. Meeting dates and times changed due to extraordinary circumstances will be advertised in the Shire of Kulin Update and on the Council's Website in accordance with legislation.

Carried 6/0

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

Against – Nil

9.7 Proposed Sale of Transportable (Donga) – Surplus to Council Requirements

Responsible Officer:	Acting Chief Executive Officer
File Reference:	05.17 Shire Properties
Author:	Acting Chief Executive Officer
Strategic Reference:	SIP – Goal 11 – High Standard of Governance
Disclosure of Interest:	Nil

SUMMARY:

Commence proceedings in accordance with Section 3.58 of the *Local Government Act 1995* for the disposal of a Transportable (Donga) building that is surplus to Council's requirements.

BACKGROUND & COMMENT:

The Transportable building in question was initially purchased for staff offices during the period when the CRC was relocated to the Shire whilst the new Administration building was being renovated. At the time the cost of the building was approximately \$20K.

At the OCM in November 2018 Council resolved to dispose of the above building and whilst interest was shown at the time, the sale of the building did not eventuate. Only recently, further interest has been shown in the purchase of the building.

As considerable time has elapsed since Council's 2018 resolution, it is considered appropriate that Council re-commences the proceedings for sale in accordance with Section 3.58 of the *Local Government Act 1995*. As per the requirements of Section 3.58 (4)(c)(i) of the *Act*, a valuation of the building was obtained in June 2025 and therefore meets the necessary requirements for the proposed disposition.

Following the required advertising period of the sale, the matter will be referred back to Council for consideration.

FINANCIAL IMPLICATIONS:

The proceeds from the sale of the building will be considered for re-allocation at the Budget review.

STATUTORY AND TOWN PLANNING IMPLICATIONS:

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.

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That Council, in accordance with Section 3.58 of the *Local Government Act 1995*, commences proceedings for the sale of the Transportable (Donga) building that is surplus to Council's requirements.

VOTING REQUIREMENTS:

Simple majority required.

08/1025

Moved Cr Miller Seconded Cr Mullan that Council in accordance with Section 3.58 of the *Local Government Act 1995*, commences proceedings for the sale of the Transportable (Donga) building that is surplus to Council's requirements.

Carried 6/0

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

Against – Nil

10 COMPLIANCE

10.1 Compliance Reporting – General Compliance September 2025

Responsible Officer:	Chief Executive Officer
File Reference:	04.05 Corporate Management Procedures - Compliance
Author:	Chief Executive Officer
Strategic Reference:	SIP 4: Civic Leadership - accurate forward planning to achieve community priorities
Disclosure of Interest:	Nil
Attachment:	September Compliance Checklist

SUMMARY:

This report addresses General and Financial Compliance matters for September 2025. 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 Compliance Checklist is a working document; the Manager of Executive Support Services emails the assigned staff member their compliance requirements for the coming month. This document is tabled at the monthly Management Team meetings where the list is reviewed and updated. Prior month items not completed previously will be reported in the following month so Council remains aware.

Outstanding May

Equal Employment Management Plan Review

Outstanding August

WALGA Roads Return (due end October)
Council Photo

FINANCIAL IMPLICATIONS:

In terms of meeting compliance - normal administration expense.

STATUTORY AND PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Identified as necessary – this report Nil

COMMUNITY CONSULTATION:

N/A

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That Council receive the General & Financial Compliance Report for September 2025 and note the matters of non-compliance.

VOTING REQUIREMENTS:

Simple majority

09/1025

Moved Cr Noble Seconded Cr Mullan that Council receive the General & Financial Compliance Report for September 2025 and note the matters of non-compliance.

Carried 6/0

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

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

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 4:15pm.

Ordinary Meeting 19 November 2025 at 4:00pm