

# ORDER OF BUSINESS

- 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS - COUNCIL CHAMBERS**
- 2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**
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## 6 MATTERS REQUIRING COUNCIL DECISION

### 6.1 List of Accounts – April 2018

**RESPONSIBLE OFFICER:** DCEO  
**FILE REFERENCE:** 12.06  
**AUTHOR:** DCEO  
**STRATEGIC REFERENCE/S:** 12.01  
**DISCLOSURE OF INTEREST:** Nil

**SUMMARY:**

Attached is the list of accounts paid during the month of April 2018 for Council's consideration.

**BACKGROUND & COMMENT:**

Nil

**FINANCIAL IMPLICATIONS:**

Nil

**STATUTORY AND PLANNING IMPLICATIONS:**

Nil

**POLICY IMPLICATIONS:**

Nil

**COMMUNITY CONSULTATION:**

Nil

**WORKFORCE IMPLICATIONS:**

Nil

**OFFICER'S RECOMMENDATION:**

That April payments being cheque No's 243 (Trip) 385 – 386 (Trust Fund), 2114 – 2118 (Kulin Bush Races), 36963 - 36972 (Municipal), EFT No's 13883 - 13971, DD6472.1 – 6479.5 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$336,373.06 be received.

**VOTING REQUIREMENTS:**

Simple majority required.

Attachment 5

### 6.2 Financial Reports – April 2018

**RESPONSIBLE OFFICER:** DCEO  
**FILE REFERENCE:** 12.01  
**AUTHOR:** DCEO  
**STRATEGIC REFERENCE/S:** 12.01  
**DISCLOSURE OF INTEREST:** Nil

**SUMMARY:**

Attached are the financial reports for the period ending 30 April 2018.

**BACKGROUND & COMMENT:**

We currently have a net current asset balance of \$1,135,000. Remaining (significant) budgeted income and expenditure are outlined in the table below:

Major Income before Year End		Major Expenditure before Year End	
FA Grant	\$230K	Employee Costs	\$440k
Private Works	\$40K	Fuel	\$60k
RRG Grant	\$70K	Loan Repayment	\$50k
Transfer from Reserve	\$200K	Transfers to Reserve	\$400k
		Utilities & Other	\$60

The forecast for the net current assets balance at 30 June 2018 remains at \$250,000 as presented in the budget review.

**FINANCIAL IMPLICATIONS:**

Nil

**STATUTORY AND PLANNING IMPLICATIONS:**

Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires local governments to prepare each month a statement of financial activity reporting on the revenue and expenditure of funds for the month in question.

**POLICY IMPLICATIONS:**

Nil

**COMMUNITY CONSULTATION:**

Nil

**WORKFORCE IMPLICATIONS:**

Nil

**OFFICER'S RECOMMENDATION:**

That Council endorse the monthly financial statement for the periods ending 30 April 2018.

**VOTING REQUIREMENTS:**

Simple majority required.

Attachment 6

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### **6.3 Option to Lease – BPD Kulin Solar Pty Ltd – Solar Farm - Cropping Paddock**

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**RESPONSIBLE OFFICER:** CEO

**FILE REFERENCE:** 05.19 Lease of Land – Portion of Lot 9002, Kulin

**AUTHOR:** CEO

**STRATEGIC REFERENCE/S:** CSP – Environment – Sustainable alternate energy solutions

**DISCLOSURE OF INTEREST:** CEO - The appointment of Veris as a planning consultant to develop the DA – brother of CEO works for Veris (business development manager)

**SUMMARY:**

**Note:** *the report is carried over from the April Meeting.*

**Additional information;**

- 1. White chemical drums have been placed in the paddock for Councillors to view size of lot, screening options and distances;**
- 2. Attachment 7.1 – Proposed Layout Plan**
- 3. Attachment 7.2 – Completed Option to Lease Deed.**

Blue Planet Developments (BPD) Kulin Solar Pty Ltd (ACN 619 771 827) have requested that Council exercise the Option to Lease Agreement, provided by Douglas Cheverall's Lawyers – Subiaco, as per the in-principle support for the development of a 4-5MW Solar PV project at Kulin provided in May 2017 – 08/0517 on portion of Lot 9002, Kulin.

The Option to Lease Deed follows on from the Shire signing a Letter of Exclusivity, and is a temporary step toward to a formal lease agreement if the project is approved by Western Power. The Option to Lease Deed will give BPD Kulin Solar PL 3 years to seek a lease from Council over the land.

**BACKGROUND & COMMENT:**

Blue Planet Developments in association with EPMS Consultants PL have visited Kulin on two occasions in relation to the development of a solar PV farm in Kulin.

Blue Planet Developments/EPMS in their submissions to Council have indicated;

*“Subject to the support of the Shire and their willingness to lease a portion of the land to the west of town (top corner adjacent to Davies and Corrigin-Kulin Rd, as shown on the attached map) we would be keen to develop a PV Solar Project in Kulin. The solar farm size is limited by a number of factors, including: local load, 33kv transmission line constraints and distance from Kondinin Sub-station, the max size PV solar farm we would be looking at is in the region of 4-5MW.*”

Western Power as owner of the grid must approve the Blue Planet Development/EPMS proposal BPD have indicated that the Kulin proposal forms the first step in a multi-site application being prepared. Now with the approval process beginning, and the expected high cost of fees, charges, design etc. – BPD are wanting to secure the landholding.

Council firstly agreed in-principle to support the proposal subject to the issuance of development approval (DA), which is now being prepared.

One of the approvals required was from the Western Australian Planning Commission for the issue of a long-term lease over the proposed land and this has now been received. BPD has been requested to update their lease plan as changes have altered the boundaries. (Attached)

A company check on BPD Kulin Solar Pty Ltd has been completed – copy of Company extract attached. The Option to Lease deed has been prepared under WA laws and meets Shire requirements and standards. The Deed is drafted with remedies through the courts of WA. The Option to lease commits the Shire to leasing the land if an approval to develop the solar farm is granted by Western Power – again subject to meeting Shire DA requirements and achieving the other previously stated approvals (see planning implications below)

The Option to Lease Deed commits the Shire to holding the land available for BPD Kulin Solar Pty Ltd for a period of 3 years whilst an application is made to Western Power.

The final plan for the solar development as per Councils request to amend lot boundaries has been finalised - (copy attached) and is for 20ha.

**FINANCIAL IMPLICATIONS:**

BPD has now provided an estimated financial return for the life of the lease. This would be \$800 per ha or \$16,800pa. Shire currently receives \$10ha per year for the cropping paddock or approx. \$200 for this land.

The life of the Solar Farm lease if fully exercised is proposed to be 40 years (approx. life of solar panels) grossing a return to the Shire of \$672,000 for the 20ha.

BPD have not been requested to make a payment during the 3 year holding period; the Shire will be renting the land to the Kulin Kondinin Football Club (KKFC) for cropping in 2 of the three years until Jan 2020 (\$1200) and the third year should be commencement of the project. If the project receives approval earlier (at the earliest 2019) then the Lease would be required before work could commence, therefore payment would be made.

There is no other financial or capital investment or maintenance cost required by the Shire over the lifetime, the investor proponent pays for everything – the Shire transaction relates only to the lease of the land.

**STATUTORY AND PLANNING IMPLICATIONS:**

Key Planning considerations following receipt of a DA would include;

i) Site Works

Consideration needs to be given to the existing site contours. If any site levelling works are proposed to facilitate the development of a solar panel array the extent of these levelling works should be in the DA.

The development of a large scale solar array will require the delivery and storage of construction materials, plant, machinery and office accommodation & amenities. It is therefore likely that a temporary construction compound will be required. Such compounds should be carefully located in order to minimise environmental or amenity impact and any development application should contain details of their size and location.

The development of a large scale solar installation is likely to require the excavation of soils associated with construction compounds, access roads, cable trenching etc. Where such soil stripping occurs topsoil and subsoil should be stripped, stored and replaced separately in order to minimise soil damage and to provide optimal conditions for site restoration. Any DA should contain a methodology for soil stripping, storage and replacement and this methodology should subsequently be adhered to during site development.

ii) Visual Impact

The Shire is required to consider any potential visual impact the proposed development and use will have on the existing landscape character of the immediate locality. As such a visual impact assessment should accompany any development application prepared and submitted to the Shire;

iii) Ground Maintenance

Vegetation will grow under the solar panels and this will require management, particularly to avoid any potential fire risk and the site becoming overgrown with noxious weeds and assist with the eventual restoration of the site for future agriculture use. Details regarding ongoing ground maintenance arrangements should be included in the DA submitted to the Shire;

iv) Security

Overseas experience indicates that placing large quantities of expensive photovoltaic panels in isolated locations without adequate protection will attract criminals with the photovoltaic panels and associated infrastructure having significant potential to be stolen. Details as to what security measures will be put in place to guard against theft should be included in any development application submitted.

BPD has appointed Veris to assist them in preparing the development application and the Shire planner Mr. Joe Douglas has provided detail on the nature of the information required for the DA.

**STRATEGIC & POLICY IMPLICATIONS:**

The Community Strategic Plan 2013 (and the Review 2017) indicated that research into solar options should be a continuing focus to ensure sustainable future electricity costs. This is one of the strategic items listed in the Shires Annual Action Plan which has been the genesis of seeking out a development.

**COMMUNITY/CONSULTATION:**

During the strategic planning consultations, solar energy was a talking point for many community members, namely in the sense of reducing energy costs, but this proposal looks toward that other implications of long term sustainability and security over localised supply.

Whilst the Shire has a formal advertising period associated with the DA, community consultation can commence with the release of information in relation to the Deed and options that this creates for the lease – including outlines of the project. It may be time to provide background on the project to the community.

**WORKFORCE IMPLICATIONS:**

Ongoing maintenance of the solar facility information will be presented in the DA, yet initial information suggests that maintenance is a very minor aspect. Weeds, fences and firebreaks being the bulk of the issues, EPMS suggesting this could be Shire private works or contracted out.

**RECOMMENDATION:**

The Shire of Kulin sign the Option to Lease Deed with Blue Planet Developments Kulin Solar Pty Ltd for the lease of 20ha of Lot 9002 Proud Cropping Paddock, to develop a solar PV farm acknowledging that final Lease Agreement remains subject to;

- approval of a Development Application (DA) by the Shire, submitted by the proponent addressing planning/other development and community issues;
- Finalisation of a formal Lease Deed being agreed to by the Shire for the proposed land;
- Western Power support for the proposal, with the proponent obtaining approvals to develop the project and connect to the grid network.
- CEO to prepare preliminary community engagement information in relation to the project and advertise through the normal channels.

**VOTING REQUIREMENTS:**

Simple majority required.

Attachment 7.1 – Proposed Layout Plan

Attachment 7.2 – Deed of Option to Lease

## 6.4 Waste Management 2018 Contract Renewal RoeROC

**RESPONSIBLE OFFICER:** CEO  
**FILE REFERENCE:** 31.06 Avon Waste – Service Provision  
**AUTHOR:** CEO  
**STRATEGIC REFERENCE/S:** 3.1 CSP - Environmentally aware Shire  
**DISCLOSURE OF INTEREST:** Nil

**SUMMARY:**

Current waste contracts held by RoeROC Shires with Avon Waste expire 30th June 2018. EQuotes through the WALGA Preferred Supplier Program have been called and approval is now requested to enter a new Waste and Recycling Collection Service contract with Avon Waste.

**BACKGROUND & COMMENT:**

At the December 2017 Shire Forum meeting, detail was provided on the RoeROC CEO discussions and the calling of WALGA EQuotes for Waste and Recycling Collection Services for the 4 RoeROC Shires of Narembeen, Corrigin, Kondinin and Kulin.

WALGA EQuotes opened 4 April and closed 5pm 30 April 2018. One quote was received from Avon Waste of 34 Crawford Court York. The Avon Waste submission is compliant and attached.

Of the ten (10) suppliers on the supply panel, only four (4) picked up the Equote document and only the Avon Waste quote was received. WALGA contacted the other three suppliers who had read the RFQ with two advising that they did not quote because of the distance away from Perth and other contracts they held would impact on the price and the other supplier felt that they had had insufficient time to complete a detailed quotation.

The Avon Waste submitted the RoeROC Waste and Recycling Collection Services pricing schedule as follows.

**RoeROC Waste & Recycling Collection Services**

**Pricing Schedule**

	Initial Term		
	3 years	5 years	7 years
Rubbish Collection and Processing	\$2.81	\$2.73	\$2.65
Recycling Collection	\$3.24	\$3.15	\$3.06
Recycling Processing	\$115	\$115	\$115
Bulk Rubbish Collection & Processing	\$67.60	\$65.63	\$63.72
Bulk Recycling Collection	\$53.36	\$51.81	\$50.30
Bulk Recycling Processing	Nil	Nil	Nil
Bendering Landfill Facility Management	\$2552.78	\$2478.43	2406.25

Whilst financial implications (below) are calculated on an annual basis, in terms of bin lift costs Avon have reduced cost overall. Rubbish collection and processing prices would reduce (.20cents per lift) and recycling collection service costs would reduce (.35cents per lift). Overall a saving of approx. \$8,000pa.

Avon have included a recycling processing fee of \$115 per tonne. Kulin Shire would normally process approx. 48 tonnes of recycling materials per annum – adding approx. 75 cents per lift on the 7 year rate of \$3.06 = \$3.81. We currently pay \$4.16 for recycling collections (GST excluded).

Potential exists to re-assess the number of bulk rubbish bins made available to the public on a permanent basis at the Transfer Station too, each bin costs \$3313pa. Bulk recycling bin collections can be viewed in the same way – each bin costing \$2616pa.

Avon Waste has provided waste collection services for the RoeROC Shires since 1989 and they continue to provide a high level service to each Shire. No changes are proposed to the current collection times with the contract to commence 1 July 2018.

It has been agreed with Avon Waste that an audit of bin collections will be undertaken prior to commencement of the contract to confirm the bin numbers. The numbers will be matched from Avon Waste data to the Synergy Soft system at each Shire. This process will also include undertaking a sample weight of the volumes of recycling being collected.

The launch would also commence an advertising campaign that will focus on recycling and reducing contaminants that are collected with the current recycled materials. In discussions with Avon Waste they made it clear that glass was the biggest problem in that WA does not have a suitable reuse (currently only road base). Its volume and weight significantly adds to the collection and processing costs and broken glass contaminates other recyclables collected.

It is planned to launch the new waste contract with the signing of the contract with Avon Waste at a RoeROC meeting to be held in Narembeen on the 21 June 2018.

**FINANCIAL IMPLICATIONS:**

Avon Waste's assessment of what each Shire would pay under the contract on current bin numbers is attached.

The pricing Schedule is a markedly different calculation as to how prices were generated under the previous contract. A sample of Avon Waste invoices over the past 12 months showed Kulin average monthly costs of approx. \$12,000 and the Budget per month shows the same amount. Cost recovery by rubbish and recycling charges is approx. \$70,000 each year.

The new estimate of Kulin costs will be approx. \$11,000 per month and a planned bulk bin assessment may push that lower. A reasonable expectation would be an annual charge for rubbish and recycling of approx. \$135,000.

To remove the cross subsidy, 10% pa would be required each year over the life of this contract (7 years) to achieve revenue of \$135,000, meaning annual charges would have to double in 7 years.

The new Waste & Recycling Contract will commence 1 July 2018 and will be included in the 2018/2019 Budget.

**STATUTORY AND PLANNING IMPLICATIONS:**

Local Government Act 1995 -

3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Local Government (Functions and General) Regulations 1996

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150, 000 unless sub-regulation (2) states otherwise.
- (2) Tenders do not have to be publicly invited according to the requirements of this Division if:
  - (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1) (c) of the Act; or
  - (b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program;

In this case the Shire(s) have used the WALGA Equotes system.

**STRATEGIC & POLICY IMPLICATIONS:**

Council consideration of reducing the cross subsidy may have merit at a time when the contract is being renewed. Staff could provide additional information in the Budget papers if this approach has support.

**COMMUNITY/CONSULTATION:**

WALGA for the Equotes process and information on current pricing (Nov 17)

RoeROC meeting (CEO's meet with Avon Waste representatives Ashley Fisher and Del Sherry on the 8 May 2018 to discuss the submitted quotation and future contract.

**WORKFORCE IMPLICATIONS:**

Nil – Dudinin weekly collection and Transfer Station requirements remain unchanged.

**RECOMMENDATION:**

That Council

1. Accept the quotation for Waste and Recycling Collection Services from Avon Waste;
2. Approve entering into a contract with Stondon Pty Ltd trading as Avon Waste as per the attached contract agreement, commencing 1 July 2018, for a 7 year term for the provision of Waste and Recycling Collection Services;
3. Authorise the Shire President and CEO to affix the common seal and sign the document at a RoeROC meeting to be held 21 June 2018.

**VOTING REQUIREMENTS:**

Simple majority required.

Attachment 8 Avon Waste Pricing Summary & Equote Covering letter, pages 1& 7

**6.5 Bushfire Brigade AGM – Brigade Recommendations from Meeting 17 April 2018**

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**RESPONSIBLE OFFICER:** CEO  
**FILE REFERENCE:** 09.02 Bushfire Administration  
**AUTHOR:** CEO  
**STRATEGIC REFERENCE/S:** 4.8 Human Resource Excellence  
**DISCLOSURE OF INTEREST:** Nil

**SUMMARY:**

The below recommendations were supported at the Bush Fire Brigade Annual Meeting held in Pingaring on 17 April 2018. Minutes from the meeting are included in this Agenda.

No changes to the current Restricted and Prohibited periods are recommended for 2018/19 Season.

A revised Bush Fires Act 1954, Notice to Owners and Occupiers 2018/19 is attached for information and will be sent out with rate notices and advertised in the Update.

**BACKGROUND & COMMENT:**

The Brigades/FCO meeting agreed to make recommendations to Council as follows:-

6.5.1 Appointment of Officers for the 2018/19 Season

- Appointment of Chief Bush Fire Control Officer (CBFCO) – Mr Garry Strother
- Appointment of Deputy Chief Bush Fire Control Officer (DCBFCO) – Mr Rod Diery
- Fire Weather Officer (FWO) - Noel Mason
- Deputy FWO - Rod Diery
- Authorised Harvest Ban Officers
  - Noel Mason
  - Judd Hobson
  - CBFCO
  - DCBFCO

**Fire Control Officers**

Kulin Town	R Diery, Craig McInnes, J Hobson
Kulin North	D Bradford, D Lewis, B Sloggett, G Noble, J Bowey, Michael Wilson
Kulin South	J Spark, J Waters, G Schorer, Darren Kirby, Clinton Mullan.
Jilakin/ Pingaring	P. Riseborough, G. Hodgson, E Wyatt, Michael Lane
Little Italy/Holt Rock	C Varone, B Di Russo, G Strother, B Hyde

**Brigade Contacts**

Kulin Town	- Rod Diery
Kulin North	- Don Bradford
Kulin South	- Greg Schorer
Jilakin/ Pingaring	- Geoff Hodgson
Holt Rock/ Little Italy	- Gary Strother, Carlo Varone

CEO has checked with Mr. Anthony Dearlove, Mr. Adrian Tyson and Mr. Bruce Jensen who all confirm they are finishing up in their roles as Fire Control Officers.

### **Dual Fire Control Officer Appointments**

J Spark	- Wickepin
D Kirby	- Dumbleyung
D Lewis	- Wickepin
B Sloggett	- Wickepin
J Bowey	- Kondinin
P Riseborough	- Kondinin, Lake Grace
E Wyatt	- Kondinin, Lake Grace
CG Varone	- Kondinin, Lake Grace
G Strother	- Kondinin, Lake Grace

CEO checked with Brendan Sloggett who has since agreed to be appointed as a Dual Fire Control Officer.

Wickepin	- Wes Astbury & David Stacey
Corrigin	- Greg Doyle & Bryce Nicholls
Kondinin	- Neil Whyte, Trevor Hinck & Landon Bristow-Baohm
Dumbleyung	- Gordon Davidson & Mark Pearce
Lake Grace	- Evan Wyatt & Doug Dunham

6.5.2 APOG Update – Procedure - Notification if Brigade truck to attend fire more than 40km outside Kulin Shire  
The Shire does have APOG procedure CS3 – Bushfire Control – Plant use for adjoining Shires – but this mainly relates to requests from neighbouring Shires for assistance – and allows for the CEO or Works Manager to expend up to \$5000 in staff and plant hire costs to extinguish fires. It is proposed that the suggested procedures be inserted into CS 1- Bushfire Administration.

Proposing that the following wording be added to Administrative Procedures and Operational Guidelines (APOG) - CS1 Bushfire Administration

### **Notification if Brigade truck to attend fire more than 40km outside Kulin Shire**

Brigades/Captains to seek permission from the Chief Bushfire Control Officer, Deputy Chief Bushfire Control Officer or the Shire CEO to attend fires that are located more than 40km outside of the Shire boundary. Notification requires any request to be determined by CBFEO, DCBFEO or Shire CEO on the basis of known weather information and likelihood of other local fire incidents.

### **Brigade Truck Maintenance**

That any Brigade fire truck maintenance be co-ordinated via the Shire Works Manager and the Shire Mechanic either as immediate (next day) after the event checks on repairs already completed or actioned as works/maintenance required. All Fire Brigade Vehicles to be inspected annual pre-season by Shire mechanic with repairs/maintenance records maintained.

### 6.5.3 Applications for new Shire Brigade Vehicles

That the Shire make application to DFES for appliances for the Holt Rock/Little Italy and South Kulin Brigades in the next round of funding.

CEO will refer request to DFES and discuss with Regional Officers as to the financial and other implications of making request.

### 6.5.4 Training – Fire Attack

DCBFEO indicated that he will soon be in apposition to offer localised bushfire training. Meeting discussed possibility for undertaking Fire Attack training for brigade personnel. Works Manager indicated that this could be good training for Shire staff as well so co-ordination of graders, dozer and loader could be practiced.

Shire CEO and DCBFEO to organise possible dates and venues.

### 6.5.5 Shire Local Law – Bushfires

CEO has investigated with DFES the legal effect of the end of the Restricted Period. Shire is only permitted to “reimpose” restricted period – and local law would only apply inside the restricted and prohibited period. Once the restricted period ends, open fire season means no additional rules or requirements can be imposed. A return to unsuitable weather conditions requires the Shire to reimpose the restricted period before rules like no burning on Sunday or Public Holidays would apply.

No further action required.

#### 6.5.6 Shire Website update

Shire staff have already undertaken work to correct the Shire website. The information suggested that after the end of the restricted period, burning on a Sunday and public holiday up to Easter Sunday was not permitted. As has been determined by DFES legally, the Shire is in no position to impose these requirements after the close of the restricted period.

No further action required.

#### **FINANCIAL IMPLICATIONS:**

Time and workload of Shire staff may be impacted in implementing the recommendations.

#### **STATUTORY AND PLANNING IMPLICATIONS:**

Nil

#### **POLICY IMPLICATIONS:**

Adopting recommendations will mean changes to the APOG – CS1 Bushfire Administration.

#### **COMMUNITY/CONSULTATION:**

Consultation with Shire of Kulin Fire Control Officers during Annual Meeting on 17 April 2018 and DFES Officer Simon Vogel's who sought legal advice from the DFES hierarchy.

#### **WORKFORCE IMPLICATIONS:**

Training day to be organised by Works Manager for some Shire staff on Fire Attack.

#### **RECOMMENDATION:**

That Council adopt the following Brigade recommendations:-

1. Appointment of Shire Fire Officers and Dual Fire Control Officers as detailed,  
Note: CEO to write to retiring Fire Control Officers thanking them for their years of service and inviting them to a Council meeting day function;
2. Adopt changes to the Administrative Procedures and Operational Guidelines (APOG) - CS1 Bushfire Administration;
  - Notification if Brigade truck to attend fire more than 40km outside Kulin Shire
  - Brigades/Captains to seek permission from the Chief Bushfire Control Officer, Deputy Chief Bushfire Control Officer or the Shire CEO to attend fires that are located more than 40km outside of the Shire boundary. Notification requires any request to be determined by CBFCO, DCBFCO or Shire CEO on the basis of known weather information and likelihood of other local fire incidents.
  - Brigade Truck Maintenance - that any Brigade fire truck maintenance be co-ordinated via the Shire Works Manager and the Shire Mechanic either as immediate (next day) after the event checks on repairs already completed or actioned as works/maintenance required. All Fire Brigade Vehicles to be inspected annual pre-season by Shire mechanic with repairs/maintenance records maintained.
3. Make applications for new Shire Brigade Vehicles for the Holt Rock/Little Italy and South Kulin Brigades in the next round of DFES/ESL funding.

#### **VOTING REQUIREMENTS:**

Simple majority required.

Attachment 9 Bush Fires Act 1954, Notice to Owners and Occupiers 2018/19

## **6.6 Town Planning Policy – Flagpoles**

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**NAME OF APPLICANT:** CEO  
**RESPONSIBLE OFFICER:** CEO  
**FILE REFERENCE:** 18.05 Planning Policy, 04.05.01 Procedures  
**AUTHOR:** CEO  
**DISCLOSURE OF INTEREST:** Nil

#### **SUMMARY:**

Council received a request for the installation of a flagpole in a residential area. Our current Town Planning Policy No 5 applies specifically to satellite dishes, microwave antennae and radio masts higher than 6 metres.

Recommending an amendment to the existing policy, not requiring a Development Application for flagpoles under 7m.

## **BACKGROUND & COMMENT**

A number of flagpoles already exist in the residential and commercial areas in Kulin. Technically to install a flagpole requires a Development Application – but this is seen as onerous considering previous Dockers supporters would never have applied for a DA.

CEO has discussed with Town Planner the best method to eliminate the need for a Development Application and he is suggesting proposing a variation to Local Planning Policy No.5 as it applies specifically to satellite dishes, microwave antennae and radio masts.

If Council were to agree to include flag poles in that policy, including the standards under which they'd be exempt (i.e. under 7m in height) from the need for a DA, the policy could be updated accordingly without the need for formal public advertising given it is only a minor amendment to the current policy.

The only thing the Shire would need to do if Council does agree to amend the current policy is to publish notification of the approved amendment in a local newspaper. Once that notice is published the provisions in the amended policy as they apply specifically to flag poles can be lawfully applied.

To eliminate a need to obtain a DA for a flagpole the following action is recommended;  
Amend the Shire of Kulin Town Planning Policy No 5 – Installation of Satellite Dishes, Microwave Antennae and Radio Masts

Insert into clause - **Cases where Council's Planning Approval is not required**

Item 1) e) Flagpoles less than 7m in height.

## **FINANCIAL IMPLICATIONS**

Cost of Advertising in local press

## **STATUTORY AND TOWN PLANNING IMPLICATIONS**

In accordance with Town Planning Scheme No 2

## **POLICY IMPLICATIONS:**

Shire of Kulin TPS2 Policy No 5 would be amended to exclude from the requirement of a Development Application any application for a flagpole under 7m in height.

## **COMMUNITY CONSULTATION:**

Nil – Advertising only

## **WORKFORCE IMPLICATIONS:**

Nil

## **RECOMMENDATION:**

That Council amend Shire of Kulin Town Planning Policy No 5 – Installation of Satellite Dishes, Microwave Antennae and Radio Masts to exclude from the requirement of a Development Application any application for a flagpole under 7m in height.

## **VOTING REQUIREMENTS:**

Simple majority required

## **6.7 Chief Executive Officer – Annual Leave**

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**RESPONSIBLE OFFICER:** CEO

**FILE REFERENCE:** 04.04 Policy – A1, 04.05 Procedures and Personnel File CEO

**AUTHOR:** CEO

**STRATEGIC REFERENCE/S:** N/A

**DISCLOSURE OF INTEREST:** CEO declares a financial interest – in relation to use of the vehicle whilst on Annual Leave

## **SUMMARY:**

Chief Executive Officer seeking Council approval for a period of Annual Leave from close of business on 22 June 2018 to the commencement of business 9 July 2018.

In accordance with Council's APOG A19 Motor Vehicles – seeking Council approval for the CEO whilst on annual leave to take the CEO vehicle beyond the limits of the South West Land Division. Current limits end at the Kalbarri turnoff and CEO is requesting approval to take the vehicle to Shark Bay to visit family.

**BACKGROUND & COMMENT:**

CEO has two periods of annual leave planned this year in June/July (2 weeks) and October/November (2.5 weeks) in blocks that will minimise impact on monthly meeting cycle. Anticipating presentation of the 2018/19 Draft Budget at the June Council meeting and the final budget adoption at July Council meeting, therefore timing to take annual leave suitable.

Council APOG A1 Appointment of Acting CEO - allows for a decision to appointment an Acting CEO to be made under delegation by CEO or by Council. In this case with the leave period some time off, suggesting that Council confirm appointment of the Deputy CEO as Acting Chief Executive Officer for this period of leave.

Use of the motor vehicle whilst on leave in the June holidays falls outside current policy limits (APOG A 19 – Motor Vehicles) therefore Council resolution to approve unrestricted use beyond South West Land Division to Shark Bay is requested.

**FINANCIAL IMPLICATIONS:**

Cost of appointing DCEO as Acting CEO for the period of leave. Cost of additional 800km of vehicle use outside approved policy area.

**STATUTORY AND PLANNING IMPLICATIONS:**

Nil

**POLICY IMPLICATIONS:**

As detailed.

**CONSULTATION:**

With DCEO in regards to timing, workload and alignment issues.

**WORKFORCE IMPLICATIONS:**

Appointment of DCEO as Acting CEO during the period of annual leave should not create too many issues due to the fact that it will only be two weeks duration.

**RECOMMENDATION:**

That Council approve the Chief Executive Officer Annual Leave from close of business on 22 June 2018 to the commencement of business 9 July 2018, and that Ms. Cassi-Dee Vandenberg be appointed Acting CEO during this period. Approval for unrestricted use of the Shire CEO vehicle beyond A19 – Motor vehicle policy limits to Shark Bay be approved.

**VOTING REQUIREMENTS:**

Simple majority required.

## **6.8 Councillor Allowances - Sitting Fees**

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**NAME OF APPLICANT:** CEO  
**RESPONSIBLE OFFICER:** CEO  
**FILE REFERENCE:** 13.03  
**AUTHOR:** CEO  
**DISCLOSURE OF INTEREST:** Nil

**SUMMARY:**

As part of the annual Compliance Calendar work, a review of the Councillor and Presidential Allowances and Sitting Fees is open for consideration in May each year. First established in June 2012, the Shire of Kulin sitting fees and allowances have not changes since June 2013.

In setting the allowance structure, Kulin Shire elected to provide a meeting fee per normal Council and Committee meetings (plus travel allowances) and a separate Council meeting and committee meeting fee for the President. In addition the President receives an annual allowance. See resolution 21/0613.

The President requested that the fees payable be reviewed this year.

**BACKGROUND & COMMENT:**

The Salaries & Allowances Tribunal recently announced new allowance and fees for Councillors which will be effective from 1 July 2018. Kulin has been designated Band 4 in relation to these payment schedules.

In accordance with Local Government Act if a Council elects to pay an amount greater than the minimum, it must resolve to do so by setting the fee within the statutory minimum and maximum amounts.

The alternative is for Council to pay a fixed annual allowance in lieu of meeting fees. It appears the Kulin 2012 decision to pay meeting fees as opposed to annual allowances, was so that travel payments could then reflect the individual travel circumstances of each councillor. The combination of meeting fees and payment for travel was seen as a balanced reward for service.

21/0613

- a) Council Members other than the President be paid \$200 per meeting plus reimbursement for travel for attending a Council Meeting.
- b) Council Members other than the President be paid \$100 per meeting plus reimbursement for travel for attending a Committee Meeting of a type prescribed by Council.
- c) The President be paid \$400 per meeting plus reimbursement for travel for attending a Council Meeting.
- d) The President be paid \$100 per meeting plus reimbursement for travel for attending a Committee Meeting of a type prescribed by Council.
- e) The President be paid an additional allowance of \$5,000 per annum.

The rates payable are determined by the Salaries and Wages Tribunal annual determination and have shifted only a small amount since 2012.

The Salaries and Allowances Tribunal has determined (11 April 2018) the payment of fees as set out below for a Band 4 Council (Kulin). 2018/19 rates in brackets (blue) – 2013/14 rates in brackets (red)

The changes represent on average an increase of less than 4.5% since 2013/14.

**Council Meetings**

- (a) the minimum fee for attending a council meeting, including the President, is (\$90) (\$88) for each meeting;
- (b) the maximum fee for attending a council meeting for a member is (\$236) (\$225), for the President (\$485) (\$463), for each meeting.

**Committee Meetings**

- (a) the minimum fee for a Council Member attending a meeting of a committee of which he or she is also a member is (\$45) (\$44) for each meeting;
- (b) the maximum fee for a Council Member attending a meeting of a committee of which he or she is also a member is (\$118) (\$113) for each meeting.

The annual allowance for President has been set at;

Minimum – (\$508) (\$500)            Maximum – (\$19,864) (\$19,000)

The annual attendance fees in lieu of Council and Committee attendance fees are;

Members – minimum (\$3,553) (\$3,500), maximum (\$9,410) (\$9,000).

President – minimum (\$3,553) (\$3,500), maximum (\$19,341) (\$18,500).

**Options - Councillors**

Reflecting the Salaries and Wages Tribunal's 4.5% example and rounding up to the nearest \$10 as a method of determining an increase, an allowance structure following Kulin's previous example would be;

- a) Council Members other than the President be paid \$210 per meeting plus reimbursement for travel for attending a Council meeting.
- b) Council Members other than the President be paid \$110 per meeting plus reimbursement for travel for attending a Committee meeting of a type prescribed by Council.
- c) The President be paid \$420 per meeting plus reimbursement for travel for attending a Council meeting.
- d) The President be paid \$110 per meeting plus reimbursement for travel for attending a Committee meeting of a type prescribed by Council.
- e) The President be paid an additional allowance of \$5,230 per annum.

Council could select any amount up to \$236 for Council meetings and \$118 for Committee meetings for Councillors or \$485 for Council meetings and \$110 for Committee meetings for the President.

The proposal above would pitch Councillors at 89% for Council meetings and 93% for Committee meetings or 86% for Council meetings and 93% for Committee meetings for the President, as a percentage of the Tribunal maximum allowances.

### Options – Presidential Allowance

Running a comparative to our RoEROC partners alone would indicate that an argument that the Kulin Presidential Allowance at \$5,000 is a little low could be sustained. Actual amounts can be seen in the Annual Report information below.

The maximum Presidential Allowance under the Tribunal determination (Td) is \$19,864. The current allowance of \$5,000 represents 25%.

As examples;

1. If comparing averages (\$7875 – all 4 Shires) being 39% of Td,
2. As a percentage of annual budget revenue (Kulin at 80%) against the 4 Shire average - \$6,300 – 32%Td,
3. Averaging the 2 lower allowance amounts (Narembeen and Corrigin) - \$7,250, 36%Td,
4. If the Presidential workload of a Narembeen or Corrigin is seen as similar – then \$7500 – 38%, or

Clearly the range of options is open to debate on every occasion; a better way may be to determine allowances that peg Kulin's selected rates to a percentage of the Tribunal maximums or an average of our RoEROC partners (based on revenue size). In this way, future debate would be minimised and staff can act annually at Budget to update the rates based on the Tribunal decision. An APOG procedure reflecting such can be drafted simply.

I have extracted Annual reports for information.

### Kulin Annual Budget Revenue \$4.4m 2017/18

For Kulin data – see Financial Implications

### Corrigin Annual Budget Revenue \$5.4m 2016/17 and Remuneration

#### 31. ELECTED MEMBERS REMUNERATION

The following fees, expenses and allowances were paid to council members and/or the president.

	2017 \$	Budget \$	2016 \$
Meeting Fees	28,000	28,000	28,000
President's allowance	7,500	7,500	7,500
Deputy President's allowance	1,750	1,875	1,813
Travelling expenses	896	2,001	978
Telecommunications allowance	7,000	7,000	7,000
	<u>45,146</u>	<u>46,376</u>	<u>45,291</u>

### Narembeen Annual Budget Revenue \$5.6m 2016/17

**SHIRE OF NAREMBEEN  
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT  
FOR THE YEAR ENDED 30TH JUNE 2017**

#### 31. ELECTED MEMBERS REMUNERATION

The following fees, expenses and allowances were paid to council members and/or the president.

	2017 \$	2017 Budget \$	2016 \$
Meeting Fees	15,380	18,820	13,770
President's allowance	7,000	7,000	7,000
Deputy President's allowance	1,750	1,750	1,750
Travelling expenses	5,053	6,000	4,734
	<u>29,183</u>	<u>33,570</u>	<u>27,254</u>

**Kondinin Annual Budget Revenue \$5.4m 2016/17**

<b>31. ELECTED MEMBERS REMUNERATION</b>	<b>2017</b>	<b>2017</b>	<b>2016</b>
	<b>\$</b>	<b>Budget</b>	<b>\$</b>
		<b>\$</b>	
The following fees, expenses and allowances were paid to council members and/or the president.			
Meeting Fees	24,210	26,280	25,867
President's Allowance	12,000	12,000	12,000
Deputy President's Allowance	0	0	0
	<u>36,210</u>	<u>38,280</u>	<u>37,867</u>

It should be noted that under the LG Act, Councillors can elect not to receive payment for meetings or travel and this may be some of the variance seen in the above data.

**FINANCIAL IMPLICATIONS:**

The 2017/18 Budget provision is;

Members travelling	\$ 7,266
Sitting Fees	\$24,000
Presidential Allowance	\$ 5,000

Increasing by 4.5% requires a sitting fee allowance (minimum) \$23,100 with additional allowance for Committee meetings to be added and Presidential Allowance as calculated \$5,230.

If Council selects an alternate amounts 2018/19 budget provision would have to be recalculated.

**STATUTORY AND PLANNING IMPLICATIONS:**

Section 5.98 of the Local Government Act 1995 entitles Council Members who attend a council or committee meeting of a prescribed type to be paid;

- (a) the prescribed minimum fee for attending a council or committee meeting; or
- (b) where the Local Government has set a fee within the prescribed range for council or committee meeting attendance fees, that fee.

**POLICY IMPLICATIONS:**

No complimentary Shire policy exists, Shire has always passed resolutions in relation to Sitting Fees and Allowances. Council also has an APOG procedure (G7) that outlines the support services that can be provided to Councillors and the President – e.g. Ipad/Tablet/Notebook and support, Name Badges and hard copy materials etc.

**COMMUNITY CONSULTATION:**

Nil

**WORKFORCE IMPLICATIONS:**

Nil

**OFFICER'S RECOMMENDATION:**

That Council endorse the following 2018/19 Sitting Fees and Allowances for elected members;

- a) Council Members other than the President be paid \$210 per meeting plus reimbursement for travel for attending a Council meeting.
- b) Council Members other than the President be paid \$110 per meeting plus reimbursement for travel for attending a Committee meeting of a type prescribed by Council.
- c) The President be paid \$420 per meeting plus reimbursement for travel for attending a Council meeting.
- d) The President be paid \$110 per meeting plus reimbursement for travel for attending a Committee meeting of a type prescribed by Council.
- e) The President be paid an additional allowance of \$5,230 per annum or Council nominate an alternate amount.
- f) An APOG procedure for the Calculation of Presidential and Councillor Allowances be drafted reflecting Council's decision.

**VOTING REQUIREMENTS:**

Absolute Majority Required

## 6.9 The 'Making' of the Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018

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**RESPONSIBLE OFFICER:** EHO  
**FILE REFERENCE:** 19.03 / ADM044  
**AUTHOR:** Will Pearce, Environmental Health Officer / Authorised Officer  
**STRATEGIC REFERENCE/S:** 12.01  
**DISCLOSURE OF INTEREST:** Nil

### **SUMMARY:**

Council is requested to make the Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 following an advertising period in which public submissions were invited prior to close of business 27 April 2018.

### **BACKGROUND:**

At the Shire of Kulin Ordinary Council Meeting held 21 February 2018 Council resolved (*RESOLUTION 06/0218*) to advertise for public comment the draft Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018.

This amendment is the result of correspondence dated 10 August 2017 from the Chair of the Joint Standing Committee on Delegated Legislation advising that the *Shire of Kulin Animals, Environment and Nuisance Local Law 2016* contained several errors requiring the Shire to make an 'Amendment' local law to rectify the identified issues.

Advertising of the draft Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 (the 'Local Law') commenced on 28 February 2018 in the '*West Australian*' newspaper and closed on 27 April 2018.

Following the appearance of the notice in the '*West Australian*', the Minister for Local Government and Chief Health Officer, on behalf of the Minister for Health, were provided with the Local Law and invited to comment.

### **COMMENT:**

The Department of Local Government, Sport and Cultural Industries (DLGSCI), on behalf of the Minister, provided the Shire with the following comments on 26 April 2018:

**1. "Local law made under Health Act**

*The Department notes that this local law is made under the Health (Miscellaneous Provisions) Act 1911 in addition to the Local Government Act 1995.*

*Accordingly, the Shire should ensure that a copy of the local law has been forwarded to the Minister for Health, if this has not occurred already.*

**2. Commencement Clause**

*It is suggested that clause 2 should be reworded as follows:*

**2. Commencement**

*This local law comes into operation on the date of its publication in the Government Gazette.*

**3. Clause 5(1)(a)**

*It is suggested that the Shire should amend clause 5(1)(a)(i) as follows:*

*(i) In subclause 1.4(1) insert the following definitions in alphabetical order:*

**Association** has the meaning given to it in the Associations Incorporation Act 2015;

**Qualified person** is a person who holds either the Item 1 License or an Item 4 License as prescribed in 'Table 131 – Licensees and entitlements' of the Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995;

*If the Shire does this, subparagraph (vi) can be deleted.*

**4. Clause 5**

*It is suggested that the Shire amend clause 5(1)(a)(ii) as follows:*

*(ii) in the definition of 'affiliated person' delete "club" and replace with "association".*

**5. Clause 6**

*It is suggested that the paragraphs be reworded as follows:*

*(a) after the word "thoroughfare" delete "but" and replace with "where"; and*

*(b) delete "the vegetation" and replace with "the provision of vegetation".*

## 6. Renumbering

When State legislation is amended by Parliament, the remaining clauses are usually not renumbered. This avoids the need to update existing cross references which may end up inaccurate if the numbering has changed.

While renumbering may be desirable in some circumstances, it is not legally necessary. The Shire has the option of retaining the current numbering in the principal local law if it wishes to do so and simply deleting the provisions which are no longer required

## 7. Minor Edits

The following minor edits are suggested:

- Delete the heading for Part 1, since there are no other parts in the local law.
- The Shire uses double quotation and single quotation marks interchangeably. For consistency, it is suggested that the Shire use double quotation marks.
- In the proposed definition for **qualified person** after "1999" insert "(Cth)" to indicate that the Regulations are Federal rather than State.
- **Clause 4(1)** – The phrases in quote marks should be bold, so they match the format of the headings in the principal local law.
- **Clause 4(2)** – Replace "enabling" with "enacting";
- **Clause 7(a)**: Remove 'and' from the end of the line.
- **Clause 8**: delete the comma after 'subclause 2.26(2)'.
- **Clause 9**: delete the comma after 'subclause 2.28(1)'.
- **Clause 11**:
  - o Delete "In clause 3.9 –".
  - o Remove the quotation marks in the inserted text.
  - o Indent the inserted text to the right to distinguish it from the rest of the clause.
  - o Change the clause title to bold to ensure consistency.
- **Clause 12(1)**: delete the comma and 'entirely', and remove the apostrophes around "(1)"
- **Clause 13(10)(a)(i)**: remove the ellipsis'.
- **Clause 13(1)(a)(ii)**: delete 'entirely'.
- **Clause 13(1)(a)(ii)**: insert 'the' before "clause column".
- **Clause 13(1)(a) (iii)**: delete "subclause" and put quote marks around "4.12"
- Since clause 13 only contains one subclause and one paragraph, the first two lines can be deleted and replaced with "Schedule 1 is amended as follows". Subparagraphs (i) to (iv) can be redesignated as paragraphs (a) to (g).
- Replace "This Local Law" with "This local law" in the paragraph above the common seal.
- Clause numbers followed by subsequent subclauses and paragraphs should be designated as "clauses". For example, in clause 5, "subclause 1.4(1)" should be "clause 1.4(1)". It is suggested that the Shire amend all clauses to reflect this."

The Department of Health advised on 9 April 2018 that it had no comment to make on the Local Law.

No comments were received from the public.

The Local Law has been amended to reflect the DLGSCI comments and is shown in **Attachment 10**. It is considered that these changes are only minor in nature and will not require advertising.

Council is requested to consider 'making' the Local Law and to authorise the signatures of the Shire President and Chief Executive Officer in the presence of affixing the Shire of Kulin Seal onto the Local Law.

Following this step, one original and two copies will be sent to the Chief Health Officer for consent. Upon consent, arrangement will be made for the Local Law to be gazetted by the State Law Publisher.

The Local Law will then be presented to the Minister for Local Government and Chief Health Officer for their records. Local public notice, that will include title and summary of purpose and effect of the Local Law, will also be arranged.

The Joint Standing Committee on Delegated Legislation of the WA Parliament will be provided with an 'Explanatory Memorandum' and copies of the Local Law within 10 days of gazettal.

## CONSULTATION:

As presented in the 'Comments' section of this report.

**STATUTORY ENVIRONMENT:**

*Health (Miscellaneous Provisions) Act 1911;*  
*Local Government Act 1995; and*  
*Shire of Kulin Animals, Environment and Nuisance Local Law 2016.*

**FINANCIAL IMPLICATIONS:**

Placing the new law in the *Government Gazette* will cost approximately \$600.

**POLICY IMPLICATIONS:**

There are no direct policy implications in relation to this item.

**OFFICER RECOMMENDATION:**

That Council resolves to:

1. Endorse for inclusion into the Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 the suggested changes submitted by the Department of Local Government, Sport and Cultural Industries' and itemised in the 'Comment' section of this report;
2. 'Make' the Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 as presented in ATTACHMENT 1;
3. Authorise the affixing of the Shire of Kulin Seal in the presence of the Shire President and the Chief Executive Officer who are also authorised by Council to sign the Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018; and
4. Authorise the Chief Executive Officer to carry out the process of Gazettal of the Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 and to complete the administrative functions required for presentation of the Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 to the Joint Standing Committee on Delegated Legislation of the Western Australian Parliament.

**VOTING REQUIREMENTS:**

Absolute Majority Required

Attachment 10 Local Law Amendment

## **6.10 Development Application – Proposed Additional Single Dwelling on Lot 8955 (No.362) Bowey Road, Kulin**

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**APPLICANT:** Brian & Michelle Bowey on behalf of Robert A. Bowey (Landowner)  
**FILE REF:** 07.02 Development Applications  
**AUTHOR:** Mr Joe Douglas - Consultant Town Planner (Exurban)  
**STRATEGIC REFERENCE/S:**  
**DISCLOSURE OF INTEREST:** Nil

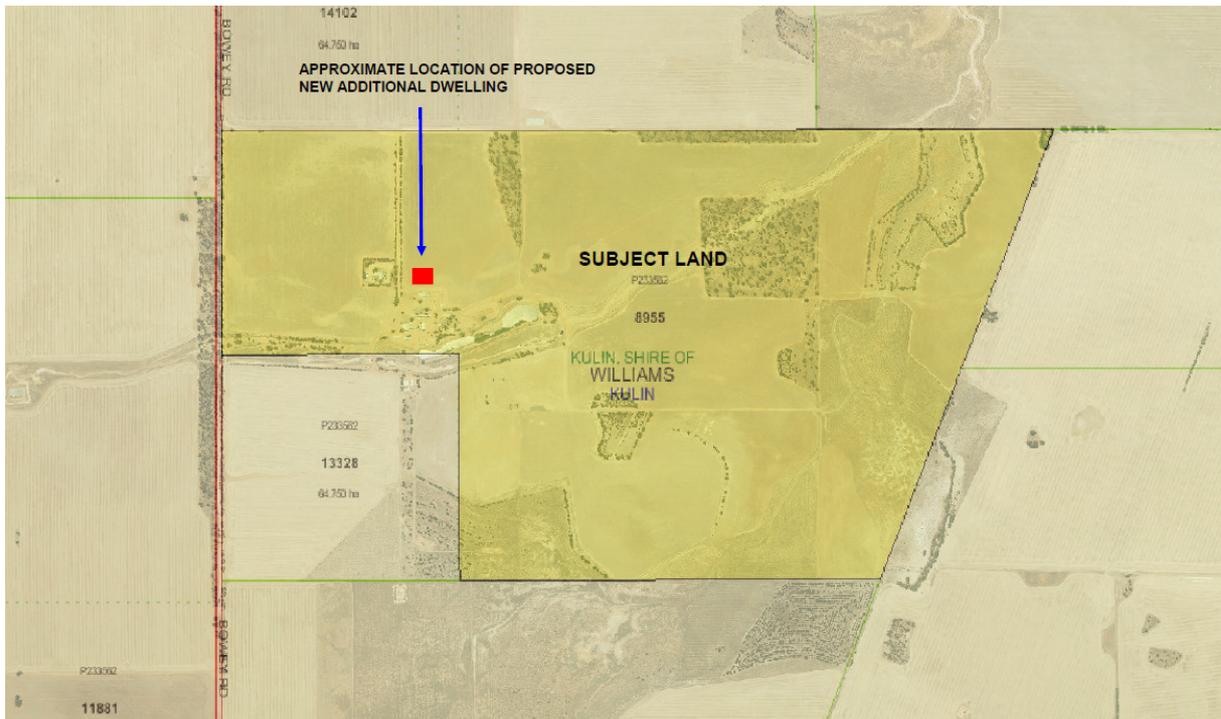
**Summary**

This report recommends that a development application submitted by Brian and Michelle Bowey on behalf of Mr Robert Bowey (Landowner) to construct an additional single dwelling on Lot 8955 (No.362) Bowey Road, Kulin be approved subject to conditions.

**Background**

The applicant is seeking Council's development approval to construct an additional single dwelling on Lot 8955 (No.362) Bowey Road, Kulin for farm management purposes.

Lot 8955 is located approximately 11 kilometres south-east of the Kulin townsite in the locality of Kulin. The subject land comprises a total area of approximately 340 hectares and has direct frontage to Bowey Road along its western boundary which is a local road under the care, control and management of the Shire of Kulin.



*Location & Lot Configuration Plan (Source: Landgate)*

Lot 8955 has been extensively cleared and is currently used for broadacre agricultural purposes (i.e. cropping & grazing). The land is gently sloping, contains numerous small stands of native vegetation throughout and is characterised by an intermittent stream line that traverses its full length from north-east to south-west.

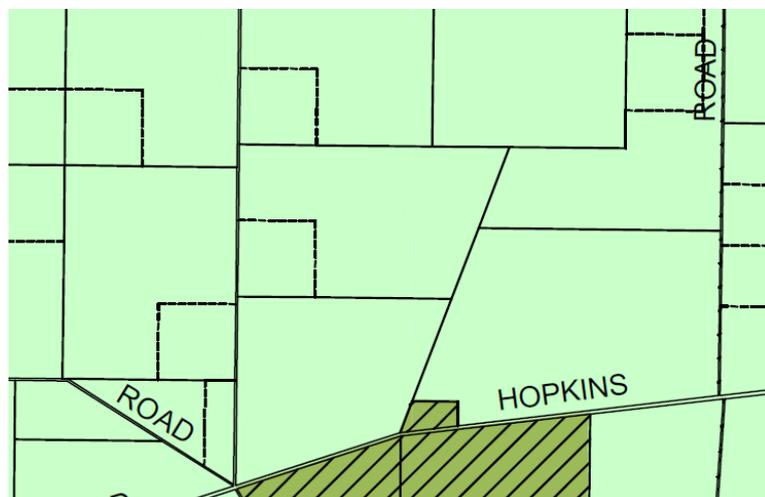
Lot 8955 contain three (3) existing single detached dwellings located in close proximity to one another in its south-western portion. The three dwellings are currently occupied by members of the Bowey family who all live and work on the land. It is understood the proposed new dwelling will become the principal residence for one family unit with the existing dwelling they currently occupy to be made available for use as temporary farm worker accommodation.

Lot 8955 also contains a number of other physical improvements associated with its current rural use including sheds, dams and associated catchments, internal access roads/tracks, firebreaks and fencing.

The development application received proposes the construction of a new 305m<sup>2</sup> brick, timber and colorbond dwelling to be sited immediately north and east of the existing dwellings and other built form improvements on the land. Specific details of the proposal including a covering letter and plans are provided in Attachment 1.

**Comment**

Lot 8955 is classified 'Rural' zone under the Shire of Kulin Local Planning Scheme No.2 (LPS No.2).



*Current Zoning Plan (Source: Shire of Kulin Local Planning Scheme No.2)*

The key objectives of the 'Rural' zone under LPS No.2 are as follows:

- i) To provide for a wide range of activity that is predominantly rural in nature;
- ii) To protect land from uses that may jeopardise the future development of that land for other planned purposes which are compatible with its Rural zoning;
- iii) To protect land from closer development that would detract from the rural character and amenity of the area;
- iv) To prevent any development which may detrimentally affect the commercial viability of Rural zoned landholdings; and
- v) To provide for the development of a range of local government approved non-rural uses which accord with the provisions of the Scheme and the local government's policies.

Clause 4.7.8 of LPS No.2 expressly states:

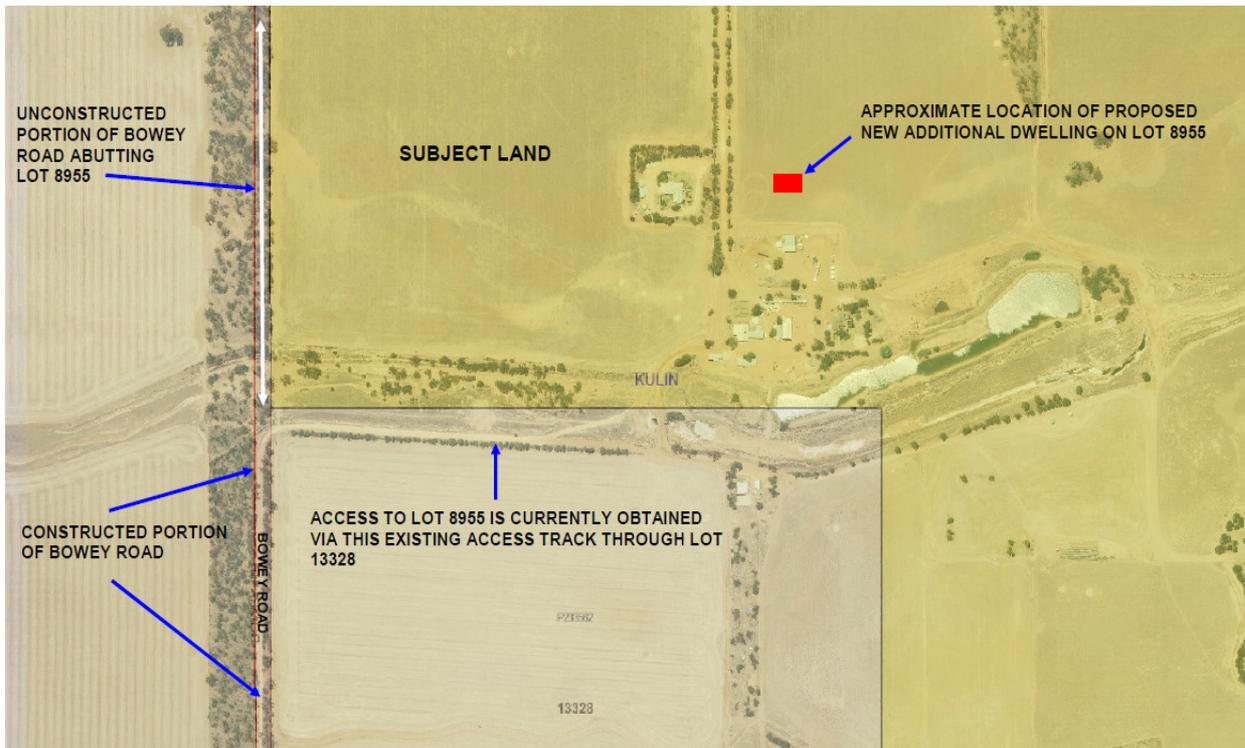
- (1) Within the Rural zone the local government will not generally support the erection of more than one (1) single house per lot;
- (2) The local government may consider granting development approval to additional single dwellings/grouped dwellings in the Rural zone in cases where the landowner clearly demonstrates that additional housing is required for farm management purposes. In any case the total number of dwelling units per lot shall not exceed four (4);
- (3) Where an application is made for approval for the development of additional single dwellings/grouped dwellings on Rural zoned land the local government shall not grant development approval to that application until such time as it is advertised for public comment; and
- (4) The existence of more than one (1) dwelling on a Rural zoned lot shall not be construed as a basis for the local government's support to the subdivision of the lot.

The application for Lot 8955 has been assessed with due regard for the zone objectives and all relevant development standards and requirements prescribed in LPS No.2 as well as the standards, requirements and general guidance provided by the relevant elements of the State planning framework. This assessment has confirmed the proposal is generally compliant with the following matters:

- Requirement for additional dwellings to be used in conjunction with agricultural activity and farm management purposes;
- Continuation of agricultural activity;
- Boundary setbacks;
- Effluent disposal;
- Water supply for domestic and firefighting purposes;
- Stormwater drainage;
- Visual amenity;
- Potential for land use conflict including minimum required buffer separation distances;
- Clearing of native vegetation;
- Bushfire risk and protection; and
- The potential for land degradation including soil erosion, salinity and flooding.

Notwithstanding the above conclusion it is significant to note the proposal does not address the requirement in LPS No.2 to provide a suitable legal means of unrestricted access to the public road network. Whilst Lot 8955 has direct frontage to Bowey Road, that portion of this road immediately abutting the land's western boundary remains unconstructed. Landgate aerial photography taken earlier this year confirms Bowey Road has only been constructed to a gravel standard up to the northern boundary of the adjoining Lot 13328 located immediately south of the subject land. As such Lot 8955 does not have direct frontage and access to a constructed public roadway.

The aerial photography also confirms all access to/from the subject land via Bowey Road is currently obtained through the adjoining Lot 13328 located immediately south. Landgate records have confirmed this land is also owned by Mr Robert Bowey and forms part of his farm holdings in the immediate locality.



*Current Access Arrangements to Lot 8955 (Source: Landgate)*

The current access arrangements to Lot 8955 are of concern, particularly in the event the adjoining Lot 13328 located immediately south is sold to another party in the future. The new owner/s of Lot 13328 could seek to prohibit access through their property to Lot 8955 giving rise to a legal dispute, including claims of trespass, and restrictions to any further access until the matter is resolved.

Whilst physical access to the existing and proposed dwellings on Lot 8955 is available via an existing gravel access track through Lot 13328 located immediately south, clause 31(11) of LPS No.2 expressly states that when considering an application for development approval in respect of any land abutting an unconstructed road or any lot which does not have frontage to a constructed road, the local government may either:

- (a) refuse the application until the road has been constructed or access by means of a constructed road is provided as the case may be; or
- (b) approve the application subject to a condition requiring the applicant to pay a sum of money in or towards payment of the cost or estimated cost of construction of the road or part thereof and any other conditions it considers fit to impose; or
- (c) grant the application subject to the following conditions, or any other conditions the local government sees fit to impose:
  - i) Arrangements are to be made for permanent access, to the satisfaction of the local government;
  - ii) The location of any legal access shall be to the satisfaction of the local government;
  - iii) Access must be constructed and maintained to the satisfaction of the local government;
  - iv) A notification is to be placed on the title of the land alerting landowners that the lot does not have access to a constructed public road and alternative access arrangements must be maintained, both physically and legally.

Having regard for the above requirements it is concluded options a) and b) are impractical, expensive and difficult to justify in the context of the nature of the proposed development, current land ownership and the fact the current access arrangements have prevailed for many years without giving rise to any issues or disputes. Option c) is considered a far more practical, pragmatic and affordable solution for the applicant to ensure the vehicle access requirements of LPS No.2 are suitably addressed.

In light of the above findings it is recommended Council exercise its discretion and grant conditional approval to the application to ensure the development proceeds in accordance with the information and plans submitted in support of the application and the relevant standards and requirements of LPS No.2 including permanent legal access to the public road network.

### **Statutory Environment**

- Planning and Development Act 2005 (as amended)
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Kulin Local Planning Scheme No.2

### **Policy Implications**

Nil

### **Community Consultation**

Undertaken for the minimum required period of fourteen (14) days in accordance with the specific requirements of clause 64(3) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 (i.e. publication of a notice of the proposed development, including plans, on the Shire's website inviting public submissions). At the close of public advertising on Tuesday 8<sup>th</sup> May 2018 the Shire had not received any written submissions in respect of the proposed development.

### **Financial Implications**

Nil

### **Strategic Implications**

The proposal for Lot 8955 is considered to be consistent with the aims and objectives of the Shire's Strategic Community Plan 2013-2023 as it applies to the following:

- Social
  - *Facilitate diverse, inclusive housing options.*
- Economic
  - *Ensure that the Shire's economic viability and longevity is protected and advanced through cost effective land use and development.*
- Environment
  - *Implement best practice stormwater reuse, water catchment, drainage and harvesting.*
- Civic Leadership
  - *Use a range of effective communication tools to engage the community to support transparent and accountable Council decision making.*

### **Recommendation**

That the application for development approval submitted by Brian and Michelle Bowey on behalf of Mr Robert Bowey (Landowner) to construct an additional single dwelling on Lot 8955 (No.362) Bowey Road, Kulin for farm management purposes be **APPROVED** subject to the following conditions and advice notes:

#### **Conditions**

1. The proposed development shall be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council.
2. The proposed additional single dwelling shall only be used to accommodate family members and/or workers employed for agricultural activities on the land (i.e. farm worker accommodation).
3. The proposed dwelling shall be provided with an adequate on-site effluent disposal system constructed and maintained to the specifications and satisfaction of the Shire's Chief Executive Officer and the Department of Health.
4. The proposed dwelling shall be provided with a water supply tank with a minimum capacity of 90,000 litres and suitable couplings for both domestic consumption and firefighting purposes to the specifications and satisfaction of the Shire's Chief Executive Officer, the Department of Health and Department of Fire and Emergency Services. A minimum of 10,000 litres of water must be stored in the tank at all times for firefighting purposes.
5. The current landowner shall enter into a legal agreement with the Shire to ensure a right-of-carriageway easement is prepared and placed on the certificate of title of Lots 13328 and 8955 to provide legal access rights to Lot 8955 through Lot 13328 prior to settlement of any future sale of either of these two lots to another party. This agreement shall be prepared for signing by the parties prior to occupation of the proposed new additional dwelling on Lot 8955. Notice of this easement shall be included on the diagram or plan of survey (deposited plan) for Lots 13328 and 8955 prior to settlement of any future sale of either lot. All costs associated with preparation of the legal agreement in the first instance and registration of the easement prior to any future sale shall be met by the current landowner.

6. Following completion and signing of the legal agreement required by Condition 5 of this approval, a notification prepared pursuant to Section 70A of the *Transfer of Land Act 1893* shall be placed on the certificate of title of Lot 8955 prior to occupation of the proposed new additional dwelling on the land. Notice of this notification shall also be included on the diagram or plan of survey (deposited plan) for Lot 8955. The notification is to state as follows:  
*'This lot does not have access to a constructed public road. A legal agreement between the current landowner and the Shire of Kulin has been formulated and signed by the parties requiring the creation of a right-of-carriageway easement at the current landowner's expense to provide legal access rights to Lot 8955 through the adjoining Lot 13328 located immediately south. This easement is required to be registered with Landgate prior to settlement of any future sale of Lot 8955 and/or Lot 13328 to another party.'*
7. Following completion and signing of the legal agreement required by Condition 5 of this approval, a notification prepared pursuant to Section 70A of the *Transfer of Land Act 1893* shall be placed on the certificate of title of Lot 13328 within 120 days. Notice of this notification shall also be included on the diagram or plan of survey (deposited plan) for Lot 13328. The notification is to state as follows:  
*'A legal agreement between the current landowner and the Shire of Kulin has been formulated and signed by the parties requiring the creation of a right-of-carriageway easement at the current landowner's expense to provide legal access rights from Bowey Road through Lot 13328 to Lot 8955 located immediately north which does not have access to a constructed public road. This easement is required to be registered with Landgate prior to settlement of any future sale of Lot 13328 and/or Lot 8955 to another party.'*
8. All costs associated with preparation and registration of the notifications required by Conditions 6 and 7 of this approval shall be met by the current landowner.

#### Advice Notes

1. The development is to be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Kulin having first been sought and obtained.
2. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
3. This is a development approval of the Shire of Kulin under its Local Planning Scheme No.2. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant and landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
4. In accordance with the Building Act 2011 and Building Regulations 2012, suitable demolition and/or building permit applications must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any demolition, construction or earthworks on the land.
5. The proposed new dwelling is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
6. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Kulin Local Planning Scheme No.2 and may result in legal action being initiated by the local government.
7. If the applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted within 28 days of the determination.

#### Voting Requirements

Simple majority required.

## 6.11 Community Resource Centre Funding Cut Response

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**RESPONSIBLE OFFICER:** CEO  
**FILE REFERENCE:** 05.13  
**AUTHOR:** RCMGR Lydia Young – CEO (Edit)  
**STRATEGIC REFERENCE/S:** 4.1 Civic Leadership  
**DISCLOSURE OF INTEREST:** NIL

**SUMMARY:**

The Department of Primary Industries and Regional Development's (DPIRD) on the 30<sup>th</sup> of April sent out a 'Proposed Funding Approach' which details how funding will be cut across the CRC network.

Unfortunately the Kulin CRC has been allocated the criteria of tier 2 which will reduce the Centre's funding to \$50K per annum – a 50% cut. The proposal was sent with a letter asking committee and staff to provide feedback to DPIRD by cob 20 May 2018. The feedback response has been drafted and attached for Council approval.

**BACKGROUND & COMMENT:**

Refer to attachment 12 – CRC Feedback Form

**FINANCIAL IMPLICATIONS:**

The proposal will reduce the CRC's funding by \$50K per annum to \$50K per annum.

**STATUTORY AND PLANNING IMPLICATIONS:**

Nil

**POLICY IMPLICATIONS:**

Nil

**COMMUNITY CONSULTATION:**

Nil

**WORKFORCE IMPLICATIONS:**

A reduction in operating hours for the CRC will reduce the Manager's hours, to maintain a FTE manager additional hours would have to be found.

The trainee program would end. Insufficient budget to allow for CRC to have a trainee.

**OFFICER'S RECOMMENDATION:**

That Council endorse the feedback response for return to the Department of Primary Industries by the 20<sup>th</sup> of May 2018.

**VOTING REQUIREMENTS:**

Simple majority required.

Attachment 12 CRC Feedback Form

## 6.12 Adoption of Fees and Charges 2018/19

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**RESPONSIBLE OFFICER:** DCEO  
**FILE REFERENCE:** 12.04  
**AUTHOR:** DCEO  
**STRATEGIC REFERENCE/S:**  
**DISCLOSURE OF INTEREST:** Nil

**SUMMARY:**

A schedule of proposed fees & charges for the 2018/19 financial year is attached to the agenda. A hard copy will be presented to Council at the meeting.

**BACKGROUND & COMMENT:**

In accordance with Section 6.16 of the *Local Government Act 1995*, a Local Government may impose and recover a fee or charge for any goods or service it provides or proposes to provide. Fees and charges can be imposed or amended during the year, but only by an absolute majority decision of Council.

Significant changes which have been made to the 2018/19 User Fees & Charges have been highlighted in yellow.

Charges which are no longer applicable have been removed and other minor charges have been made relating to rounding.

**FINANCIAL IMPLICATIONS:**

The schedule of fees and charges has been reviewed with the view of maintaining revenues at the required level to meet service needs and community expectations.

**STATUTORY AND PLANNING IMPLICATIONS:**

Nil

**POLICY IMPLICATIONS:**

Nil

**COMMUNITY CONSULTATION:**

Nil

**WORKFORCE IMPLICATIONS:**

Nil

**OFFICER'S RECOMMENDATION:**

1. That Council adopt and incorporate the proposed schedule of fees and charges.
2. That the proposed fees and charges take effect 1 July 2018.

**VOTING REQUIREMENTS:**

Absolute majority required.

Attachment 13

## **7 COMPLIANCE**

### **7.1 Compliance Reporting – General & Financial Compliance April 2018**

**NAME OF APPLICANT:** CEO  
**RESPONSIBLE OFFICER:** CEO  
**FILE REFERENCE:** 12.05 Compliance 12.06 – Accounting Compliance  
**STRATEGIC REFERENCE/S:** CBP 4.1 Civic Leadership, 4.1.8 Compliance methods  
**AUTHOR:** CEO/DCEO  
**DISCLOSURE OF INTEREST:** Nil

**SUMMARY:**

This report addresses General and Financial Compliance matters for April 2018. 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 team and works staff commence the monthly compliance effort immediately after the Shire meeting each month. At that time, the executive support officer will email the assigned staff member their compliance requirements for the coming month.

As the month progresses, staff in conjunction with their manager, the CEO or DCEO will determine the extent of work/action needed to complete items. During Agenda week, the Compliance Team again meets to ensure the monthly report/list is reviewed and that compliance items are completed. In preparing the Agenda report, the CEO or DCEO will sign off on completed items.

Prior month items not completed previously will be reported in the following month so Council remains aware of what items are still outstanding. *(Refer to Table attached)*

Items outstanding for February 2018.

**Fair Value Calculations and Inclusion in reporting- Roads** – *In-house reporting this year – to be ready for annual statements in October – underway roads data pick-up April 2018.- Completed*

Items outstanding for March 2018.

**FBT Return** – *Due Mid May 2018 - Completed*

**Hazardous Chemical Check** – *Check done – report identified issues – PSS report - Refer WM report – plans for 2018/19 - Completed*

**EHO Fees and Charges** – *May 2018 Agenda – Completed*

#### **Items Outstanding for April**

**Confirm Interim Audit** – *DCEO still to confirm dates*

**Key to Kulin reimbursement** – *To be completed June*

**Spray Water Catchments** – *Airport completed – remainder to be done after growth evident*

**Pool - Take down shade sails** – *has been put off twice, staff not available, will be completed soon*

**Water Licenses – Renew Water Reuse Licenses** – *still discussing future needs with Water Corp*

#### **FINANCIAL IMPLICATIONS:**

In terms of meeting compliance - normal administration expense. There may be items that require additional administrative effort to complete or require external assistance to resolve. In those cases, individual financial implications will be reported.

#### **STATUTORY AND PLANNING IMPLICATIONS:**

Nil

#### **POLICY IMPLICATIONS:**

Identified as necessary – this report Nil

#### **COMMUNITY CONSULTATION:**

Nil

#### **WORKFORCE IMPLICATIONS:**

Nil

#### **OFFICER'S RECOMMENDATION:**

That Council receive the General & Financial Compliance Report for April 2018 and note the matters of non-compliance.

#### **VOTING REQUIREMENTS:**

Simple majority required.

Attachment 14 – General Compliance Checklist Table for April 2018

## **7.2 Compliance Reporting – Delegations Exercised – April 2018**

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**NAME OF APPLICANT:** CEO  
**RESPONSIBLE OFFICER:** CEO  
**FILE REFERENCE:** 12.05 - Compliance  
**STRATEGIC REFERENCE/S:** CBP 4.1 Civic Leadership, 4.1.8 Compliance methods  
**AUTHOR:** CEO  
**DISCLOSURE OF INTEREST:** Nil

#### **SUMMARY:**

To report back to Council actions performed under delegated authority for the period ending 30 April 2018.

To provide a comprehensive report listing of the delegations able to be exercised following adoption of a more substantial array of delegations in June 2017.

#### **BACKGROUND & COMMENT:**

This report is prepared for Council detailing actions performed under delegated authority by the respective officers under each of the delegation headings:

**ADMINISTRATION**

<b>Policy</b>	<b>Delegation</b>	<b>Officers</b>
A1	Acting Chief Executive Officer	(CEO)
A2	Agreements for Payments of Debts to Council	(CEO/DCEO)
A3	Casual Hirer's Liability	(CEO)
A4	Complaint Handling	(CEO)
A5	Fees & Charges – Discounts	(CEO/DCEO/MW/MLS/CRC)
A6	Investment of Surplus Funds	(CEO/DCEO)
A7	IT & Social Media – Use Of	(CEO)
A8	Legal Advice, Representation & Cost Reimbursement	(CEO)
A9	Payments from Municipal and Trust Funds	(CEO – to numerous staff orders)
A10	Use of Common Seal	(CEO)
A11	Writing Off Debts	(CEO)
A12	Housing	(CEO)
A13	Procedure for Unpaid Rates Finance	(CEO)

**GOVERNANCE**

G1	Applications for Planning Consent	(CEO)
G2	Building Licences and Swimming Pools	(EHO/Building Surveyor)
G3	Cemeteries Act 1986	(CEO)
G4	Health Act 1911 Provisions	(EHO)

**HUMAN RESOURCES**

H1	Grievance Procedures	(CEO)
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**COMMUNITY SERVICES**

C1	Bushfire Control – Shire Plant for Use of	(CEO)
C2	Bushfire Control – Plant Use for Adjoining Shires	(CEO)
C3	Bushfire Prohibited / Restricted Burning Periods – Changes	(Shire President/CEO)
C4	Bushfire Training Administration	(CEO)
C5	Cat Ownership Limit – Cat Control	(CEO)
C6	Dog Control – Attacks	(CEO)
C7	Dog Ownership Limit – Dog Control	(CEO)
C8	Sea Containers Use of – Town Planning	(CEO)
C9	Second Hand Dwellings	(CEO)
C10	Temporary Accommodation	(CEO)
C11	Unauthorised Structures – Building Control	(CEO)
C12	Kulin Bush Races	(Kulin Bush Races Committee)
C13	Freebairn Recreation Club Committee	(FRC Club Committee)
C14	Kulin Child Care Centre Management Committee	(KCCC Mgmt. Committee)
C15	General – Community Services Practices	(CEO)

**WORKS**

W1	Gravel Supplies	(MW)
W2	Roads – Clearing	(CEO)
W3	Roads – Damage to	(MW)
W4	Roads – Roadside Markers – Management of	(MW)
W5	Stormwater Drainage	(MW)
W6	Street Trees	(CEO)
W7	Streetscape – Improvements	(CEO)
W8	Roadside Burning	(MW)
W9	Temporary Road Closures	(MW)
W10	General – Works Practices Approvals	

**COMMENT:**

The following details the delegations exercised within the Shire relative to the delegated authority for the months of April 2018 and are submitted to Council for information (excluding delegations under A9, Payments – refer to individual order and payment listed in Accounts paid).

**A6 Investment of Surplus Funds (DCEO) – Local Government Act 1995, section 6.14**

Municipal funds

Type	Rate	Deposit/(Withdrawal)
At Call	1.5%	(150,000)
Term Deposit	1.65%	250,000

**STATUTORY ENVIRONMENT:**

*Building Act 2011*  
*Bushfires Act 1954*  
*Cemeteries Act 1986*  
*Health (Asbestos) Regulations 1992;*  
*Health (Miscellaneous Provisions) Act 1911;*  
*Local Government Act 1995*  
*Public Health Act 2016*  
*Shire of Kulin TPS2*  
*Town Planning Development Act*  
*Town Planning Scheme*  
*Trustees Act, Part III,*  
*Criminal Procedure Act 2004;*

**FINANCIAL IMPLICATIONS:**

Nil in terms of exercising delegation and reporting to Council though there may be financial implications in the case of each delegation exercised.

**STATUTORY AND PLANNING IMPLICATIONS:**

Nil

**POLICY IMPLICATIONS:**

There are no known policy implications relating to this report.

**COMMUNITY CONSULTATION:**

Nil

**WORKFORCE IMPLICATIONS:**

Nil

**OFFICER'S RECOMMENDATION:**

That Council receive the Delegation Exercised Report for April 2018.

**VOTING REQUIREMENTS:**

Simple majority required.

**8 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**9 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

Nil

**10 MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC**

Nil