

Notice of Meeting

Councillors: Please be advised that the next meeting of the

Kulin Shire Council

will be held on **Wednesday 21 October 2020**

Council Photo	12.30pm
Council Meeting	1.00pm
Afternoon Tea	3.30pm
<i>Concept Forum to follow</i>	
Dinner	6.30pm



Garrick Yandle
Chief Executive Officer
16 October 2020



DISCLAIMER: The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used. Please note this agenda contains recommendations, which have not yet been adopted by Council.

ORDER OF BUSINESS

- 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS - COUNCIL CHAMBERS**
- 2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**
- 3 PUBLIC QUESTION TIME**
- 4. DECLARATIONS OF INTEREST BY MEMBERS**
 - 4.1 Declarations of Financial Interest
 - 4.2 Declarations of Proximity Interest
 - 4.3 Declarations of Impartiality Interest
- 5. APPLICATIONS FOR APPROVED LEAVE OF ABSENCE**
- 6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**
 - 6.1 Shire of Kulin Ordinary Meeting – 16 September 2020
 - 6.2 RoeROC Council Minutes – Meeting 17 September 2020 Attachment 1
- 7 MATTERS REQUIRING DECISION**
 - 7.1 List of Accounts – September 2020 Attachment 2
 - 7.2 Financial Reports – September 2020 Attachment 3
 - 7.3 Local Government House Trust – Deed of Variation
 - 7.4 Office Closure – Christmas 2020
 - 7.5 Review of Local Laws – Making of Local Laws Attachment 4
 - 7.6 Development Application – Proposed New Single House (Transportable) & Farm Worker Accommodation on Lot 14997 (No.1367) Kukerin Road, Walyurin Attachment 5
 - 7.7 Kulin Child Care Centre (former Kulin PPC) – Reserve 36914
 - 7.8 All Ages Activity Precinct Separate cover
- 8 COMPLIANCE**
 - 8.1 Compliance Reporting - General Compliance September 2020 Attachment 6
 - 8.2 Compliance Reporting – Delegations Exercised September 2020
 - 8.3 Asset Management Plan 2020 – Review Separate cover
- 9 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 10 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**
- 11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**
- 12 MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC**
- 13 DATE AND TIME OF NEXT MEETING**
- 14 CLOSURE OF MEETING**

7 MATTERS REQUIRING DECISION

7.1 List of Accounts – September 2020

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 September 2020, for Council's consideration.

BACKGROUND & COMMENT:

Nil

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 September payments being; cheque no's 444 - 447 (Trust) 37268 – 37274; EFT no's 16890 - 16993; DD7459.1 – DD7484.22 (Municipal), credit card payments, creditor payments, payroll and other vouchers from the Municipal Fund totalling \$456,338.88 be received.

VOTING REQUIREMENTS:

Simple majority required.

Attachment 2

7.2 Financial Reports – September 2020

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

SUMMARY:

Financial reports for the period ending 30 September 2020 are attached.

BACKGROUND & COMMENT:

Nil

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 statements for the period ending 30 September 2020.

VOTING REQUIREMENTS:

Simple majority required.

Attachment 3

7.3 Local Government House Trust – Deed of Variation

NAME OF APPLICANT: WALGA
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 04.08
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

WALGA wrote to Council in February seeking consent by formal resolution to a variation to the Trust Deed for the Local Government House Trust (the Trust). The Shire of Kulin is a unit holder and beneficiary to the Local Government House Trust, holding 4 units as advised in WALGA's last Quarterly Report Q4 2019.

The Trust's Board of Management is seeking to vary the Trust Deed in order to assist the Trust's income tax exempt status. As stipulated by the Deed, the Trust requires consent of at least 75 per cent of all beneficiaries in order to execute this variation.

As a beneficiary, the Shire of Kulin is requested to consent to the enclosed Deed of Variation supported by a resolution of Council; and to communicate this consent to us in writing. Please note, we are requesting consent for the Trustee to formally execute the attached Deed of Variation – your Local Government is not required to sign the enclosed document.

BACKGROUND & COMMENT:

The Local Government House Trust ("The Trust") exists primarily to provide building accommodation for the Western Australian Local Government Association. Since January 2014, the Trust has provided WALGA with accommodation at 170 Railway Parade West Leederville.

The current trust deed commenced in 1993 and was amended in 2002 to reflect the merger of the metropolitan and country associations into WALGA. The current Trust Deed pronounces WALGA as Trustee and unit holders as Beneficiaries, with the Trustee holding property and associated monies "upon Trust" and in proportion to the units provided.

Commencement date of the current deed is 17 February 1993, with a vesting date 79 years from commencement - which means that the Trust ends in 2072.

The Trust is exempt from income tax on the basis of being a State / Territory Body (STB) pursuant to *Division 1AB of the Income Tax Assessment Act 1936*.

Trust Deed Variation

Trust Deed amendments set out in the Deed of Variation are based on legal advice and are intended to assist the Trust's income tax exempt status by strengthening the position that the Trust is a State / Territory Body (STB). Legal advice identified that the Trustee's ability to retire and appoint a new Trustee might affect the Trust's classification as a State or Territory Body (STB). This view, while based upon highly technical grounds, is a risk nonetheless.

Subsequently the Deed of Variation aims to strengthen the position that the Trust is a STB through the following amendments:

1. removing the existing Trustee's power to retire and appoint a new Trustee (Clause 2.1 and 2.2 (22.3) of the Deed of Variation)
2. enabling the beneficiaries to appoint and remove a Trustee (Clause 2.2 (22.4) of the Deed of Variation), and
3. ensuring that the Board of Management is the 'governing body' of the Trust (Clause 2.3 of the Deed of Variation)

The three proposed amendments when applied to the relevant clauses inserted by the Deed of Variation dated 5 June 2002 will subsequently read as follows (proposed amendments shown in red text):

1. Variation 2.1 amends clause 22.1 to point to additional clause:
 22.1 Any Trustee of the Trust may retire as Trustee of the Trust **Subject to clause 22.3**, the right to appoint any new or additional trustee or trustees of the Trust is hereby vested in the retiring or continuing trustee. A corporation or incorporated association may be appointed as Trustee of the Trust.
2. Variation 2.2 inserts two new clauses:
22.3 The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries.

22.4 The Beneficiaries may at any time by Special Resolution:
 - (a) remove a Trustee from the office as Trustee of the Trust;
 - and
 - (b) appoint such new or additional Trustee.

3. Variation 2.3 insert a new clause 13A

13A Delegation to the Board of Management

Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries), the Trustees shall delegate all of the powers authorities and discretions contained in subclauses (a) to (x) of clause 12 to the Board of Management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.

The first two amendments outlined above remove powers granted to the Trustee in the 2002 Deed Variation resulting from the merger to a single Association representing WA Local Governments. These amendments which previously facilitated the transfer of trusteeship to the then new Western Australian Local Government Association are removed, but with the clarification that any appointment must be with the consent of the beneficiaries.

The final amendment intends to confirm that power rests with the Board of Management. As the Board of Management comprises Local Governments, this satisfies the requirements of a STB for tax purposes. This amendment reflects the actual operation of the Trustee in implementing the decisions of the Board of Management whilst retaining sufficient operational discretion to place and renew investments and pay suppliers.

These amendments provide greater power to beneficiaries through the Board of Management, and as such it is anticipated they will be considered acceptable.

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That Council consent to the Deed of Variation to the Trust Deed for the Local Government House Trust as per the variations listed below:-

1. Variation 2.1 amends clause 22.1 to point to additional clause:

22.1 Any Trustee of the Trust may retire as Trustee of the Trust **Subject to clause 22.3**, the right to appoint any new or additional trustee or trustees of the Trust is hereby vested in the retiring or continuing trustee. A corporation or incorporated association may be appointed as Trustee of the Trust.

2. Variation 2.2 inserts two new clauses:

22.3 The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries.

22.4 The Beneficiaries may at any time by Special Resolution:

(a) remove a Trustee from the office as Trustee of the Trust;
and

(b) appoint such new or additional Trustee.

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Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries), the Trustees shall delegate all of the powers authorities and discretions contained in subclauses (a) to (x) of clause 12 to the Board of Management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.

VOTING REQUIREMENTS:

Simple majority required.

7.4 Office Closure – Christmas 2020

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 22.16
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

As has been the case in past years the Shire Office has been closed during the Christmas & New Year period. This year Christmas day falls on a Friday, so recommended office closure period is:

Thursday 24 December (staff leave) – to allow for travel
Friday 25 December Christmas Day Public Holiday
Monday 28 December Boxing Day Public Holiday
Tuesday 29 – Thursday 31 December – closed (staff leave)
Friday 1 January – New Year's Public Holiday

Re-open Monday 4 January 2021.

During this period, 3 days are public holidays, with the remaining 4 to be taken as either LG Industry Public Holidays, annual, or unpaid leave, RDO or TIL (depending on an individual's accumulated entitlement).

BACKGROUND & COMMENT:

The December Ordinary Meeting of Council will be held on 16 December 2020.

This is also the date agreed to for the Annual Electors Meeting, with a possible start time of 11.30am followed by a light luncheon prior to the commencement of the Concept Forum at 1.00pm.

The annual Shire Christmas Party will be held same day at the Freebairn Recreation Centre from 6.00pm.

Outside staff Christmas function at the depot is TBC but proposed for Tuesday 22 December.

Christmas New Year closure usually requires a senior staff member to be present in Kulin during the period to instigate Fire and Movement of Vehicle Bans and address any emergency responses if required. Staff will resolve who these contacts will be closer to the closure when all staff Christmas movements are known.

FINANCIAL IMPLICATIONS

Payroll is due on Wednesday 30 December 2020. Staff will present leave forms and timesheets in advance of this period and DCEO will ensure all staff fortnightly pay is processed as normal.

STATUTORY AND TOWN PLANNING IMPLICATIONS

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Community will be advised in Update and on Notice Boards of the closure.

WORKFORCE IMPLICATIONS:

Staff will establish emergency contacts for Administration, Works, Bushfire and Ranger services during the period.

The FRC and Aquatic Centre will operate as normal during this time period, with specific operating times advertised in advance.

RECOMMENDATION

Council approve the Administration Office Closure for 2020/21 from Thursday 24 December to Friday 1 January 2021 (inclusive).

VOTING REQUIREMENTS

Simple majority required

7.5 Review of Local Laws – Making of Local Laws

RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 19.03
AUTHOR: ESO
STRATEGIC REFERENCES: 4.1.2
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Council is now required to make the following Shire of Kulin Local Laws:

- General Repeal Local Law 2020
- Cemeteries Local Law 2020
- Dogs Local Law 2020
- Standing Orders Local Law 2020

BACKGROUND:

Council commenced the process of reviewing its local laws earlier this year with four proposed local laws being approved by Council, publicly advertised and copies provided to the Minister for Local Government (through the Legislation area of the Department for Local Government, Sport and Cultural Industries).

General Repeal Local Law

Resolved 20 May 2020

11/0520

Moved Cr Duckworth Seconded Cr Smoker that Council:

1. Gives local public notification that Council proposes to make a new local law, the Shire of Kulin General Repeal Local Law 2020.
2. Notes that:
 - a) the purpose of the proposed local law is to repeal a number of obsolete local laws; and
 - b) the effect of the proposed local law is that the obsolete local laws will be revoked and abrogated. proceed with the review of the current local laws as per the Department of Local Government, Sport & Cultural Industries Local Law Register in accordance with Section 3.16 of the Local Government Act 1995.

Carried 9/0

Cemeteries Local Law

Resolved 17 June 2020

05/0620

Moved Cr Noble Seconded Cr Robins that Council:

1. Gives local public notification that Council proposes to make a new local law, the Shire of Kulin being the Cemeteries Local Law 2020;
2. Notes that:
 - a) the purpose of the proposed local law is to provide for the orderly management of the Kulin Public Cemetery (Reserve 192552) Dudinin Public Cemetery (Reserve 14995) and the Pingaring Public Cemetery (Lot 3142) in accordance with established plans and to create offences for inappropriate behaviour within the cemetery grounds; and
 - b) the effect of the proposed local law is to ensure compliance by all persons engaged in the administration, the burying of deceased and the provision of services to or making use of the three cemeteries in the district.

Carried 9/0

Dogs Local Law

Resolved 17 June 2020

06/0620

Moved Cr Duckworth Seconded Cr Lucchesi that Council:

1. Gives local public notification that Council proposes to make a new local law, being the Shire of Kulin Dogs Local Law 2020;
2. Notes that:
 - a) the purpose of the proposed local law is to make provisions about the impounding of dogs, to control the number of dogs that can be kept on premises and the manner of keeping those dogs and to prescribe areas which dogs are prohibited.
 - b) the effect of the proposed local law is to extend the controls over dogs which exist under the Dog Act 1976.

Carried 9/0

Standing Orders Local Law

Resolved 22 July 2020

06/0720

Moved Cr Duckworth Seconded Cr Bowey that Council:

1. Gives local public notification that Council proposes to make a new local law, being the Shire of Kulin Standing Orders Local Law 2020;
2. Notes that:
 - a) the purpose of the proposed local law is to provide for the conduct of meetings of the Council, Committees and electors; and
 - b) the effect of the proposed local law is to provide for:
 - better decision-making at meetings;
 - the orderly and efficient conduct of meetings;
 - greater community participation and understanding of the business of the Council; and
 - more open and accountable local government.

Carried 9/0

COMMENT:

Local public notice advising of the purpose and effect of each of the local laws was advertised in the Update, on the Shire notice board and on the Shire website. At the end of the required public notice period, no submissions were received.

The next part of the process was to provide the Minister for Local Government with a copy of the proposed local law and a copy of the advertised notice, this was done on 9 September. The following response was received:

The drafts have been forwarded to the local law team for checking. If we have any comments, we will provide them by 7 October 2020. These comments can then be taken into account when the final drafts are submitted to council for adoption.

No response has been received by the Department so it would appear the local law team do not have any comment.

Although no public submissions or comments from the Department were received, Darrell Forrest, Consultant, advised that some amendments be made to the Cemeteries and Standing Orders Local Laws that Council approved in June. This is due to another Shire he has been working with who have had to make some changes to their local laws after receiving feedback from the Joint Standing Committee – this is the last step in the process and comes after gazettal, effectively they will need to re-start the process from the beginning. As Kulin have used the same template, Darrell Forrest has advised that Council make some amendments now to avoid having the same issue with the Joint Standing Committee. Luckily the process does allow for minor changes to be made to the proposed local law at this point.

The next part of the process is for Council to make the local law.

Cemeteries Local Law 2020

An updated document is attached with the following changes shown in red:-

- Deleted definition – pre-need certificate
- Amended definition – grant of right of burial by including new definitions of ‘grant’ and ‘holder’
- Amended part 2 by adding in ‘Division’ headings and a number of new clauses to accommodate the right of burial
- In clause 9.11 (1) deleted the word ‘and’ after the word display
- Added new part 10 – ‘Objections and appeals’
- Updated table of contents
- In the opening sentence of the local law change ‘adopt’ to ‘make’
- Include date for the Council decision – this is the date at which the Council finally makes the local law, not the date the process commenced

Standing Orders Local Law 2020

An updated document is attached with the following changes shown in red:-

- Clause 10.19(1) remove ‘a’ and replace with ‘the’
- Removal of act references

Darrell has recommended that the version which includes the act references should be used as a working document only, the act references should be removed from the formal making of the local law due to the costs surrounding gazettal and the potential confusion with the Joint Standing Committee.

FINANCIAL IMPLICATIONS

Costs to advertise in the Government Gazette.

STATUTORY AND TOWN PLANNING IMPLICATIONS

Section 3.12 of the Local Government Act 1995.

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Local public notice period complete.

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That Council resolve to make the following local laws as per the attached documents and authorise each local law to be affixed with the Shire of Kulin common seal:

- General Repeal Local Law 2020
- Cemeteries Local Law 2020
- Dogs Local Law 2020
- Standing Orders Local Law 2020

VOTING REQUIREMENTS

Absolute Majority Required

Attachment 4

7.6 Development Application – Proposed New Single House (Transportable) & Farm Worker Accommodation on Lot 14997 (No.1367) Kukerin Road, Walyurin

RESPONSIBLE OFFICER: CEO
APPLICANT: Modular WA on behalf of Derron Pty Ltd as trustee for the DH & RM Young Family Trust (Landowner)
AUTHOR: Mr Joe Douglas - Consultant Town Planner (Exurban Rural & Regional Planning)
FILE REF: 07.02
DISCLOSURE OF INTEREST: Nil

SUMMARY:

This report recommends that a development application submitted by Modular WA on behalf of the current landowner for:

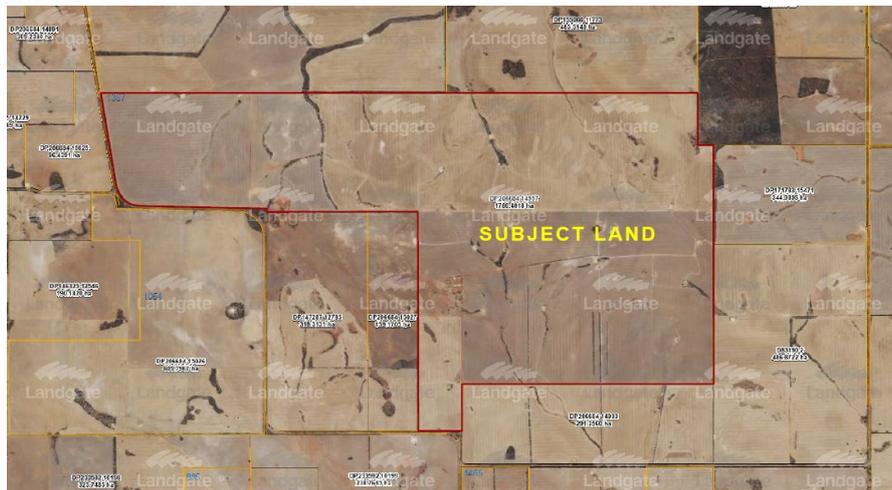
- the placement and use of a new 202m² transportable single house on Lot 14997 (No.1367) Kukerin Road, Walyurin for occupation by the current landowner; and
 - use of the existing single house on the land for farm worker accommodation purposes,
- be approved by the Shire's Chief Executive Officer under delegated authority subject to conditions following completion of public advertising on 28 October 2020 provided no major valid town planning related objections are received.

BACKGROUND:

The applicant has submitted a development application seeking Council's approval for the placement and use of a new 202m² transportable single house on Lot 14997 (No.1367) Kukerin Road, Walyurin including a number of associated improvements (i.e. a new internal driveway and associated on-site parking area, a water supply for domestic consumption purposes and a new effluent disposal system comprising septic tanks and leach drains). It is understood the proposed new four bedroom, two bathroom, single story modular-type dwelling will be sited south of the existing single house on the land and become the primary residence to be occupied by the current landowner.

The applicant is also seeking Council's development approval to change the current use of the existing dwelling on the land from 'single house' to 'workers accommodation' to enable it to be occupied and used by farm employees. Full details of the application, including supporting documentation and plans, are provided in Attachment 5.

Lot 14997 is located approximately 15 kilometres south of the Kulin townsite in the locality of Walyurin. The subject land comprises a total area of approximately 1,780.40 hectares and has direct frontage and access to Kukerin Road along portions of its western and southern boundaries which is an unsealed local road under the care, control and management of the Shire of Kulin.



Location & Lot Configuration Plan (Source: Landgate)

Lot 14997 has been extensively cleared and is currently used for broadacre agricultural purposes (i.e. cropping & grazing). The land is gently sloping throughout and contains small stands of native vegetation along the edges of a number of intermittent creek lines that traverse the property from north-to south.

Lot 14997 contains an existing older style single detached dwelling in its southern portion which is currently occupied by members of the Young family who live and work on the land. Lot 14997 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.

Immediately adjoining and other nearby land uses are predominantly rural in nature on lots of varying size (i.e. broadacre cropping and grazing).

COMMENT:

Lot 14997 is classified 'Rural' zone under the Shire of Kulin Local Planning Scheme No.2 (LPS2), the key objectives for which 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 31(8) of LPS2 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 approve the 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 14997 has been assessed with due regard for all relevant elements of the Shire's local planning framework including LPS2 and the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This assessment has confirmed the proposal is consistent with the objectives of the land's current 'Rural' zoning classification in LPS2 and is generally compliant or capable of compliance with the following requirements:

- The need for any additional dwellings to be used in conjunction with an approved agricultural activity for farm management purposes;
- Continuation of agricultural activity;
- Boundary setbacks;
- Effluent disposal;
- Water supply for domestic consumption and firefighting purposes;
- Stormwater drainage;
- Vehicle access and parking;
- 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.

In light of the above findings it is concluded the proposal for Lot 14997 is consistent with the aims and objectives of the Shire's local planning framework and is therefore unlikely to have any negative impacts on the general amenity, character, functionality and safety of the immediate locality subject to compliance with a number of conditions. As such it is recommended Council exercise its discretion and authorise the Shire's Chief Executive Officer to approve the application under delegated authority subject to conditions following completion of public advertising on 28 October 2020 provided no major valid town planning related objections are received.

Should a major valid objection be received by the Shire following completion of public advertising, the application will be referred back to Council for further consideration and final determination at its next Ordinary Meeting in November 2020.

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:

- State Planning Policy 2.5 – Rural Planning
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- Government Sewerage Policy

COMMUNITY CONSULTATION:

Currently being undertaken by the Shire 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 and public display of the application in its entirety at the Shire Administration Centre during normal business hours).

FINANCIAL IMPLICATIONS:

Nil immediate financial implications for the Shire aside from the administrative costs associated with processing the application which are provided for in Council's annual budget. All costs associated with the proposed development will be met by the landowner.

It is significant to note that should the applicant/landowner be aggrieved by Council's final decision in this matter, they have the right seek a formal review of that decision by the State Administrative Tribunal. Should this occur for whatever reason, which is considered highly unlikely in this particular instance, the Shire would need to respond. The cost to respond to an appeal cannot be determined at this preliminary stage but could be expected, based on the recent experience of other local government authorities in Western Australia, to range anywhere from \$5,000 to \$60,000 excluding GST depending upon how far the matter proceeds through the review process.

STRATEGIC IMPLICATIONS:

The proposal for Lot 14997 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.*

RECOMMENDATIONS:

That Council authorise the Shire's Chief Executive Officer to approve the application for development approval submitted by Modular WA on behalf of Derron Pty Ltd as trustee for the DH & RM Young Family Trust (Landowner) for the placement and use of a new 202m² transportable single house on Lot 14997 (No.1367) Kukerin Road, Walyurin for occupation by the current landowner and use of the existing single house on the land for farm worker accommodation purposes subject to the following conditions and advice notes following completion of public advertising on 28 October 2020 provided no major valid town planning related objections are received:

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. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of Council.
3. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the proposed development is not substantially commenced within this period this approval shall lapse and be of no further effect. Where an approval has so lapsed, the proposed development shall not be carried out without the further approval of Council having first being sought and obtained.
4. The proposed new 202m² transportable single house shall be provided with an adequate on-site effluent disposal system as determined / approved by the Shire's Environmental Health Officer or the Department of Health prior to its occupation and use.
5. The proposed new transportable single house shall be provided with a potable water supply service and a suitable capacity electricity supply service prior to its occupation and use.
6. The sub-floor area around the periphery of the proposed new transportable single house shall be enclosed with brick, stone, vermin proof battens or other means acceptable to the Shire's Chief Executive Officer.
7. The existing single house proposed to be retained and used for 'workers accommodation' purposes may only be occupied by family members and/or workers employed on the land.

Advice Notes

1. 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.

AGENDA OF ORDINARY MEETING TO BE HELD 21 OCTOBER 2020

2. 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.
3. In accordance with the Building Act 2011 and Building Regulations 2012, a suitable building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction or earthworks on the land.
4. 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.
5. 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.
6. 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.

and;

In the event of a major valid town planning related objection being received by the Shire during public advertising, the application shall be referred back to Council for further consideration and final determination at its next Ordinary Meeting in November 2020.

VOTING REQUIREMENTS:

Simple majority required.

Attachment 5

7.7 Kulin Child Care Centre (former Kulin PPC) - Reserve 36914

RESPONSIBLE OFFICER: CSM
FILE REFERENCE: 05.04
STRATEGIC REFERENCE/S: CBP 1.3.3
CSP 2.3
AUTHOR: CSM
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Shire of Kulin have been requested to write to DPLH (Department of Planning, Lands and Heritage) accepting Management of Reserve 36914. This will transfer the Kulin Child Care Centre premises from the Department of Education to Shire of Kulin.

BACKGROUND & COMMENT:

In April 2019, Mick Nutini, Senior Property Coordinator, Department of Education, undertook a site visit with Taryn Scadding of the former Kulin PPC – Reserve 36914, now the Kulin Child Care Centre to discuss the lapsed lease and management order. The Department was undertaking reviews of all buildings and possibly changing the fee structure to commercial rentals, not the peppercorn lease. As a result of this meeting Shire of Kulin was encouraged to request the transfer of the building to Shire of Kulin for nil cost.

Shire of Kulin did request the transfer of the building at nil cost and in August 2020 we received the following advice:

- Notification has been received from Asset Planning and Services, Department of Education that the Department will relinquish Reserve 36914 to DPLH at nil consideration.
- Advice has also been received from DPLH that generally there are no costs associated with the transfer of a reserve from one entity to another.

In order to proceed with the transfer Shire of Kulin must write to DPLH (Department of Planning, Lands and Heritage) accepting Management of Reserve 36914.

Transfer of the building to Shire of Kulin will provide certainty for Kulin Child Care Centre services. Shire of Kulin has already invested significant funds into the maintenance and upgrade of the facility, and will need to continue to invest funds annually to maintain and improve the facilities. There is some uncertainty regarding how the Department of Education will go forward with their buildings and the lease/rentals they may impose. The Kulin Child Care Centre budget does not have the capacity to pay a commercial rental for the premises, and we are also reluctant to invest significant funds into the remodelling of the building as we do not own it.

Investigation into an Early Childhood Centre will hopefully begin in 2021. Realistically the time frame of this project being ready for Kulin CCC to operate from could be five years, however it would also be heavily reliant of external funding sources. If this project did come to fruition, Shire of Kulin would be able to repurpose the existing Kulin CCC.

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Nil

RECOMMENDATION:

That Council write to the Department of Planning, Lands and Heritage to accept the Management of Reserve 36914 to secure the premises for Kulin Child Care Centre.

VOTING REQUIREMENTS:

Simple majority required.

7.8 All Ages Activity Precinct

- RESPONSIBLE OFFICER:** CEO
FILE REFERENCE: 21.02 Parks and Reserves / Design and Construction
AUTHOR: CEO
STRATEGIC REFERENCE/S: 1.4 A liveable and safe community
 1.4.3 Provide a variety of sport, recreation and leisure services and facilities for all life stages.
 1.4.5 Opportunities for development and participation of young people (e.g. Youth Services Group).
 2.2 A positive visitor experience
 2.2.1 The Shire's capacity for tourism is grown, founded on iconic major events and distinct local attractions

DISCLOSURE OF INTEREST: Nil

SUMMARY:

The All Ages Activity Precinct project is funded within 2020/21 Budget for \$330K to undertake design and construction. Presented is the Concept Design for endorsement by Council to allow staff to commence the Detailed Design documentation process.

BACKGROUND & COMMENT:

Kulin District High School students from Year 8 English class submitted letters to Council, in 2019, regarding various requests and suggestions for "youth focused" community amenities within Kulin.

Council engaged consultant Emerge Associates to develop a Master Plan for All Ages Activity Precinct. This culminated in a Masterplan Concept Design, which focused on providing multi-purpose amenities for all ages and families

The following provides a summary of the requests received from all students. The ideas presented have been categorised into 4 "Broad Themes" with Specific Elements identified and listed:

Theme	Specific Elements
1. Teen Playground	<ul style="list-style-type: none"> ▪ Whizzy Dizzies ▪ Flying Fox ▪ Ninja Warrior Course ▪ Big Trampoline / Bouncy Cushion ▪ Rock Climbing Wall
2. Skate Park	<ul style="list-style-type: none"> ▪ Bowl ▪ Grind Bar ▪ Half Pipe ▪ Ramps ▪ Tube ▪ Hip ▪ Box
3. Teen Hang Out Building	<ul style="list-style-type: none"> ▪ Couch / Bean Bag / Cushions ▪ TV / Gaming Console ▪ Pool / Table Tennis / Foosball ▪ Fridge / Kitchen ▪ CCTV ▪ Wi-Fi
4. Aquatic Centre Upgrades	<ul style="list-style-type: none"> ▪ Heating ▪ Diving Board ▪ Open more months

As part of the consultation process KDHS Students from Years 4 to 10 and their respective teachers are asked to provide feedback to the Shire via a survey seeking their priorities for "Youth Focused Amenities". As directed students are to complete the survey for the following elements and return to Deputy Principal Mrs Smoker by the close of school on Tuesday 9th June 2020.

1. Theme

Students were asked to list in priority order 1 to 5 of their preference of “Theme”.

Ranking	Theme	Votes
1	Teen Playground	210
2	Teen Hangout Building	200
3	Aquatic Centre	198
4	Bike Facilities	160
5	Skate Park	158

2. Element

Students were asked to allocate a choice for 5 options only (in priority order 1 to 5) of their preference of “Element”. It is to be noted that there is a possibility that “elements” from multiple “themes” could potentially be incorporated into the overall “Youth Precinct Master Plan”, hence students were asked to allocate their 5 priority choices across all of the elements.

Ranking	Theme	Votes
1	Teen Playground	210
2	Teen Hangout Building	200
3	Aquatic Centre	198
4	Bike Facilities	160
5	Skate Park	158

3. Location

Students were asked to list in priority order 1 to 3 of their preference of “Location” within the Kulin townsite.

Rank	Location	Votes
1	Recreation Centre	245
2	Town Centre	239
3	Aquatic Centre	224

4. Concept Design

Initial Concept Designs were developed for the Recreation Precinct. This was based upon the above vote ranking and identification of areas within the Recreation Precinct presenting a “blank canvas” for the development of the proposed concept. Two Options for the Recreation Centre were presented at the July and August Concept Forum respectively. Feedback from Council is that both options posed issues with traffic management and pedestrian safety around the Recreation Centre Precinct.

A third option was proposed to be developed in the centre of town focusing on the “Events Area” of the VDZ. Details of this location were discussed at the September Concept Forum. Key issues at this location were associated with it being on the Railway Reserve and how this would work with Council’s license agreement with Arc Infrastructure.

President West, CEO Garrick Yandle and Community Services Manager Taryn Scadding met with representatives from Arc Infrastructure to clarify issues associated with the license of the Railway Reserve. Key outcomes are:

- Community infrastructure can be built on the Railway Reserve subject to Arc Infrastructure approval.
- Infrastructure must not be a permanent building and be able to be relocated or removed.
- Concept Designs to be sent to Arc Infrastructure for initial approval.
- Detailed Designs to be sent to Arc Infrastructure for final approval.
- Council and Arc Infrastructure to investigate options for a longer-term license agreement.

The Concept Design VDZ Events Area location is attached and is put to Council for endorse and contains the following Zones based around “Themes” identified during the consultation process with the various elements associated with each Theme.

- Obstacle Zone.
 - Turn into a circuit obstacle course
 - Climbing
 - Ninja Warrior items
 - Bouldering Wall
 - Flying Fox
 - Not Fitness Equipment
- Wheeled Zone.
 - Skate elements
 - Scooter elements
 - Pump track
- Hangout Zone.
 - Shelters.
 - Smart Bench

The latest Concept also identifies potential redevelopment of existing Zones within the VDZ. This includes:

- Existing Playground Zone.
 - Investigate long term ideas for this.
 - More focused on under 7 age group.
 - Perhaps Nature Playground incorporating swings and slide.
 - Could be a Horse focus?
- Existing Skate Park Zone.
 - Investigate long term ideas for this.
 - Shelter / Retreat area.

The total indicative cost of the Concept Design exceeds the allocated \$300K within the 2020/21 Council Budget.

Each Zone has been allocated a specific budget, allowing Council to determine the specific Zones to be progressed further for Detailed Design and construction during 2020/21 with the available funding. This could be determined Stage 1, with the remaining Zones to be deemed to be Stages 2 and 3, which could be developed in coming years, subject to additional funding sources from either Council, Government Grants and/or the community.

The purpose of this item is for Council to determine which Zone/s are to be funded in 2020/21. This will enable staff to progress with:

- Detailed Design and Procurement Documentation.
- Further discussions with Arc Infrastructure.

STATUTORY ENVIRONMENT:

Rail Freight System Act 2000 – Section 47

The licensee must not alter, modify, remove or demolish any building or other improvement on the Licensed Area or carry out any other structural work on the Licensed area or make any other improvements of the Licensed Area, unless the licensee obtains any prior consent required by Law for the proposed work, including the consent of the Rail Corridor Minister under section 47 of the Rail Freight System Act 2000.

License to Use and Occupy Corridor Land (Arc Infrastructure / Shire of Kulin.

The licensee must not alter, modify, remove or demolish any building or other improvement on the Licensed Area or carry out any other structural work on the Licensed area or make any other improvements of the Licensed Area, unless the licensee obtains Arc Infrastructure’s prior written consent, which will be granted or withheld in Arc Infrastructure’s absolute discretion.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

The following project value and funding sources have been allocated in the 20/21 Capital Budget.

Project	LRCIP	Other	CKC	Council	Total
All Ages Activity Precinct & Design	150,000	-	100,000	80,000	330,000

This includes \$300K for construction works and \$30K for Detailed Design Works.

Originally Council had sought obtain grant funding of \$100K through CSRFF, however during the application process it was deemed that the proposed All Ages Precinct was ineligible for CSRFF funding. Currently Council is in the process of seeking alternative funding sources to reduce the overall cost to Council.

COMMUNITY CONSULTATION:

KDHS via survey and Workshop

CKC via Workshop

Kulin Community Workshop in June 2020

Council via various Concept Forums

- June 2020
- July 2020
- August 2020
- September 2020 (Site Visit)

WORKFORCE IMPLICATIONS:

Council staff involved in Detailed Design review and Procurement Process.

Council works staff to be involved in bulk earthworks and site preparation, with hours already allocated within Council's 20/21 budget.

OFFICER'S RECOMMENDATION:

That Council:

1. Endorse the proposed All Ages Activity Precinct Concept Design at the VDZ "Events Area".
2. Authorise CEO to commence negotiations with ARC Infrastructure regarding the lease of the Railway Reserve.
3. Authorise CEO to commence Detail Design process for the following "Zones" as part of Stage 1
 - a. Wheeled Zone
 - b. Hangout Zone.
4. Authorise CEO to pursue addition funding sources and continue concept development for the following "Zones" as part of Stages 2 and 3.
 - a. Obstacle Zone
 - b. Existing Playground Zone
 - c. Existing Skatepark Zone

VOTING REQUIREMENTS:

Simple Majority.

Attachment to be sent separately

8 COMPLIANCE

8.1 Compliance Reporting – General Compliance September 2020

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
DISCLOSURE OF INTEREST: Nil

SUMMARY:

This report addresses General and Financial Compliance matters for September 2020. 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. 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.

Outstanding

Conduct Fire Training Day – *scheduled 16 October 2020*

Council photo – *changed to October*

RRG Direct Grant payments

Workers Compensation Wages Declaration

Smoke Alarms & RCD Testing of Shire Houses - *ongoing*

Outstanding July

Key to Kulin Reimbursement – *October*

Fire Extinguisher Service – *completed*

Outstanding August

Annual Road Inspection – *not scheduled*

Budget Commentary distributed to staff

WALGA Roads Return

R2R Annual Report to Auditors

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 September 2020 and note the matters of non-compliance.

VOTING REQUIREMENTS:

Simple majority required.

8.2 Compliance Reporting – Delegations Exercised – September 2020

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 31 July 2020. 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

Policy	Delegation	Officers
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-too numerous staff – purchase 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

CS1	Bushfire Control – Shire Plant for Use of	(CEO)
CS2	Bushfire Control – Plant Use for Adjoining Shires	(CEO)
CS3	Bushfire Prohibited / Restricted Burning Periods – Changes	(Shire President/CEO)
CS4	Bushfire Training Administration	(CEO)
CS5	Cat Ownership Limit – Cat Control	(CEO)
CS6	Dog Control – Attacks	(CEO)
CS7	Dog Ownership Limit – Dog Control	(CEO)
CS8	Sea Containers Use of – Town Planning	(CEO)
CS9	Second Hand Dwellings	(CEO)
CS10	Temporary Accommodation	(CEO)
CS11	Unauthorised Structures – Building Control	(CEO)
CS13	Freebairn Recreation Club Committee	(FRC Club Committee)
CS14	Kulin Child Care Centre Management Committee	(KCCC Mgmt. Committee)
CS15	General – Community Services Practices	(CEO)
CS16	Bushfire Control – Confirmation of Appointment of Dual FCO's	(CEO)
CS17	Seed Collection	(CEO)

WORKS

W1	Gravel Supplies	(MW) - various
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 Vegetation Management	(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 month of July 2020 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)

Investment of \$200,111.23 for 4 months at 0.45%

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:

Sections 5.18 and 5.46 of the Local Government Act 1995

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 September 2020.

VOTING REQUIREMENTS:

Simple majority required.

8.3 Asset Management Plan 2020 - Review

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 12.11 Asset Management
STRATEGIC REFERENCE/S: Community Strategic Plan and Corporate Business Plan – Civic Leadership – CL4.1.1 a; CEO KRA 3.5
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

This item constitutes the next phase of the review of the Shire of Kulin Asset Management (AMP) 2013, as is required under the Local Government Act 1995, incorporating the asset revaluations for 30 June 2020.

BACKGROUND & COMMENT:

To achieve its strategic objectives the Shire aims to manage its assets over their lifecycle within an asset management framework that takes into consideration the community's service expectations.

The key elements of asset management are:

- Providing a defined level of service and monitor performance;
- Managing the impact of growth or decline through demand management and infrastructure investment;
- Taking a 'whole of life' approach to developing cost-effective management strategies for the long term that meet defined levels of service; Identifying, assessing and appropriately controlling risks; and
- Maintaining a long-term financial plan which identifies required expenditure and how it will be funded.

The Shire engaged Talis Consultants to undertake a review of the AMP 2013.

The scope of the AMP was broken into 2 stage and encompasses:

- Stage 1 - Review of Asset Management Plan (2013)
 - Associated Documentation
 - Road Revaluation August 2018
 - Review document
 - Updated Report with New Template
 - Reflect latest valuation numbers
 - Identify risks / issues with existing plan to address in 2019/20
 - Present to
 - Council Forum Wednesday 20th June 2019 (not required).
 - Council Meeting Wednesday 17th July 2019.
 - Deliverable
 - Stage 1 – AMP Updated to reflect current asset values and identified improvement plan

Talis presented an overview of AMP - Stage 1 review at the July 2019 Council Forum. This included:

- Review of AMP 2013.
- Overview of updated AMP- Stage 1.
- Outline of key requirements as part of AMP - Stage 2 update process.

Key details outlined in the AMP - Stage 1 Report are:

This plan covers those infrastructure and other assets that provide the following services:

- Transportation
- Housing
- Community Amenity
- Recreation
- Governance

Further work was undertaken on AMP - Stage 1 Report to refine and clarify specific figures. This was presented to Council in December 2019. Following this Stage 2 of the AMP review has been undertaken with a focus on asset revaluation and long-term financial plan as outlined below.

- Stage 2 - Updated Asset Management Plan 2020
 - Updated AMP document
 - Robust review
 - Revaluation of all asset classes
 - Address risks / issues in June 2019 Review.
 - Long Term Financial Plan
 - Review
 - Updated document in consultation with Council

- Present to
 - Long Term Financial Plan - June 2020 Council Forum.
 - Stage 2 – AMP August 2020 Council Meeting.
- Deliverable
 - Stage 2 – AMP updated to consider risks/improvements from Stage 1.

As part of the Stage 2 process the following organisations were engaged to undertake the relevant technical work.

- Roads Revaluation – RMECS.
- Land & Buildings and Plant & Equipment Revaluation – Griffin Valuation Advisory.
- Long Term Financial Plan – Moore Stephens.
- Updated Asset Management Plan Report – Talis Consultants.

This item constitutes the relevant information associated with AMP Stage 2 for Council endorsement.

STATUTORY AND PLANNING IMPLICATIONS:

Local governments are required to adopt Community Strategic Plans under S5.56 (1) of the *Local Government Act 1995*. Regulations made under S5.56 (2) require the local governments to review the plans every 4 years, and that process of review is to include community engagement and consultation.

Local Government Act 1995 & Local Government (Administration) Regulations 1996

Division 3 - Planning for the future 19C. Planning for the future: strategic community plans — s. 5.56

(1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.

(2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.

(3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.

(4) A local government is to review the current strategic community plan for its district at least once every 4 years.

(5) In making or reviewing a strategic community plan, a local government is to have regard to:-

- (a) the capacity of its current resources and the anticipated capacity of its future resources; and*
- (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
- (c) demographic trends.*

(6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.

(7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

(8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

(9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.

(10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

19DA. Planning for the future: corporate business plans — s. 5.56

(1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending

(2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.

(3) A corporate business plan for a district is to —

- (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
- (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
- (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*

(4) A local government is to review the current corporate business plan for its district every year.

(5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.

(6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

(7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

As per key recommendations outlined by the Shire’s Auditor in the 2017/18 Annual Financial Report the “current Asset Management Plan and Long-term financial plan were prepared in financial year ended 2014. Asset Management Plan was scheduled for review in financial year ended 2018 and this has not yet been completed. Also, the Long-term financial plan is not being reviewed on a regular basis.” As such a review of the Asset Management Plan and Long-Term Financial Plan is required in 2018/19 to ensure it is up to date.

This report constitutes the initial stage of the process required with regard to review of both the AMP and LFP for 2018/19 to be concluded in 2019/20.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

The assets covered by this Asset Management Plan (AMP) and their replacement value are listed below with a total replacement value of approximately **\$190M compared to \$160M in 2018.**

Assets Replacement Value 30 June 2018

Asset Category	Replacement Value 30 June 2018	Replacement Value 30 June 2020
Roads	\$ 118,015,819	\$131,497,236
Footpaths	\$ 1,094,950	\$1,699,754
Drainage		\$8,240,601
Recreation Infrastructure	\$ 4,002,172	\$6,879,500
Other Infrastructure	\$ 1,189,888	\$1,103,570
Buildings & Other Construction	\$ 30,242,944	\$33,867,100
Furniture & Equipment	\$ 170,546	\$170,546
Plant & Equipment	\$ 3,285,349	\$6,490,200
Motor Vehicle	\$ 1,241,151	
Total Replacement Value	\$ 159,242,819	\$189,948,506

The Shire’s infrastructure assets are revalued on a 3 yearly cycle to determine gross replacement cost and the value lost through asset deterioration through use. The value of assets recorded in the asset register and their estimate depreciable amounts as at 30 June 2018 covered by this asset management plan is shown below. Assets were last revalued at 30 June 2020. Assets are valued at fair value. The assets have an estimated annual depreciation value of \$2.9M in 2020 compared to \$3.6M, which is a good indicator of likely annual renewal expenditure requirements.

AGENDA OF ORDINARY MEETING TO BE HELD 21 OCTOBER 2020

Asset Valuations 30 June 2018

Category	Replacement Cost (\$)	Depreciable Amount (\$)	Depreciated Replacement Cost (\$)	Annual Depreciation (\$)
Roads	\$ 118,015,819	\$ 81,197,781	\$ 75,380,324	\$ 2,366,640
Footpaths	\$ 1,094,950	\$ 1,094,950	\$ 1,094,950	\$ 40,418
Recreation	\$ 4,002,172	\$ 4,002,172	\$ 4,002,172	\$ 146,413
Other	\$ 1,189,888	\$ 1,189,888	\$ 1,189,888	\$ 24,677
Buildings & Other Construction	\$ 30,242,944	\$ 30,242,944	\$ 30,242,944	\$ 469,651
Furniture & Equipment	\$ 170,546	\$ 170,546	\$ 170,546	\$ 27,263
Plant & Equipment	\$ 3,285,349	\$ 3,285,349	\$ 3,285,349	\$ 433,500
Motor Vehicle	\$ 1,241,151	\$ 1,241,151	\$ 1,241,151	\$ 112,773
Grand Total	\$ 159,242,819	\$ 159,242,819	\$ 116,607,324	\$ 3,621,335

Asset Valuations 30 June 2020

Category	Replacement Cost (\$)	Depreciable Amount (\$)	Depreciated Replacement Cost (\$)	Annual Depreciation (\$)
Roads	\$131,497,236	\$82,134,481	\$47,905,488	\$1,769,717
Footpaths	\$1,699,754	\$1,699,754	\$1,699,754	\$38,864
Recreation	\$385,370	\$385,370	\$385,370	\$13,193
Other	\$8,240,601	\$8,240,601	\$8,240,601	\$92,266
Buildings & Other Construction	\$7,597,700	\$7,597,700	\$7,597,700	\$216,198
Furniture & Equipment	\$33,867,100	\$33,867,100	\$33,867,100	\$505,419
Plant & Equipment	\$170,546	\$170,546	\$170,546	\$27,263
Motor Vehicle	\$693,800	\$693,800	\$693,800	\$44,768
Grand Total	\$189,948,506	\$140,585,751	\$100,560,359	\$2,941,997

The AMP articulates the Long-Term Financial Plan planned future Capital Expenditure including renewal, new / upgraded as well as disposal of assets expenditure to be approximately \$3.6M annually, which is also compared against the required AMP Capital Expenditure that outlines the estimated renewal expenditure required to cover depreciation to be \$3.0M annually as summarised in table below:

Capital Expenditure	Renewal Expenditure	New Expenditure	Disposal	Total
LTFP Planned	\$ 2,706,330	\$ 577,048	\$ 281,775	\$ 3,565,153
AMP Required	\$ 2,998,073	\$ -	\$ -	\$ 2,998,073

The Asset Renewal Funding Ratio is the most important indicator and reveals that over the next 10 years of the forecasting that we will have 112% (18/19 - 56%) of the funds required for the optimal renewal and replacement of assets.

Historical levels of operations and maintenance expenditure have provided the "default" current level of service for roads, which is approximately \$1.6M annually. For the purposes of the plan it is assumed that this expenditure is adequate. The AMP articulates what the Long-Term Financial Plan predicts to be the future O&M annual expenditure of \$1.6M, which is also the required AMP annual expenditure of \$1.6M as summarised in table below:

O&M Expenditure	Operations Expenditure	Maintenance Expenditure	Total O&M Expenditure
Historical Actual	\$ 604,859	\$ 981,460	\$ 1,586,319
LTFP Predicted	\$ 610,232	\$ 994,550	\$ 1,604,782
AMP Required	\$ 610,232	\$ 994,550	\$ 1,604,782

Combining all this information together provides an overview of the projected outlay for annual planned, required and available expenditure and income for Council moving forward. The projected outlays necessary to provide the services covered by this AMP includes operations, maintenance, renewal and upgrade of existing assets for the coming 10-year planning period is \$46,028,545 or \$4,602,855 on average per year.

Estimated available funding outlined in the LTFP for the coming 10-year period is \$51,699,342 or \$5,169,934 on average per year which is 112% of the cost to provide the service. This is a funding surplus of \$567,080 on average per year.

This is summarised in the table below:

	Total O&M Expenditure	Total Capital Expenditure	Total Expenditure
LTFP Planned	\$ 1,604,782	\$ 3,565,153	\$ 5,169,934
AMP Required	\$ 1,604,782	\$ 2,998,073	\$ 4,602,855
Shortfall (AMP – LTFP)	\$ -	-\$ 567,080	-\$ 567,080

COMMUNITY CONSULTATION:

Internal staff – CEO, DCEO, Works Manager.

Council consultation as outlined in this report.

As part of the Stage 2 process the following organisations were engaged to undertake the relevant technical work.

- Roads Revaluation – RMECS.
- Land & Buildings and Plant & Equipment Revaluation – Griffin Valuation Advisory.
- Long Term Financial Plan – Moore Stephens.
- Updated Asset Management Plan Report – Talis Consultants.

WORKFORCE IMPLICATIONS:

Nil

OFFICER’S RECOMMENDATION:

That Council endorse the updated document entitled Shire of Kulin Asset Management Plan (October 2020).

VOTING REQUIREMENTS:

Simple majority.

Attachment to be sent separately

9 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Meeting may adjourn to move into Concept Forum

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

12 MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC

13 DATE AND TIME OF NEXT MEETING

Wednesday 18 November 2020 at 3.00pm

14 CLOSURE OF MEETING

There being no further business the President declared the meeting closed at

RoeROC

*Roe Regional Organisation of Councils
Corrigin – Kondinin – Kulin - Narembeen*

COUNCIL MINUTES

**Shire of Kondinin
Council Chambers
Thursday 17 September 2020**

12.30pm – Light Lunch

1.00pm Meeting Commences

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Comments

- Chris Jackson asked Corrigin to clearly identify their contribution on the financial statement going forward. Natalie Manton agreed to label this in future statements.

RESOLUTION

Moved Cr Cole

Seconded Cr Hickey

1. that the RoeROC Environmental Health Services Scheme Financial Report as at 31 Aug 2020 be accepted.
2. that the RoeROC Bending Tip Financial Report as at 31 Aug 2020 be accepted.
3. confirm that the funds of \$33, 661.09 (\$8415.27 per Shire) belonging to RoeROC Bending Tip are held in the Shire of Corrigin Trust Account on behalf of the four RoeROC Shires.

Carried

8. Other Matters

8.1 Bending Tip Landfill Plan

Natalie Manton is currently working on an Operations Manual for the Bending Tip. She has compiled an early draft of the Operations Manual which details a plan for the future. Natalie will circulate a rough draft to the CEOs for comments. Further work on the Operations Manual is required.

Des Hickey suggested tightening the protocol around the filling of asbestos pits at the tip.

8.2 Public Health Plans

Brendon Gerrard provided a progress update on quotes he has received from consultants for the development of public health plans. He has emailed the quotes to the CEOs and requested comments. Brendon will follow up with CEOs individually.

8.3 General Business

Natalie Manton gave an update on container deposit scheme.

Cr Mortimore brought up the lack of RoeROC projects currently in progress and suggested that the Shires work together to create more recycling opportunities for the towns.

Chris Jackson brought up the need to involve Avon Waste in this effort to improve recycling efforts, for example auditing rubbish in bins.

Natalie Manton pointed out that there is money to do these projects in the budget.

Could employee a separate person to manage these projects?

Cr Cole suggested better service delivery for elderly.

Cr Mortimore- incentives to do more recycling.

Natalie suggested tabling a concept plan for these projects to ensure action.

Brendon suggested similar issues of waste management might come up in the Public Health Plans.

CEO's will discuss and present a plan at next meeting.

Chris Jackson suggested need for strategic plan/status report to follow at each meeting. Possibly bringing in someone to facilitate a planning day.

Shire of Kondinin has completed an Animals in Emergency plan.

Cr Cole suggest zoom meetings might be a better option when there are not many items on the agenda.

Natalie Manton is going to draft a terms of reference for the front of the agenda for clarity on how the meetings are run.

9. Closure

9.1 Next Meeting

10th December 2020

There being no further business the Chair, Cr Sue Meeking, declared the meeting closed at 2.23pm.

ROEROC BENDERING TIP
Financial Statement for the period ended 31 August 2020

Account	PARTICULARS	YTD 2020/2021
	2020/2021	
	3/07/2020 PC Kennedy - 2 cubic metres wrapped asbestos waste	200.00
	9/07/2020 Western Environmental - 10 ACM waste bags containing approximately 10kg in each bag (100kg total)	300.00
	9/07/2020 Western Environmental - 1300m3 ACM fragment impacted soil disposal	53,181.82
	9/07/2020 Western Environmental - 15m3 inert bulk waste i.e. metal sheeting disposal	681.82
	22/07/2020 Busselton City Construction - 1.3185m3 of wrapped asbestos waste	131.85
	7/08/2020 Western Areas - 24.61tn rubbish disposal	1,230.50
	7/08/2020 Avon Waste - 12 x 3m3 skip bins	218.18
	7/08/2020 Avon Waste - 2 x 10m3 hook bins	90.91
07850	Bendering Tip Income	56,035
TOTAL INCOME		56,035
07800	Bendering Tip Expenditure	-
Total - Operating Expenditure		-
TOTAL EXPENDITURE		-
	Income Received	56,035
	LESS: Expenditure	-
BENDERING TIP NET POSITION YTD		56,035

Summary of Movements and Trust Balance			
		2014 / 2015 CLOSING FUNDING SURPLUS (DEFICIT)	-(\$7,852.12)
		2015 / 2016 CLOSING FUNDING SURPLUS (DEFICIT)	-(\$51,913.35)
		2016 / 2017 CLOSING FUNDING SURPLUS (Deficit from 2015/16 reimbursed in 2016/17)	57,308.21
		2017 / 2018 CLOSING FUNDING SURPLUS (DEFICIT)	18,700.24
		2018 / 2019 CLOSING FUNDING SURPLUS (DEFICIT)	464.46
		2019 / 2020 CLOSING FUNDING SURPLUS (DEFICIT)	16,953.65
		TOTAL SURPLUS AS 30 JUNE 2020	33,661.09
21033	21034	Bendering Tip ROEROC Trust Account	33,661.09
		Difference	-
7801		EOFY Transfer Surplus to ROEROC Councils	-
		Total - EOFY Transfers	-
			Expected YTD Contributions
		Shire of Corrigin	14,009
		Shire of Kulin	14,009
		Shire of Narembeen	14,009
		Shire of Kondinin	14,009
		Total Expected Contributions to Bendering Tip ROEROC Trust	56,035
Expected Closing Trust Balance as at 30 June 2021			\$ 89,696.17

Shire of Kulin

EFT & Chq Listing for period ended 30 September 2020

CHQ / EFT No.	DATE	DESCRIPTION	AMOUNT
TRIP			
TRUST			
444	23/09/2020	SHIRE OF KULIN	\$11,206.77
		Rates Payment	
445	23/09/2020	SHIRE OF KULIN	\$1,200.53
		Rates Payment	
446	24/09/2020	SUE KNAPP	\$814.18
		Refund Request	
447	24/09/2020	JONATHON WILSON	\$370.35
		Refund Request	
MUNICIPAL			
EFT16890	04/09/2020	AVON WASTE	\$13,656.80
		Refuse Service	
EFT16891	04/09/2020	ACRES OF TASTE	\$890.00
		Catering: Council Meeting & Politicians Morning Tea/Lunch	
EFT16892	04/09/2020	AUTOPRO NORTHAM	\$29.66
		Parts	
EFT16893	04/09/2020	BOC GASES	\$45.91
		Cylinder Rent	
EFT16894	04/09/2020	BLACKWOODS	\$69.75
		Depot Supplies	
EFT16895	04/09/2020	BLUE RIBBON MINES PTY LTD	\$112.47
		Rates Refund A1497	
EFT16896	04/09/2020	CLAW ENVIRONMENTAL PTY LTD	\$2,060.52
		Drum Muster	
EFT16897	04/09/2020	COUNTRY WIDE FRIDGE LINES PTY TLD	\$162.73
		Freight on Bar Purchase	
EFT16898	04/09/2020	COCA-COLA AMATIL (AUST) PTY LTD	\$888.71
		Bar Purchase	
EFT16899	04/09/2020	COUNTRY PAINT SUPPLIES PTY LTD	\$940.80
		Floor Tiles, 5 Bowey Way	
EFT16900	04/09/2020	C R INDUSTRIES	\$386.05
		Hydraulic Hose	
EFT16901	04/09/2020	JULIE DALL	\$420.00
		Embroidery, Staff Uniforms	
EFT16902	04/09/2020	ENGINE PROTECTION EQUIPMENT PTY LTD	\$559.23
		Parts	
EFT16903	04/09/2020	EASIFLEET MANAGEMENT	\$1,522.67
		Easifleet, Staff Novated Lease	
EFT16904	04/09/2020	FEGAN BUILDING SURVEYING	\$371.25
		Contract Building Surveying	
EFT16905	04/09/2020	HART SPORT	\$1,277.40
		Assorted Outdoor Equipment, Child Care Centre	
EFT16906	04/09/2020	HOSE MANIA	\$132.00
		Hose, Aquatic Centre	
EFT16907	04/09/2020	KLEENHEAT GAS	\$704.62
		Gas	
EFT16908	04/09/2020	KULIN IGA	\$894.44
		Office Statement August 2020	
EFT16909	04/09/2020	LINKWEST	\$330.00
		CRC Organisational Membership 2020/2021	
EFT16910	04/09/2020	MOORE AUSTRALIA (WA) PTY LTD	\$660.00
		Revenue Recognition Portal Tool	

Shire of Kulin

EFT & Chq Listing for period ended 30 September 2020

CHQ / EFT No.	DATE	DESCRIPTION	AMOUNT
EFT16911	04/09/2020	PORTER CONSULTING ENGINEERS Consultant	\$6,600.00
EFT16912	04/09/2020	RAW CREATIVE Design Caravanning Australia Advert	\$195.00
EFT16913	04/09/2020	EB & OM SLOGGETT Air Conditioner Repair, FRC	\$591.14
EFT16914	04/09/2020	SWAN BREWERY COMPANY PTY LTD Bar Purchase	\$1,247.47
EFT16915	04/09/2020	STATEWIDE BEARINGS Parts	\$146.34
EFT16916	04/09/2020	SPYKER BUSINESS SOLUTIONS IT Support	\$2,804.78
EFT16917	04/09/2020	OFFICEWORKS BUSINESS DIRECT Stationery	\$310.81
EFT16918	04/09/2020	WESTRAC PTY LTD Parts	\$617.90
EFT16919	04/09/2020	INDUSTRIAL AUTOMATION GROUP Standpipe Control Maintenance	\$577.50
EFT16920	04/09/2020	WA DISTRIBUTORS PTY LTD Cleaning Supplies	\$816.25
EFT16921	07/09/2020	SUNWAY TOTALRUBBER LTD Vinyl Tube	\$23.32
EFT16922	09/09/2020	STRATCO (W.A.) PTY. LTD Patio, Unit 3 Johnston St & Garden Shed, 3 Hodgson St	\$11,097.00
EFT16923	10/09/2020	AIR LIQUIDE WA Cylinder Rent	\$21.70
EFT16924	10/09/2020	AUSTRALIA POST- MAILWEST Postage & Freight	\$725.65
EFT16925	10/09/2020	BEST OFFICE SYSTEMS Photocopying Charges	\$2,705.29
EFT16926	10/09/2020	BLACKWOODS Pallet Jack Pool Chlorine Unit	\$660.00
EFT16927	10/09/2020	GANGELLS AGSOLUTIONS Various Buildings, Depot & Road Maintenance Supplies	\$1,428.36
EFT16928	10/09/2020	GREAT SOUTHERN FUEL SUPPLIES Fuel	\$148.80
EFT16929	10/09/2020	JR & A HERSEY PTY LTD Road Maintenance Supplies	\$792.00
EFT16930	10/09/2020	SOUTH WEST ISUZU Parts	\$243.71
EFT16931	10/09/2020	KULIN HARDWARE & RURAL Various Buildings, Depot & Road Maintenance Supplies	\$11,542.06
EFT16932	10/09/2020	KULIN LIBRARY, POST OFFICE AND MAIL Library Service Fee	\$1,323.30
EFT16933	10/09/2020	TRINITEQ INTERNATIONAL PTY LTD IT Support	\$363.00
EFT16934	10/09/2020	COMMERCIAL AQUATICS AUSTRALIA Pipe	\$165.00
EFT16935	10/09/2020	NUTRIEN AG SOLUTIONS LIMITED Chemical, Roadside Spraying	\$11,055.00
EFT16936	10/09/2020	THE ROYAL LIFE SAVING SOCIETY WA Registration, Pool Lifeguard Requalification	\$159.00
EFT16937	10/09/2020	ST JOHN AMBULANCE AUSTRALIA Staff Training, First Aid Course	\$1,839.60
EFT16938	10/09/2020	TRUCK CENTRE (WA) PTY LTD Parts	\$235.55
EFT16939	10/09/2020	TAMORA PLUMBING AND GAS Aquatic Centre, Plumbing Repairs	\$629.20

Shire of Kulin

EFT & Chq Listing for period ended 30 September 2020

CHQ / EFT No.	DATE	DESCRIPTION	AMOUNT
EFT16940	10/09/2020	INDUSTRIAL AUTOMATION GROUP	\$192.50
		Repairs, Pederah Road Standpipe	
EFT16941	10/09/2020	WATERMAN IRRIGATION AUSTRALIA	\$3,787.85
		Standpipe Remote Access Operational Cost July/December 2020	
EFT16942	10/09/2020	WA DISTRIBUTORS PTY LTD	\$38.23
		Cleaning Supplies	
EFT16943	11/09/2020	CHILD SUPPORT AGENCY	\$216.52
		Payroll deductions	
EFT16944	11/09/2020	KULIN SOCIAL CLUB	\$220.00
		Payroll deductions	
EFT16945	11/09/2020	KULIN SHIRE TRIP FUND	\$1,420.00
		Payroll deductions	
EFT16946	11/09/2020	KULIN SHIRE TRUST FUND	\$775.00
		Payroll deductions	
EFT16947	18/09/2020	A.R.M SECURITY	\$100.10
		Alarm Monitoring Charges Oct/December 2020	
EFT16948	18/09/2020	ACCUMAX GLOBAL PTY LTD	\$2,530.60
		Drum Bunding, Aquatic Centre	
EFT16949	18/09/2020	COUNTRY WIDE FRIDGE LINES PTY TLD	\$155.10
		Freight on Bar Purchase	
EFT16950	18/09/2020	COURIER AUSTRALIA	\$653.18
		Freight	
EFT16951	18/09/2020	CONNELLY IMAGES	\$127.60
		Vehicle ID Stickers	
EFT16952	18/09/2020	C R INDUSTRIES	\$406.78
		Parts	
EFT16953	18/09/2020	EDWARDS MOTORS PTY LTD	\$274.25
		Parts	
EFT16954	18/09/2020	EMERGE ASSOCIATES	\$6,050.00
		Consultant, Youth Precinct Aquatic Centre	
EFT16955	18/09/2020	KULIN IGA	\$97.84
		Freebairn Statement August 2020	
EFT16956	18/09/2020	KARCHER	\$7,250.00
		Karcher Scrubber/Drier, FRC	
EFT16957	18/09/2020	LOCAL GOVERNMENT SUPERVISORS ASS OF WA INC	\$1,859.00
		Registration, 2020 LGSA Conference, Judd Hobson & Grant Jenks	
EFT16958	18/09/2020	NARROGIN GLASS QUICKFIT WINDSCREENS	\$571.23
		Supply Cut & Fit Laminated Safety Glass, PE73	
EFT16959	18/09/2020	OIL TECH FUEL	\$43,703.78
		Distillate & Unleaded Fuel	
EFT16960	18/09/2020	EXURBAN RURAL & REGIONAL PLANNING	\$1,071.37
		Town Planning Consulting Service	
EFT16961	18/09/2020	SIGMA CHEMICALS	\$880.22
		Chemicals	
EFT16962	18/09/2020	SWAN BREWERY COMPANY PTY LTD	\$2,342.05
		Bar Purchase	
EFT16963	18/09/2020	TRUCKLINE	\$279.92
		Parts	
EFT16964	18/09/2020	TAMORA PLUMBING AND GAS	\$5,887.20
		Repair, Slide Pool Leak	
EFT16965	18/09/2020	TIN HORSE AUTOMOTIVE	\$110.00
		Wheel Alignment, MV121	
EFT16966	23/09/2020	CHILD SUPPORT AGENCY	\$212.12
		Payroll deductions	
EFT16967	23/09/2020	KULIN SOCIAL CLUB	\$220.00
		Payroll deductions	

Shire of Kulin

EFT & Chq Listing for period ended 30 September 2020

CHQ / EFT No.	DATE	DESCRIPTION	AMOUNT
EFT16968	23/09/2020	KULIN SHIRE TRIP FUND	\$1,420.00
		Payroll deductions	
EFT16969	23/09/2020	KULIN SHIRE TRUST FUND	\$775.00
		Payroll deductions	
EFT16970	25/09/2020	ACRES OF TASTE	\$643.50
		Catering: Council Meeting & Frozen Meals, Colin Jenks Retirement Party	
EFT16971	25/09/2020	AFGRI EQUIPMENT AUSTRALIA	\$168.65
		Parts	
EFT16972	25/09/2020	BLACKWOODS	\$692.49
		Surgical Masks, Gloves, Sanitiser	
EFT16973	25/09/2020	ENGINE PROTECTION EQUIPMENT PTY LTD	\$59.60
		Parts	
EFT16974	25/09/2020	EURO DIESEL SERVICES PTY LTD	\$308.61
		Parts	
EFT16975	25/09/2020	ITR WESTERN AUSTRALIA	\$331.36
		Parts	
EFT16976	25/09/2020	KLEENHEAT GAS	\$1,808.81
		Yearly Facility Fees	
EFT16977	25/09/2020	KULIN TYRE SERVICE	\$3,618.12
		Tyres, Tubes & Batteries	
EFT16978	25/09/2020	LOMBARDI PTY LTD	\$166.31
		Parts	
EFT16979	25/09/2020	MULLAN ELECTRICAL PTY LTD	\$764.50
		Replace Switchboard, 17 McInnes Street	
EFT16980	25/09/2020	NEU-TECH AUTO ELECTRICS	\$1,949.50
		Parts	
EFT16981	25/09/2020	NARROGIN GLASS QUICKFIT WINDSCREENS	\$605.00
		Supply & Fit Windscreen	
EFT16982	25/09/2020	NARROGIN STIHL	\$141.55
		Parts	
EFT16983	25/09/2020	NESPRESSO PROFESSIONAL	\$476.00
		Coffee Pods, FRC	
EFT16984	25/09/2020	POOL ROBOTICS PERTH	\$1,250.00
		Pool Cleaner	
EFT16985	25/09/2020	EB & OM SLOGGETT	\$1,058.62
		Repair Fridge, Office	
EFT16986	25/09/2020	SIGMA CHEMICALS	\$1,071.40
		Chemical	
EFT16987	25/09/2020	TWINKARRI PTY LTD	\$44,088.00
		Tree Pruning	
EFT16988	25/09/2020	UNIRACK WA PTY LTD	\$319.00
		Single Wheel Jack - 2000kg, Aquatic Centre	
EFT16989	25/09/2020	OFFICEWORKS BUSINESS DIRECT	\$1,302.60
		Stationery & Toners	
EFT16990	25/09/2020	WESTRAC PTY LTD	\$2,557.20
		Parts	
EFT16991	25/09/2020	WA CONTRACT RANGER SERVICES	\$1,075.25
		Ranger Service	
EFT16992	25/09/2020	WA DISTRIBUTORS PTY LTD	\$1,275.50
		Cleaning Supplies	
EFT16993	25/09/2020	YILGARNIA WINES PTY LTD	\$356.40
		Bar Purchase	
37268	04/09/2020	TELSTRA	\$63.96
		ADSL Service	
37269	04/09/2020	WATER CORPORATION	\$25.97
		Water	
37270	10/09/2020	LUCIA VARONE	\$1,078.92
		Travel Expenses - Meetings & Training	

Shire of Kulin

EFT & Chq Listing for period ended 30 September 2020

CHQ / EFT No.	DATE	DESCRIPTION	AMOUNT
37271	10/09/2020	WATER CORPORATION Water & Service Fee	\$631.70
37272	18/09/2020	TELSTRA Phone Usage & Equipment Rent	\$1,702.02
37273	25/09/2020	TELSTRA Mobile Phone Usage & Rent	\$249.12
37274	25/09/2020	WATER CORPORATION Water & Service Fee	\$14,753.29
DD7459.1	06/09/2020	REST SUPERANNUATION Superannuation Contributions	\$456.25
DD7459.2	06/09/2020	WA LOCAL GOVT SUPERANNUATION PLAN Payroll deductions	\$11,771.41
DD7459.3	06/09/2020	AUSTRALIAN SUPERANNUATION Superannuation Contributions	\$567.10
DD7459.4	06/09/2020	BENDIGO SUPERANNUATION PLAN Superannuation Contributions	\$266.36
DD7459.5	06/09/2020	PRIME SUPERANNUATION Superannuation Contributions	\$414.18
DD7459.6	06/09/2020	MLC MASTERKEY SUPERANNUATION Superannuation Contributions	\$188.79
DD7459.7	06/09/2020	THE PIPA SELF MANAGED SUPER FUND Superannuation Contributions	\$196.65
DD7459.8	06/09/2020	AMP SUPERLEADER Superannuation Contributions	\$219.24
DD7459.9	06/09/2020	COLONIAL FIRST STATE FIRST CHOICE WHOLESALE PERSONAL SUPER Superannuation Contributions	\$822.76
DD7461.1	01/09/2020	CREDIT CARD - MASTER CARD Credit Card Statement	\$806.38
DD7469.1	20/09/2020	REST SUPERANNUATION Superannuation Contributions	\$433.38
DD7469.2	20/09/2020	WA LOCAL GOVT SUPERANNUATION PLAN Superannuation Contributions	\$11,869.13
DD7469.3	20/09/2020	AUSTRALIAN SUPERANNUATION Superannuation Contributions	\$693.93
DD7469.4	20/09/2020	BENDIGO SUPERANNUATION PLAN Superannuation Contributions	\$263.83
DD7469.5	20/09/2020	PRIME SUPERANNUATION Superannuation Contributions	\$413.38
DD7469.6	20/09/2020	MLC MASTERKEY SUPERANNUATION Superannuation Contributions	\$187.48
DD7469.7	20/09/2020	THE PIPA SELF MANAGED SUPER FUND Superannuation Contributions	\$196.65
DD7469.8	20/09/2020	COLONIAL FIRST STATE FIRST CHOICE WHOLESALE PERSONAL SUPER Superannuation Contributions	\$822.76
DD7484.1	01/09/2020	BENDIGO BANK Bank Charges	\$3.73
DD7484.2	04/09/2020	BENDIGO BANK Bank Charges	\$4.65
DD7484.3	07/09/2020	BENDIGO BANK Bank Charges	\$0.15
DD7484.4	09/09/2020	BENDIGO BANK Bank Charges	\$8.85
DD7484.5	10/09/2020	BENDIGO BANK Bank Charges	\$3.15
DD7484.6	10/09/2020	CARLTON UNITED BREWERIES PTY LTD Bar Purchase	\$1,318.42

Shire of Kulin

EFT & Chq Listing for period ended 30 September 2020

CHQ / EFT No.	DATE	DESCRIPTION	AMOUNT
DD7484.7	11/09/2020	BENDIGO BANK	\$0.60
		Bank Charges	
DD7484.8	15/09/2020	SYNERGY	\$7,495.87
		Electricity	
DD7484.9	01/09/2020	SYNERGY	\$2,808.01
		Electricity	
DD7484.10	15/09/2020	AUSTRALIAN LIQUOR MARKETERS PTY LTD - METCASH TRADING LIMITED	\$2,359.24
		Bar Purchase	
DD7484.11	16/09/2020	SYNERGY	\$68.21
		Electricity	
DD7484.12	18/09/2020	BENDIGO BANK	\$2.85
		Bank Charges	
DD7484.13	18/09/2020	WESTNET INTERNET SERVICES	\$109.90
		Westnet Service	
DD7484.14	28/09/2020	CARLTON UNITED BREWERIES PTY LTD	\$1,184.41
		Bar Purchase	
DD7484.15	25/09/2020	BENDIGO BANK	\$3.60
		Bank Charges	
DD7484.16	23/09/2020	BENDIGO BANK	\$9.00
		Bank Charges	
DD7484.17	22/09/2020	SYNERGY	\$1,690.10
		Electricity	
DD7484.18	30/09/2020	SYNERGY	\$2,653.58
		Electricity	
DD7484.19	01/09/2020	FIRST DATA MERCHANT SOLUTIONS AUSTRALIA PTY LTD	\$289.24
		Bank Charges	
DD7484.20	01/09/2020	WESTNET INTERNET SERVICES	\$179.90
		Westnet Service	
DD7484.21	02/09/2020	BENDIGO BANK	\$146.91
		Bank Charges	
DD7484.22	04/09/2020	SYNERGY	\$1,781.37
		Electricity	
6093053	09/09/2020	BULK PAYMENT	\$68,863.79
		Payroll	
6116463	23/09/2020	BULK PAYMENT	\$67,771.73
		Payroll	
Sub-total: EFT & Chq Payments			\$456,338.88
TOTAL PAYMENTS FOR MONTH ENDING 30 September 2020			\$456,338.88

CREDIT CARD
Statement Summary 30 September 2020

Transaction Date	Officer	Creditor	Amount
3/09/2020	Judd Hobson	APS REWINDS & SALES Davey Seals & Casing Orings, Aquatic Centre	\$547.91
4/09/2020	Judd Hobson	KULIN HOTEL Lunch, Housing Inspection	\$60.00
9/09/2020	Garrick Yandle	JURIEN BAY HOTEL Meals, CEO, WSN Workshop	\$72.50
9/09/2020	Garrick Yandle	JURIEN BAY HOTEL Accommodation CEO, WSN Workshop	\$110.00
9/09/2020	Judd Hobson	JURIEN BAY HOTEL Accommodation Works Supervisor, WSN Workshop	\$110.00
10/09/2020	Cassi Vandenberg	WA NEWS Death Notice -Lyle Trealor	\$104.47
10/09/2020	Garrick Yandle	MERAKI, JURIEN BAY Meal CEO, WSN Workshop	\$28.50
10/09/2020	Judd Hobson	MERAKI, JURIEN BAY Meal Works Supervisor, WSN Workshop	\$21.00
15/09/2020	Cassi Vandenberg	RLSSWA Pool Lifeguard 4 Day Course - Staff Training	\$625.00
15/09/2020	Cassi Vandenberg	TELSTRA Aquatic Centre Internet	\$115.95
15/09/2020	Cassi Vandenberg	PAGODA RESORT Accommodation Trish Mahe, Staff Training	\$375.00
15/09/2020	Garrick Yandle	SIMPLEINOUT Monthly Subscription	\$28.35
15/09/2020	Judd Hobson	SUBWAY KEWDALE Meal Works Supervisor	\$13.25
15/09/2020	Judd Hobson	SUBWAY KEWDALE Meals Works Supervisor	\$45.00
24/09/2020	Garrick Yandle	CROWN PERTH Refreshments, ARC Infrastructure Meeting	\$34.41
24/09/2020	Garrick Yandle	CROWN PERTH BISTRO Meals, CEO/Partner, President/Partner - WALGA AGM	\$465.52
26/09/2020	Garrick Yandle	CROWN METROPOL Accommodation & Meals, CEO/Partner, President/Partner	\$1,956.20
26/09/2020	Judd Hobson	CALTEX BUSSELTON Fuel, Works Supervisor	\$85.01
29/09/2020		BENDIGO BANK Card Fees	\$16.00
			\$4,814.07

Business Credit Card

Date	Transaction	Withdrawals	Payments	Balance
Opening balance				\$806.38
5 Sep 20	A.P.S. REWINDS & SAL ES,BELMONT AUS RETAIL PURCHASE 03/09 CARD NUMBER 552638XXXXXX706 1	E112026-31 547.91	Seals, Aquatic Centre	1,354.29
6 Sep 20	Kulin Hotel, KULIN AUS RETAIL PURCHASE 04/09 CARD NUMBER 552638XXXXXX706 1	E04110-31 60.00	Lunch Housing Inspections	1,414.29
10 Sep 20	Jurien Bay Hotel, Ju rien Bay AUS RETAIL PURCHASE 09/09 CARD NUMBER 552638XXXXXX405 1	E042041-31 72.50	MEALS. NSFN Workshop	1,486.79
10 Sep 20	Jurien Bay Hotel, Ju rien Bay AUS RETAIL PURCHASE 09/09 CARD NUMBER 552638XXXXXX405 1	E042041-31 110.00	CEO'S Accommodation NSFN Workshop	1,596.79
10 Sep 20	Jurien Bay Hotel, Ju rien Bay AUS RETAIL PURCHASE 09/09 CARD NUMBER 552638XXXXXX706 1	E143140-31 110.00	WORKS Supervisor Accommodation NSFN	1,706.79
11 Sep 20	WANEWSADV, OSBORNE P ARK AUS RETAIL PURCHASE 10/09 CARD NUMBER 552638XXXXXX823 1	E04110-31 104.47	Death Notice Lyle Treloar	1,811.26
11 Sep 20	MERAKI, Jurien Bay AUS RETAIL PURCHASE 10/09 CARD NUMBER 552638XXXXXX405 1	E042041-31 28.50	Meals, CEO NSFN Workshop	1,839.76
11 Sep 20	MERAKI, Jurien Bay AUS RETAIL PURCHASE 10/09 CARD NUMBER 552638XXXXXX706 1	E143140-31 21.00	" " " " WORKS Supervisor	1,860.76
14 Sep 20	PERIODIC TFR 00074214151201 00000000000		806.38	1,054.38

473BH102 / E-0 / S-249 / L249 / 0007421415000870

Date Paid ___ / ___ / ___ Amount \$ _____

Business Credit Card - Payment options

 **Pay in person:** Visit any Bendigo Bank branch to make your payment.

 **Internet banking:** Pay your credit card using ebanking 24 hours a day, 7 days a week.
www.bendigobank.com.au

 Register for Internet or Phone Banking call **1300 BENDIGO** (1300 236 344). This service enables you to make payments conveniently between your Bendigo Bank accounts 24/7.

 **Pay by post:** Mail this slip with your cheque to -
**PO Box 480
 Bendigo VIC 3552.**
 If paying by cheque please complete the details below.

 **Banker code:** 342949
Ref: 691211254

Bank@Post™ Pay at any Post Office by **Bank@Post** using your credit card.



Business Credit Card

BSB number 633-000
Account number 691211254
Customer name SHIRE OF KULIN
Minimum payment required \$144.42
Closing Balance on 30 Sep 2020 \$4,814.07
Payment due 14 Oct 2020
Date Payment amount

Drawer	Chq No	BSB	Account No	\$	¢

*Fees will apply for payments made using Bank@Post. Refer to Bendigo Bank Schedule of Fees & Charges and Transaction Account Rebates.

Business Credit Card (continued)

Date	Transaction	Withdrawals	Payments	Balance
16 Sep 20	RLSSWA, MOUNT CLAREM O AUS RETAIL PURCHASE 15/09 CARD NUMBER 552638XXXXXXXX823 1	EC42040 31 625.00	Pool lifeguard 4 day course	1,679.38
17 Sep 20	Telstra Direct Debit ,AUSTRALIA AUS RETAIL PURCHASE 15/09 CARD NUMBER 552638XXXXXXXX823 1	E112330 47 115.95	Aquatic Centre Internet	1,795.33
17 Sep 20	PAGODA RESORT SPA, C OMO AUS RETAIL PURCHASE 15/09 CARD NUMBER 552638XXXXXXXX823 1	EC42040 31 375.00	Meals + Accommodation Trish Mahe Staff Training	2,170.33
17 Sep 20	SIMPLEINOUT.COM, 701 4918762 US RETAIL PURCHASE-INTERNATIONAL 15/09 19.99 U.S. DOLLAR CARD NUMBER 552638XXXXXXXX405 1	EC42060 31 27.52	Monthly Subscription	2,197.85
17 Sep 20	INTERNATIONAL TRANSACTION FEE	" 0.83	"	2,198.68
17 Sep 20	Subway Kewdale, Kewdale AUS RETAIL PURCHASE 15/09 CARD NUMBER 552638XXXXXXXX706 1 ✓	E143140 31 13.25	Meal - Judd Hobson	2,211.93
17 Sep 20	Subway Kewdale, Kewdale AUS RETAIL PURCHASE 15/09 CARD NUMBER 552638XXXXXXXX706 1	" 45.00	" "	2,256.93
27 Sep 20	CROWN PERTH LOBBY LO U,BURSWOOD AUS RETAIL PURCHASE 24/09 CARD NUMBER 552638XXXXXXXX405 1	EC42041 31 34.41	Meeting, AIC Infrastructure staff refreshments	2,291.34
27 Sep 20	CROWN PERTH BISTRO G U,BURSWOOD AUS RETAIL PURCHASE 24/09 CARD NUMBER 552638XXXXXXXX405 1	" 465.52	Meals, Refreshments CEO/Partner President/Partner	2,756.86
29 Sep 20	CROWN METROPOL PERTH , BURSWOOD AUS RETAIL PURCHASE 26/09 CARD NUMBER 552638XXXXXXXX405 1	EC41030 31 1,956.20	Accommodation, Meals, CEO - President	4,713.06
29 Sep 20	CALTEX BUSSELTON, BUSSELTON AUS RETAIL PURCHASE 26/09 CARD NUMBER 552638XXXXXXXX706 1	PMU30 052 728 85.01	Works Supervisors fuel	4,798.07
29 Sep 20	CARD FEE 4 @ \$4.00	16.00		4,814.07
Transaction totals / Closing balance		\$4,814.07	\$806.38	\$4,814.07

AUTOMATIC PAYMENTS HAVE BEEN SPECIFIED
FOR YOUR ACCOUNT.

473BH102 / E-0 / S-250 / L250 / 0007421415000870



Shire of Kulin

MONTHLY FINANCIAL REPORT

For the period ended 30 September 2020

Presented to Ordinary Council Meeting

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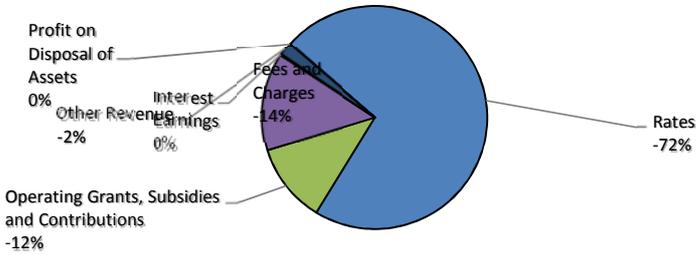
Note 7 Major Variances

**LOCAL GOVERNMENT ACT 1995
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996**

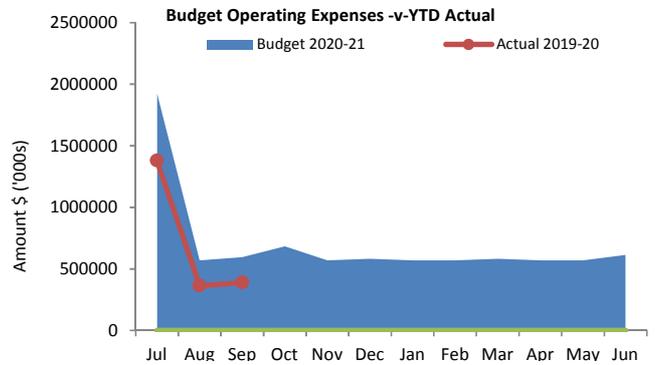
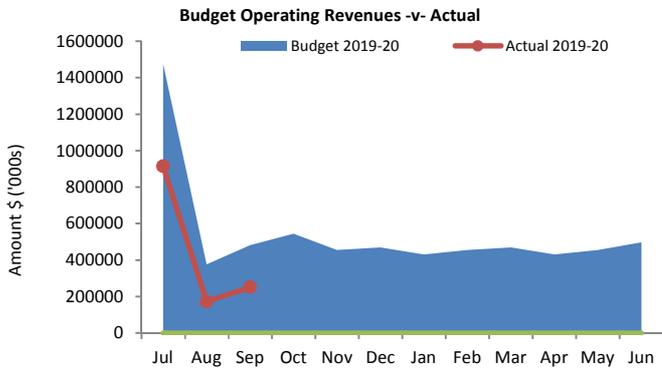
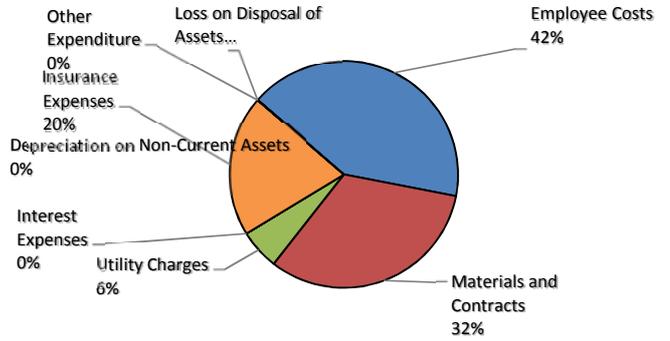
Shire of Kulin
SUMMARY INFORMATION - GRAPHS
 For the period ended 30 September 2020

OPERATING ACTIVITIES

OPERATING REVENUE

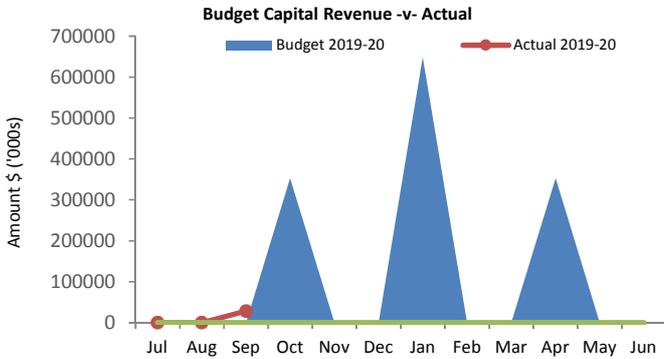


OPERATING EXPENSES

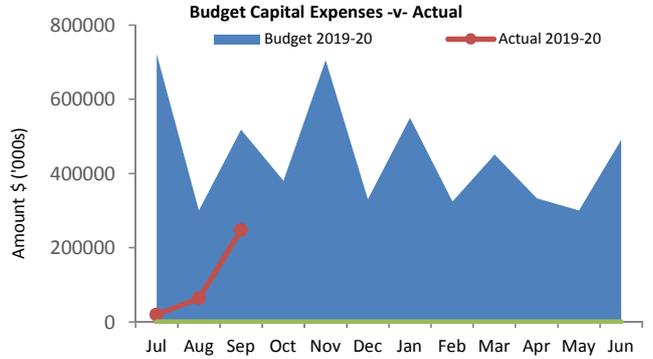


INVESTING ACTIVITIES

CAPITAL REVENUE



CAPITAL EXPENSES



This information is to be read in conjunction with the accompanying Financial Statements and Notes.

Shire of Kulin
STATEMENT OF FINANCIAL ACTIVITY
(Statutory Reporting Program)
For the period ended 30 September 2020

	Ref Note	Annual Budget \$	YTD Budget \$	YTD Actual \$	Var. \$	Var. %	
Opening Funding Surplus(Deficit)	1(a)	1,671,941	1,671,941	1,657,227	(14,714)	(1%)	
Operating Revenues							
General Purpose Funding		1,717,020	425,081	277,272	(147,809)	(53%)	▼
General Purpose Funding - Rates	2	2,028,931	2,028,931	2,036,356	7,425	0%	
Governance		17,970	4,488	25,859	21,371	83%	▲
Law, Order and Public Safety		33,400	7,342	650	(6,692)	(1030%)	▼
Health		0	0	0	0		
Education and Welfare		270,440	54,480	65,911	11,431	17%	▲
Housing		108,282	27,066	25,535	(1,531)	(6%)	
Community Amenities		101,224	95,821	99,963	4,142	4%	
Recreation and Culture		214,449	44,310	51,082	6,772	13%	▲
Transport		257,681	224,119	0	(224,119)	0%	
Economic Services		1,235,800	183,919	189,554	5,635	3%	
Other Property and Services		120,864	28,959	44,315	15,356	35%	▲
Total (Excluding Rates)		6,106,061	3,124,516	2,816,497	(308,019)		
Operating Expense							
General Purpose Funding		(96,808)	(22,026)	(18,151)	(3,875)	(21%)	
Governance		(219,077)	(77,257)	(81,369)	4,112	5%	
Law, Order and Public Safety		(151,392)	(31,577)	(36,105)	4,528	13%	
Health		(120,039)	(29,986)	(7,914)	(22,072)	(279%)	▼
Education and Welfare		(323,674)	(80,886)	(82,115)	1,229	1%	
Housing		(263,405)	(65,817)	(56,655)	(9,162)	(16%)	▼
Community Amenities		(377,752)	(91,881)	(85,566)	(6,315)	(7%)	
Recreation and Culture		(1,231,739)	(317,263)	(249,721)	(67,542)	(27%)	▼
Transport		(3,382,226)	(843,630)	(586,658)	(256,972)	(44%)	▼
Economic Services		(1,101,998)	(278,514)	(194,252)	(84,262)	(43%)	▼
Other Property and Services		(93,007)	(69,635)	22,826	(92,461)	405%	
Total		(7,361,116)	(1,908,472)	(1,375,681)	(532,791)		
Funding Balance Adjustment							
Add back Depreciation	3(c)	3,175,584	793,896	0	(793,896)	-100%	▼
Adjust (Profit)/Loss on Asset Disposal	3(b)	(43,746)	0	0	0		
Total Adjustments		3,131,838	793,896	0	(1,634,706)		
Investing Activities							
Proceeds from Capital Grants	5	1,504,000	353,500	0	(353,500)	#####	▼
Proceeds from disposal of assets	3(b)	171,000	42,750	28,500	(14,250)	-50%	▼
Payments for property, plant and equipment and infrastructure	3(a)	(4,991,340)	(722,132)	(333,559)	(388,573)	-116%	▼
		(3,316,340)	(325,882)	(305,058)			
Financing Activities							
Transfer from reserves	4	218,327	0	0	0	0%	
Repayment of debentures	6	(90,511)	0	0	0	0%	
Transfer to reserves	4	(316,263)	0	(43,326)	43,326	0%	
		(188,447)	0	(43,326)			
Closing Funding Surplus(Deficit)	1(a)	43,937	3,355,999	2,749,659			

Shire of Kulin
STATEMENT OF FINANCIAL POSITION
For the period ended 30 September 2020

Description	Balance 30 June 2020 \$	Movement \$	Total Actual 30-Sep-20 \$
CURRENT ASSETS			
Cash at Bank	1,983,660	899,027	2,882,687
Cash at Bank Reserves & Restricted Funds	1,871,837	42,979	1,915,163
Sundry Debtors	265,734	(1,258)	264,476
Sundry Debtors - Rates	54,423	271,627	326,050
Accrued Interest	3,007	(3,007)	0
Stock on hand	52,446	79,842	132,288
TOTAL CURRENT ASSETS	4,231,106	1,289,211	5,520,664
CURRENT LIABILITIES			
Contract Liabilities	0		(149,360)
Sundry Creditors	(196,709)	(20,334)	(217,043)
Accruals	(276,683)	106,912	(169,770)
LSL - Current	(217,364)	0	(217,364)
GST Clearing Account	(11,443)	(61,701)	(73,144)
Loan Commitment - Current	(90,511)	0	(90,511)
ESL Collection	3,937	(28,432)	(24,494)
Rates Paid in Advance	(3,781)	(886)	(4,667)
TOTAL CURRENT LIABILITIES	(792,554)	(4,440)	(946,353)
NET CURRENT ASSETS	3,438,553	1,284,771	4,574,311
NON-CURRENT ASSETS			
Land & Buildings	21,065,490	0	21,065,490
Construction other than Buildings	325,900	(0)	325,950
Plant & Equipment	3,070,738	69,645	3,140,383
Furniture & Equipment	141,596	0	141,596
Motor Vehicles	1,465,714	0	1,465,714
Infrastructure	107,273,928	233,938	107,509,293
Shares - Kulin (Bendigo) Bank	5,000	0	5,000
Units Held - Local Government House Trust	71,221	0	71,221
TOTAL NON-CURRENT ASSETS	133,419,587	303,583	133,724,646
NON CURRENT LIABILITIES			
Loan Liability Non Current	(1,073,720)	0	(1,073,720)
Lsl Accrual - Non Current	(74,878)	0	(74,878)
TOTAL NON-CURRENT LIABILITIES	(1,148,598)	0	(1,148,598)
NET ASSETS	135,709,541	1,588,354	137,150,358
TOTAL ACCUMULATED RESERVES			
	1,871,837	43,326	1,915,163
Asset Revaluation - Infrastructure	80,027,800	0	80,027,800
Asset Revaluation - Property, Plant & Equipment	1,851,617	0	1,851,617
Asset Revaluation - Land & Buildings	11,639,170	0	11,639,170
Accumulated Surplus	40,319,118	1,440,817	41,759,935
TOTAL ACCUMULATED SURPLUS	133,837,704	(43,326)	135,235,196
TOTAL EQUITY	135,709,541	0	137,150,358

Shire of Kulin
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the period ended 30 September 2020

Note 1(a) - Net Current Assets Composition

	Budget Last Year Closing 30 June 2019	Actual Last Year Closing 30 June 2019	Year to Date 30-Sep-20
Current Assets			
Cash and Cash Equivalents	4,010,595	3,855,497	4,797,850
Accounts Receivable - Rates	69,220	54,579	296,889
Accounts Receivable - Sundry	271,384	265,734	264,476
Inventories	59,377	52,446	132,288
Other	3,007	3,007	0
Less: Current Liabilities			
Contract Liabilities			
	0	0	(149,360)
Sundry Creditors	(372,755)	(197,359)	(216,930)
Payroll Accruals	(86,562)	(106,150)	0
Provision for Annual Leave	(169,883)	(169,883)	(169,883)
Provision for Long Service Leave (Current)	(217,364)	(217,364)	(217,364)
ATO Liability	(17,828)	(12,486)	(73,144)
Borrowings (Current)	(90,511)	(90,511)	(90,511)
Adjustments to Current Assets			
Less: Reserves (Restricted Cash)	(1,871,837)	(1,871,837)	(1,915,163)
Add: Borrowings (Current)	90,511	90,511	90,511
Closing funding surplus/(deficit)	1,677,353	1,656,184	2,749,659

Current And Non-Current Classification

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the Council's operational cycle.

Note 1(b) - Banking Information

	General Ledger Balance 30-Sep-20	Bank Statement Balance 30-Sep-20
Cash at Bank - Unrestricted		
Municipal Funds	1,364,959	1,471,989
Freebairn Recreation Centre	46,236	46,281
Investments	1,467,898	1,467,789
Till Float	3,095	3,095
Petty Cash	500	500
	2,882,687	2,989,654
Cash at Bank - Restricted		
Reserve Funds	1,915,163	1,915,163
	1,915,163	1,915,163

Shire of Kulin
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the period ended 30 September 2020

Note 2 - Rating information

Rate Type	Rate in \$	Number of properties	Rateable Value	Budgeted Rate Revenue	Actual Rate Revenue
General Rate					
Gross Rental Value					
Residential	0.10187	134	1,189,708	121,196	121,146
Industrial	0.10187	13	116,376	11,855	11,855
Commercial	0.10187	28	447,448	45,582	45,582
Rural	0.10187	11	88,608	9,026	9,026
Unimproved Value					
Rural	0.01049	347	180,837,500	1,896,713	1,896,985
Mining	0.01049	0	-	-	-
Sub-total		533	182,679,640	2,084,371	2,084,594
Minimum Payment					
Gross Rental Value					
Residential	443.89	10	4,160	4,439	4,439
Industrial	443.89	5	9,736	2,219	2,219
Commercial	443.89	4	8,600	1,776	1,776
Rural	443.89	7	12,795	3,107	3,107
Unimproved Value					
Rural	443.89	9	235,700	3,995	3,995
Mining	443.89	21	213,553	9,322	9,322
Sub-total		56	484,544	24,858	24,858
		589	183,164,184	2,109,229	2,109,452
Discount				(91,000)	(87,244)
Concessions/Write-offs				(13,000)	(9,855)
Total raised from general rates				2,005,229	2,012,353
Ex-Gratia Rates				23,701	23701.08
Total Rates				2,028,930	2,036,054

All land (other than exempt land) in the Shire of Kulin is rated according to its Gross Rental Value (GRV) in townsites or Unimproved Value (UV) in the remainder of the Shire of Kulin.

The general rates detailed for the 2020/21 financial year have been determined by Council on the basis of raising the revenue required to meet the deficiency between the total estimated expenditure proposed in the budget and the estimated revenue to be received from all sources other than rates and also considering the extent of any increase in rating over the level adopted in the previous year.

The minimum rates have been determined by Council on the basis that all ratepayers must make a reasonable contribution to the cost of local government services/facilities.

Shire of Kulin
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the period ended 30 September 2020

Note 3 - Asset information

Note 3(a) - Asset Acquisitions

Description	YTD			Category	Renewal/	
	Budget	Budget	YTD Actual		Replace	New Asset
Server Equipment Replacement	47,732	-	-	F&E	Y	
Old Administration Building	13,500	-	-	F&E	Y	
Main Street CCTV	75,000	-	-	OC		Y
Cemetery Entrance Upgrade	15,098	-	-	OC	Y	
Aquatic Centre Recreation Improvements	135,000	-	1,426	Inf	Y	
Aquatic Centre Infr & Equip Improvements	83,000	-	-	Inf	Y	
Freebairn Rec Centre Surface Replacement	250,000	-	-	L&B	Y	
Freebairn Rec Centre Equip Improvements	30,000	-	-	P&E		Y
Oval Irrigation Upgrade	160,000	-	-	Inf	Y	
Town Playground Softfall Replacement	50,000	-	-	L&B	Y	
Lowloader	125,000	-	-	P&E	Y	
Side Tipper Trailer	120,000	-	98,145	P&E	Y	
Tractor	55,000	-	-	P&E	Y	
Mini Excavator	45,000	-	-	P&E		Y
Plant Trailer	11,000	-	-	P&E		Y
Miscellaneous Plant (inc EWP trial)	20,000	5,000	-	P&E		Y
Toyota Prado (CEO)	55,000	-	-	MV	Y	
Toyota Prado (WM)	55,000	-	-	MV	Y	
Isuzu 3T Tipper	66,000	-	-	MV	Y	
4x2 Utility (No Trade)	25,000	-	-	MV		Y
Holt Rock Depot Improvements	24,706	-	-	L&B	Y	
RRG Road Construction	626,271	156,568	169,112	Inf	Y	
R2R Road Construction	426,344	106,586	-	Inf	Y	
BS Road Construction	802,786	200,697	-	Inf	Y	
Own Resource Road Construction	890,628	222,657	53,079	Inf	Y	
Drainage Improvements (High Street)	147,884	-	-	Inf	Y	
Footpath Construction	150,891	-	-	Inf		Y
Pingaring Dam	30,500	7,625	8,910	Inf		Y
Youth Precinct	330,000	-	-	L&B		Y
Water Infrastructure	92,000	23,000	2,886	Inf		Y
Caravan Park Disabled Ablutions	33,000	-	-	L&B	Y	
	4,991,340	722,132	333,559			

Note 3(b) - Disposal of Assets

Asset Description	Budget			YTD Actual		
	Net Book Value	Proceeds on Sale	Profit/Loss on Sale	Net Book Value	Proceeds on Sale	Profit/Loss on Sale
PPE74 - Roadwest Lowloader	10,000	25,000	(15,000)	-	-	-
PPE114 - Haulmore S/Tipper	8,502	20,000	(11,498)	-	-	-
PPE18 - New Holland Tractor	12,752	20,000	(7,248)	-	-	-
PMV37 - Isuzu 3T Tipper	6,000	16,000	(10,000)	-	-	-
PMV27 - Toyota Prado (CEO)	44,000	45,000	(1,000)	-	-	-
PMV30 - Toyota Prado (WM)	46,000	45,000	1,000	-	-	-
	127,254	171,000	(43,746)	-	-	-

Note 3(c) - Depreciation

	Depreciation Expense			Asset Sustainability Ratio	
	Budget	Budget	YTD Actual	Budget	Actual
Furniture & Equipment	9,942	2,486	0	-	0
Land & Buildings	461,285	115,321	0	-	0
Motor Vehicles	72,100	18,025	0	-	0
Construction Other than Buildings	15,205	3,801	0	-	0
Plant & Equipment	366,115	91,529	0	-	0
Infrastructure	2,250,937	562,734	0	1.22	0
	3,175,584	793,896	-	0.91	-

Shire of Kulin
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the period ended 30 September 2020

Note 4 - Cash Backed Reserves

Reserve	Budget				Actual			
	Opening Balance	Transfer to	Transfer from	Closing Balance	Opening Balance	Transfer to	Transfer from	Closing Balance
Leave	361,521	28,150	-	389,671	361,521	638	-	362,159
Plant	397,979	53,600	-	451,579	397,979	702	-	398,681
Building	248,034	87,250	-	335,284	248,034	437	-	248,471
Admin Equipment	76,640	675	47,732	29,583	76,640	135	-	76,775
Natural Disaster	142,362	1,260	20,000	123,622	142,362	251	-	142,613
Joint Venture Housing	75,946	675	-	76,621	75,946	134	-	76,080
FRC Surface & Equipment	141,595	600	139,595	2,600	141,595	40,275	-	181,870
Medical Services	114,998	1,035	-	116,033	114,998	212	-	115,210
Fuel Facility	81,814	720	-	82,534	81,814	135	-	81,949
Sportsperson Scholarship	13,625	108	-	13,733	13,625	24	-	13,649
Freebairn Rec Centre	217,323	1,935	11,000	208,258	217,323	383	-	217,706
Short Stay Accommodation	-	140,255	-	140,255	-	-	-	-
	1,871,837	316,263	218,327	1,969,773	1,871,837	43,326	-	1,915,163

Reserve Details	Reserve Details	Anticipated Use Date	Informal Min.	Informal Max.
Leave	To fund employee long service and annual leave entitlements	-	-	As req
Plant	To fund the purchase of major plant. On average plant replacement cost approx. \$450k annually, on years where we spend less than this the difference is banked in to reserve. In years where we spend more we draw from the reserve.	-	350,000	-
Building	To fund the development of future housing	-	-	-
Admin Equipment	To fund the replacement of administration equipment.	-	50,000	100,000
Natural Disaster	To fund the LG contribution as specified through the WANDRRA guidelines and other natural disaster recovery expenditure.	-	100,000	-
Joint Venture Housing	A maintenance reserve to fund the long term maintenance of each Joint Venture Housing arrangement.	-	-	-
FRC Surface & Equipment	To fund the replacement of equipment and sports surfaces at the Freebairn Recreation Facility as necessary.	-	-	-
Medical Services	To fund the recruitment and provision of medical services in the future. Difference between the budgeted and actual expenditure is	-	100,000	150,000
Fuel Facility	To fund the replacement of the equipment at the fuel facility. Net profit from the sale of fuel is transferred to this reserve.	-	75,000	200,000
Sportsperson Scholarship	To fund the development of local sportspersons.	-	-	15,000
Freebairn Rec Centre	To fund maintenance and replacement of land and building assets at the FRC	-	100,000	-
Short Stay Accommodation	To fund the construction of short stay accommodation	30/06/2022	-	250,000

Shire of Kulin
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the period ended 30 September 2020

Note 5 - Operating Grants

Grant Source	Purpose	YTD		YTD Actual
		Budget	Budget	
Grants Commission	Federal financial assistance grants	1,070,000	267,500	270,770
Local Roads & Community Infrastructure Program	Federal Government Stimulus	571,000	150,250	-
Department of Primary Industries & Regional Development	Regional Economic Development (RED)	30,000	-	-
Fire & Emergency Services	Emergency Services Levy Operating Grant	25,000	6,250	-
KCCC Sustainability Grant	Childcare Sustainability Grant	52,500	-	25,000
Main Roads	State Direct Grant (Untied Road Funding)	212,935	212,935	-
Department of Primary Industries & Regional Development	Community Resource Centre Funding	100,000	25,000	28,490
Department of Water	Drought Communities	500,000	-	-
		2,061,435	661,935	324,260

Capital Grants

Grant Source	Purpose	YTD		YTD Actual
		Budget	Budget	
Main Roads	Regional Road Group Road Construction	365,000	91,250	-
Department of Infrastructure	Roads to Recovery Road Construction	525,000	131,250	-
Main Roads	Black Spot Road Construction	524,000	131,000	-
Department of Water	Community Water Supply	90,000	-	-
		1,504,000	353,500	-

Shire of Kulin
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the period ended 30 September 2020

Note 6 - Borrowings

	Budget				Actual			
	Principal		Interest		Principal		Interest	
	Principal 01/07/2020	Repayment s	Principal 30/06/2020	Repayment s	Principal 01/07/2020	Repayment s	Principal 30/06/2020	Repayment s
Loan 1 Administration Building	1,164,231	90,511	1,073,720	42,895	1,164,231	-	1,164,231	-
	1,164,231	90,511	1,073,720	42,895	1,164,231	-	1,164,231	-

Shire of Kulin
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the period ended 30 September 2020

Note 7 - Explanation of Material Variances

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date actual materially.

The material variance adopted by Council for the 2020-21 year is \$5,000 or 10.00% whichever is the greater.

Revenue from operating activities	Var \$	Var %	Explanation
General purpose funding - other	(147,809)	-53%	No funds received for LRCIP/RED grant funding
General purpose funding - rates	7,425	0%	Under 10% threshold
Governance	21,371	83%	Insurance rebate (\$20k) not budgeted for
Law, order and public safety	(6,692)	-1030%	ESL Operating grant budgeted to be received however not received until October 20
Health	0		
Education and welfare	11,431	17%	Income from user fees at childcare centre lower than what was budgeted for
Housing	(1,531)	-6%	Under \$5,000 Threshold
Community amenities	4,142	4%	Under \$5,000 & 10% Threshold
Recreation and culture	6,772	13%	Under \$5,000 & 10% Threshold
Transport	(224,119)	0%	Main Roads Direct Grant has not yet been invoiced for \$213k
Economic services	5,635	3%	Under 10% threshold
Other property and services	15,356	35%	Income from workers comp (\$6k) unbudgeted for & fuel tax credit higher than expected (\$9k)
Expenditure from operating activities			
General purpose funding	(3,875)	-21%	Under \$5,000 Threshold
Governance	4,112	5%	Under \$5,000 & 10% Threshold
Law, order and public safety	4,528	13%	Under \$5,000
Health	(22,072)	-279%	Expenditure on medical centre lower than expected, Shire of Kondinin bill quarterly for dr and have not yet rec'd bill nor from Corrigin for EHO service
Education and welfare	1,229	1%	Under \$5,000 & 10% Threshold
Housing	(9,162)	-16%	Timing of expenditure, housing projects not yet taken place
Community amenities	(6,315)	-7%	Under 10% Threshold
Recreation and culture	(67,542)	-27%	Depreciation journals not yet posted Road maintenance expenditure higher than budgeted due to winter grading works (475k) Depreciation journals not yet
Transport	(256,972)	-44%	posted (\$250k)
Economic services	(84,262)	-43%	Depreciation journals not yet posted (\$25k) CRC wages not expended (\$25k) Expenditure on consultant for engineering work not budgeted for (\$25k), allocation of overheads and plant costs lower than budgeted for (-\$40k), insurance and licensing for vehicle paid in one lump sum (\$25k) Depreciation journals not yet
Other property and services	(92,461)	405%	posted (-\$90k)
Investing activities			
Proceeds from non-operating grants, subsidies and contributions	(353,500)	0	Timing of budget, some grant funding has been received in October
Proceeds from disposal of assets	(14,250)	0	Budget timing, only one trade taken place this financial year
Payments for property, plant and equipment and infrastructure	(388,573)	-116%	Timing, capital projects are currently being planned and expenditure can be expected over the next few months. Road capital projects in particular will commence once winter grading has been completed.
Financing activities			
Transfer from reserves	0	0	Under \$5,000 & 10% Threshold
Repayment of debentures	0	0	Under \$5,000 & 10% Threshold
Transfer to reserves	(43,326)	0	Interest on term deposit received earlier than budget profile, payment to Equipment and Surface Reserve of \$40k from Colts Carnival

LOCAL GOVERNMENT ACT 1995

Shire of Kulin

General Repeal Local Law 2020

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Council of the Shire of Kulin resolved on 21 October 2020 to make the following local law.

1. Citation

This local law is cited as the *Shire of Kulin General Repeal Local Law 2020*.

2. Commencement

This local law comes into operation 14 days after the date of its publication in the Government Gazette.

3. Repeal

This local law repeals the:

1. *Kulin Road Board General By-laws (including By-laws for the Management and the Use of the Kulin Road Board Hall)*, published in the *Government Gazette* on 13 July 1928, and as amended in the *Government Gazette* on 12 September 1930, 15 January 1937, 7 March 1941, 22 August 1941, 3 February 1950, 12 November 1954, 5 February 1971 and 17 November 1978;
2. *Kulin Road Board By-laws for the Registration and Licensing of Hawkers*, published in the *Government Gazette* on 16 August 1935;
3. *Kulin Road Board By-law for the Supply and Distribution of Water*, published in the *Government Gazette* on 2 March 1945;
4. *Kulin Road Board By-laws-Long Service Leave*, published in the *Government Gazette* on 21 April 1950;
5. *Shire of Kulin Local Government Draft Model By-laws Relating to (Petrol Pumps) No.10*, published in the *Government Gazette* on 29 May 1963;
6. *Shire of Kulin By-laws Relating to Depositing and Removal of Refuse, Rubbish, Litter and Disused Materials*, published in the *Government Gazette* on 7 December 1967;
7. *Shire of Kulin By-laws Relating to Sick Leave*, published in the *Government Gazette* on 27 August 1969; and
8. *Shire of Kulin By-laws Relating to Pest Plants*, published in the *Government Gazette* on 30 July 1982

Dated 21 October 2020

The Common Seal of the Shire of Kulin was affixed in the presence of-

Barry West
Shire President

Garrick Yandle
Chief Executive Officer

CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995
Shire of Kulin
Cemeteries Local Law 2020

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CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995

Shire of Kulin

Cemeteries Local Law 2020

Under the powers conferred by the *Cemeteries Act 1986* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Kulin resolved on 21 October 2020 to **make** the following local law.

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Kulin Cemeteries Local Law 2020*.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Application

This local law applies to the Kulin Public Cemetery (Reserve 192552), Dudinin Public Cemetery (Reserve 14995) and the Pingaring Public Cemetery (Lot 3142) located in the district.

1.4 Repeal

This local law repeals *the Shire of Kulin, Kulin and Dudinin Cemeteries (Reserves 19252 and 14995) By-Laws* as published in the *Government Gazette* on 8 November 1967 and as amended in the *Government Gazette* on 21 December 1973 and 15 July 1977.

1.5 Definitions

In this local law, unless the context otherwise requires—

Act means the *Cemeteries Act 1986*;

Ashes means so much of the remains of a dead body after the due processes of cremation as may be contained in a standard sized cremation urn;

authorised person means a person—

(a) appointed by the Board for the purposes of performing any function or exercising any power, other than the giving of infringement notices, conferred upon an authorised person by this local law; or

(b) authorised under section 64 of the Act to give infringement notices;

board means the local government;

Burial means placement of a coffin containing a dead body into a grave, and includes a natural burial;

business day means any week day other than a public holiday in Western Australia;

cemetery means a cemetery under the care and control of the Board;

CEO means the chief executive officer, for the time being, of the Board;

coffin means a coffin or other receptacle used for the transportation of a dead body to the grave site, or the receptacle used for the burial of a dead body in a grave;

Commissioner of Police means the Commissioner of Police for the time being appointed under the *Police Act 1892* and includes any person for the time being acting in that capacity;

district means the district of the local government;

funeral has the meaning given to it in the Act;

funeral director means a person holding a current funeral director's licence;

grant of right of burial means a right granted under clause 2.3 for immediate burial of a dead body, and for the purposes of this local law, includes placement of ashes in a grave, niche wall, memorial garden or under a memorial plaque, or scattering of ashes within a cemetery;

grant means a grant issued by the Board for an exclusive right of burial in a specified area of the cemetery, and for the purposes of this local law, includes placement of ashes in a grave, niche wall, memorial garden or under a memorial plaque, or scattering of ashes within a cemetery;

headstone means a memorial designed for placement at the head of a grave, commemorating a grave or the placement of ashes;

holder in relation to a grant includes-

- (i) a person issued with a grant by the Board, or
- (ii) a person for the time being appearing to the Board to be the holder of a grant;

interment includes, as the case may be—

- (a) burial of a dead body;
- (b) placement of ashes in a grave, niche wall, memorial garden or under a commemorative plaque; or
- (c) scattering of ashes;

interment permit means a single funeral permit issued by the Board under section 20 or 21 of the Act which entitles the holder to conduct the interment of a person named in the permit, and includes placement or scattering of ashes in a cemetery;

local government means the Shire of Kulin;

memorial has the meaning set out in the Act;

memorial plaque means a panel, plate or tablet designed or used for purposes of bearing a commemorative inscription;

memorial work means to install, repair, renovate or remove a memorial;

monument means a sculpture, statue, cover of a grave or other form of memorial approved by the Board commemorating a grave or the placement of ashes, other than a headstone or memorial plaque;

natural burial means burial in the ground—

- (a) without preparation of the dead body using chemical preservatives; and
- (b) by containment of the dead body only in a shroud or biodegradable coffin;

niche wall means a structure for the placement of a container of ashes in a compartment secured with a covering memorial plaque;

personal representative means—

- (a) the administrator or executor of an estate of a deceased person;
- (b) the person who, by law of practice, has the right to apply for administration of the estate of the deceased person; or
- (c) a person having the lawful custody of a dead body;

~~**pre-need certificate** means the purchase of a certificate made under clause 2.4 setting aside for use of the person who wishes to secure the use of the grave, niche wall compartment or memorial position, prior to any grant of right of burial made under clause 2.3;~~

Schedule means a Schedule to this local law;

set fee refers to fees and charges set by a resolution of the Board and published in the *Government Gazette*, under section 53 of the Act;

shroud means, as the context requires—

- (a) a cloth or cloths used to securely wrap a dead body for burial; or
- (b) a dead body contained within a cloth or cloths;

standard grave means a grave which does not exceed any of the following dimensions: 2000 millimetres long, 1200 millimetres wide and 2100 millimetres deep;

utility services means municipal or public services and includes the supply of water, electrical power, and, gas and also includes refuse, building waste and sewerage disposal services;

vault means a below ground lined grave with one or more sealed compartments constructed to specifications approved from time to time by the Board; and

vehicle includes every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise, other than a wheelchair or baby stroller, and includes a bicycle and a skateboard.

PART 2 - ADMINISTRATION

Division 1 - General

2.1 Powers and functions of CEO

Subject to the direction of the Board, the CEO shall exercise all the powers and functions of the Board in respect of a cemetery in the district.

2.2 Plans

- (1) The Board shall establish and maintain a plan of each cemetery showing—
 - (a) the location of areas set aside for burials, niche walls, memorial gardens, and placement of ashes in a garden;
 - (b) the location of an area to be used only for burials of persons of a particular religious denomination;
 - (c) the location of different areas of the cemetery to which different requirements for memorials apply;
 - (d) the location of areas set aside for the works and other uses as specified in sections 24(2)(a) and (b) of the Act; and
 - (e) any restricted areas.
- (2) The plans referred to in subclause (1) shall be open for inspection by members of the public during normal office hours of the Board.

Division 2 – Right of Burial

2.3 Grant of right of burial

- ~~(1) Upon payment of the set fee, a grave or niche compartment location shall be granted right of burial for a period in accordance with section 25(1) of the Act.~~
- ~~(2) Upon payment of the set fee, a grant of right of burial shall be extended for a further period in accordance with section 25(2) or (4) of the Act.~~
- ~~(3) A grant of right of burial made and recorded at the commencement of this local law, shall remain valid for the periods specified by the Act.~~
- ~~(4) If the Board refuses an application under subclause (1) or (2), written notice of the refusal is to be given to the applicant.~~

2.4 Pre-need certificate

- ~~(1) Prior to issue of a grant of right of burial, and upon payment of the set fee, purchase of a pre-need certificate for a specific position of gravesite, niche compartment or memorial location may be approved for a period not exceeding to five years~~
- ~~(2) Upon payment of the set fee, a pre-need certificate may be renewed for a further period not exceeding five years~~
- ~~(3) Cancellation of a pre-need certificate may be made by the person holding the pre-need certificate or authorised representative at any time.~~
- ~~(4) For avoidance of doubt, a pre-need certificate is not a grant of right of burial.~~
- ~~(5) If the Board refuses to grant an application under subclause (1) or (2), written notice of the refusal is to be given to the applicant.~~

2.5 Board may enter into an agreement for maintenance

~~The Board may enter into an agreement with the holder of a grant of right of burial under clause 2.3 or holder of a pre-need certificate under clause 2.4 for the maintenance of an area of a cemetery at the expense of the holder.~~

2.3 Issuing of grants

The Board may from time to time issue to a person a grant for the term specified in the Act, upon-

- (a) written application by that person; and
- (b) payment of the set fee.

2.4 Right of holder

- (1) Subject to this local law, to the prior approval of the Board and to the terms and conditions (if any) imposed by the Board, a grant confers on the holder, during the term of the grant, an exclusive right—
 - (a) to be buried in a grave specified in the grant; and
 - (b) to carry out monumental works on the gravesite specified in the grant.
- (2) The Board, in its absolute discretion, may determine from time to time the number of dead bodies or ashes which may be placed in the grave.
- (3) The Board or an authorised officer may request the holder to produce the grant before the exercise of any of the rights referred to in subclause (1) and the holder shall forthwith comply with that request
- (4) If the location stipulated in the grant of right of burial is significantly and adversely affected prior to or at the time of burial by unforeseen conditions such as flooding, a high water table, rock, large tree roots or any other significant matter the Board may allocate any other gravesite of the grantee's choosing that is not already subject to a grant.

2.5 Renewal of grant

- (1) Where, at any time during the term of a grant, a holder—
 - (a) makes written application; and
 - (b) pays a set fee, the Board must renew the grant for a further term of twenty five (25) years commencing on the expiry date of the grant.
- (2) The set fee for the issue of a new grant pursuant to this clause shall be determined by the Board from time to time.
- (3) The Board may request the holder to deliver an existing grant to it prior to issuing a new grant.
- (4) The holder shall forthwith upon receiving a request by the Board in accordance with subclause (3) deliver the existing grant to the Board.

2.6 Replacement of grant

- (1) The Board may—
 - (a) upon the written application of a holder; and
 - (b) upon the production of evidence to the satisfaction of the Board, issue a new grant to replace a grant which is lost or destroyed.
- (2) Notwithstanding subclause (1), the Board may prior to issuing a replacement grant, require the holder to make a statutory declaration in a form determined by the Board.
- (3) The replacement grant issued by the Board shall be deemed to be the original grant.

2.7 Transfer of grant

A holder who desires to transfer a grant to another person shall make an application to the Board in a form determined by the board and upon receipt of the application the Board may grant permission in accordance with section 26 of the Act.

2.8 Exercising the rights of holder

If evidence is produced in writing to the satisfaction of the Board that a holder is unavailable or not immediately ascertainable, or has died and has not specifically bequeathed a grant, then the rights conferred upon that holder may be exercised by a holder's personal representative or a person acting expressly on behalf of a personal representative. If those persons are unavailable or not immediately ascertainable, the Board may approve any other person.

2.9 Board may enter into an agreement for maintenance

The Board may enter into an agreement with the holder of a grant of right of burial under clause 2.3 or holder of a pre-need certificate under clause 2.4 for the maintenance of an area of a cemetery at the expense of the holder.

PART 3 - APPLICATION FOR INTERMENT

3.1 Application for interment permit

- (1) A funeral director may apply for approval for an interment of a dead body in a cemetery.
- (2) A funeral director, the personal representative of a deceased person whose body has been cremated, or other person approved by an authorised person may apply for approval for interment of ashes in a cemetery.
- (3) An application for an interment permit under subclause (1) or (2) of—
 - (a) a dead body shall include details of—
 - (i) proposed burial method for the dead body in accordance with clause 5.1; and
 - (ii) the vehicle transporting the dead body to the gravesite; or
 - (b) ashes shall include details of the proposed interment arrangements for the ashes in accordance with clause 5.4(2).
- (4) An application under subclauses (1) or (2) shall be accompanied by the set fee.

3.2 Applications to be accompanied by certificates etc.

An application under clause 3.1(1) shall be accompanied by—

- (a) a certificate issued under clause 3.3; and
- (b) either a medical certificate of death or a Coroner's order of burial.

3.3 Certificate of identification

- (1) Prior to the dead body being removed to a cemetery, a person who personally knew the deceased shall identify the dead body and shall provide a certificate of identification, unless—
 - (a) in the opinion of the funeral director, the dead body is not in a fit state to be viewed; or
 - (b) after reasonable effort the funeral director is unable to arrange for a person to identify the dead body.
- (2) A funeral director shall provide a certificate, where—
 - (a) in the opinion of the funeral director, the dead body is not in a fit state to be viewed; or
 - (b) after reasonable effort the funeral director is unable to arrange for a person to identify the dead body.

3.4 Minimum notice required

An application for interment shall be made to the Board at least four business days prior to the day proposed for interment, otherwise an extra fee may be charged.

3.5 Refusal of application

- (1) The Board may refuse an application for the interment permit under clause 3.1(1).
- (2) The Board may refuse an application for a pre-need certificate.
- (3) If the Board refuses to approve an application under subclause (1), written notice of the refusal is to be given to the applicant.

PART 4 - FUNERALS AND MEMORIAL SERVICES

4.1 Fixing times for interments

- (1) On receipt of a completed application form and the satisfaction of all other requirements of the Act and this local law, the Board may—
 - (a) approve a time for the interment; and
 - (b) dig or re-open any grave that is required.
- (2) The time approved for an interment is at the discretion of the Board but will be as near as possible to the time requested by the applicant.
- (3) Except with the permission of the Board and subject to such conditions as may be applied, a person shall not carry out a burial—
 - (a) on a Saturday, a Sunday or a public holiday;
 - (b) commencing at any time other than between the hours 9:00 am to 3:00 pm; or
 - (c) to conclude later than 4:00 pm.

4.2 Memorial services or processions

A person shall not conduct a memorial service or procession within a cemetery unless that person has the permission of the Board.

4.3 Conduct of interments by the Board

When conducting an interment, or for the purposes of deciding whether to conduct an interment, under section 22 of the Act the Board may—

- (a) require a written request to be made for the Board to conduct an interment;
- (b) in its absolute discretion, charge any person requesting it to conduct an interment the set fee for the conduct of that funeral;
- (c) where no fee is applicable or a reduced fee has been charged by it for the conduct of the interment, determine the manner in which the interment shall be conducted;
- (d) specify an area in a cemetery for the interment;
- (e) conduct the funeral notwithstanding the failure of a person to make any application or to obtain any consent required under this local law; and
- (f) do or require anything which is considered necessary or convenient for the conduct of the funeral by the Board.

PART 5 - INTERMENTS

5.1 Requirements for burials

A person shall not bring a dead body into a cemetery unless—

- (a) the Board has approved an application for the burial of that dead body made under clause 3.1(1);
- (b) it is enclosed in a coffin or shroud which bears the name of the deceased person indelibly inscribed in legible characters on a plate attached in a clearly visible position; and
- (c) under the plate referred to in paragraph (b) there is a substantive lead strip bearing the surname of the deceased person stamped in legible characters, each character being not less than 10 millimetres in height.

5.2 Requirements for preparation of graves

- (1) A person shall not dig or prepare a grave or fill a grave, unless that person has the permission of the Board.
- (2) Regardless of prior grant of right of burial under clause 2.3 or gravesite approved upon application made under clause 3.1, the Board may direct the digging or preparation of a grave in an alternate position, where—
 - (a) evidence of a prior interment is found, or known to have occurred;
 - (b) access to the position is constrained;
 - (c) the digging or preparation of the grave is unreasonably difficult; or
 - (d) utility services may be interfered with.
- (3) Where an alternative position for the grave is directed under subclause (2), the Board is to advise the funeral director immediately.

5.3 Requirements for dimensions of graves

- (1) A person shall not bury a dead body in a cemetery other than in a standard grave, unless that person has the permission of the Board.
- (2) Every grave prepared by the Board shall be dug at least 1800 millimetres deep and shall not exceed 2300 millimetres in depth, unless otherwise determined by the Board.
- (3) Unless otherwise permitted by the Board, a person shall not bury a dead body within a cemetery so that the distance from the top of the coffin or shroud to the original surface of the ground is—
 - (a) subject to paragraph (b), less than 1600 millimetres, unless that person has the permission of an authorised person; or
 - (b) in any circumstances less than 750 millimetres.
- (4) The permission of the Board in subclause (3) shall not be granted unless in the opinion of the authorised person exceptional circumstances require granting of that permission.

5.4 Requirements for disposal of ashes

- (1) Except in accordance with an approved application under clause 3.1(2), a person shall not bring or dispose of the ashes of a deceased person into a cemetery.
- (2) The person approved under subclause (1) may dispose of the ashes of that deceased person in a cemetery by one of the following methods, if that method is available—
 - (a) placed within the perimeter of an authorised gravesite at a depth of at least 600 millimetres;
 - (b) placed in a niche wall; or
 - (c) scattered in an area approved by the Board.
- (3) The Board may require a person making an application under clause 3.1(2) to provide additional information reasonably related to the application before determining the application.
- (4) The Board may—
 - (a) approve an application under clause 3.1(2) unconditionally or subject to any conditions; or
 - (b) refuse to approve an application under clause 3.1(2).
- (5) Where an application under clause 3.1(2) has been approved subject to conditions, the applicant must comply with each of those conditions, as amended.

- (6) If the Board refuses to approve an application under clause 3.1(2), written notice of the refusal is to be given to the applicant.

5.5 Requirements for re-opening a grave

- (1) A person shall not reopen a grave without the approval of the Board.
- (2) If for the purpose of re-opening a grave in a cemetery, the Board finds it necessary to remove plants, grass, shrubs or other like matter from the grave, then the person ordering the re-opening of that grave shall bear the cost of the removal and any necessary reinstatement

5.6 Requirements for exhumation

- (1) Subject to subclause (2), a person shall not exhume a dead body in a cemetery for the purposes of reburial within 12 months after the date of its interment.
- (2) Subclause (1) shall not apply where the exhumation is ordered or authorised pursuant to the Act.
- (3) Subject to subclause (1) and (2) prior to any other exhumation, the holder of a grant of right of burial must have applied in writing to the Board requesting the exhumation and an authorised person has authorised the exhumation.

5.7 Requirements for opening of coffin or removal of shroud

A person shall not open a coffin or remove a shroud in a cemetery unless—

- (a) the coffin is opened or shroud removed for the purposes of the exhumation of a dead body; or
- (b) that person has produced to the Board an order signed or authorised pursuant to the Act and an authorised person has approved the opening of that coffin or removal of the shroud.

5.8 Ashes not to be held by the Board

The Board shall not accept custody of ashes of a deceased person.

PART 6 - APPLICATIONS FOR MEMORIALS

6.1 Application to place memorial

- (1) Upon payment of the set fee, the Board may approve an application to place a memorial with or without conditions, including restricting use of materials such as wood, dimensions of a memorial etc, so as not to detract from the amenity of a cemetery.
- (2) The Board may require the written consent of the holder of the grant of right of burial of the grave, the personal representative of a deceased person, or other person to the satisfaction of an authorised person to accompany an application for a memorial made under section 30 of the Act.
- (3) Where written consent is not able to be produced, the Board may approve with or without conditions or decline an application in its absolute discretion
- (4) If the Board refuses to approve an application under subclause (2), written notice of that refusal is to be provided to the applicant.

6.2 Australian War Graves

Notwithstanding anything in this local law to the contrary, the Office of Australian War Graves—

- (a) may place a complying memorial on a military grave; and
- (b) is not required to pay the set fee for any memorial that is placed upon a military grave.

PART 7 - MEMORIALS PERMITTED

7.1 Limitation on dimensions of memorials

- (1) No part of a memorial, including any grave cover, kerbing, boundary marker or enclosure is to extend beyond the dimensions of a standard grave.
- (2) No part of a monument above its base shall extend horizontally beyond its base.
- (3) Notwithstanding subclause (1), on request of the personal representative, the Board may approve a memorial over adjoining multiple gravesites—
 - (a) where the persons interred are of the same family; or
 - (b) for another acceptable reason.

7.2 Specification for monument

A monument is to be constructed in a manner approved by the Board.

7.3 Specification for headstone

A headstone is to be constructed in a manner approved by the Board.

7.4 Specification for memorial plaque base

A memorial plaque base is to be constructed in a manner approved by the Board.

7.5 Specification for memorial plaque

A memorial plaque is to be made in a manner approved by the Board.

7.6 Specification for gravesite fencing

Gravesite fencing is to be constructed in a manner approved by the Board.

7.7 Display of trade names on memorials not allowed

A person shall not display any trade names or marks on a memorial.

7.8 Use of wood

No wooden fence, railing or construction other than a cross, shall be allowed on or around a grave, other than as a temporary marker or with the permission of the Board.

PART 8 - MEMORIALS AND OTHER WORK

8.1 Carrying out memorial work

- (1) A person shall not carry out memorial work within a cemetery unless that person is authorised by the Board to do so under clause 6.1
- (2) All material required in the erection and completion of any memorial work shall, be prepared before being taken to a cemetery.
- (3) The Board may place restrictions on the hours of work, access to a cemetery or other matters considered appropriate.
- (4) Memorial works shall be suspended during the conduct of any funeral within a cemetery.
- (5) Work is not permitted to be left unattended in an untidy or unsafe state.

8.2 Removal of sand, soil or loam

No sand, earth or other material shall be taken from any part of a cemetery for use in the construction of any memorial or other work, or cause any material to be removed from a cemetery except with the written approval of the Board.

8.3 Removal of rubbish

All refuse, rubbish or surplus material remaining after approved memorial works are completed shall be immediately removed from a cemetery by the person carrying out the same.

8.4 Plants and trees

No trees or shrubs shall be planted on any grave or within a cemetery except such as shall be approved by the Board.

8.5 Supervision

All workers, whether employed by the Board or by any other person, shall at all times while within the boundaries of a cemetery be subject to the supervision of the Board and shall obey any directions of the Board.

8.6 Placing of grave ornaments

A person shall not place vases or other grave ornaments—

- (a) outside the perimeter of a grave in a cemetery as defined in the plans kept and maintained under section 40(2) of the Act; or
- (b) outside of an area set aside by the Board as a memorial plaque section.

8.7 Hours of work

Except in accordance with the permission of an authorised person, a person shall not carry out memorial or other work within a cemetery—

- (a) during a funeral; or
- (b) other than between the hours of 8:00 am and 5:00 pm on a business day.

8.8 Unfinished work

A person who does not complete any work before 5:00 pm on a business day shall leave the work in a neat and safe condition to the satisfaction of the Board.

PART 9 - GENERAL

9.1 Vehicle access and speed limitation

- (1) A person must only drive a vehicle on a vehicular access way or the constructed roadway or other areas designated for the use of vehicles within a cemetery, unless otherwise authorised by the Board.
- (2) A person driving a vehicle, within a cemetery, shall not exceed the speed limit of 20 kilometres per hour, and shall comply with the signs and directions in the cemetery.

9.2 Animals

A person shall not bring an animal into or permit an animal to enter or remain in the cemetery, other than an **assistance animal** as defined in section 9(2) of the *Disability Discrimination Act 1992* (Cth) or with the approval of the CEO or an authorised officer.

9.3 Utility services

- (1) Other than with the approval of the Board, a person shall not—
 - (a) connect any device or equipment to any utility services supplied on or at a cemetery;
 - (b) alter or interfere with utility services infrastructure located in a cemetery.
- (2) The Board may recover from a person the reasonable costs incurred by the Board for the supply to and use of any utility services by that person at a cemetery

9.4 Damaging and removing of objects

Subject to clause 9.5, a person shall not damage, remove or pick any tree, plant, shrub or flower in a cemetery or any other object or thing on any grave or memorial or which is the property of the Board without the permission of the Board.

9.5 Withered flowers

A person may remove withered flowers from a grave or memorial and these are to be disposed of in an appropriate manner.

9.6 Littering and vandalism

A person shall not—

- (a) damage, deface or interfere with any monument or gravesite in any manner whatsoever;
- (b) break or cause to be broken any glass, ceramic or other material in or upon a cemetery; or
- (c) discard, deposit, leave or cause to be discarded, deposited or leave any refuse or litter in a cemetery other than in a receptacle provided for that purpose

9.7 Advertising

- (1) A person shall not advertise or carry on any trade, business or profession in a cemetery without the approval of the Board.
- (2) Upon payment of the set fee, the Board may consider and give approval subject to such conditions as the Board thinks fit

9.8 Signs and directions of the Board

- (1) The Board may display, mark, place or erect a sign within a cemetery specifying conditions relating to the use of that cemetery
- (2) A person shall obey all signs displayed, marked, placed or erected by the Board within a cemetery and any other lawful direction by the Board

9.9 Removal from a cemetery

- (1) Any person failing to comply with any provisions of this local law or behaving in a manner that in the opinion of the Board is inappropriate in a cemetery may in addition to any penalty provided by this local law be ordered to leave the cemetery.
- (2) A person to whom an order under subclause (1) is given must comply with that order.

9.10 Board may close cemetery

The Board may—

- (a) temporarily close a cemetery or any part of it;
- (b) exclude from a cemetery the public and all persons or so many of the public or so many persons as the Board consider to be necessary;
- (c) regulate, prohibit or restrict access to a cemetery or any part of it; or
- (d) direct persons to leave a cemetery or any part of it, for purposes of—
 - (i) a funeral or public convenience;
 - (ii) maintenance, redevelopment or extension of a cemetery;
 - (iii) public safety; or
 - (iv) other operational reasons.

9.11 Offensive matters

- (1) A person shall not allow or cause to be displayed ~~and~~ offensive materials, wording, symbols or images of any kind, whether as a sign, on a memorial or otherwise visible.
- (2) Where, in the opinion of the Board, a person does not comply with subclause (1), the Board may issue a notice under clause 9.13(1).

9.12 Liability for damage or works required to comply

- (1) Where a person—
 - (a) causes damage to any grave, memorial, structure, building, furniture, plant or any other item or thing in a cemetery;
 - (b) does a thing not authorised by this local law; or
 - (c) does not do a thing required by this local law;

the Board may by notice in writing to that person require that person within the time required in the notice to, at the option of the Board—

- (d) pay the costs of reinstating the property to the state it was in prior to the occurrence of the damage;
 - (e) pay the costs of replacing that property;
 - (f) pay the costs of works required to comply with this local law; or
 - (g) carry out works required to comply with this local law.
- (2) On a failure to comply with a notice issued under subclause (1), the Board may recover the costs referred to in the notice as a debt due to it.

9.13 Offence to fail to comply with notice

Whenever the Board gives a notice under this local law requiring a person to do anything, if a person fails to comply with the notice, that person commits an offence.

9.14 Board may undertake requirements of notice

Where a person fails to comply with a notice referred to in clause 9.14, the Board may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.

PART 10 - OFFENCES AND MODIFIED PENALTIES

10.1 General penalties

A person who commits a breach of any provisions of this local law commits an offence and shall on conviction be liable to a penalty not exceeding \$500, and if the offence is a continuing one to a further penalty not exceeding \$20 for every day or part of a day during which the offence has continued.

10.2 Modified penalties

- (1) The offences specified in Schedule 1 are offences which may be dealt with under section 63 of the Act.
- (2) The modified penalty payable in respect of an offence specified in Schedule 1 is set out in the fourth column of Schedule 1.
- (3) The infringement notice referred to in section 63(1) of the Act shall be in the form set out in the Schedule 2
- (4) The notice withdrawing an infringement notice referred to in section 63(3) of the Act shall be in the form set out in Schedule 3.

PART 11 – OBJECTIONS AND APPEALS

11.1 Objections and appeals

The provisions of Division I of Part 9 of *the Local Government Act 1995* and regulation 33 of the *Local Government (Functions und General Regulations) 1996* shall apply to a decision made by the local government under this local law as to whether it will-

- (a) grant a person a permit or authorisation;
- (b) vary or cancel a permit or authorisation; or
- (c) give a person a notice.

SCHEDULE 1 - MODIFIED PENALTIES

[cl. 10.2(1)]

Item	Clause	Nature of offence	Modified Penalty \$
1	4.2	Conducting a memorial service or procession without permission	50
2	5.1	Failure to obtain approval to bring a dead body into a cemetery	50
3	5.2(1)	Unauthorised digging, preparation or filling of grave	50
4	5.3(1)	Unauthorised burial of dead body	50
5	5.4(1)	Unauthorised disposal of ashes	50
6	5.5(1)	Unauthorised construction of vault or mausoleum	50
7	5.6(1)	Unauthorised reopening of a grave	50
8	5.7(1)	Unauthorised exhumation of a coffin or shroud	50
9	5.8	Unauthorised opening of a coffin or shroud	50
10	7.7	Use of trade name or mark on a memorial	50
11	7.8	Unauthorised use of wood on a gravesite	50
12	8.1	Unauthorised construction of a memorial	50
13	8.2	Unauthorised use of materials taken from within a cemetery	50
14	8.3	Failure to remove rubbish and surplus materials	50
15	8.4	Unauthorised planting of tree or shrub	50
16	8.5	Failure to comply with direction of authorised person	50
17	8.6	Unauthorised placing of grave ornaments	50
18	8.7	Works carried out during unauthorised times	50
19	8.8	Failure to leave uncompleted works in a tidy and safe condition	50
20	9.1(1)	Driving vehicle other than on vehicular access way or constructed roadways or within designated areas	50
21	9.1(2)	Exceeding speed limit	50
22	9.3	Interference with utility services	50
23	9.4	Damaging or removing object	50
24	9.5	Failure to dispose of withered flowers appropriately	50
25	9.6	Littering or vandalism within a cemetery	50
26	9.7	Unauthorised advertising and/or trading	50
27	9.8(2)	Failure to obey sign or lawful direction within cemetery	50
28	9.9(2)	Failure to comply with order to leave cemetery	50
29	9.11(1)	Display of offensive materials, wording, symbols or images	50
30	9.13	Failure to comply with notice within specified period	50

SCHEDULE 2 - INFRINGEMENT NOTICE

[cl. 10.2(3)]

Infringement Notice

INFRINGEMENT NUMBER—			
To—			
Address—			
	It is alleged that—		
Cemetery address—			
At—	Time		
On—	Date		
	You committed the following offence—		
Contrary to—	<i>Shire of Kulin Cemeteries Local Law 2020</i>		
Schedule 1 reference—	Item No.—	Clause—	
Offence—			
Brief description—			
The modified penalty for the offence is—	\$		
	If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid at the Shire of Kulin within a period of 28 days after the giving of this notice.		
Name of authorised person—			
Position—			
Signature—			
Date—			
Payments may be made—	(a) EFT to the Shire of Kulin specifying the infringement number (b) In person at—Shire of Kulin, 38 Johnston Street, Kulin during business hours (c) By mail to—Shire of Kulin PO Box 125, Kulin 6365 Please make cheques payable to Shire of Kulin.		

If the penalty is not paid within the time specified, then a complaint of the alleged offence may be made and heard and determined by a court.

SCHEDULE 3 – WITHDRAWAL OF INFRINGEMENT NOTICE

[cl. 10.2(4)]

Withdrawal of Infringement Notice

No. Date / /

To: ^[1]

Infringement Notice No dated ____/____/____ for the alleged offence of ^[2]

Penalty ^[3] \$ _____ is withdrawn.

(Delete whichever does not apply)

* No further action will be taken.

* It is proposed to institute court proceedings for the alleged offence.

(Authorised Person)

^[1] Insert name and address of alleged offender.

^[2] Insert short particulars of offence alleged.

^[3] Insert amount of penalty prescribed.

Dated 21 October 2020

The Common Seal of the Shire of Kulin was affixed in the presence of-

Barry West
Shire President

Garrick Yandle
Chief Executive Officer

DOG ACT 1976
LOCAL GOVERNMENT ACT 1995
Shire of Kulin
Dogs Local Law 2020

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SCHEDULE 3 - PRESCRIBED OFFENCES

DOG ACT 1976

LOCAL GOVERNMENT ACT 1995

Shire of Kulin

Dogs Local Law 2020

Under the powers conferred by the *Dog Act 1976*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Kulin resolved on 21 October 2020 to make the following local law.

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Kulin Dogs Local Law 2020*

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Application

This local law applies throughout the district

1.4 Repeal

This local law repeals the *Shire of Kulin By-Laws Relating to the Control of Dogs* as published in the *Government Gazette* on 19 February 1976.

1.5 Definitions

In this local law unless the context otherwise requires—

Act means the *Dog Act 1976*;

adjoining includes land or premises which have a portion of a common boundary with a lot or is separated from that lot by a public reserve, road, right-of-way, pedestrian access way, access leg of a battle-axe lot or the equivalent not more than 6 metres in width;

authorised person means a person appointed by the local government to perform all or any of the functions conferred on an authorised person under this local law;

CEO means the chief executive officer of the local government;

dangerous dog has the meaning given to it by section 3(1) of the Act;

district means the district of the Shire of Kulin;

dog management facility has the meaning given to it in section 3(1) of the Act;

infringement notice means the notice referred to in clause 7.4;

kennel establishment means any premises where more than the number of dogs under clause 3.2(2) over the age of three months are kept, boarded, trained or bred temporarily, usually for profit and where the occupier of the premises is not the ordinary keeper of the dogs;

licence means a licence to keep an approved kennel establishment on premises granted under clause 4.7;

licensee means the holder of a licence granted under clause 4.7;

local government means the Shire of Kulin;

local planning scheme means a planning scheme of the local government made under the *Planning and Development Act 2005*;

notice of withdrawal means the notice referred to in clause 7.7(1);

owner, in relation to a dog, has the same meaning as in section 3(1) and (2) of the Act;

person liable for the control of the dog has the same meaning as in section 3(1) of the Act;

premises in addition to the meaning given to it in section 3 of the Act, means the premises described in the application for a licence made under clause 4.1;

public place has the meaning given to it by section 3(1) of the Act;

Regulations means the *Dog Regulations 2013*;

Schedule means a schedule to this local law;

set fee means a fee or charge made by the local government in accordance with clause 2.1 or clause 4.8;

thoroughfare has the meaning given to it in section 1.4 of the *Local Government Act 1995*; and

transferee means a person who applies for the transfer of a licence to her or him under clause 4.12.

PART 2 - IMPOUNDING OF DOGS

2.1 Fees and charges

The following are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*—

- (a) the charges to be levied under section 29(4) of the Act relating to the seizure and impounding of a dog;
- (b) the additional set fee payable under section 29(4) of the Act where a dog is released at a time or on a day other than those determined under clause 2.2; and
- (c) application for additional costs of the destruction and the disposal of a dog referred to in section 29(15) of the Act.

2.2 Attendance of authorised person at dog management facility

An authorised person is to be in attendance at the dog management facility for the release of dogs at the times and on the days of the week as determined by the CEO.

2.3 Release of impounded dog

- (1) A claim for the release of a dog seized and impounded is to be made to an authorised person.
- (2) An authorised person is not to release a dog seized and impounded to any person unless that person has produced, to the satisfaction of an authorised person, evidence—
 - (a) of her or his ownership of the dog or of her or his authority to take delivery of it; or
 - (b) that he or she is the person identified as the owner on a microchip implanted in the dog.

2.4 Unauthorised release

Unauthorised release of dogs is dealt with by section 43 of the Act.

PART 3 - KEEPING OF DOGS

3.1 Dogs to be confined

- (1) An occupier of premises on which a dog is kept must—
 - (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
 - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
 - (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises (unless the gate is temporarily opened in a manner that ensures that the dog remains confined) and is fitted with a proper latch or other means of fastening it;
 - (d) maintain the fence and all gates and doors in the fence in good order and condition; and
 - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.
- (2) Where an occupier fails to comply with subclause (1), he or she commits an offence.
- (3) Notwithstanding subclause (1) and (2), the confinement of dangerous dogs is dealt with in the Act and the Regulations.

3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been—
 - (a) licensed under Part 4 of this local law as an approved kennel establishment; or
 - (b) granted an exemption under section 26(3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act—
 - (a) two dogs over the age of three months and the young of those dogs under that age if the premises are zoned other than as rural, rural residential or urban under a local planning scheme; or
 - (b) four dogs over the age of three months and the young of those dogs under that age if the premises are zoned as rural, rural residential or urban under a local planning scheme.

3.3 Application to keep additional dog or dogs

- (1) Subject to clause 3.5, the local government may consider an application to keep an additional dog or dogs where—
 - (a) the property is deemed suitable by an authorised person—
 - (i) having sufficient space capable of confining all dogs;
 - (ii) noise, odours, fleas, flies and other vectors of disease will be effectively controlled; and
 - (iii) the care and welfare of the dogs is considered adequate.
 - (b) the details of every dog proposed to be kept on the premises are provided including name, age, colour/description, breed, registration number and microchip details; and
 - (c) sufficient reason has been provided, including—
 - (i) to replace an elderly or sick dog not expected to live;
 - (ii) a family emergency resulting in the dog being inherited;
 - (iii) merging of two households;
 - (iv) where the applicants have had approval to keep an additional dog or dogs in another local authority; or
 - (v) on premises zoned as rural or rural residential under a local planning scheme, the dog or dogs are required for stock management or to be on the premises temporarily for the purposes of training for stock management.
- (2) An application to keep two additional dogs on premises that are zoned other than as rural or rural residential under a local planning scheme shall—
 - (a) provide sufficient detail regarding the reason for keeping more than two dogs;
 - (b) provide written consent from owners and occupiers of any premises adjoining the premises; and
 - (c) in the case of a tenanted property, provide written consent from either the landowner or their appointed property manager.

- (3) An application to keep more than four dogs on premises zoned as rural or rural residential under a local planning scheme shall—
 - (a) provide sufficient detail regarding the reason for keeping more than four dogs; and
 - (b) in the case of a tenanted property, provide written consent from either the landowner or their appointed property manager.

3.4 Determination of application

In determining an application for a licence, the local government is to have regard to—

- (a) the matters referred to in clause 3.5;
- (b) the effect which approval of the proposed may have on the environment or amenity of the neighbourhood; and
- (c) whether approval of the application will create a nuisance for the owners and occupiers of adjoining premises.

3.5 Where application cannot be approved

The local government will not approve an application to keep an additional dog or dogs where—

- (a) more than four dogs are proposed to be kept on premises zoned other than as rural or rural residential under a local planning scheme;
- (b) more than six dogs are proposed to be kept on premises zoned as rural or rural residential under a local planning scheme; or
- (c) where any dog already kept on the premises is a dangerous dog.

3.6 Conditions of approval

- (1) The local government may approve an application to keep an additional dog or dogs subject to any conditions as considered appropriate.
- (2) Approval of an application is not transferable to successive owners or occupiers of the premises.
- (3) A person who fails to comply with a condition imposed under sub-clause (1) commits an offence.

3.7 Revocation of licence to keep additional dogs

Where a person does not comply with the conditions of approval to keep an additional dog or dogs under clause 3.6 the local government may revoke the approval to keep an additional dog or dogs.

PART 4 - APPROVED KENNEL ESTABLISHMENTS

4.1 Application for licence for approved kennel establishment

An application for a licence must contain the information listed in Schedule 1, and must be lodged with the local government together with—

- (a) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs nominated by the local government;
- (b) any other information reasonably required by the local government; and
- (c) the set fee for the application for a licence referred to in clause 4.8(1).

4.2 Notice of proposed use

- (1) An applicant for a licence must give notice of the proposed use of the premises as an approved kennel establishment after the application for a licence has been lodged—
 - (a) once in a newspaper circulating in the district; and
 - (b) to the owners and occupiers of any premises adjoining the premises.
- (2) The notices in subclause (1) must specify that—
 - (a) any written submissions as to the proposed use are to be lodged with the local government within 14 days of the date the notice is given; and
 - (b) the application, plans and specifications may be inspected at the offices of the local government.
- (3) The local government may refuse to determine the application for a licence until the notice or notices, as the case may be, is given in accordance with its directions where—
 - (a) a notice given under subclause (1) does not clearly identify the premises; or
 - (b) a notice given under subclause (1)(a) is of a size or in a location in the newspaper which, in the opinion of the local government, would fail to serve the purpose of notifying persons of the proposed use of the premises.

4.3 Exemption from notice requirements

The requirements of clauses 4.2 and 4.4(a) and Schedule 1 clause 5(c) do not apply in respect of the application for a licence where under a local planning scheme an application for a licence is made in respect of premises on which an approved kennel establishment is either a—

- (a) permitted use; or
- (b) use which the local government may approve subject to compliance with specified notice requirements.

4.4 When application can be determined

An application for a licence is not to be determined by the local government until—

- (a) the applicant has complied with clause 4.2;
- (b) the applicant submits proof that the notices referred to in clause 4.2(1) have been given in accordance with that clause; and
- (c) the local government has considered any written submissions received within the time specified in clause 4.2(2)(a) on the proposed use of the premises.

4.5 Determination of application

In determining an application for a licence, the local government is to have regard to—

- (a) the matters referred to in clause 4.6;
- (b) any written submissions received within the time specified in clause 4.2(2)(a) on the proposed use of the premises;
- (c) any economic or social benefits which may be derived by any person in the district if the application for a licence is approved;
- (d) the effect which the kennel establishment may have on the environment or amenity of the neighbourhood;
- (e) whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and
- (f) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

4.6 Where application cannot be approved

The local government cannot approve an application for a licence where—

- (a) an approved kennel establishment cannot be permitted by the local government on the premises under a local planning scheme; or
- (b) an applicant for a licence or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.

4.7 Conditions of approval

- (1) The local government may approve an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions as the local government considers appropriate.
- (2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in Schedule 2.
- (3) A person who fails to comply with a condition imposed under sub-clause (1) commits an offence.

4.8 Fees

- (1) On lodging an application for a licence, the applicant is to pay a set fee to the local government.
- (2) On the issue or renewal of a licence, the licensee is to pay a set fee to the local government.
- (3) On lodging an application for the transfer of a valid licence, the transferee is to pay a set fee to the local government.
- (4) The set fees referred to in subclauses (1) to (3) are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.

4.9 Form of licence

The licence is to be in the form determined by the local government from time to time and is to be issued to the licensee.

4.10 Period of licence

- (1) The period of effect of a licence is set out in section 27(5) of the Act.
- (2) A licence is to be renewed if the set fee referred to in clause 4.8(2) is paid to the local government prior to the expiry of the licence.
- (3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

4.11 Variation or cancellation of licence

- (1) The local government may vary the conditions of a licence.
- (2) The local government may cancel a licence—
 - (a) on the request of the licensee;
 - (b) following a breach of the Act, the Regulations or this local law; or
 - (c) if the licensee is not a fit and proper person.
- (3) The date a licence is cancelled is to be, in the case of—
 - (a) subclause (2)(a), the date requested by the licensee; or
 - (b) subclause (2)(b) or (c), the date determined under section 27(6) of the Act.

4.12 Transfer

- (1) A written application for the transfer of a valid licence from the licensee to another person must be—
 - (a) made by the transferee;
 - (b) made with the written consent of the licensee; and
 - (c) lodged with the local government together with—
 - (i) written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence;
 - (ii) the set fee for the application for the transfer of a licence referred to in clause 4.8(3); and
 - (iii) any other relevant information required.
- (2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).
- (3) The local government may approve, whether or not subject to such conditions as it considers appropriate, or refuse to approve an application for the transfer of a valid licence.

- (4) Where the local government approves an application for the transfer of a valid licence, then on the date of approval, unless otherwise specified in the notice issued under clause 4.13(b), the transferee becomes the licensee of the licence for the purposes of this local law.

4.13 Notification

The local government is to give written notice to—

- (a) an applicant for a licence of the local government's decision on her or his application;
- (b) a transferee of the local government's decision on her or his application for the transfer of a valid licence;
- (c) a licensee of any variation made under clause 4.11(1);
- (d) a licensee when her or his licence is due for renewal & the manner in which it may be renewed;
- (e) a licensee when her or his licence is renewed;
- (f) a licensee of the cancellation of a licence under clause 4.11(2)(a); and
- (g) a licensee of the cancellation of a licence under clause 4.11(2)(b) or (c), which notice is to be given in accordance with section 27(6) of the Act.

4.14 Objections and appeals

- (1) The provisions of Division 1 of Part 9 of the *Local Government Act 1995* and regulation 33 of the *Local Government (Functions and General) Regulations 1996* apply to a decision where the local government makes a decision as to whether it will—
- (a) grant an application for a licence;
 - (b) vary or cancel a licence;
 - (c) impose or amend a condition to which a licence is subject; or
 - (d) transfer of a licence.
- (2) Under these provisions, an affected person may have the right to object to, or to appeal against, a decision of the local government.

4.15 Inspection of kennel

With the consent of the occupier, an authorised person may inspect an approved kennel establishment at any time.

PART 5 - DOGS IN PUBLIC PLACES

5.1 Places where dogs are prohibited absolutely

Designation of places where dogs are prohibited absolutely is dealt with in the Act.

5.2 Places which are dog exercise areas

Designation of places which are dog exercise areas is dealt with in the Act.

PART 6 - MISCELLANEOUS

6.1 Fees and charges

Set fees and charges are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.

6.2 Offence to excrete

- (1) A dog must not excrete on—
- (a) any thoroughfare or other public place; or
 - (b) any land which is not a public place without the consent of the occupier.
- (2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.
- (3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.
- (4) Notwithstanding clause 7.2, the maximum penalty for an offence under subclause (1) is \$1000.

PART 7 - ENFORCEMENT

7.1 Offences

A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

7.2 General penalty

A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of the day during which the offence has continued.

7.3 Modified penalties

- (1) The offences contained in Schedule 3 are offences in relation to which a modified penalty may be imposed.
- (2) The amount appearing in the fourth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is not a dangerous dog.
- (3) The amount appearing in the fifth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is a dangerous dog.

7.4 Issue of infringement notice

Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 2 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

7.5 Failure to pay modified penalty

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by an authorised person, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

7.6 Payment of modified penalty

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by an authorised person, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

7.7 Withdrawal of infringement notice

- (1) Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice in the form of Form 3 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.
- (2) A person authorised to issue an infringement notice under clause 7.4 cannot sign or send a notice of withdrawal.

7.8 Service of notices

An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to her or his address as ascertained from her or him, or as recorded by the local government under the Act, or as ascertained from inquiries made by the local government.

SCHEDULE 1

INFORMATION REQUIRED FOR APPLICATION FOR A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

[cl. 4.1]

1. Details of applicants-
 - (a) Full name/s of applicant/s;
 - (b) Postal address;
 - (c) Telephone number;
 - (d) Mobile number;
 - (e) Fax number; and
 - (f) E-mail address.
2. Address of proposed premises-
3. Dogs to be kept-
 - (a) Number; and
 - (b) Breed.
4. Either-
 - (a) Person residing on the premises-
 - (i) Name;
 - (ii) As from; and
 - (iii) Mobile phone number, or
 - (b) Person sufficiently close to the premises so as to control the dogs and ensure their health and welfare-
 - (i) Name;
 - (ii) Address;
 - (iii) As from; and
 - (iv) Mobile phone number.
5. To be included-
 - (a) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
 - (b) plans and specifications of the proposed kennel establishment;
 - (c) copy of notice of proposed use to appear in newspaper and to be given to adjoining premises under clause 4.2;
 - (d) written evidence that a person will reside—
 - (i) at the premises; or
 - (ii) sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
 - (e) if the person in item (d) is not the applicant, written evidence that the person is a person in charge of the dogs.
6. Signature of applicant/s.
7. Date.

SCHEDULE 2

CONDITIONS OF A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

[cl. 4.7]

An application for a licence for an approved kennel establishment may be approved subject to the following conditions—

- (a) each kennel, unless it is fully enclosed, must have a yard attached to it;
- (b) each kennel and each yard must be at a distance of not less than—
 - (i) 25 metres from the front boundary of the premises and 5 metres from any other boundary of the premises;
 - (ii) 10 metres from any dwelling; and
 - (iii) 25 metres from any church, school room, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;
- (c) each yard for a kennel must be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government;
- (d) the minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder;
- (e) the floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached;
- (f) the upper surface of the kennel floor must be—
 - (i) at least 100 millimetres above the surface of the surrounding ground;
 - (ii) smooth so as to facilitate cleaning;
 - (iii) rigid;
 - (iv) durable;
 - (v) slip resistant;
 - (vi) resistant to corrosion;
 - (vii) non-toxic;
 - (viii) impervious;
 - (ix) free from cracks, crevices and other defects; and
 - (x)) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the local government;
- (g) all kennel floor washings must pass through the drain in item (f)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government;
- (h) the kennel floor must have a durable up-stand rising 75 millimetres above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50 millimetres from the underside of the bottom plate to the floor;
- (i) where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel;
- (j) from the floor, the lowest internal height of a kennel must be, whichever is the lesser of—
 - (i) 2000 millimetres; or
 - (ii) four times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position;
- (k) the walls of each kennel must be constructed of concrete, brick, stone or framing sheeted internally and externally with good quality new zinalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government;
- (l) all external surfaces of each kennel must be kept in good condition;
- (m) the roof of each kennel must be constructed of impervious material;
- (n) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorised person;
- (o) all refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage;

- (p) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
- (q) suitable water must be available at the kennel via a properly supported standpipe and tap; and
- (r) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside-
 - (i) at the premises; or
 - (ii) in the opinion of the local government, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.

SCHEDULE 3
PRESCRIBED OFFENCES

[cl. 7.3]

Item	Clause	Nature of offence	Modified penalty \$	Dangerous Dog Modified Penalty \$
1	3.1	Failing to provide means for effectively confining a dog	200	As per Regulations
2	3.6	Failure to comply with conditions of approval to keep additional dog or dogs	200	500
3	4.7	Failure to comply with the conditions of a licence	200	200
4	6.2	Dog excreting in prohibited place	100	100

Dated 21 October 2020

The Common Seal of the Shire of Kulin was affixed in the presence of-

Barry West
Shire President

Garrick Yandle
Chief Executive Officer

LOCAL GOVERNMENT ACT 1995

Shire of Kulin

Standing Orders Local Law 2020

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SCHEDULE 1 - PETITION OF ELECTORS OF THE SHIRE OF KULIN

LOCAL GOVERNMENT ACT 1995

Shire of Kulin

Standing Orders Local Law 2020

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Kulin resolved on 21 October 2020 to make the following local law.

PART 1 – PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Kulin Standing Orders Local Law 2020*.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*

1.3 Purpose and intent

(1) The purpose of the local law is to provide for the conduct of meetings of the Council, Committees and electors.

(2) This local law is intended to result in-

- (a) better decision-making at meetings;
- (b) the orderly and efficient conduct of meetings;
- (c) greater community participation and understanding of the business of the Council; and
- (d) more open and accountable local government.

1.4 Application

All meetings of the Council, committees and the electors are to be conducted in accordance with the Act, the Regulations and this local law.

1.5 Interpretation

In this local law, unless the contrary intention appears-

absolute majority has the meaning given to it in the Act;

Act means the *Local Government Act 1995*;

CEO means the Chief Executive Officer of the Shire;

committee means a committee of the council (established under section 5.8 of the Act);

Council means the Council of the Shire;

Councillor has the same meaning as is given to it in the Act;

Deputy President means the deputy president of the Shire;

district means the district of the local government;

employee has the same meaning as is given to it in the Act;

Local Government means the Shire;

meeting means a meeting of the Council or of a committee, or an electors' meeting, as the context requires;

member has the same meaning as given to it in the Act;

Minister means the Minister responsible for administering the Act;

minor amendment in relation to a motion, means an amendment which does not alter the basic intent of the motion to which the amendment applies;

President means the president of the Shire;

presiding person means the person presiding at a meeting;

Regulations means the *Local Government (Administration) Regulations 1996*;

Rules of Conduct Regulations means the *Local Government (Rules of Conduct) Regulations 2007*,

Shire means the Shire of Kulin;

simple majority means more than 50% of the members present and voting;

substantive motion means an original motion, or an original motion as amended, but does not include an amendment motion or a procedural motion.

PART 2 – ESTABLISHMENT AND MEMBERSHIP OF COMMITTEES

2.1 Establishment of committees

- 1) The establishment of committees is dealt with in the Act.
- 2) A Council resolution to establish a committee under section 5.8 of the Act is to include-
 - a. the terms of reference of the committee;
 - b. the number of Council members, employees and other persons to be appointed to the committee;
 - c. the names or titles of the Council members and employees to be appointed to the committee;
 - d. the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments; and
 - e. details of the delegation of any powers or duties to the committee under section 5.16 of the Act.
- 3) This local law is to apply to the conduct of committee meetings.

2.2 Types of committees

The types of committees are dealt with in the Act.

2.3 Delegation of some powers and duties to certain committees

The delegation of some powers and duties to certain committees is dealt with in the Act.

2.4 Limits on delegation of powers and duties to certain committees

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

2.5 Appointment of committee members

The appointment of committee members is dealt with in the Act.

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Tenure of committee membership is dealt with in the Act.

2.7 Resignation of committee members

The resignation of committee members is dealt with in the Regulations.

2.8 Register of delegations to committees

The register of delegations to committees is dealt with in the Act.

2.9 Committees to report

A committee-

- (a) is answerable to the Council; and
- (b) is to report on its activities when, and to the extent, required by the Council.

PART 3 – CALLING AND CONVENING MEETINGS

3.1 Ordinary and special Council meetings

- (1) Ordinary and special Council meetings are dealt with in the Act.
- (2) An ordinary meeting of the Council, held on a monthly basis or otherwise as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.
- (3) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

3.2 Calling Council meetings

The calling of Council meetings is dealt with in the Act.

3.3 Convening Council meetings

- (1) The convening of a Council meeting is dealt with in the Act.
- (2) Subject to subclause (3), the CEO is to give at least 72 hours notice, for the purposes of section 5.5 of the Act, in convening a special meeting of the Council.
- (3) Where, in the opinion of the President or at least one-third of the members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

3.4 Calling committee meetings

A meeting of a committee is to be held–

- (a) If called for in a verbal or written request to the CEO by the President or the presiding member of the committee, advising the date and purpose of the proposed meeting;
- (b) If called for by at least one-third of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting; or
- (c) In accordance with a decision of the Council or the committee.

3.5 Convening committee meetings

- (1) The CEO is to convene a committee meeting by giving each member of the committee notice of the date, time and place of the meeting and an agenda for the meeting
- (2) Subject to subclause (3), the CEO is to give at least 72 hours' notice, for the purposes of subclause (1), in convening a meeting of a committee.
- (3) Where, in the opinion of the President, the presiding member of the committee or at least one-third of the members of the committee, there is a need to meet urgently, the CEO may give a lesser period of notice of a committee meeting.

3.6 Public notice of meetings

Public notice of meetings is dealt with in the Regulations.

PART 4 – PRESIDING MEMBER AND QUORUM

Division 1: Who presides

4.1 Who presides

Who presides at a Council meeting is dealt with in the Act.

4.2 When the Deputy President can act

When the Deputy President can act is dealt with in the Act.

4.3 Who acts if no President

Who acts if there is no President is dealt with in the Act.

4.4 Election of presiding members of committees

The election of presiding members of committees and their deputies is dealt with in the Act.

4.5 Election of deputy presiding members of committees

The election of deputy presiding members of committees is dealt with in the Act.

4.6 Functions of deputy presiding members

The functions of deputy presiding members are dealt with in the Act.

4.7 Who acts if no presiding member

Who acts if no presiding member is dealt with in the Act.

Division 2 – Quorum

4.8 Quorum for meetings

The quorum for meetings is dealt with in the Act.

4.9 Reduction of quorum for Council meetings

The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.

4.10 Reduction of quorum for committee meetings

The reduction of a quorum for committee meetings is dealt with in the Act.

4.11 Procedure where no quorum to begin a meeting

The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.

4.12 Procedure where quorum not present during a meeting

If at any time during a meeting a quorum is not present, the presiding member is-

- (a) immediately to suspend the proceedings of the meeting for a period of up to 15 minutes; and
- (b) if a quorum is not present at the expiry of that period, the presiding member is to adjourn the meeting to some future time or date.

4.13 Names to be recorded

At any meeting-

- (a) at which there is not a quorum present; or
which is adjourned for want of a quorum,
- (b) the names of the members then present are to be recorded in the minutes.

PART 5 – BUSINESS OF A MEETING

5.1 Business to be specified

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the presiding member or the Council.
- (2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.
- (3) No business is to be transacted at a committee meeting other than that specified in the agenda or in the notice of the meeting as the purpose of the meeting, without the approval of the presiding member or the committee.
- (4) Where a Council meeting is adjourned to the next ordinary meeting of the Council, the business unresolved at the meeting that is adjourned is to be dealt with as soon as practicable after the confirmation of the minutes of the previous meeting.
- (5) Where a committee meeting is adjourned to the next ordinary committee meeting, the business unresolved at the meeting that is adjourned is to be dealt with as soon as practicable after the confirmation of the minutes of the previous meeting.
- (6) Where a Council or committee meeting is adjourned to a meeting not described in subclauses (4) or (5), no business is to be transacted at that later meeting other than that-
 - (a) is specified in the notice of the meeting that is adjourned; and
 - (b) which remains unresolved.

5.2 Order of business

- (1) The order of business of an ordinary meeting of the Council or a committee must be determined by the Council from time to time.
- (2) Unless otherwise decided by the Council, the order of business at any special meeting of the Council is to be the order in which that business stands in the agenda of the meeting.

- (3) In determining the order of business for any meeting of the Council or a committee, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.

5.3 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or this local law otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.
- (2) A notice of motion under subclause (1) is to be given at least 5 clear working days before the meeting at which the motion is moved.
- (3) A notice of motion is to relate to the good governance of the district.
- (4) The CEO -
 - (a) with the concurrence of the President, may exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any of this local law or any other written law;
 - (b) must inform members on each occasion that a notice has been excluded and the reasons for that exclusion;
 - (c) may, after consultation with the member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and
 - (d) may provide to the meeting relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (5) A motion of which notice has been given is to lapse unless-
 - (a) the member who gave notice of it, or some other member authorised by the originating member in writing, moves the motion when called on; or
 - (b) the meeting on a motion agrees to defer consideration of the motion to a later stage or date.
- (6) If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.

5.4 New business of an urgent nature

- (1) In cases of extreme urgency or other special circumstances, matters may, on a motion by the presiding member that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In subclause (1), 'cases of extreme urgency or other special circumstances' means matters –
 - (a) that have arisen after the preparation of the agenda that are considered by the presiding member to be of such importance and urgency that they are unable to be dealt with administratively by the Local Government and must be considered and dealt with by the Council or committee before the next meeting; and
 - (b) that, if not dealt with at the meeting, are likely to –
 - (i) have a significant adverse effect (financially or otherwise) on the Local Government; or
 - (ii) result in a contravention of a written law.
- (3) Before debate begins on a matter under this clause that is not the subject of a written employee report to the meeting –
 - (a) the presiding member is to ask the CEO to give; and
 - (b) the CEO, or the CEO's nominee, is to give, a verbal report to the meeting.
- (4) The minutes of the meeting are to include –
 - (a) a summary of the verbal report and any recommendations of the CEO or the CEO's nominee; and
 - (b) the reasons for any decision made at the meeting that is significantly different from any advice or recommendations of the CEO or the CEO's nominee.

5.5 Motions without notice

A motion moved without notice, must be worded so as to refer to a particular matter for investigation and report to a committee for consideration of the Council at a later date, or directly to Council.

5.6 Adoption by exception resolution

- (1) In this clause 'adoption by exception resolution' means a resolution of the Council that has the effect of adopting, recommendations from any committee or, for a number of specifically identified reports, the employee recommendation as the Council resolution.
- (2) Subject to subclause (3), the Council may pass an adoption by exception resolution.

- (3) An adoption by exception resolution may not be used for a matter-
 - (a) that requires an absolute majority;
 - (b) in which an interest has been disclosed;
 - (c) that has been the subject of a petition or deputation;
 - (d) that is a matter on which a member wishes to make a statement; or
 - (e) that is a matter on which a member wishes to move a motion that is different to the recommendation.

PART 6 – PUBLIC PARTICIPATION

6.1 Meetings generally open to the public

Meetings being generally open to the public is dealt with in the Act.

6.2 Meetings not open to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried-
 - (a) the presiding member is to direct everyone to leave the meeting except-
 - (i) the members;
 - (ii) the CEO;
 - (iii) any employee specified by the presiding member; and
 - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the presiding member, be removed from the meeting.
- (5) While the resolution under subclause (2) remains in force, the operation of clause 8.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.
- (6) A resolution under this clause may be made without notice.
- (7) Unless the Council resolves otherwise, once the meeting is reopened to members of the public, the presiding member is to ensure that any resolution of the Council made while the meeting was closed is to be read out including the vote of a member or members that is required under clause 13.4(3) to be included in the minutes.

6.3 Question time for the public

Question time for the public is dealt with in the Act.

6.4 Question time for the public at certain meetings

Question time for the public at certain meetings is dealt with in the Regulations.

6.5 Minimum question time for the public

Minimum question time for the public is dealt with in the Regulations.

6.6 Procedures for question time for the public

Procedures for question time for the public are dealt with in the Regulations.

6.7 Other procedures for question time for the public

- (1) A member of the public who raises a question during question time, is to state his or her name and address.
- (2) A question may be taken on notice by the Council or a committee for later response.
- (3) When a question is taken on notice the CEO is to ensure that-
 - (a) a response is given to the member of the public in writing; and
 - (b) a summary of the response is included in the agenda of the next meeting of the Council or the committee.
- (4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to-
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.
- (5) Where a member of the public provides written questions then the presiding member may elect for the questions to be responded to as normal business correspondence.
- (6) The presiding member may decide that a public question must not be responded to where-

- (a) the same or similar question was asked at a previous meeting a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
 - (b) the member of the public uses public question time to make a statement, provided that the presiding member has taken reasonable steps to assist the member of the public to phrase the statement as a question; or
 - (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the presiding member has taken reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.
- (7) The presiding member may agree to extend public question time.
 - (8) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.
 - (9) In this clause: “**relevant person**” has the same meaning as in section 5.59 of the Act.

6.8 Distinguished visitors

If a distinguished visitor is present at a meeting of the Council, the presiding member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor must be recorded in the minutes.

6.9 Deputations

- (1) Any person or group wishing to be received as a deputation by the Council or a committee, is to either-
 - (a) apply, before the meeting, to the President for approval; or
 - (b) with the approval of the presiding member, at the meeting, address the Council or a committee.
- (2) Any application for a deputation is to include details of the topic on which the deputation is to be made and a brief outline of the contents of the proposed submission which will be made during the deputation.
- (3) The President may either-
 - (a) approve the request and invite the deputation to attend a meeting of the Council or committee; or
 - (b) refer the request to the Council or the committee to decide by simple majority whether or not to receive the deputation.
- (4) Unless the Council or committee resolves otherwise, a deputation invited to attend a Council or committee meeting-
 - (a) is not to exceed 5 persons, only 2 of whom may address the Council or a committee, although others may respond to specific questions from members;
 - (b) is not to address the Council or a committee for a period exceeding 10 minutes without the agreement of the Council; and
 - (c) an extension of time and the increase in number of speaking members of the deputation may be allowed with the leave of the presiding member.
- (5) Unless decided otherwise by the President or presiding member of a committee, the number of deputations approved for any meeting must not exceed four.
- (6) Any matter which is the subject of a deputation to the Council or a committee is not to be decided by the Council or the committee until the deputation has completed its presentation.

6.10 Petitions

- (1) Where a member or the CEO receives a petition conforming to the requirements of clause 6.10 (2), that petition is to be presented to the next Council meeting.
- (2) Except where required by the Act, the Regulations or any other written law, any petition to the Council-
 - (a) must be addressed to the Council;
 - (b) state the name and address of the person to whom correspondence in respect of the petition may be served; and
 - (c) be in the form detailed in Schedule 1 of this local law.
- (3) Once a petition is presented to the Council, a motion may be moved to receive the petition and refer it to the CEO for action.

6.11 Presentations

- (1) In this clause, a **presentation** means the acceptance of a gift or an award by the Council on behalf of the Local Government or the community.
- (2) A presentation may be made to the Council at a meeting only with the prior approval of the President.

6.12 Participation at committee meetings

- (1) In this clause a reference to a **person** is to a person who-
 - (a) is entitled to attend a committee meeting;
 - (b) attends a committee meeting; and
 - (c) is not a member of that committee.
- (2) Without the consent of the presiding member, no person is to address a committee meeting.
- (3) The presiding member of a committee may allow a person to make an oral submission to the committee for up to 3 minutes on a recommendation contained in a report to the committee, with a maximum of 3 speakers for the recommendation and 3 speakers against the recommendation.
- (4) A person addressing the committee with the consent of the presiding member is to cease that address immediately after being directed to do so by the presiding member.
- (5) A person who fails to comply with a direction of the presiding member under subclause (4) may, by order of the presiding member, be removed from the committee room.
- (6) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

6.13 Council may meet to hear public submissions

- (1) Where an item on the agenda at a Council meeting is contentious and is likely be the subject of a number of deputations, the Council may resolve to meet at another time to provide a greater opportunity to be heard.
- (2) The CEO and the President must set the time and date of the meeting to provide the opportunity to be heard.
- (3) Where the Council resolves to meet to provide the opportunity to be heard under subclause (1), the presiding member must-
 - (a) instruct the CEO to provide local public notice of the time and date when the Council will meet to provide an opportunity to be heard;
 - (b) provide a written invitation to attend the meeting to provide the opportunity to be heard to all members of the public who have applied under clause 6.9 to make a deputation on the issue; and
 - (c) cause minutes to be kept of the meeting to provide the opportunity to be heard.
- (4) A meeting held under subclause (1) must be conducted only to hear submissions but a member may, at any time with leave of the presiding member, ask a question to seek to clarify any aspect of a submission. The Council must not make resolutions at a meeting held under subclause (1).
- (5) At a meeting held under subclause (1), each person making a submission must be provided with the opportunity to fully state his or her case.
- (6) A member of the public must be limited to 10 minutes in making an oral submission, but this period may be extended at the discretion of the presiding member.
- (7) Once every member of the public has had the opportunity to make a submission the presiding member is to close the meeting.
- (8) The CEO is to ensure that a report is included on the agenda of the next Council meeting summarising each submission made at the meeting.
- (9) The Council must not resolve on the matter that is the subject of a meeting to provide the opportunity to be heard until it has received the CEO's report under subclause (8).

6.14 Public Inspection of agenda materials

The right of the public to inspect the documents referred to, and in accordance with, regulation 14 of the Regulations may be exercised at the Shire's administration office, any Shire library or on the Local Government's website.

6.15 Confidentiality of information withheld

- (1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be-
 - (a) identified in the agenda of a Council meeting under the item "Matters for which meeting may be closed"; and
 - (b) marked "*Confidential*" in the agenda.
- (2) A member or an employee who has:
 - (a) confidential information under subclause (1); or
 - (b) information that is provided or disclosed during a meeting or part of a meeting that is closed to the public,
is not to disclose any of that information to any person other than member employee to the extent necessary for the purpose of carrying out his or her functions.

- (3) Subclause (2) does not prevent a member or employee from disclosing the information-
 - (a) at a closed meeting;
 - (b) to the extent specified by Council and subject to such other conditions as the Council determines;
 - (c) that is already in the public domain;
 - (d) to an officer of the Department;
 - (e) to the Minister;
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.
- (4) The Council may by resolution declare that any information withheld under clause 6.15 (1) must remain confidential for a specified period or indefinitely.

6.16 Recording of proceedings

- (1) A person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council, any committee or electors meeting without the permission of the presiding member.
- (2) If the presiding member gives permission under subclause (1), the presiding member is to advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.

6.17 Standard of conduct

- (1) A reference in this clause to a person is to a person other than a member.
- (2) A person at a meeting-
 - (a) addressing the Council or a committee must, when invited to speak, extend due courtesy and respect to the person presiding and others at the meeting;
 - (b) must not reflect adversely on the character or actions of any member or employee;
 - (c) must not impute any motive to a member or employee;
 - (d) must not use offensive or objectionable expressions;
 - (e) must not create a disturbance, by interrupting or interfering with the orderly conduct of the proceedings, whether expressing approval or dissent, by conversing or by any other means;
 - (f) must ensure that his or her mobile telephone or audible pager is not switched on or used; and
 - (g) must not behave in a manner that is contrary to section 75 of the Criminal Code.
- (3) The presiding person may warn a person who fails to comply with this clause.
- (4) If a person-
 - (a) after being warned, acts contrary to this clause, or to this local law; or
 - (b) refuses or fails to comply with a direction by the presiding member,
 the presiding member may expel the person from the meeting by ordering him or her to leave the meeting room.
- (5) A person who is ordered to leave the meeting room and fails to do so may, by order of the presiding person, be removed from the meeting room and, if the presiding person orders, from the premises.

6.18 Right of reply

- (1) A member who is aggrieved by a statement made (including a question asked) by a member of the public at a meeting may, with the leave of the presiding member, reply to that statement.
- (2) A reply under this clause is to be confined to a succinct response to the specific part of the statement in respect of which the member is aggrieved.

PART 7 – QUESTIONS BY MEMBERS

7.1 With due notice

- (1) A question on notice is to be given by a member in writing to the CEO at least four (4) clear business days before the meeting at which it is raised.
- (2) If the question referred to in subclause (1) is in order, the answer is, so far as practicable, to be included in written form in the agenda of the meeting, or otherwise tabled at that meeting.
- (3) Every question and answer is to be submitted as briefly and concisely as possible and no discussion is to be allowed thereon, unless with the consent of the presiding member.

7.2 Without due notice

- (1) Members may ask questions relating to an item on the notice paper or on matters related to the good government of persons in the district.
- (2) A member requesting general information from an employee at a Council or committee meeting may ask a question without notice and with the consent of the presiding member, may ask one or more further questions of that employee or another employee present at the meeting.
- (3) Where possible the employee must endeavour to answer the question to the best of his or her knowledge and ability, however, if the information is unavailable or the answer requires research or investigation, the employee may ask that –
 - (a) the question be placed on notice for the next meeting of Council; or committee and
 - (b) the answer to the question be given to the member who asked it within 14 days
- (4) Every question and answer –
 - (a) is to be brief and concise; and
 - (b) is not to be accompanied by argument, expression of opinion or statement of facts, except to the extent necessary to explain the question or answer
- (5) In answering any question, an employee may qualify his or her answer and may at a later time in the meeting or at a subsequent meeting alter, correct, add to or otherwise amend the original answer

PART 8 – CONDUCT OF MEMBERS

8.1 Members to be in their proper places

- (1) At the first meeting held after each election day, or at any other time considered necessary, each member is to be allocated a seat at the Council table by the Council.
- (2) Each member is to occupy his or her position allotted position at each Council or committee meeting.

8.2 Respect to the presiding member

After the business of a Council or a committee has been commenced, a member is not to enter or leave the meeting without first paying due respect to the presiding member.

8.3 Titles to be used

A speaker, when referring to the President, Deputy President or presiding member, or a member or employee, is to use the title of that person's office.

8.4 Advice of entry or departure

A member is not to enter or leave the meeting without first advising the presiding member, in order to facilitate the recording in the minutes of the time of entry or departure.

8.5 Members to indicate their intention to speak

A member of the Council who wishes to speak is to indicate his or her intention to speak by raising his or her hand or by another method agreed by the Council.

8.6 Priority of speaking

- (1) Where two or more members indicate, at the same time, their intention to speak, the presiding member is to decide which member is entitled to be heard first.
- (2) A decision of the presiding member under subclause (1) is not open to discussion or dissent.
- (3) A member is to cease speaking immediately after being asked to do so by the presiding member.

8.7 Presiding member may take part in debates

The presiding member may take part in a discussion of any matter before the Council or a committee, subject to compliance with this local law.

8.8 Relevance

A member is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.

8.9 Speaking twice

A member is not to address the Council or a committee more than once on any motion or amendment except-

- (a) as the mover of a substantive motion, to exercise a right of reply;
- (b) to raise a point of order; or
- (c) to make a personal explanation.

8.10 Duration of speeches

- (1) A member is not to speak on any matter for more than 5 minutes without the consent of the Council or a committee which, if given, is to be given without debate.
- (2) An extension under this clause cannot be given to allow a member's total speaking time to exceed 10 minutes.

8.11 No speaking after conclusion of debate

A member is not to speak on any motion or amendment-

- (a) after the mover has replied; or
- (b) after the question has been put.

8.12 No interruption

A member is not to interrupt another member who is speaking unless-

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 8.13; or
- (d) to move a procedural motion that the member be no longer heard (see clause 11.1(e)).

8.13 Personal explanations

- (1) A member who wishes to make a personal explanation relating to a matter referred to by another member who is then speaking is to indicate to the presiding member his or her intention to make a personal explanation.
- (2) The presiding member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other member.
- (3) A member making a personal explanation is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood.

8.14 No reopening of discussion

A member is not to reopen discussion on any Council or committee decision, except to move that the decision be revoked or changed.

8.15 Adverse reflection

- (1) A member is not to reflect adversely on a decision of the Council or committee except -
 - (a) on a motion that the decision be revoked or changed; or
 - (b) where the meeting resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.
- (2) A member is not-
 - (a) to reflect adversely on the character or actions of another member or employee; or
 - (b) to impute any motive to a member or employee, unless the meeting resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.
- (3) A member is not to use offensive expressions in reference to any member, employee or other person.
- (4) If a member specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes-
 - (a) the presiding member is to cause the words used to be taken down and read to the meeting for verification; and
 - (b) the Council or committee may, by resolution, decide to record those words in the minutes.

8.16 Withdrawal of offensive language

- (1) A member who, in the opinion of the presiding member, uses an expression which-
 - (a) in the absence of a resolution under clause 8.15(2)-
 - (i) reflects adversely on the character or actions of another member or employee; or

- (ii) imputes any motive to a member or employee; or
- (b) is offensive or insulting,
 - must, when directed by the presiding member, withdraw the expression and make a satisfactory apology.
- (2) If a member fails to comply with a direction of the presiding member under subclause (1), the presiding member may direct the member to refrain from taking any further part in the debate of that item, other than by voting, and the member must comply with that direction.

PART 9 – PRESERVING ORDER

9.1 Presiding member to preserve order

- (1) The presiding member is to preserve order, and, whenever he or she considers necessary, may call any member to order.
- (2) When the presiding member speaks during a debate, any member then speaking, or indicating that he or she wishes to speak, is to preserve strict silence so that the presiding member may be heard without interruption.
- (3) Subclause (2) is not to be used by the presiding member to exercise the right provided in clause 8.7, but to preserve order.

9.2 Point of order

- (1) A member may object, by way of a point of order, only to a breach of-
 - (a) any of this local law; or
 - (b) any other written law.
- (2) Despite anything in this local law to the contrary, a point of order-
 - (a) takes precedence over any discussion; and
 - (b) until determined, suspends the consideration or discussion of any other matter.

9.3 Procedures on a point of order

- (1) A member who is addressing the presiding member is not to be interrupted except on a point of order.
- (2) A member interrupted on a point of order is to resume his or her seat until-
 - (a) the member raising the point of order has been heard; and
 - (b) the presiding member has ruled on the point of order, and, if permitted, the member who has been interrupted may then proceed.

9.4 Calling attention to breach

A member may, at any time, draw the attention of the Presiding Member to any breach of this local law.

9.5 Ruling by the presiding member

- (1) The presiding member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the presiding member on a point of order is to be final unless the majority of members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause (2), if the presiding member rules that:
 - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
 - (b) a statement made or act done by a member is out of order, the presiding member may require the member to make an explanation, retraction or apology.

9.6 Continued breach of order

If a member-

- (a) persists in any conduct that the presiding member had ruled is out of order; or
 - (b) refuses to make an explanation, retraction or apology required by the presiding member under clause 9.5(3),
- the presiding member may direct the member to refrain from taking any further part in the debate on that item, other than by voting, and the member is to comply with that direction.

9.7 Right of presiding member to adjourn

- (1) For the purpose of preserving or regaining order, the presiding member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the presiding member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.

PART 10 – DEBATE OF MEMBERS

10.1 Recommendations in reports

- (1) Recommendations contained in a committee or employee's report are to be given first priority consideration for adoption by the Council.
- (2) Any proposed amendment to a recommendation in a committee or employees' report that is significantly different to the recommendation, is not to be accepted unless a notice of motion in accordance with clause 5.3 has been given by the mover of the proposed amendment.
- (3) The Council may by majority decision dispense with requirements of clause 5.1 (2) where the Council is satisfied that the reason for the proposed amendment meets the criteria of "*extreme urgency or other special circumstances*" in clause 5.4 (2).
- (4) The requirements for recording of written reasons in the minutes of a meeting for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee are dealt with in the regulations.

10.2 Alternative motion

- (1) A member may submit an alternative motion for consideration by the Council that differs from a committee or employee's recommendation contained in the meeting agenda.
- (2) A member may submit an alternative motion for consideration by a committee that differs from an employee's recommendation contained in a meeting agenda.
- (3) A request for an alternative motion must be received by the CEO or their delegate no later than 9.00am on the day of the meeting.
- (4) The meeting may by absolute majority dispense with the requirement of clause 10.2 (3) where the meeting is satisfied that that the alternative motion does not-
 - (a) reflect a significant departure from the intent of the recommendation; or
 - (b) involve a determination of a matter or the exercise of a discretion under the Local Planning Scheme.

10.3 Motions to be stated and in writing

Any member who wishes to move a substantive motion or an amendment to a substantive motion-

- (a) is to state the substance of the motion before speaking to it; and
- (b) if required by the presiding member, is to put the motion or amendment in writing.
- (c) for complex amendments they must be in writing.

10.4 Motions to be supported

- (1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.
- (2) A motion to revoke or change a decision made at a Council meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations.

10.5 Unopposed business

- (1) Immediately after a substantive motion has been moved and seconded, the presiding member may ask the meeting-
 - (a) if any member opposes it; or
 - (b) if any member wishes the mover to speak to the motion before deciding whether to oppose it.
- (2) If any member wishes the mover to speak to the motion, the presiding member may-
 - (a) call on the mover to speak to the motion; and
 - (b) after the mover has spoken to the motion, again ask the meeting if any member opposes it.

- (3) If no member opposes the motion, the presiding member may declare it carried without debate and without taking a vote.
- (4) A motion declared carried under this clause is to be recorded in the minutes as a “carried without dissent” decision of the Council.
- (5) If a member opposes a motion, the motion is to be dealt with under this Part.
- (6) This clause does not apply to a motion to revoke or change a decision which has been made at a Council meeting.

10.6 Only one substantive motion at a time

When a substantive motion is under debate at a meeting of the Council, no further substantive motion is to be accepted. The Council is not to consider more than one substantive motion at any time

10.7 Order of call in debate

The presiding member is to call speakers to a substantive motion in the following order-

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) a speaker against the motion;
- (f) a speaker for the motion;
- (g) other speakers against and for the motion, alternating where possible; and
- (h) mover takes right of reply which closes debate.

10.8 Limit of debate

The presiding member may offer the right of reply and put a substantive motion to the vote if he or she believes that sufficient discussion has taken place even though all members may not have spoken.

10.9 Member may require question to be read

A member may require the question or matter under discussion to be read at any time during a debate, but not so as to interrupt any other member who is speaking.

10.10 Consent of seconder required for alteration

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

10.11 Order of amendments

Any number of amendments may be proposed to a substantive motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn, carried or lost.

10.12 Form of an amendment

An amendment must add, delete, or substitute words to the substantive motion.

10.13 Amendment must not negate original motion

An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.

10.14 Relevance of amendments

Each amendment is to be relevant to the motion in respect of which it is moved.

10.15 Mover of motion may speak on amendment

Any member may speak during debate on an amendment in reference to the order set out in clause 10.7.

10.16 Effect of an amendment

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any member may speak and any further amendment may be moved.

10.17 Withdrawal of motion or amendment

- (1) Subject to subclause (2), the Council may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.
- (2) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

10.18 Right of reply

- (1) The mover of a substantive motion has the right of reply.
- (2) The mover of any amendment to a substantive motion has a right of reply.
- (3) The right of the reply may only be exercised-
 - (a) where no amendment is moved to the substantive motion – at the conclusion of the discussion on the motion; or
 - (b) where one or more amendments have been moved to the substantive motion – at the conclusion of the discussion on the substantive motion and any amendments.
- (4) After the mover of the substantive motion has commenced the reply-
 - (a) no other member is to speak on the question; and
 - (b) there is to be no further discussion on, or any further amendment to, the motion.
- (5) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (6) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote.

10.19 Foreshadowing alternative motions

- (1) Should a member wish to negate a substantive motion and have ~~a~~ the meeting consider a new substantive motion on the matter with different intent, the member is to foreshadow the new substantive motion prior to the right of reply.
- (2) Should a substantive motion be lost, the presiding member is to call upon the member who foreshadowed the new substantive motion to move the proposed motion.
- (3) Once moved and seconded, the foreshadowed motion becomes the substantive motion and the same procedures and rules of debate apply to this motion as any other motion.
- (4) If more than one foreshadowed motion is proposed for any item before a meeting, the presiding member is to deal with them in the order in which they were presented.

PART 11 – PROCEDURAL MOTION

11.1 Permissible procedural motions

In addition to the right to move an amendment to a substantive motion, a member may move the following procedural motions-

- (a) that the meeting proceed to the next item of business;
- (b) that the debate be adjourned;
- (c) that the meeting now adjourn;
- (d) that the question be now put;
- (e) that the member be no longer heard;
- (f) that the ruling of the presiding member be disagreed with; and
- (g) that the meeting be closed to the public.

11.2 No debate

- (1) The mover of a motion specified in paragraph (a), (b), (c), (f) or (g) of clause 11.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion specified in paragraph (d) or (e) of clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

11.3 Who may move

No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

11.4 Procedural motions - right of reply on substantive motion

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

11.5 Meeting to proceed to the next business

The motion "that the meeting proceed to the next business", if carried, has the effect that-

- (a) the debate on the substantive motion or amendment ceases immediately;
- (b) no decision is made on the substantive motion;
- (c) the Council moves to the next item of business; and
- (d) there is no requirement for the matter to be raised again for consideration.

11.6 Debate to be adjourned

A motion "that the debate be adjourned"-

- (a) is to state the time to which the debate is to be adjourned; and
- (b) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but continues at the time stated in the motion.

11.7 Meeting now adjourn

- (1) A member is not to move or second more than one motion of adjournment during the same sitting of the Council.
- (2) Before putting the motion for the adjournment of the Council, the presiding member may seek leave of the Council to deal first with matters that may be the subject of an adoption by exception resolution (see clause 5.6).
- (3) A motion "that the meeting now adjourn"-
 - (a) is to state the time and date to which the meeting is to be adjourned; and
 - (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.
- (4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the presiding member or the Council determines otherwise.

11.8 Question to be put

- (1) If the motion "that the question be now put", is carried during debate on a substantive motion without amendment, the presiding member is to offer the right of reply and then put the motion to the vote without further debate.
- (2) If the motion "that the question be now put" is carried during discussion of an amendment, the presiding member is to put the amendment to the vote without further debate.
- (3) This motion, if lost, causes debate to continue.

11.9 Member to be no longer heard

If the motion "that the member be no longer heard", is carried, the speaker against whom the motion has been moved cannot speak further on the current substantive motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the substantive motion.

11.10 Ruling of the presiding member to be disagreed with

If the motion "that the ruling of the presiding member be disagreed with", is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

PART 12 – DISCLOSURE OF INTERESTS

12.1 Disclosure of interests

Disclosure of interests is dealt with in the Act.

PART 13 - VOTING

13.1 Question - when put

- (1) Immediately after the debate on any question is concluded and the right of reply has been exercised, the presiding member -
 - (a) is to put the question to the Council; and
 - (b) if requested by any member, is to again state the terms of the question.
- (2) A member is not to leave the meeting when the presiding member is putting any question.

13.2 Voting

Voting is dealt with in the Act and the Regulations.

13.3 Majorities required for decisions

The majorities required for decisions of the Council and committees are dealt with in the Act.

13.4 Method of taking vote

- (1) In taking the vote on any motion or amendment the presiding member-
 - (a) is to put the question, first in the affirmative, and then in the negative;
 - (b) may put the question in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
 - (c) may accept a vote on the voices or may require a show of hands; and
 - (d) is, subject to this clause, to declare the result.
- (2) If a member calls for a show of hands, the result of the vote is to be determined on the count of raised hands.
- (3) Unless decided otherwise by a decision of Council or a committee the details of the members vote or votes for or against, a matter, as the case may be, is to be recorded in the minutes.

PART 14 – MINUTES OF MEETINGS

14.1 Keeping of minutes

The keeping and confirmation of minutes are dealt with in the Act.

14.2 Content of minutes

- (1) The content of minutes is dealt with in the Regulations.
- (2) In addition to the matters required by regulation 11 of the Regulations, the minutes of a Council meeting is to include, where an application for approval is refused or the authorisation of a licence, permit or certificate is withheld or cancelled, the reasons for the decision.

14.3 Public inspection of unconfirmed minutes

The public inspection of unconfirmed minutes is dealt with in Regulations.

14.4 Confirmation of minutes

- (1) When minutes of an ordinary meeting of the Council are distributed for consideration prior to their confirmation at the next meeting, if a member is dissatisfied with the accuracy of the minutes, the member may provide the Local Government with a written copy of the alternative wording to amend the minutes no later than 7 clear working days before the next ordinary meeting of the Council.
- (2) At the next ordinary meeting of the Council, the member who provided the alternative wording must, at the time for confirmation of minutes-
 - (a) state the item or items with which he or she is dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (3) Members must not discuss items of business contained in the minutes, other than discussion as to their accuracy as a record of the proceedings.

PART 15 - ADJOURNMENT OF MEETING

15.1 Meeting may be adjourned

The Council or a committee may adjourn any meeting-

- (a) to a later time on the same day; or
- (b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

15.2 Effect of adjournment

Where any matter, motion, debate or meeting is adjourned under this local law-

- (a) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;
- (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
- (c) the provisions of clause 8.9 apply when the debate is resumed.

PART 16 – REVOKING OR CHANGING DECISIONS

16.1 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Regulations.

16.2 Limitations on powers to revoke or change decisions

- (1) Subject to subclause (2), the Council or a committee is not to consider a motion to revoke or change a decision-
 - (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 16.3 to implement the decision; or
 - (b) where the decision is procedural in its form or effect.
- (2) The Council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

16.3 Implementing a decision

- (1) In this clause-
 - (a) **authorisation** means a licence, permit, approval or other means of authorising a person to do anything;
 - (b) **implement**, in relation to a decision, includes-
 - (i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
 - (ii) take any other action to give effect to the decision; and
 - (c) **valid notice of revocation motion** means a notice of motion to revoke or change a decision that complies with the requirements of the Act, Regulations and the local laws and may be considered, but has not yet been considered, by the Council or a committee as the case may be.
- (2) Subject to subclause (4), and unless a resolution is made under subclause (3), a decision made at a meeting is not to be implemented by the CEO or any other person until the afternoon of the first business day after the commencement of the meeting at which the decision was made.
- (3) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.
- (4) A decision made at a meeting is not to be implemented by the CEO or any other person-
 - (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
 - (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.
- (5) The CEO is to ensure that members of the public attending the meeting are informed by an appropriate notice that a decision to grant an authorisation-
 - (a) is to take effect only in accordance with this clause; and
 - (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

PART 17 – SUSPENSION OF LOCAL LAW

17.1 Suspension of local law

- (1) A member may at any time move that the operation of one or more of the provisions of this local law be suspended.
- (2) A member moving a motion under subclause (1) is to state the reasons for the motion but no other discussion is to take place.
- (3) A motion under subclause (1) which is-
 - (a) seconded; and
 - (b) carried by an absolute majority,is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

17.2 Where local law does not apply

- (1) In situations where:
 - (a) one or more provisions of this local law have been suspended; or
 - (b) a matter is not regulated by the Act, the Regulations or this local law,the presiding member is to decide questions relating to the conduct of the meeting.
- (2) The decision of the presiding member under subclause (1) is final, except where a motion is moved and carried under clause 11.10.

PART 18 – MEETINGS OF ELECTORS

18.1 Electors' general meetings

Electors' general meetings are dealt with in the Act.

18.2 Matters for discussion at electors' general meetings

The matters to be discussed at electors' general meetings are dealt with in the Regulations.

18.3 Electors' special meetings

Electors' special meetings are dealt with in the Act.

18.4 Requests for electors' special meetings

Requests for electors' special meetings are dealt with in the Regulations.

18.5 Convening electors' meetings

Convening electors' meetings is dealt with in the Act.

18.6 Who presides at electors' meetings

Who presides at electors' meetings is dealt with in the Act.

18.7 Procedure for electors' meetings

- (1) The procedure for electors' meetings is dealt with in the Act and the Regulations.
- (2) In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the presiding member is to have regard to this local law.

18.8 Participation of non-electors

A person who is not an elector of the Local Government must not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits the person do so.

18.9 Voting at electors' meetings

Voting at electors' meetings is dealt with in the Regulations.

18.10 Minutes of electors' meetings

Minutes of electors' meetings are dealt with in the Act.

18.11 Decisions made at electors' meetings

Decisions made at electors' meetings are dealt with in the Act.

PART 19 - ENFORCEMENT

19.1 Penalty for breach

A person who breaches a provision of this local law commits an offence.

Penalty: \$1,000.00 and a daily penalty of \$500.00.

19.2 Who can prosecute

Who can prosecute is dealt with in the Act.

SCHEDULE 1

PETITION OF ELECTORS OF THE SHIRE OF KULIN

To the Shire President and Councillors of the Shire of Kulin

We, the undersigned, all being electors of the Shire of Kulin do respectfully request that the Council—

[Here set out a concise statement of facts and the action sought]

Correspondence in respect of this petition should be addressed to—

[Here set out relevant name(s) and address (es) for correspondence]

The names and addresses of your petitioners are as follows—

Date	Full Name	Address	Signature	Agree/Disagree/ No Opinion

Dated 21 October 2020

The Common Seal of the Shire of Kulin was affixed by authority of a resolution of the Council in the presence of —

Barry West
Shire President

Garrick Yandle
Chief Executive Officer



2nd September 2020

Shire of Kulin
PO Box 125
Kulin WA 6365

Attention: Planning Department

Re: Loc. 14997 (#1367) KUKERIN ROAD, WALYURIN

Please find attached a copy of the signed planning approval application form, development checklist form and plans to assess the planning application.

The proposed application is for a 4 bedroom, 2 bathroom new single storey modular dwelling to be placed on the abovementioned lot which will be the primary residence on the proposed site. The existing dwelling will therefore be proposed as 'workers accommodation'. The Owners of the land would be proposing that temporary farm workers would be staying in the dwelling.

As the workers accommodation residents are likely to be temporary workers the Owners preference would be to retain some privacy between the 2 properties onsite.

The Owner does not intend to change the use of the abovementioned land and will continue to ensure that the land retains the rural character it currently provides. The proposed development will be mindful of the rural surroundings with colours and materials to complement the landscape.

Can you please forward me an invoice for payment of the planning fees.

Please feel free to call the undersigned should you have any queries or concerns.

Yours faithfully
MODULAR WA

Natalie Barker
CONTRACTS ADMINISTRATION

GENERAL COMPLIANCE CHECKLIST – SEPTEMBER 2020

Class	Task	Date	Frequency	Detail	Yes/No
Governance	Annual Report Preparation/Adoption	1/07/2020	Annual	Report to be prepared and submitted to the Auditor by 30th September	In progress
Governance	IntPlan - Corporate Business Plan Quarterly Report	31/08/2020	Quarterly	Review CPB actions and report to Council meeting	
Governance	Wreath for Anzac service Bush Races	Sept	Annual	Which Councillor or community member will be laying wreath?	N/A
Governance	FOI Statement	Sept	Annual	Send FOI Statement to Commissioner when produced in Annual Report	No
Governance	Record Keeping Plan Compliance	1/07/2020	Annual	"Comment in Annual Report on: 1. Whether the efficiency and effectiveness of your recordkeeping systems has been evaluated or alternatively when such an evaluation is proposed; 2. The nature and extent of record keeping training program conducted; 3. Whether the efficiency and effectiveness of the record keeping training program has been reviewed or alternatively how this is planned to be done; and 4. Assurance that the organization's induction program addresses employee roles and responsibilities in regard to their compliance with the organization's record keeping plan."	No
Governance /WM	Bushfire Firebreak Inspections	1/09/2020	Annual	Firebreak / clean-up reminders to townsite properties. Remind residents to slash grass and clean up	Yes
Governance/ SAO	Election Timeline	Sept	Biennial	Open nominations, complete owners & occupiers roll. Electoral Officers Declarations - sign & submit	N/A
Governance/ SAO	Election Timeline	Sept	Biennial	CEO to certify Owners & Occupiers roll before 36th day. Complete consolidated roll by 22 day	N/A
Governance	Elections	1/10/2020	Biennial	Take photo of new Council	October Meeting
Bushfire Governance	Bushfire Firebreaks	1/09/2020	Annual	Send out firebreak reminder to rural property owners - Advertise in Update	Yes
Bushfire Governance	Bushfire Permit to Burn Books	1/09/2020	Annual	Check stocks of Permit books	Yes
Bushfire Governance	Bushfire Protective Clothing	1/09/2020	Annual	Check stocks of fire fighting protective clothing and place order	Yes
Bushfire Governance	Bushfire Restricted Burning Period commencement	1/09/2020		Provides the power to vary the closure of the restricted burning period or the associated prescribed conditions by up to 14 days (or further periods of up to 14 days) and prescribes advertising requirements.	N/A
CEO	Transport R2R	September	Annual	Roads to Recovery Reporting. Annual report for R2R due (unaudited)	Yes

GENERAL COMPLIANCE CHECKLIST – SEPTEMBER 2020

Governance/ CEO	Audit Committee to Meet Quarterly	September	Quarterly	Include agenda for September Council Meeting	
DCEO	Financial Statements - submit to Auditor	30/09/2020	Annual	Last date for submission to Auditor and selection of Audit date	Yes
DCEO/CEO/ WM	Local Government Road Assets & Expenditure Report	October	Annual	Submit Report	
DCEO	ESL Reconciliation	Aug/Sept	Annual	ESL return must be completed after Audit has been finalised.	No
DCEO/CSO	Cat Registration Tags	30/09/2020	Annual	Check sufficient tags of correct year - reorder	Yes
DCEO/CSO	Dog/Cat License Renewals due	30/09/2020	Annual	Licenses expire 31 October	Yes
DCEO/SAO	Retirement homes – request write off of rates		Annual	Agenda Item and letter	Yes
DCEO/SAO	Annual Report	30-Sep	Annual	Annual report must include statements about compliance with Recordkeeping Plans	In progress
SFO	CBH Ex Gratia Rates	30/09/2020	Annual	Invoice CBH	Yes
SFO	Water Useage Charges	Monthly	Monthly	Issue invoices for Water Standpipe Consumption	Yes
WM	Commodity Route Submissions	15/07/2020	Annual	Submit MCA's for Jobs by year for RRG Technical Committee assessment	N/A
WM	Check town blocks for wild oats	30/09/2020	Annual	Send notice to clean up as required	End of October
WM	Check public toilets prior to KBR	15/09/2020	Annual	Anything need replacing - toilet seats, hand towel dispenser etc	N/A
WM/TO	R2R Annual report	30/09/2020	Annual	Audited R2R Annual Report Due by end of Month if not completed with Audit	Yes
WM/TO	Road Construction & Maintenance Review	01/09/20	Monthly	Review previous month road construction and maintenance - complete recoups, MRD line marking requests, MRD Form 8 etc. as required - Advise DCEO of invoices required for MRD and private works recovery - complete report to CEO/Council	Yes
TO	Kerbside Rubbish Collection	30/09/2020	Annual	Advertise and organise collection	Yes
TO	Occupational Health Safety Meeting	31/09/2020	Quarterly	Occ Health Safety Committee meeting - review all incidents accidents and commence 1/2 yearly inspections - make recommendations for Budget	
CRC	Updating of Town Notice Board/Website		Weekly		Yes
FRC	Monthly Stock on Hand		Monthly	Report to DCEO	Yes
SPM	Swimming Pool Opening Day selection	Sept	Annual		Yes
SPM	Swimming pool water sampling due once a month in opening season		Oct>Apr		In progress
EHO	Waste Authority Annual Waste Census due by September	1/09/2020	Annual		Yes
EHO	Food Act - Annual report on testing	28/10/2020	Annual	Annual report on food sampling testing	