

ORDER OF BUSINESS

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Minutes of an Ordinary Meeting of Council held in the Council Chambers on Wednesday 17 April 2019 commencing at 5.15pm

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Attendance

BD West	President	West Ward
RD Duckworth	Deputy President	West Ward
HT McInnes	Councillor	Town Ward
B Smoker	Councillor	West Ward
R Bowey	Councillor	Town Ward
BP Taylor	Councillor	Central Ward
MS Lucchesi	Councillor	Central Ward
L Varone	Councillor	East Ward
G Robins	Councillor	Town Ward
G Yandle	Chief Executive Officer	
C Vandenberg	Deputy Chief Executive Officer	
J Hobson	Manager of Works	
N Thompson	ESO/Minutes	

APOLOGIES

Nil

3. PUBLIC QUESTION TIME

Nil

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Shire of Kulin Ordinary Meeting – 20 March 2019

01/0419

Moved Cr Duckworth Seconded Cr Lucchesi that the minutes of the Ordinary Council Meeting held on 20 March 2019 be confirmed as a true and correct record.

Carried 9/0

Freebairn Recreation Centre Club Inc Meeting - 25 February 2019

02/0419

Moved Cr Robins Seconded Cr Smoker that the minutes of the Freebairn Recreation Club Inc Meeting held on 25 February 2019 be confirmed as a true and correct record.

Carried 9/0

Shire of Kulin Occupational Safety & Health Meeting – 28 March 2019

03/0419

Moved Cr Bowey Seconded Cr Taylor that the minutes of the Shire of Kulin Occupational Safety & Health Meeting held on 28 March 2019 be confirmed as a true and correct record.

Carried 9/0

Shire of Kulin Bush Fire Brigades AGM – 3 April 2019

04/0419

Moved Cr McInnes Seconded Cr Varone that the minutes of the Shire of Kulin Bush Fire Brigades Annual General Meeting held on 3 April 2019 be confirmed as a true and correct record.

Carried 9/0

RoeROC Council Meeting – 21 March 2019

05/0419

Moved Cr Duckworth Seconded Cr Taylor that the minutes of the RoeROC Council Meeting held on 21 March 2019 be confirmed as a true and correct record.

Carried 9/0

6 MATTERS REQUIRING DECISION

6.1 List of Accounts – March 2019

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 March 2019 for Council's consideration.

BACKGROUND & COMMENT:

Nil

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That March payments being cheque no.'s 402,403 & 406 (Trust), 37100 – 37106; EFT No's 15026 - 15111, DD6854.1 - DD6867.9 (Municipal), credit card payments, creditor payments, payroll and other vouchers from the Municipal Fund totalling \$375,168.31 be received.

VOTING REQUIREMENTS:

Simple majority required.

06/0419

Moved Cr Bowey Seconded Cr McInnes that payments being cheque no.'s 402,403 & 406 (Trust), 37100 – 37106; EFT No's 15026 - 15111, DD6854.1 - DD6867.9 (Municipal), credit card payments, creditor payments, payroll and other vouchers from the Municipal Fund totalling \$375,168.31 be received.

Carried 9/0

6.2 Financial Reports – March 2019

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

SUMMARY:

Attached are the financial reports for the period ending 31 March 2019.

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 31 March 2019.

VOTING REQUIREMENTS:

Simple majority required.

07/0419

Moved Cr Smoker Seconded Cr Lucchesi that Council endorse the monthly financial statements for the period ending 31 March 2019.

Carried 9/0

6.3 Water Standpipe Fee and Charge

RESPONSIBLE OFFICER: CEO

FILE REFERENCE:

AUTHOR: CEO

STRATEGIC REFERENCE/S:

DISCLOSURE OF INTEREST: Nil

SUMMARY:

This provides a proposed fee structure to recover the cost of potable standpipe water following changes to water consumption charges proposed by Water Corporation to be introduced 1st July 2019.

This matter was the subject of a forum conversations in October and November 2018 as well as February and March 2019. Investigations and discussions between Council, Shire officers and Water Corporation have included:

- Water Corporation propose to charge water consumption fees to local government for standpipe usage fees based upon their "Class Step" classification
- Detailed analysis was undertaken of Water Corporation's proposed costs for each standpipe based upon historical data.
- A comparison of WC's historical consumption data for each standpipe against the data collected by the Shire's standpipe swipe cards, which are currently utilised by local farmers, businesses and Shire staff.
- An assessment and sensitivity analysis on possible cost recovery pricing mechanisms based upon the historical data.

Included is a step by step analysis of consumption data, Water Corporation's proposed standpipe classification, potential changes to on-site infrastructure and overall financial implications to the Shire.

The focus is largely around cost recovery based upon consumption and does not going into detailed discussed regarding fixed cost for service delivery. The aim is to determine an acceptable level of cost recovery comparable to consumption and charge costs from WC in order to then establish a fee for standpipes that reflects this decision. This will then be incorporated as part of the Budget; when fees and charges are set.

BACKGROUND & COMMENT:

Water Corporation will be introducing new fees for local government standpipes as of the 1st July 2019. It endeavours to increase their cost recovery for the supply of mains potable water to the region, is based on an incremental scaled Class Step system based upon meter outlet size and targeting high volume use consumers and commercial contractors.

In all cases the Shire will be billed for all water usage from each standpipe during Water Corporations two monthly billing cycle. To recover the costs from users, it is proposed Shire users be invoiced based on the standpipe reports for each location. Whilst the Shire is geared to do this with the card reader system producing

reports on usage, the cost and time of producing invoices is not something Shire has undertaken in the past. The pressure to ensure ALL card reader systems are operational at ALL times will be critical to ensure recovery. It will now become a priority keeping the systems operational – as failure to be able to bill for water could leave Shire with a hefty expense.

They have produced a booklet to outline proposed changes which was previously disseminated to Council. Categories of standpipes include;

Local Authority Standpipe (any size meter) – Shire use only, must be locked/no public access and Shire will be charges \$2.534 per KL

Community Use Standpipe (20mm service only) – to assist farmers for topping up water tanks for households not connected to scheme water and Shire purposes.

Commercial Standpipes (25mm and above meter) - roads, projects and farming. Fees based on \$2.534 for early bill cycle low end volumes up to \$8.353 for end of year use.

Fire Standpipes – Fire use only and must be locked to public at all other times.

Water Corporation have built their standpipe fees on meter size (attracting bigger base fee) and expected greater commercial usage, as well as being subject to the location of each standpipe in the pipeline system. This is known as Water Corporation’s “Class Step” classification system. Whereby all meter outlets of 25mm or less will be either Local Authority or Community Use standpipes of Step Class 1. For meter outlets great than 25mm they will classified as Commercial with differing Class Step classifications depending upon their location relative to main distribution line and other infrastructure. That is the more isolated and end of line standpipes are charged at a greater rate, than those on or close to the main distribution lines. Essentially their classification rationale is a hybrid of both meter outlet size and location.

The following table provides a summary of relevant stand pipe Class Step classifications within the Shire of Kulin and the associated proposed charges for 2019/20.

Outlet Sized Pricing 2019-20			
Description	Outlet Size (mm)	Water Service Charge	Use Charge (\$/kL)
Community Use Standpipe	20		\$ -
Local Authority Standpipe	25	\$ 414.74	\$ 2.534
Commercial Class Step 1	25	\$ 414.74	\$ 2.534
Commercial Class Step 9	> 25	\$ 1,658.93	\$ 5.011
Commercial Class Step 15	> 25	\$ 4,246.85	\$ 8.353

The Shire will be charged a different rate for each standpipe based upon size and location (see map), which poses interesting scenarios with regard to the fee structure in order to be fair to all users. The Shire has 11 standpipes and/or tanks connected to Water Corporation mains supply at the following locations with outlet sizes and current nominal WC Class Step classifications.

Location	Acc No.	Meter No.	Class Step	Meter Size mm	On-site Infrastructure
Fotheringham Rd	9007807940	BC1226234	1	20	Existing Tank
Yealering Kulin Rd	9007806710	BC1319454	1	20	Existing Tank
Dandagin Rd	9007807895	BC1803178	1	20	Existing Tank
Pederah Rd	9011516441	CK0700416	1	25	Existing Tank
Dudinin Lot 83	9007665946	FK0950056	15	50	Existing Tank
High St Kulin	9007703025	FK1850010	15	50	Standpipe
Kulin-Lake Grace Rd	9007807078	FK1350003	9	50	Existing tank, previous standpipe was 300m up the road

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Commonwealth Rd	9007806999	FK1150017	9	50	Existing Tank, plus old standpipe adjacent
Eighty Six Gate Rd	9007806788	FK1450019	9	50	Standpipe
Luke Price St Pingaring	9007769649	FK0950070	15	50	Set up with 60kL Tank in 2018, brought on line when WC Tank dry
Williams Kondinin Rd	9007806876	HC900064	9	50	Standpipe

Shire officers have undertaken further review of infrastructure at each standpipe location and provide the following recommendations for outlet connection sizes. These reviews were largely based upon converting larger outlet meters at locations with existing tanks to 25mm outlets. This would in turn adjust consumption rate charges from WC at the respective locations. The proposed infrastructure changes to WC Class Step reclassification is as follows:

Location	Acc No.	Meter No.	Class Step	Meter Size mm	On-site Infrastructure
Fotheringham Rd	9007807940	BC1226234	1	20 -25	Existing 80kL Tank
Yealering Kulin Rd	9007806710	BC1319454	1	20 25	Existing 80kL Tank
Dandagin Rd	9007807895	BC1803178	1	20 -25	Existing 80kL Tank
Pederah Rd	9011516441	CK0700416	1	25	Existing 80kL Tank
Dudinin Lot 83	9007665946	FK0950056	1	25	Existing 80kL Tank, change to 25mm outlet
High St Kulin	9007703025	FK1850010	15	50	Standpipe
Kulin-Lake Grace Rd	9007807078	FK1350003	1	25	Existing 80kL Tank, change to 25mm outlet
Commonwealth Rd	9007806999	FK1150017	1	25	Existing 80kL Tank, change to 25mm outlet
Eighty Six Gate Rd	9007806788	FK1450019	9	50	Standpipe
Luke Price St Pingaring	9007769649	FK0950070	1	25	Set up with 60kL Tank in 2018, brought on line when WC Tank dry
Williams Kondinin Rd	9007806876	HC900064	9	50	Standpipe

STATUTORY ENVIRONMENT:

Local Government Act 1995

In accordance with Section 6.16 of the *Local Government Act 1995*, a Local Government may impose and recover a fee or charge for any goods or service it provides or proposes to provide. Fees and charges can be imposed or amended during the year, but only by an absolute majority decision of Council. The schedule of fees and charges has been reviewed with the view of maintaining revenues at the required level to meet service needs and community expectations.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

The following provides an overview of the financial implications to the Shire based upon historical water consumption, proposed new Water Corporation charges, existing standpipe infrastructure and proposed changes to standpipe infrastructure.

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Historical data from WC outlining annual consumption and indicative charge rates for each standpipe from 2015/16 to 2017/18 is summarised as follows:

Location	Meter Size mm	2015/16			2016/17			2017/18 YTD		
		Vol (kl)	Rate (\$/kL)	Use Charges (\$)	Vol (kl)	Rate (\$/kL)	Use Charges (\$)	Vol (kl)	Rate (\$/kL)	Use Charges (\$)
Fotheringham Rd	20	745	2.463	1834.63	394	2.672	1052.66	219	2.391	523.63
Yealering Kulin Rd	20	509	2.562	1303.94	262	2.255	590.74	55	2.391	131.5
Dandagin Rd	20	1,604	2.142	3435.31	855	0.276	236.23	698	2.391	1668.92
Pederah Rd	25	699	2.272	1587.98	173	3.944	682.31	566	2.391	1353.31
Dudinin Lot 83	50	1,072	2.624	2812.95	888	2.557	2270.21	419	2.391	1001.83
High St Kulin	50	3,402	1.903	6474.67	3,715	2.350	8731.61	2,527	2.391	6042.07
Kulin-Lake Grace Rd	50	291	2.410	701.18	26	2.256	58.66	2	2.390	4.78
Commonwealth Rd	50	1,082	1.886	2040.12	269	4.831	1299.61	192	2.391	459.08
Eighty Six Gate Rd	50	621	1.871	1161.68	486	2.594	1260.58	330	2.391	789.03
Luke Price St Pingaring	50	198	2.137	423.13	327	2.407	786.94	509	2.391	1217.02
Williams Kondinin Rd	80	3,638	2.270	8260.03	3,185	2.217	7061.11	2,237	2.391	5348.66
Totals		13,861		30035.62	10,580		24030.66	7,754		18539.83

Analysis indicates that a consistent charge rate of \$2.391/kL was only introduced in 2017/18, previously the consumption charge rate was varied from location to location not consistent with a nominal outlet size. What is also evident is that nearly 60% of consumption comes from 2 standpipes located at High Street Kulin and on the Williams Kondinin Road (4 Mile). Based upon the above pricing mechanism the cost of water to Shire was an average of \$25K per annum over the 3 year period.

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Water Corporation are proposing to adjust their consumption charges based upon commercial rates for all standpipes greater than 25mm diameter. A comparison of charges for the same consumption data based upon WC proposed updated charges is summarised as follows:

Location	Class Step	Meter Size mm	Rate (\$/kL)	2015/16		2016/17		2017/18 YTD	
				Vol (kl)	Use Charges (\$)	Vol (kl)	Use Charges (\$)	Vol (kl)	Use Charges (\$)
Fotheringham Rd	1	20	\$2.534	745	\$ 1,888	394	\$ 998	219	\$ 555
Yealering Kulin Rd	1	20	\$2.534	509	\$ 1,290	262	\$ 664	55	\$ 139
Dandagin Rd	1	20	\$2.534	1,604	\$ 4,065	855	\$ 2,167	698	\$ 1,769
Pederah Rd	1	25	\$2.534	699	\$ 1,771	173	\$ 438	566	\$ 1,434
Dudinin Lot 83	15	50	\$8.350	1,072	\$ 8,951	888	\$ 7,415	419	\$ 3,499
High St Kulin	15	50	\$8.353	3,402	\$ 28,417	3,715	\$ 31,031	2,527	\$ 21,108
Kulin-Lake Grace Rd	9	50	\$5.011	291	\$ 1,458	26	\$ 130	2	\$ 10
Commonwealth Rd	9	50	\$5.011	1,082	\$ 5,422	269	\$ 1,348	192	\$ 962
Eighty Six Gate Rd	9	50	\$5.011	621	\$ 3,112	486	\$ 2,435	330	\$ 1,654
Luke Price St Pingaring	15	50	\$8.353	198	\$ 1,654	327	\$ 2,731	509	\$ 4,252
Williams Kondinin Rd	9	50	\$5.011	3,638	\$ 18,230	3,185	\$ 15,960	2,237	\$ 11,210
Totals				13,861	\$ 76,257	10,580	\$ 65,319	7,754	\$ 46,591

Based upon the revised pricing mechanism the cost of water to Shire was an average of \$62K per annum over the 3 year period.

AGENDA OF ORDINARY MEETING TO BE HELD 17 APRIL 2019

A comparison of charges for the same consumption data based upon infrastructure changes and updated proposed WC charges is summarised as follows:

Location	Class Step	Meter Size mm	Rate \$/kL	2015/16		2016/17		2017/18 YTD	
				Vol (kl)	Use Charges (\$)	Vol (kl)	Use Charges (\$)	Vol (kl)	Use Charges (\$)
Fotheringham Rd	1	20-25	\$2.534	745	\$ 1,888	394	\$ 998	219	\$ 555
Yealering Kulin Rd	1	20 25	\$2.534	509	\$ 1,290	262	\$ 664	55	\$ 139
Dandagin Rd	1	20-25	\$2.534	1,604	\$ 4,065	855	\$ 2,167	698	\$ 1,769
Pederah Rd	1	25	\$2.534	699	\$ 1,771	173	\$ 438	566	\$ 1,434
Dudinin Lot 83	15	25	\$2.534	1,072	\$ 2,716	888	\$ 2,250	419	\$ 1,062
High St Kulin	15	50	\$8.353	3,402	\$ 28,417	3,715	\$ 31,031	2,527	\$ 21,108
Kulin-Lake Grace Rd	1	25	\$2.534	291	\$ 737	26	\$ 66	2	\$ 5
Commonwealth Rd	1	25	\$2.534	1,082	\$ 2,742	269	\$ 682	192	\$ 487
Eighty Six Gate Rd	9	50	\$5.011	621	\$ 3,112	486	\$ 2,435	330	\$ 1,654
Luke Price St Pingaring	1	25	\$2.534	198	\$ 502	327	\$ 829	509	\$ 1,290
Williams Kondinin Rd	9	50	\$5.011	3,638	\$ 18,230	3,185	\$ 15,960	2,237	\$ 11,210
Totals				13,861	\$ 65,470	10,580	\$ 57,520	7,754	\$ 40,712

A basic analysis of the consumption data indicates that under the new proposed pricing structure the Shire would be charged an average of \$62K per annum as opposed to the previous average of \$25K per annum. With modifications to existing infrastructure this would be an average of \$55K per annum. The challenge facing Council is to determine an appropriate fee charging structure that will provide adequate cost recovery.

If there was 100% cost recovery for usage – the Shire would still be left with the standpipe fee. The Shire is not in a position to pay for usage and fees as well, without significant rate increases. Based on prior usage – the annual usage bill could be \$60k before adding the \$15k service fee.

The following options have been developed as potential cost recovery mechanisms.

1. Water Corporation Rates
 - a. On charge same rates as Water Corporation.
 - b. Based upon Class Step classification as outlined by Water Corporation.
 - c. Standpipes that deliver greater instantaneous flow volumes and have historically high usage are priced accordingly.
 - d. Recoup an average of \$55K annually, which would be 100% of costs.

Location	Class Step	Meter Size (mm)	Rate (\$/kL)
Fotheringham Rd	1	20-25	\$2.534
Yealering Kulin Rd	1	20 25	\$2.534
Dandagin Rd	1	20-25	\$2.534
Pederah Rd	1	25	\$2.534
Dudinin Lot 83	1	25	\$2.534
High St Kulin	15	50	\$8.353
Kulin-Lake Grace Rd	1	25	\$2.534
Commonwealth Rd	1	25	\$2.534
Eighty Six Gate Rd	9	50	\$5.011
Luke Price St Pingaring	1	25	\$2.534
Williams Kondinin Rd	9	50	\$5.011

2. Farmlands Rate
 - a. Charge a flat rate to all users similar to that which Water Corporation charge as “Farmlands Rate”
 - b. \$2.543/kL
 - c. Recoup an average of \$27K annually, which is approximately 50% of costs.
3. Consumption Rate
 - a. User pays stepped consumption rate.
 - b. Based upon Water Corporation tiered pricing structure for town based households in Kulin.
 - c. Based upon 2017/18 consumption data this would recoup approximately \$22K in comparison to costs of \$40K, however the data is only for 5,700kL as opposed to 7,700kL.

The proposed cost recovery method and fee and charge to be set is Option 1, with the proposed fees and charges to take effect 1 July 2018 following a period of public consultation.

Analysis of individual usage from standpipes in 2017/18 was undertaken. An overview of this analysis indicates:

- 33 of the 40 swipe card holders used less the 300kL.
- 7 swipe card holders used between 300 and 500kL.
- Only 2 swipe card holders use in excess of 500kL.
- The Shire used approximately 500kL in 2017/18.
- Total cost recovery would be \$22,504 less Shire costs \$1,491, which is \$21,014, this is similar to what WC charged the Shire in 2017/18, the timeframe for which the figures actually represent.
- WC comparative cost recovery would be \$40,803, this indicates that their cost recovery is not consistent with a user based volumetric consumption, like their normal property meters would be.

Currently there are approximately 40 swipe card holders. They do not pay a fee to hold these swipe cards. A nominal annual fee of \$250 for use of a swipe card is proposed to cover administrative costs. This fee is comparable to an annual farmlands Water Corporation meter fee. This would recover approximately \$10,000 per annum for the Shire in annual service charges.

Data analysis was based upon the 2017/18 usage data. It included data provided by WC and also the Shire’s recorded standpipe swipe card data. As summary of this on standpipe basis is as follows:

2017/18 Standpipe Location	Consumption Vol (kL)	
	WC Data	Shire Swipe Card Data
Fotheringhame Rd	219	76
Yealering Kulin Rd	55	40
Dandagin Rd	698	563
Pederah Rd	566	493
Dudinin Lot 83	419	349
High St Kulin	2,527	3,120
Kulin-Lake Grace Rd	2	20
Commonwealth Rd	192	42
Eighty Six Gate Rd	330	105
Luke Price St Pingaring	509	-
Williams Kondinin Rd	2,237	946
Totals	7,754	5,755

This indicates a reasonable difference of approximately 2,000kL across the course of 2017/18 between data sources.

Consumption Range	Rate (\$/kL)	Consumption Vol 17-18 (kL)	Use Charge (\$)
< 300kL	\$ 2.534	4070	\$ 10,313
300kL - 500kL	\$ 5.270	808	\$ 4,256
> 500kL	\$ 9.062	878	\$ 7,952
Total		5755	\$ 22,521

COMMUNITY CONSULTATION:

Water Corporation

Council via Concept Forum – November 2018, February 2019, March 2019.

WORKFORCE IMPLICATIONS:

Often there is considerable time spent by the Works Manager when swipe card system malfunctions and liaison is required with system supplier. Administration time will be required to review swipe card data and issue invoices on a monthly or quarterly basis as required.

OFFICER'S RECOMMENDATION

That Council:

1. endorse the water standpipe details as outlined in the following table, including
 - a. meter sizes
 - b. relevant Water Corporation "class step" classification
 - c. fee and charges for water consumption.

Location	Class Step	Meter Size	Fee and Charge
		(mm)	(\$/kL)
Fotheringhame Rd	1	20-25	\$2.534
Yealering Kulin Rd	1	20-25	\$2.534
Dandagin Rd	1	20-25	\$2.534
Pederah Rd	1	25	\$2.534
Dudinin Lot 83	1	25	\$2.534
High St Kulin	15	50	\$8.353
Kulin-Lake Grace Rd	1	25	\$2.534
Commonwealth Rd	1	25	\$2.534
Eighty Six Gate Rd	9	50	\$5.011
Luke Price St Pingaring	1	25	\$2.534
Williams Kondinin Rd	9	50	\$5.011

2. Advertise the fee and charge to be implemented as part of the 2019/2020 budget.
3. Review fee and charge annually with respect to changes in Water Corporation charges relevant to each class step classification.
4. Charge an annual swipe card fee of \$250 per card to cover the costs of administration and maintenance of standpipes.

VOTING REQUIREMENTS:

Absolute majority required setting a fee and charge.

08/0419

Moved Cr Duckworth Seconded Cr Smoker that Council

1. **Endorse the water standpipe details as outlined in the following table, including**
 - a. **meter sizes**
 - b. **relevant Water Corporation “class step” classification**
 - c. **fee and charges for water consumption**

Location	Class Step	Meter Size (mm)	Fee and Charge (\$/kL)
Fotheringhame Rd	1	—20 25	\$2.534
Yealering Kulin Rd	1	—20 25	\$2.534
Dandagin Rd	1	—20 25	\$2.534
Pederah Rd	1	25	\$2.534
Dudinin Lot 83	1	25	\$2.534
High St Kulin	15	50	\$8.353
Kulin-Lake Grace Rd	1	25	\$2.534
Commonwealth Rd	1	25	\$2.534
Eighty Six Gate Rd	9	50	\$5.011
Luke Price St Pingaring	1	25	\$2.534
Williams Kondinin Rd	9	50	\$5.011

2. **Advertise the fee and charge to be implemented as part of the 2019/2020 budget.**
3. **Review fee and charge annually with respect to changes in Water Corporation charges relevant to each class step classification.**

**Carried by Absolute Majority
Cr Taylor Cr Varone & Cr Bowey voted against the motion**

Motion changed from officer's recommendation (removal of point 4) as Council happy with existing \$25 charge for standpipe cards.

6.4 Development Application – Proposed Change of Use of Existing Commercial Building on Lot 34 (No.51) Johnston Street, Kulin from ‘Shop’ to ‘Restaurant / Café’

APPLICANT: Ms Amy Parnell under the authority of Kulbiz Pty Ltd (Landowner)
FILE REF: 18.05
AUTHOR: Mr Joe Douglas - Consultant Town Planner (Exurban Rural & Regional Planning)

SUMMARY

This report recommends that a development application submitted by Ms Amy Parnell under the authority of Kulbiz Pty Ltd (Landowner) to change the current approved use of an existing commercial building on Lot 34 (No.51) Johnston Street, Kulin from ‘shop’ to ‘restaurant / café’, including a number of associated improvements, be approved subject to conditions.

BACKGROUND

The applicant is seeking Council’s development approval to change the current approved use of an existing commercial building on Lot 34 (No.51) Johnston Street, Kulin from ‘shop’ to ‘restaurant / café’.

Under the terms of the application the building will be refurbished both internally and externally to create a 47.12m² indoor dining area, commercial kitchen and associated facilities as well as a 32m² alfresco-style dining area underneath an existing patio area adjacent to the land’s Johnston Street frontage. New steel roof cladding, external painting and a minor structural addition at the rear of the building to create a universal access toilet are also proposed.

The proposed 'restaurant / café' will accommodate up to thirty (30) patrons at any one time from 8:00am to 5:00pm Monday to Saturday and will be operated on a full-time basis by the applicant with the assistance of one (1) full-time casual employee. A full copy of the application, including various supporting information and plans, is provided in Attachment 1.

Lot 34 is located centrally in the Kulin townsite's designated commercial precinct and comprises a total area of approximately 506m². The land is served by power, water, reticulated sewerage and telecommunication infrastructure and has direct frontage to Johnston Street along its eastern boundary and an unsealed public right-of-way along its rear boundary to the west. All vehicle access to/from the land is via the public right-of-way at the rear (i.e. no vehicle access is provided along the land's Johnston Street frontage).



Location & Lot Configuration Plan (Source: Landgate)

Lot 34 has been developed and used for a variety of purposes over many years and contains an older style commercial building located along the land's Johnston Street frontage comprising a total gross floor area of approximately 96m².

Council should note the existing building on Lot 34 has not been identified as being of cultural heritage significance however it forms part of the 'Kulin Mainstreet Precinct' which is designated in the Shire's Municipal Heritage Inventory as being a 'Category 3' place of heritage significance worthy of recognition and protection under the Shire of Kulin Local Planning Scheme No.2 (LPS2).

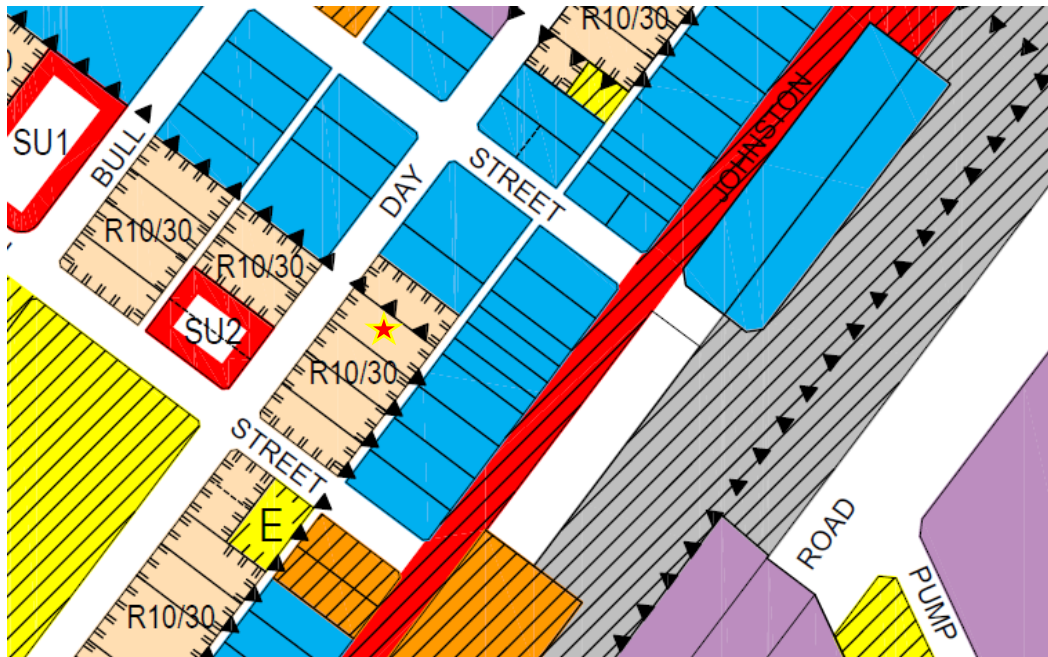
Notwithstanding this classification, Council should note the 'Kulin Mainstreet Precinct' has not been included in a Heritage List adopted under LPS2 or the State Heritage Register. As such there are no statutory controls that can be applied by Council or the Heritage Council of Western Australia to facilitate the long term retention and conservation of the Precinct or any existing buildings contained within.

Existing adjoining and other nearby land uses include:

- A shop, motel and hotel to the north with a variety of other established commercial uses beyond;
- A shop immediately south with low density residential development beyond;
- A public right-of-way immediately west with a mix of commercial and low density residential development beyond; and
- The Johnston Street road reserve immediately east with a large public parking area, public open space and an operational railway reserve beyond.

COMMENT

Lot 34 is classified 'Commercial' zone under the Shire of Kulin Local Planning Scheme No.2 (LPS2).



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

The key objectives of the land's 'Commercial' zoning classification are as follows:

- i) To provide for a variety of service, retail, office and entertainment uses;
- ii) To maintain a compact and accessible centre;
- iii) To centralise commercial and service functions;
- iv) To maintain safety and efficiency of traffic flows and provide for adequate facilities for the parking and circulation of vehicles;
- v) To preclude the storage of bulky and unsightly goods where they may be in public view;
- vi) To maintain the compatibility with the general streetscape of all new buildings in terms of scale, height, style, materials, street alignment and design of facades;
- vii) To provide sheltered places for pedestrians.
- viii) To restrict industrial type uses to service or low impact, labour intensive industries that relate to the commercial and service functions of the zone;
- ix) To restrict the development of uses which attract large volumes of truck traffic; and
- x) To provide for residential uses only where such uses are combined with a commercial use (e.g. hotel) or where the residential uses occupy a floor level where it is impracticable or inappropriate to establish a shop or office.

Lot 34 is also designated in LPS2 as being located within a 'Special Design Area', the future development of which is required to be consistent with the following objectives:

- i) To improve the general appearance and image of the town centre;
- ii) To preserve and enhance the heritage character of the town centre;
- iii) To cater for convenient, shaded and safe pedestrian areas;
- iv) To ensure that town centre traffic and vehicular parking are efficiently and safely catered for;
- v) To provide suitable landscaping to enhance the appearance of the town centre and provide shading of pedestrian and vehicle parking areas; and
- vi) To provide for tourist information and other facilities considered necessary by the local government.

Under the terms of the Zoning Table in LPS2 the development and/or use of any land classified 'Commercial' zone for the purposes of a 'restaurant / café' is listed as being a permitted (i.e. 'P') use if it complies with all relevant development standards and requirements.

Assessment of the application for Lot 34 in the context of the specific objectives and standards of the Shire's local planning framework including LPS2 and the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* has confirmed the proposal is compliant with the following requirements:

- Land use suitability and compatibility;
- Boundary setbacks for fire safety purposes;

- Visual amenity including streetscape and heritage character;
- Loading dock size and location;
- Landscaping.

Notwithstanding the above conclusion it should be noted the proposal does not comply with the following standards, the proposed variations to which require Council's formal consideration and approval:

i) On-Site Parking

Table 3 of LPS2 requires one (1) on-site parking bay to be provided for every 10m² of gross floor area for any proposed new 'restaurant / café' use or one (1) bay for every 4 seats / patrons, whichever is the greater. In this case, having regard for the gross floor area of the proposed use (i.e. 79.12m²) and the intention to accommodate up to 30 patrons at any one time, a total of eight (8) on-site parking bays is required to be provided under both scenarios.

Under the terms of the application no on-site parking bays are proposed. This can be attributed to the property not having sufficient width to accommodate vehicle parking and the associated accessways at the rear in accordance with the relevant Australian Standards (i.e. the lot is only 10 metres wide and needs to have a minimum width of 11.5 metres to allow for the provision of suitably dimensioned vehicle accessways and parking bays to permit the passage of vehicles to and from the land in a forward gear).

Despite the proposal's non-compliance with the on-site parking requirements of LPS2, Council has sufficient discretion to still approve the application pursuant to the powers afforded by clause 32 of LPS2 given:

- a) the subject land's limited size, historical development and usage and the inability to provide any additional on-site parking without potentially compromising vehicle and pedestrian safety along the land's Johnston Street frontage by allowing one way access across the pedestrian pathway into or out of the property to facilitate the passage of vehicles in a forward gear;
- b) the significant amount of public parking currently available along Johnston Street;
- c) the fact the public parking areas referred to in point ii) above were constructed for the specific purpose of accommodating any additional parking demand generated by existing businesses in the Kulin town centre area; and
- d) the limited potential for conflict with the continued operation of other existing approved commercial uses in the town centre area in terms of the shared use of public parking facilities currently available.

Council should note it does have the ability under clause 31(12)(3) of LPS2 to require the applicant to make a cash payment to the Shire in lieu of the providing the total number of on-site parking bays required. Any cash-in-lieu payment required to be made must not be less than the total estimated cost to the applicant of providing and constructing the eight (8) on-site parking bays required by LPS2 plus the estimated value of that portion of Lot 34 which would have been occupied by these parking bays had they been provided.

Despite Council's ability to require the applicant to make a cash-in-lieu payment for the on-site parking shortfall likely to arise from the proposed use of Lot 34, it should be noted it has typically not done so when granting approval to other commercial land uses in the past due to concerns regarding the commercial viability of new business ventures burdened by significant upfront costs and the fact it could prove to be a major disincentive to their establishment in the Kulin townsite and the Shire more generally. Given the applicant's inability to provide on-site parking and all associated vehicle accessways due to the subject land's limited width and the availability of other off street parking facilities to accommodate the parking demand likely to be generated by the proposed use, it is recommended Council exercise the discretion afforded to it by clauses 31(12)(4) and 32 of LPS2 and not require the provision of any on-site parking or a cash-in-lieu payment for the parking shortfall.

ii) Service Vehicle Access

Clause 31(3)(2) of LPS2 requires the provision of accessways for any new development on 'Commercial' zoned land to be sufficient in size to wholly contain delivery vehicles on-site and to permit the passage of such vehicles to and from the street in a forward gear.

For the reasons cited previously above the applicant is unable to comply with this requirement. Notwithstanding this fact it is understood only light vehicles will use the rear portion of the site for delivery and maintenance purposes and that any larger service vehicles required to attend the site, on what is expected to be an infrequent basis, will use the designated parking areas along the land's Johnston Street frontage. These arrangements are consistent with the operation of other existing commercial uses in the Kulin town centre area which have not given rise to any known safety issues or concerns. As such it is recommended Council waive the requirements of clause 31(3)(2) of LPS2 as it applies to service vehicle access to/from the subject land.

Given the requirement for development approval for the proposed development and use of Lot 34 for the intended purpose and the applicant's intention to re-clad the roof of the existing building on the land, there is scope for Council to also consider and address issues associated with stormwater drainage management. It is understood from discussion with the Shire's Manager of Works during assessment of the application that a significant amount of stormwater from this and other commercial properties in the Kulin town centre area is being directed towards the Johnston Street road reserve area and causing minor flooding during extreme storm events.

Given the proposal to re-clad the roof of the existing building it is recommended Council require the applicant, as a condition of any development approval issued, to install new gutters and downpipes and configure these improvements so all stormwater drainage from the roof of the building is directed to a suitable capacity rainwater tank located at the rear of the property. The water collected in the tank could then be re-used to maintain the proposed new landscaping and help reduce the amount of water discharged directly into the Johnston Street road reserve area thereby alleviating some of the flooding currently being experienced.

In light of all the above it is concluded the proposal for Lot 34 is consistent with the objectives of the land's current 'Commercial' zoning and 'Special Design Area' classifications in LPS2 and unlikely to have any negative impacts on the general amenity, character, functionality and safety of the immediate locality despite being non-compliant with a number of key elements of the Shire's local planning framework. As such it is recommended Council exercise its discretion and grant conditional approval to the application to ensure the development proceeds in accordance with the information and plans submitted in support of the proposal and the relevant applicable elements of the Shire's local planning framework.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Not required or deemed necessary. The application was however the subject of discussion with the applicant and the Shire's Manager of Works and Environmental Health Officer.

FINANCIAL IMPLICATIONS

There are no known financial implications in relation to this item. It is understood all costs associated with the proposal will be met by the landowner and applicant.

STRATEGIC IMPLICATIONS

The proposal for Lot 34 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:

- Economic
 - *Actively support, develop and attract local and new businesses and new services to Kulin*

RECOMMENDATION

That Council **APPROVE** the development application submitted by Ms Amy Parnell under the authority of Kulbiz Pty Ltd (Landowner) to change the current approved use of the existing commercial building on Lot 34 (No.51) Johnston Street, Kulin from 'shop' to 'restaurant / café', including a number of associated improvements, subject to the following conditions and advice notes:

Conditions

1. The proposed development shall be undertaken in a manner consistent with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by Council.
2. 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.
3. A maximum of thirty (30) patrons are permitted to be accommodated in the proposed 'restaurant/café' at any one time unless otherwise approved by Council.

4. The use of any portion of the Johnston Street road reserve area, specifically the pedestrian pathway located immediately adjacent to the land's front boundary, for the purposes of outdoor dining is not permitted without the further approval of Council.
5. All proposed landscaping shall be installed on the land within six (6) months from the date of issuance of this approval and maintained thereafter to the specifications and satisfaction of the Shire's Chief Executive Officer.
6. When re-cladding the roof of the existing building on the land the landowner / applicant shall install new gutters and downpipes and configure these improvements so all stormwater drainage from the roof of the building is directed to a suitable capacity rainwater storage tank located at the rear of the property. The discharge of stormwater from the roof of the building to any portion of the Johnston Street road reserve area is not permitted.
7. The proposed external upgrades to the existing commercial building on the land, including the new universal access toilet addition at the rear, shall be constructed using new materials only. The materials used on the external surfaces of the toilet addition shall match the external surfaces of the existing building and be painted using the same colour.
8. Any floodlights / security lights that need to be installed are not to be positioned or operated in such manner as to cause the light source to be directly visible to the travelling public or adjoining properties or cause annoyance to the surrounding area.
9. A suitable bin store area shall be provided at the rear of the existing commercial building on the land to the specifications and satisfaction of the Shire's Chief Executive Officer and in accordance with the following requirements:
 - i) A tap connected to an adequate water supply shall be provided within or immediately adjacent to the bin store area for general cleaning / maintenance purposes;
 - ii) The floor of the bin store area shall comprise a smooth, non-slip, impervious floor evenly graded and adequately drained to the sewer;
 - iii) The bin store shall comprise smooth, impervious walls with a minimum height of 1.5 metres above the natural ground level; and
 - iv) The bin store shall be of a suitable size to adequately contain all receptacles and allow easy access for their removal.
10. All waste generated by the proposed use shall be managed and disposed of to the specifications and satisfaction of the Shire's Chief Executive Officer.
11. No signs or hoardings are to be erected in relation to the proposed use without the separate development approval of Council unless such signs or hoardings are listed in the Shire of Kulin Local Planning Scheme No.2 as being exempt from the need for approval.

Advice Notes

1. Should the landowner / applicant wish to amend the proposal in any way, including any conditions of this approval, a further application for development approval is required to be prepared and submitted to the Shire for Council's consideration and determination pursuant to the requirements of clause 77 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
3. This is a development approval of the Shire of Kulin under its Local Planning Scheme No.2. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the landowner / applicant to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
4. In accordance with the *Building Act 2011* and *Building Regulations 2012*, suitable demolition and/or building permit applications must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any demolition, construction or earthworks on the land.
5. All proposed building works are required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.

6. The landowner and applicant are reminded of their obligation to ensure compliance with the specific standards and requirements of the *Health (Miscellaneous Provisions) Act 1911* and all associated regulations including the *Health (Public Buildings) Regulations 1992* and *Shire of Kulin Health Local Law 2016* (as amended).
7. The proposed 'restaurant/café' shall comply in all respects with the *Food Act 2008* and operate only once notification and registration of the food business has been received and approved by the Shire's Environmental Health Officer, and a Certificate of Registration and Notification has been granted.
8. The proposed 'restaurant/café' shall comply in all respects with the specific standards and requirements of the *Australia New Zealand Food Standards Code*, and in particular Chapter 3: Food Safety Standards (Australia only).
9. The final internal layout plan, elevations and surface coverings for the proposed commercial kitchen in the existing building on the land are subject to final approval by the Shire's Environmental Health Officer and Building Surveyor.
10. The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the *Environmental (Noise) Regulations 1997*.
11. 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.
12. If the landowner or applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted within 28 days of the determination.

VOTING REQUIREMENTS

Simple majority required.

09/0419

Moved Cr McInnes Seconded Cr Lucchesi that Council approve the development application submitted by Ms Amy Parnell under the authority of Kulbiz Pty Ltd (Landowner) to change the current approved use of the existing commercial building on Lot 34 (No.51) Johnston Street, Kulin from 'shop' to 'restaurant / café', including a number of associated improvements, subject to the following conditions and advice notes:

Conditions

1. **The proposed development shall be undertaken in a manner consistent with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by Council.**
2. **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.**
3. **A maximum of thirty (30) patrons are permitted to be accommodated in the proposed 'restaurant/café' at any one time unless otherwise approved by Council.**
4. **The use of any portion of the Johnston Street road reserve area, specifically the pedestrian pathway located immediately adjacent to the land's front boundary, for the purposes of outdoor dining is not permitted without the further approval of Council.**
5. **All proposed landscaping shall be installed on the land within six (6) months from the date of issuance of this approval and maintained thereafter to the specifications and satisfaction of the Shire's Chief Executive Officer.**
6. **When re-cladding the roof of the existing building on the land the landowner / applicant shall install new gutters and downpipes and configure these improvements so all stormwater drainage from the roof of the building is directed to a suitable capacity rainwater storage tank located at the rear of the property. The discharge of stormwater from the roof of the building to any portion of the Johnston Street road reserve area is not permitted.**
7. **The proposed external upgrades to the existing commercial building on the land, including the new universal access toilet addition at the rear, shall be constructed using new materials only. The materials used on the external surfaces of the toilet addition shall match the external surfaces of the existing building and be painted using the same colour.**
8. **Any floodlights / security lights that need to be installed are not to be positioned or operated in such manner as to cause the light source to be directly visible to the travelling public or adjoining properties or cause annoyance to the surrounding area.**

9. A suitable bin store area shall be provided at the rear of the existing commercial building on the land to the specifications and satisfaction of the Shire's Chief Executive Officer and in accordance with the following requirements:
 - i) A tap connected to an adequate water supply shall be provided within or immediately adjacent to the bin store area for general cleaning / maintenance purposes;
 - ii) The floor of the bin store area shall comprise a smooth, non-slip, impervious floor evenly graded and adequately drained to the sewer;
 - iii) The bin store shall comprise smooth, impervious walls with a minimum height of 1.5 metres above the natural ground level; and
 - iv) The bin store shall be of a suitable size to adequately contain all receptacles and allow easy access for their removal.
10. All waste generated by the proposed use shall be managed and disposed of to the specifications and satisfaction of the Shire's Chief Executive Officer.
11. No signs or hoardings are to be erected in relation to the proposed use without the separate development approval of Council unless such signs or hoardings are listed in the Shire of Kulin Local Planning Scheme No.2 as being exempt from the need for approval.

Advice Notes

1. Should the landowner / applicant wish to amend the proposal in any way, including any conditions of this approval, a further application for development approval is required to be prepared and submitted to the Shire for Council's consideration and determination pursuant to the requirements of clause 77 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.
2. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
3. This is a development approval of the Shire of Kulin under its Local Planning Scheme No.2. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the landowner / applicant to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
4. In accordance with the Building Act 2011 and Building Regulations 2012, suitable demolition and/or building permit applications must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any demolition, construction or earthworks on the land.
5. All proposed building works are required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
6. The landowner and applicant are reminded of their obligation to ensure compliance with the specific standards and requirements of the Health (Miscellaneous Provisions) Act 1911 and all associated regulations including the Health (Public Buildings) Regulations 1992 and Shire of Kulin Health Local Law 2016 (as amended).
7. The proposed 'restaurant/café' shall comply in all respects with the Food Act 2008 and operate only once notification and registration of the food business has been received and approved by the Shire's Environmental Health Officer, and a Certificate of Registration and Notification has been granted.
8. The proposed 'restaurant/café' shall comply in all respects with the specific standards and requirements of the Australia New Zealand Food Standards Code, and in particular Chapter 3: Food Safety Standards (Australia only).
9. The final internal layout plan, elevations and surface coverings for the proposed commercial kitchen in the existing building on the land are subject to final approval by the Shire's Environmental Health Officer and Building Surveyor.
10. The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.
11. 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.
12. If the landowner or applicant 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.

Carried 9/0

6.5 Holt Rock Tennis Club

RESPONSIBLE OFFICER: CDO
FILE REFERENCE: 15.11 – Grants – Recreation & Sport
AUTHOR: Taryn Scadding
STRATEGIC REFERENCE/S: CBP 1.3 Social
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Holt Rock Tennis Club are requesting an additional \$15,000 for the 2018/19 financial year for the Holt Rock Tennis court resurfacing project.

BACKGROUND & COMMENT:

Holt Rock Tennis Club approached Shire of Kulin in April 2018 to request help and support with the court resurfacing project.

Holt Rock Tennis Club is located at the Varley Sports Precinct (Lake Grace Shire). They currently have 6 hard courts which are deteriorating quickly. Current membership is 44 juniors and 30 adults and the courts are used for social tennis, championships, hot shots and junior and senior coaching.

Holt Rock Tennis Club has requested contributions from Shire of Lake Grace and Shire of Kulin of \$27,500 each. Shire of Lake Grace committed \$27,500 in their 2018/19 budget. Shire of Kulin committed \$12,500.

Holt Rock Tennis Club are undertaking the project in June/July 2019. West Coast Synthetic Surfaces have been secured to undertake the project. The scope of the project is:

Synthetic grass – Premium

Omnicourt Pro Cool Plus – 16mm pile height

- Patch and clean base as required
- Supply and install OmniCourt Pro Cool Plus
- Supply and install silica sand infill

Total: \$148,815 + GST

No funding applications were submitted. Holt Rock Tennis Club (Graeme Atkins, President) have confirmed they will contribute the balance of \$93,815 to complete the project.

Shire of Kulin	\$27,500* (subject to additional \$15,000)
Shire of Lake Grace	\$27,500
Varley Progress & Holt Rock Tennis Club	\$93,815 (and any additional costs)

** Holt Rock Tennis Club are not registered for GST

A memorandum of understanding outlining the use, payment and acquittal of funds will be developed between Holt Rock Tennis Club and Shire of Kulin.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

There is a \$12,500 budget allocation for 2018/19. An additional \$15,000 would need to be approved for the current budget.

COMMUNITY CONSULTATION:

Holt Rock Tennis Club – onsite meeting, email & telephone calls

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That Council allocate an additional \$15,000 in the 2018/19 budget to bring the total contribution to \$27,500 as originally requested for the Holt Rock Tennis Club court resurfacing project.

VOTING REQUIREMENTS:

Absolute majority.

10/0419

Moved Cr Robins Seconded Cr Varone that Council allocate an additional \$15,000 in the 2018/19 budget to bring the total contribution to \$27,500 as originally requested for the Holt Rock Tennis Club court resurfacing project.

Carried by Absolute Majority

6.6 Kulin Golf / Tennis Club Inc. Withdrawal of Liquor License

RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 05.06
AUTHOR: CEO
STRATEGIC REFERENCE/S:
DISCLOSURE OF INTEREST: Nil

SUMMARY:

At the February 2019 AGM the Kulin Golf / Tennis Club Inc. made a resolution to disband the joint club, which has historically been responsible for the services and events run out of the Kulin Golf / Tennis Club building, including the liquor license. The Shire has been approached by the club to provide written confirmation that the liquor license will no longer be required within the town of Kulin as it deems that there are already two operating licenses which adequately provide for the town of Kulin.

BACKGROUND & COMMENT:

Since the advent of the Freebairn Recreation Centre the Shire of Kulin has undertaken measures to streamline facilities and locations for sporting and community groups to gather where there is a requirement for a liquor license. Historically within the townsite of Kulin there have been 3 liquor licenses, with these being:

- Kulin Hotel
- Freebairn Recreation Centre (formerly Kulin Bowling Club)
- Kulin Golf / Tennis Club Inc.

The Kulin Golf / Tennis Club Inc. was joint club that was historically established to be responsible for the services and events run out of the Kulin Golf / Tennis Club building, including the liquor license.

As part of this streamlining process majority of community or sporting events have been encouraged to utilise the Freebairn Recreation Centre as the primary entertainment and license facility. This has included the Kulin Golf Club to no longer operate the Kulin Golf / Tennis Club Inc. liquor license on normal club days, but rather utilise and operate out of the FRC.

The Kulin Tennis Club has continued to operate under the Kulin Golf / Tennis Club Inc. liquor license on occasions for specific events or fixtures as required.

Dwindling participation numbers and events, plus the increased usage of the FRC has led both clubs to the conclusion that the Kulin Golf / Tennis Club Inc. and subsequent joint liquor license is no longer feasible or required. Hence at the February 2019 AGM the Kulin Golf / Tennis Club Inc. made a resolution to disband the joint club, including the liquor license.

Both clubs will continue to operate in their own right, but under their own new individual constitutions. These will be developed as part of the proposed WA state government and Clubs WA constitutional reform process which is required by 30 June 2019.

The Kulin Tennis Club undertook investigations with regard to how the joint liquor license could transfer to them, or have the Kulin Tennis Club seek to obtain a liquor license in their own right. It has since been determined that this process would prove to be overly bureaucratic and somewhat cumbersome. The Kulin Tennis Club has now decided not to pursue to its own individual liquor license and seek alternative arrangements for their small number of events and fixtures when a license may be required.

These options include:

- Application for an "occasional license"; or
- Working with the FRC to see how its liquor license and services can service the Kulin Tennis Club

The Shire has been approached by the Kulin Golf / Tennis Club Inc. to provide written confirmation that the liquor license will no longer be required within the town of Kulin because there are already two operating licenses which adequately provide for the town of Kulin.

It is recommended that as per the request the third liquor license will no longer be required within the town of Kulin as it is deemed that there are already two operating licenses which adequately provide for the town of Kulin. All sporting clubs and community groups are encouraged to utilise the services, facilities and liquor license provided by the FRC for their sporting fixtures and significant events.

STATUTORY ENVIRONMENT:

Liquor Control Act 1988 - Part 3 -Licences and permits

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Kulin Golf / Tennis Club Inc.
Kulin Golf Club.
Kulin Tennis Club.
Freebairn Recreation Centre.
Clubs WA

WORKFORCE IMPLICATIONS:

Nil.

OFFICER'S RECOMMENDATION

That Council authorise the CEO to provide written confirmation to the Kulin Golf / Tennis club Inc. that their liquor license will no longer be required within the town of Kulin as it deems that there are already two operating licenses which adequately provide for the town of Kulin.

VOTING REQUIREMENTS:

Simple Majority.

11/0419

Moved Cr Duckworth Seconded Cr Taylor that Council authorise the CEO to provide written confirmation to the Kulin Golf / Tennis club Inc. that their liquor license will no longer be required within the town of Kulin as it deems that there are already two operating licenses which adequately provide for the town of Kulin.

Carried 9/0

7 COMPLIANCE

7.1 Compliance Reporting – General Compliance February 2019

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 February 2019. This process is not definitive, each month additional items and/or actions may be identified that are then added to the monthly checklist. Items not completed each month e.g. quarterly action - will be notations.

The report provides a guide to the compliance requirements being addressed as part of staff workloads and demonstrates the degree of internal audit being completed.

BACKGROUND & COMMENT:

The Compliance team and works staff commence the monthly compliance effort immediately after the Shire meeting each month. At that time, the Executive Support Officer will email the assigned staff member their compliance requirements for the coming month.

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

Prior month items not completed previously will be reported in the following month so Council remains aware.

Outstanding January 2019

Compliance Audit Return – included at Item 7.3

LEMAC & Shire Emergency Management Plans – Review – not yet commenced

Review Agreement with Kulin DHS – not yet finalised

FINANCIAL IMPLICATIONS:

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

STATUTORY AND PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Identified as necessary – this report Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That Council receive the General & Financial Compliance Report for February 2019 and note the matters of non-compliance.

VOTING REQUIREMENTS:

Simple majority required.

12/0419

Moved Cr Robins Seconded Cr McInnes that Council receive the General & Financial Compliance Report for March 2019 and note the matters of non-compliance.

Carried 9/0

7.2 Compliance Reporting – Delegations Exercised – February 2019

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 28 February 2019. 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-to 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)
CS12	Kulin Bush Races	(Kulin Bush Races Committee)
CS13	Freebairn Recreation Club Committee	(FRC Club Committee)
CS14	Kulin Child Care Centre Management Committee	(KCCC Mgmt. Committee)
CS15	General – Community Services Practices	(CEO)
CS20	Seed Collection	(CEO)

WORKS

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

COMMENT:

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

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

Municipal funds

Type	Rate	Deposit/(Withdrawal)
At Call	1.5%	150,261.16
At Call	1.5%	(100,000)

STATUTORY ENVIRONMENT:

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

FINANCIAL IMPLICATIONS:

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

STATUTORY AND PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

There are no known policy implications relating to this report.

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That Council receive the Delegation Exercised Report for February 2019.

VOTING REQUIREMENTS:

Simple majority required.

13/0419

Moved Cr Smoker Seconded Cr Lucchesi that Council receive the General & Financial Compliance Report for March 2019 and note the matters of non-compliance.

Carried 9/0

8 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

9.1 KDHS Canberra Camp – Donation Request

RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 02.03
AUTHOR: DCEO
STRATEGIC REFERENCE/S:
DISCLOSURE OF INTEREST:

SUMMARY:

A letter requesting a donation to support Kulin District High School students travelling to Canberra.

BACKGROUND & COMMENT:

In term three, 2019 the Kulin District High School secondary students will be attending travelling to Canberra on a school camp. The students will be away for six days and will be attending various educational venues over the course of the camp. Mia Dohnt, on behalf of the committee of parents of the children attending the camp, sent an email to Council requesting a donation to assist with the purchase of camp merchandise.

The estimated expenditure is outlined as follows:

- 24 x Navy Layered Jacket \$55 per item (totalling \$1,320) (same as current school jacket from Kulin Hardware)
- 24 x Secondary school polo shirts \$33 per item (totalling \$792) (from Kulin Hardware)
- Embroidery of all items by Julie Dall \$620 approximately

FINANCIAL IMPLICATIONS:

Council make an allowance each year in the budget for donations of this type and at this point in time it is not fully expended.

STATUTORY AND PLANNING IMPLICATIONS:

Nil

STRATEGIC & POLICY IMPLICATIONS:

Nil

COMMUNITY/CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That Council respond to the email received from the committee of parents requesting a donation and advise that they will contribute \$500 towards the cost of camp merchandise.

VOTING REQUIREMENTS:

Simple majority required.

14/0419

Moved Cr Duckworth Seconded Cr Varone that Council respond to the email received from the committee of parents requesting a donation and advise that they will contribute \$500 towards the cost of camp merchandise.

Carried 9/0

9.2 Shire of Kulin proposal to be Lead Council - Project Coordinator position Wheatbelt Secondary Freight Network Project

RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 28.06
AUTHOR: DCEO
STRATEGIC REFERENCE/S:
DISCLOSURE OF INTEREST:

SUMMARY:

There is an option for Shire of Kulin to be the lead Council on this project via the employment of a Project Coordinator. This could be a dual position internally that undertakes work similar to a Technical Officer.

BACKGROUND & COMMENT:

Following the announcement of the Federal Government's \$70 million commitment through the Roads of Strategic Importance (ROSI) initiative for the Wheatbelt Secondary Freight Network (WSFN) the Steering Committee will now work to develop a project brief and develop and manage a lead consultant engagement process. Majority of the work would be delivered via consultancy with support from WSFR PMT.

The proposed project management structure aims to utilise existing resources across the LGAs of the Wheatbelt RRG with input from other key project Working Group member organisation representatives.

The WSFN has a strong project management and governance experience, which has been working on this project since 2017. The project has thus far been coordinated by the Working Group. It is proposed that this role is undertaken by a representative of a local government within the Wheatbelt Regional Road Groups and entail the following activities:

- Project Coordination
- Liaison with Steering Committee
- Development of Project Brief and Budget
- Reporting
- Working with consultants
- Coordination of PMT
- Liaison with stakeholders.

FINANCIAL IMPLICATIONS:

Allowance would need to be made in the 2019/20 budget for the wages component of the project manager.

STATUTORY AND PLANNING IMPLICATIONS:

Nil

STRATEGIC & POLICY IMPLICATIONS:

Nil

COMMUNITY/CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

The Shire of Kulin to act as lead Council and employ a Project Manager to coordinate the WSFN Project; and this be a shared role with the Shire of Kulin Tech Officer position.

RECOMMENDATION:

That Council approach the Wheatbelt Secondary Freight Network Working Group with a proposal for the Shire of Kulin to act as lead Council and employ a Project Manager to coordinate the WSFN Project; and this be a shared role with the Shire of Kulin Tech Officer position.

VOTING REQUIREMENTS:

Simple majority required.

15/0419

Moved Cr Duckworth Seconded Cr Robins that Council approach the Wheatbelt Secondary Freight Network Working Group with a proposal for the Shire of Kulin to act as lead Council and employ a Project Manager to coordinate the WSFN Project; and this be a shared role with the Shire of Kulin Tech Officer position.

Carried 9/0

10 MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC

Nil

11 DATE AND TIME OF NEXT MEETING

Wednesday 15 May 2019 at 3.00pm

12 CLOSURE OF MEETING

There being no further business the President declared the meeting closed 6.31pm