

# ORDER OF BUSINESS

- 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS - COUNCIL CHAMBERS**
- 2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**  
Cr West was granted a Leave of Absence at the July Meeting  
Apologies Judd Hobson – Works Manager
- 3 PUBLIC QUESTION TIME**
- 4 APPLICATIONS FOR LEAVE OF ABSENCE**
- 5 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**
  - 5.1 Shire of Kulin Ordinary Meeting – 18 July 2018
  - 5.2 RoeROC Council Meeting – 21 June 2018
  - 5.3 Freebairn Recreation Centre Club Committee Meeting – 10 July 2018
- 6 MATTERS REQUIRING DECISION**
  - 6.1 List of Accounts – July 2018
  - 6.2 Financial Reports – July 2018
  - 6.3 Authorised Persons – Local Govt Act 1995, Various Acts & Local Laws
  - 6.4 Development Application – Proposed Upgrades to Existing Farm Worker Accommodation Lot 2480 Varley Road North, Holt Rock
  - 6.5 Development Application – Over Height Shed
  - 6.6 Renewal of Licence – Blazing Swan Inc. (BS Inc.)
  - 6.7 The “Making” of the Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018
  - 6.8 Wheatbelt Secondary Freight
  - 6.9 Request to Waive Fees – Community Bus Hire – Kulin Golf Club
- 7 COMPLIANCE**
  - 7.1 Compliance Reporting - General & Financial Compliance July 2018
  - 7.2 Compliance Reporting – Delegations Exercised July 2018
- 8 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 9 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**
- 10 MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC**
  - 10.1 Annual Leave & Long Service Entitlements – Greg Hadlow
  - 10.2 Camp Kulin Strategies
- 11 DATE AND TIME OF NEXT MEETING**
- 12 CLOSURE OF MEETING**

# Minutes of an Ordinary Meeting of Council held in the Council Chambers on Wednesday 15 August 2018 commencing at 3.47pm

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

## 2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

### Attendance

RD Duckworth	Deputy President	West Ward
HT McInnes	Councillor	Town Ward
G Robins	Councillor	Town Ward
B Smoker	Councillor	West Ward
R Bowey	Councillor	Town Ward
BP Taylor	Councillor	Central Ward
M Lucchesi	Councillor	Central Ward
L Varone	Councillor	East Ward
N Mason	Chief Executive Officer	
C Vandenberg	Deputy CEO	
N Thompson	ESO / Minutes	

### Apologies

BD West (Leave of Absence)	President	West Ward
J Hobson	Manager of Works	

## 3. PUBLIC QUESTION TIME

Nil

## 4. APPLICATIONS FOR LEAVE OF ABSENCE

## 5. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Shire of Kulin Ordinary Meeting – 18 July 2018

**01/0818**

**Moved Cr Bowey Seconded Cr Robins that the minutes of the Ordinary Council Meeting held on 18 July 2018 be confirmed as a true and correct record.**

**Carried 8/0**

RoeROC Council Meeting – 21 June 2018

**02/0818**

**Moved Cr Robins Seconded Cr Smoker that the minutes of the RoeROC Council Meeting held on 21 June 2018 be received.**

**Carried 8/0**

Freebairn Recreation Club Committee Meeting – 10 July 2018

**03/0818**

**Moved Cr Bowey Seconded Cr Robins that the minutes of the Freebairn Recreation Club Committee Meeting held on 10 July 2018 be received.**

**Carried 8/0**

## **6 MATTERS REQUIRING DECISION**

### **6.1 List of Accounts – July 2018**

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**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 July 2018 for Council's consideration.

**BACKGROUND & COMMENT:**

Nil

**FINANCIAL IMPLICATIONS:**

Nil

**STATUTORY AND PLANNING IMPLICATIONS:**

Nil

**POLICY IMPLICATIONS:**

Nil

**COMMUNITY CONSULTATION:**

Nil

**WORKFORCE IMPLICATIONS:**

Nil

**OFFICER'S RECOMMENDATION:**

That July payments being cheque No. 390 (Trust Fund), 37011 – 37022 (Municipal), EFT No's 14234 - 14324, DD6562.1 – DD6594.3 (Municipal), credit card payments, creditor payments, payroll and other vouchers from the Municipal Fund totalling \$476,841.40 be received.

**VOTING REQUIREMENTS:**

Simple majority required.

**04/0818**

Moved Cr Lucchesi Seconded Cr Taylor that July payments being cheque No. 390 (Trust Fund), 37011 – 37022 (Municipal), EFT No's 14234 - 14324, DD6562.1 – DD6594.3 (Municipal), credit card payments, creditor payments, payroll and other vouchers from the Municipal Fund totalling \$476,841.4 be received.

Carried 8/0

### **6.2 Financial Reports – July 2018**

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**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 July 2018.

**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 statement for the period ending 31 July 2018.

**VOTING REQUIREMENTS:**

Simple majority required.

05/0818

Moved Cr Smoker Seconded Cr Taylor that Council endorse the monthly financial statement for the period ending 31 July 2018.

Carried 8/0

### **6.3 Authorised Persons – Local Government Act 1995, Various Acts & Local Laws**

**NAME OF APPLICANT:** CEO  
**RESPONSIBLE OFFICER:** CEO  
**FILE REFERENCE:** 19.03 Local Laws/Authorised Officers  
**AUTHOR:** CEO  
**DISCLOSURE OF INTEREST:** Nil

**SUMMARY:**

Council is required to authorise persons to enforce the provisions of the Local Government Act 1995 and various Shire of Kulin Local Laws and regulations.

**BACKGROUND & COMMENT:**

A review of officer appointments has not been conducted for 18 months and there have been a number of staff changes since the review was last conducted.

It is proposed that the appointment of Officers under the Local Government Act 1995 and the Shire of Kulin Local Laws be permitted under delegation to the CEO and be part of the annual review of delegations each year in June to avoid it being overlooked and addressed.

It is not always a requirement of the Local Government to advertise in the Government Gazette for all of the appointments, but doing it guarantees the appointment has been advertised beyond challenge.

The required persons for appointment and detail contained in the resolution.

**FINANCIAL IMPLICATIONS:**

There is a cost associated with advertising the appointments in the Government Gazette.

**STATUTORY AND TOWN PLANNING IMPLICATIONS:**

Local Government Act (Miscellaneous Provisions) 1960, Part XX (Ranger/Pound Keeper);  
Local Government Act 1995, Part 3 – Executive Functions of Local Government and Part 9 Miscellaneous Provisions;  
Caravan and Camping Grounds Act 1995;  
Dog Act 1976 and Regulations;  
Cat Act 2011;  
Bush Fires Act 1954 and Regulations;  
Litter Act 1979 and Regulations;  
Control of Vehicles (Off Road Areas) Act 1978 and Regulations;  
Shire of Kulin Local Laws  
Shire of Kulin Health Local Laws

**STRATEGIC IMPLICATIONS:**

Nil

**POLICY IMPLICATIONS:**

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

**COMMUNITY CONSULTATION:**

Nil – but authorisation advertised in Government Gazette.

**WORKFORCE IMPLICATIONS:**

Nil

**OFFICER'S RECOMMENDATION**

That the Shire of Kulin appoint the following persons:

Noel Mason, Cassi-Dee Vandenberg, Nicole Thompson, Judd Hobson, Will Pearce, Denis Brandis, Tammy Harris, Annette Lewis, Ambrose Poletti, Jonathon Quinn, Darren Thomas, & Patricia Mahe; WA Ranger Services Pty Ltd, Matthew Sharpe, Jodie Taylor & Brain Gaudet as authorised persons in accordance with the following acts;

Local Government Act (Miscellaneous Provisions) 1960, Part XX (Ranger/Pound Keeper);  
Local Government Act 1995, Part 3, Subdivision 4 and part 9 Division 2 – Executive Functions of Local Government and Part 9 Miscellaneous Provisions;  
s. 17(1) Caravan Parks and Camping Grounds Act 1995;  
s. 29 (1) Dog Act 1976 and Regulations;  
s. 48 Cat Act 2011 and Regulations;  
s. 59(3) Bush Fires Act 1954 and Regulations;  
s. 26 of the Litter Act 1979 and Regulations;  
s. 38(3) Control of Vehicles (Off Road Areas) Act 1978 and Regulations;  
All Shire of Kulin Local Laws.

And Council adopt the following delegation to be included in the Shire of Kulin delegation register;

**G.5 Various Acts and Local Laws**

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**Delegation:**

Delegation to the Chief Executive Officer for the appointment of 'authorised officer/s' required by the Shire of Kulin under;

Local Government Act (Miscellaneous Provisions) 1960, Part XX (Ranger/Pound Keeper);  
Local Government Act 1995, Part 3, Subdivision 4 and part 9 Division 2 – Executive Functions of Local Government and Part 9 Miscellaneous Provisions;  
s. 17(1) Caravan Parks and Camping Grounds Act 1995;  
s. 29 (1) Dog Act 1976 and Regulations;  
s. 48 Cat Act 2011 and Regulations;  
s. 59(3) Bush Fires Act 1954 and Regulations;  
s. 26 of the Litter Act 1979 and Regulations;  
s. 38(3) Control of Vehicles (Off Road Areas) Act 1978 and Regulations;  
All Shire of Kulin Local Laws.

All appointments to be advertised annually in the Government Gazette or by local circulation for interim or part year appointments.

**1. (Note: Adopted by Council resolution No)****CEO**

**Delegates to:** Nil

**Reference:** Local Government Act 1995 and Various Acts as detailed

**History:** Review - June 2019

**VOTING REQUIREMENTS:**

Absolute majority required.

06/0818

Moved Cr Bowey Seconded Cr Lucchesi that the Shire of Kulin appoint the following persons: Noel Mason, Cassi-Dee Vandenberg, Nicole Thompson, Judd Hobson, Will Pearce, Denis Brandis, Tammy Harris, Annette Lewis, Ambrose Poletti, Jonathon Quinn, Darren Thomas, & Patricia Mahe; WA Ranger Services Pty Ltd, Matthew Sharpe, Jodie Taylor & Brain Gaudet as authorised persons in accordance with the following acts;

Local Government Act (Miscellaneous Provisions) 1960, Part XX (Ranger/Pound Keeper);  
Local Government Act 1995, Part 3, Subdivision 4 and part 9 Division 2 – Executive Functions of Local Government and Part 9 Miscellaneous Provisions;  
s. 17(1) Caravan Parks and Camping Grounds Act 1995;  
s. 29 (1) Dog Act 1976 and Regulations;  
s. 48 Cat Act 2011 and Regulations;  
s. 59(3) Bush Fires Act 1954 and Regulations;  
s. 26 of the Litter Act 1979 and Regulations;  
s. 38(3) Control of Vehicles (Off Road Areas) Act 1978 and Regulations;  
All Shire of Kulin Local Laws.

And Council adopt the following delegation to be included in the Shire of Kulin delegation register;

**G.5 Various Acts and Local Laws**

Delegation:

Delegation to the Chief Executive Officer for the appointment of 'authorised officer/s' required by the Shire of Kulin under;

Local Government Act (Miscellaneous Provisions) 1960, Part XX (Ranger/Pound Keeper);  
Local Government Act 1995, Part 3, Subdivision 4 and part 9 Division 2 – Executive Functions of Local Government and Part 9 Miscellaneous Provisions;  
s. 17(1) Caravan Parks and Camping Grounds Act 1995;  
s. 29 (1) Dog Act 1976 and Regulations;  
s. 48 Cat Act 2011 and Regulations;  
s. 59(3) Bush Fires Act 1954 and Regulations;  
s. 26 of the Litter Act 1979 and Regulations;  
s. 38(3) Control of Vehicles (Off Road Areas) Act 1978 and Regulations;  
All Shire of Kulin Local Laws.

All appointments to be advertised annually in the Government Gazette or by local circulation for interim or part year appointments.

(Note: Adopted by Council resolution No 06/0818 )

CEO

Delegates to: Nil

Reference: Local Government Act 1995 and Various Acts as detailed

History: Review - June 2019

Carried 8/0

## 6.4 Development Application – Proposed Upgrades to Existing Farm Worker Accommodation (Grouped Dwellings) and Associated Facilities on Lot 2480 Varley Road North, Holt Rock

**APPLICANT:** Westchester Group of Australia on behalf of Global Ag Properties Australia Pty Ltd (Landowner)

**FILE REF:**

**AUTHOR:** Mr Joe Douglas - Consultant Town Planner (Exurban Rural & Regional Planning)

### SUMMARY:

This report recommends that a development application submitted by Westchester Group of Australia on behalf of Global Ag Properties Australia Pty Ltd (Landowner) for a number of proposed upgrades and improvements to the existing farm worker accommodation and associated facilities on Lot 2480 Varley Road North, Holt Rock be approved subject to conditions.

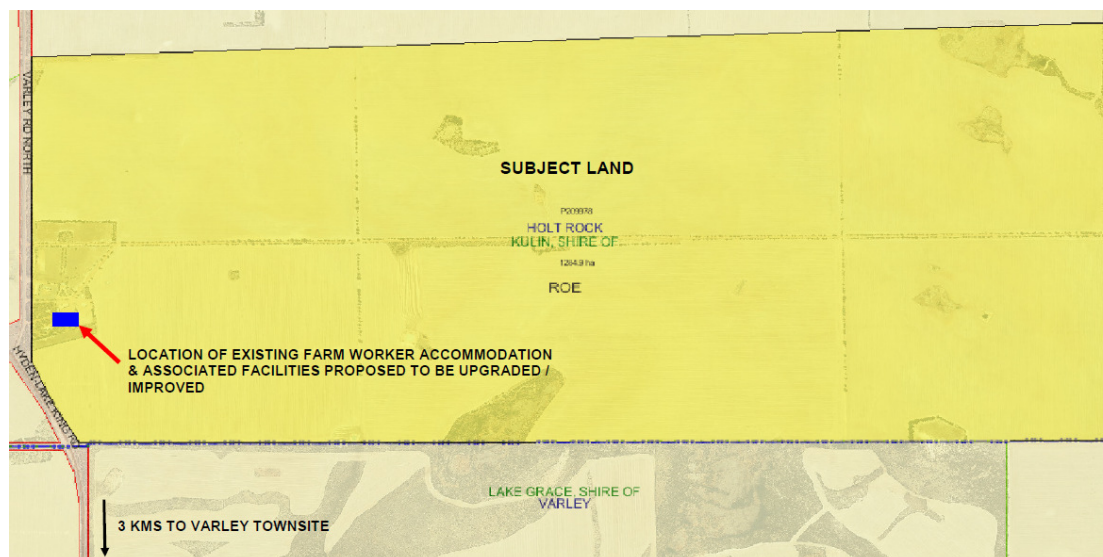
### BACKGROUND:

The applicant is seeking development approval for various proposed upgrades and improvements to the existing farm worker accommodation and associated facilities located in the south-western portion of Lot 2480 Varley Road North, Holt Rock including:

- i) Removal of an existing building used for kitchen, dining and lounge purposes and installation of one (1) new replacement transportable building in the same location to be used for the same purposes;
- ii) Removal of an existing four (4) bedroom accommodation building and installation of a new replacement four (4) bedroom transportable building in the same location to be used for the same purpose; and
- iii) Removal of two (2) existing six (6) bedroom accommodation buildings and installation of one (1) new replacement five (5) bedroom transportable building in the same general location to be used for the same purpose.

A full copy of the application submitted including various supporting plans is provided in Attachment 1.

Lot 2480 is located approximately 3 kilometres north of the Varley townsite in the locality of Holt Rock. The subject land comprises a total area of approximately 1,285 hectares and has direct frontage and access to Varley Road North along its western boundary which is a local road under the care, control and management of the Shire of Kulin.



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

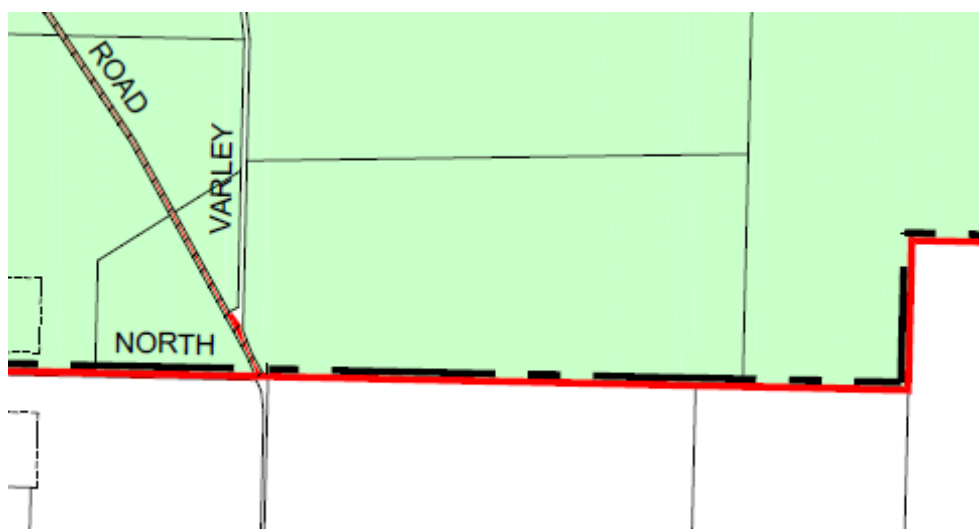
Lot 2480 has been extensively cleared and is currently used for broadacre agricultural purposes (i.e. cropping & grazing). The land is gently sloping and contains a number of small stands of native vegetation throughout.

Lot 2480 currently contains one (1) permanent residence (i.e. a single house), a granny flat / office, four (4) worker accommodation buildings comprising 18 bedrooms and associated facilities (i.e. kitchen, dining, lounge & bathrooms in two separate buildings), all of which are located in the south-western portion of Lot 2480 in close proximity to the main driveway entry to Varley Road North.

Lot 2480 also contains a number of other physical improvements associated with its current rural use including sheds, silos, dams and associated catchments, water supply tanks, internal access roads/tracks, firebreaks and fencing.

**COMMENT:**

Lot 2480 is classified 'Rural' zone under the Shire of Kulin Local Planning Scheme No.2 (LPS No.2).



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

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

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

Clause 31(8) of LPS No.2 expressly states:

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

The application for Lot 2480 has been assessed with due regard for the zone objectives and all relevant development standards and requirements prescribed in LPS No.2 as well as the standards, requirements and general guidance provided by the relevant elements of the State planning framework. This assessment has confirmed the proposal is generally compliant with the following matters:

- Requirement for additional dwellings to be used in conjunction with agricultural activity and farm management purposes;
- Continuation of agricultural activity;
- Boundary setbacks;



- Effluent disposal;
- Water supply for domestic and firefighting purposes;
- Stormwater drainage;
- 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.

Notwithstanding the above conclusion, it is significant to note that despite the applicant's intention to permanently remove one (1) existing six (6) bedroom accommodation building from the land, a total of five (5) separate dwelling units will be provided on the land which is contrary to the specific requirements of clause 31(8) of LPS No.2 which only allows a total of four (4) dwelling units on any land classified Rural zone.

Despite the proposal not being strictly compliant with LPS No.2, it should be noted all existing dwellings on the land were constructed at a time when there were no limitations or restrictions in the Shire's local planning framework in terms of the total number of dwellings permitted on any land classified Rural zone. With the introduction of LPS No.2 the existing residential development on Lot 2480 became non-conforming with the use rights retained and recognised for as long as the dwellings are used for residential purposes.

Given the above and the provisions contained in clause 23 of LPS No.2 which allow Council to grant approval to alter or extend a non-conforming use of land if it is less detrimental to the amenity of the locality than the existing non-conforming use and is closer to the intended purpose of the zone in which the land is situated, it is concluded there is considerable scope for Council to grant approval to the development application for Lot 2480.

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

**STATUTORY ENVIRONMENT:**

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

**POLICY IMPLICATIONS:**

Nil

**COMMUNITY CONSULTATION:**

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

**FINANCIAL IMPLICATIONS:**

Nil

**STRATEGIC IMPLICATIONS:**

The proposal for Lot 2480 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.*
- Civic Leadership
  - *Use a range of effective communication tools to engage the community to support transparent and accountable Council decision making.*

## RECOMMENDATION:

That the application for development approval submitted by Westchester Group of Australia on behalf of Global Ag Properties Australia Pty Ltd (Landowner) for a number of proposed upgrades and improvements to the existing farm worker accommodation and associated facilities on Lot 2480 Varley Road North, Holt Rock be **APPROVED** subject to the following conditions and advice notes:

### Conditions

1. The proposed development shall be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council.
2. The upgraded farm worker accommodation and associated facilities the subject of this application shall only be used to accommodate family members and/or workers employed for agricultural activities on the land.
3. The area comprising the existing six (6) bedroom accommodation building proposed to be permanently removed and not replaced shall be reinstated to its natural form consistent with surrounding ground levels with any remaining building material/s and rubbish to be disposed of to the specifications and satisfaction of the Shire's Chief Executive Officer.

### Advice Notes

1. The development is to be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Kulin having first been sought and obtained.
2. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
3. This is a development approval of the Shire of Kulin under its Local Planning Scheme No.2. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant and landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
4. In accordance with the Building Act 2011 and Building Regulations 2012, suitable demolition and/or building permit applications must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any demolition, construction or earthworks on the land.
5. An application for a suitable asbestos removal licence in accordance with the specific requirements of the Occupational Safety and Health Act 1984 and Occupational Safety and Health Regulations 1996 shall be made if more than **ten (10) square metres of bonded (non-friable) asbestos is proposed to be removed from the land to accommodate the proposed development.**
6. All buildings proposed to be constructed / installed on the land 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.
7. 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.
8. If the applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted within 28 days of the determination.

## VOTING REQUIREMENTS:

Simple majority required.

07/0818

Moved Cr Taylor Seconded Cr McInnes that the application for development approval submitted by Westchester Group of Australia on behalf of Global Ag Properties Australia Pty Ltd (Landowner) for a number of proposed upgrades and improvements to the existing farm worker accommodation and associated facilities on Lot 2480 Varley Road North, Holt Rock be **APPROVED** subject to the following conditions and advice notes:

### Conditions

1. The proposed development shall be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council.
2. The upgraded farm worker accommodation and associated facilities the subject of this application shall only be used to accommodate family members and/or workers employed for agricultural activities on the land.

3. The area comprising the existing six (6) bedroom accommodation building proposed to be permanently removed and not replaced shall be reinstated to its natural form consistent with surrounding ground levels with any remaining building material/s and rubbish to be disposed of to the specifications and satisfaction of the Shire's Chief Executive Officer.

#### **Advice Notes**

1. The development is to be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Kulin having first been sought and obtained.
2. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
3. This is a development approval of the Shire of Kulin under its Local Planning Scheme No.2. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant and landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
4. In accordance with the Building Act 2011 and Building Regulations 2012, suitable demolition and/or building permit applications must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any demolition, construction or earthworks on the land.
5. An application for a suitable asbestos removal licence in accordance with the specific requirements of the Occupational Safety and Health Act 1984 and Occupational Safety and Health Regulations 1996 shall be made if more than ten (10) square metres of bonded (non-friable) asbestos is proposed to be removed from the land to accommodate the proposed development.
6. All buildings proposed to be constructed / installed on the land 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.
7. 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.
8. 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.

Carried 8/0

## **6.5 Development Application – Over Height Shed**

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**APPLICANT:** RO & RA Ward  
**FILE REF:**  
**AUTHOR:** Mr Noel Mason  
**STRATEGIC REFERENCE/S:**  
**DISCLOSURE OF INTEREST:** Nil

#### **SUMMARY:**

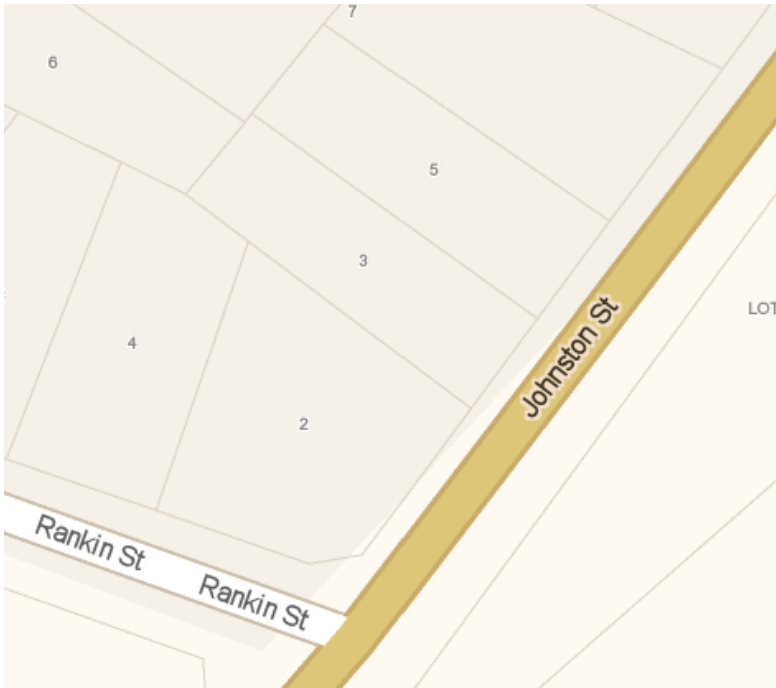
This report recommends that a development application submitted by RA & RO Ward for an over height shed be approved subject to conditions.

#### **BACKGROUND:**

The applicant is seeking development approval for a shed at Lot 244, Johnston Street.

A full copy of the advertised application submitted including various supporting plans is provided in Attachment 5.

Lot 244 is 1009 square metres and has direct frontage to Johnston Street, Kulin.



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

Lot 244 previously had a residence on site that was burnt down in 2016. Only a shed remains on the lot.

The applicant originally inquired about the Lot in 2017 believing that TPS 1 allowed for a shed to be erected on the lot but it is now governed by TPS 2 and the R Codes. Normally, an outbuilding would not be permitted without the issue of a building license for a residence. The applicant has indicated that the shed is required for storage purposes to house an RV vehicle when not in use and as travelers they have no intention of building a residence on the lot at present.

Lot 244 contains a number of other physical improvements including a shed, internal driveway and fencing, all as a result of the previous residence.

**COMMENT:**

The application for Lot 244 has been assessed with due regard to the Residential zone objectives and all relevant requirements prescribed in LPS No.2 and general guidance provided by the relevant elements of the State planning framework. This assessment has confirmed the proposal would not be compliant due to the following matters:

- Requirement for a dwellings application to be submitted at the same time or for a residence to be substantially completed before a shed application can be approved;

This assessment has confirmed the proposal would not be compliant due to the following matters:

- Boundary setbacks;
- Effluent disposal (N/A);
- Stormwater drainage;
- Vehicle access and parking;
- Visual amenity;

Notwithstanding the above and despite the proposal not being strictly compliant with LPS No.2, it should be noted that the existing shed on the land was constructed at a time when there were no limitations and if the applicants proposal was to amend or alter the existing shed it would generally be approved. With the introduction of LPS No.2 and the removal of the existing residential building, Lot 244 became vacant land with prior use rights extinguished (excepting for the existing shed).

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

**STATUTORY ENVIRONMENT:**

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

**POLICY IMPLICATIONS:**

Nil

**COMMUNITY CONSULTATION:**

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

**FINANCIAL IMPLICATIONS:**

Nil

**STRATEGIC IMPLICATIONS:**

The proposal for Lot 244 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.*
- Civic Leadership
  - *Use a range of effective communication tools to engage the community to support transparent and accountable Council decision making.*

**RECOMMENDATION:**

That the application for development approval submitted by RO & RA Ward for a shed on Lot 244 Johnston Street Kulin be approved subject to the following conditions and advice notes:

Conditions

1. The proposed development shall be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council.
2. The shed facilities shall only be used for storage the subject of this application and shall not be used for habitation.
3. Occupation of the RV vehicle on the Lot, or in the storage shed shall only be permitted for a maximum of 21 days, prior to application under the Health Act 1911 for an extended stay.

Advice Notes

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

## VOTING REQUIREMENTS:

Simple majority required.

08/0818

Moved Cr McInnes Seconded Cr Taylor that the application for development approval submitted by RO & RA Ward for a shed on Lot 244 Johnston Street Kulin be approved subject to the following conditions and advice notes:

### Conditions

1. The proposed development shall be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council.
2. The shed facilities shall only be used for storage the subject of this application and shall not be used for habitation.
3. Occupation of the RV vehicle on the Lot, or in the storage shed shall only be permitted for a maximum of 21 days, prior to application under the Health Act 1911 for an extended stay.

### Advice Notes

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

Carried 8/0

Cr Lucchesi declared an interest in Item 6.6 and left the Council Chambers at 4.19pm

## 6.6 Renewal of Licence – Blazing Swan Inc. (BS Inc.)

**RESPONSIBLE OFFICER:** CEO  
**FILE REFERENCE:** 02.06.02 Blazing Swan  
**AUTHOR:** CEO  
**STRATEGIC REFERENCE/S:** 2.2 A positive visitor experience (SCP) – “Continue to support Blazing Swan”

### **SUMMARY:**

Blazing Swan Inc. has approached the Shire of Kulin seeking the renewal of the License to hold the event. The license is due to expire on the 1<sup>st</sup> April 2019, with the proposed dates for the “Blaze” being 15-21<sup>st</sup> April 2018.

Council staff have been in conversation with the executive about how the relationship between the community and the event can be strengthened, but the License issue stands separate and can be resolved by Council.

## **BACKGROUND & COMMENT:**

The Blazing Swan is an annual arts based festival event held at the Kulin Bush Races race track site at Easter.

The Shire has provided a License for the event to be held at Locations 7759 & 10085 (Kulin Bush Races Track) for the period commencing in January 2015 and ending in April 2019. Arrangements to extend the land use post April 2019 will be in accordance with Item 2 of the Schedule set out in the Licence to Use Land between Lucca Pty Ltd (Lucchesi) and Shire of Kulin which states:

### ***“ITEM 2: TERM***

*Five (5) years commencing on the 1<sup>st</sup> day of April 2014. The Licensee shall have the option of extending this Licence for a further five (5) years, plus five (5) years, plus five (5) years providing the extension is agreed to by both parties at the end of each subsequent term. Provided that neither party shall unreasonably withhold their consent to such a Licence extension.”*

BS Inc. are keen to renew and have expressed their absolute commitment to continuance of the event and the relationship with the Kulin community.

Unless there are issues of objection to the renewal of the Licence neither party shall unreasonably withhold consent. There are no known or previously identified issues that would require either party to end the licence agreement. See Financial Implications

The balance of the agreement reads:

***In return for the use of land at Locations 7759 & 10085 Blazing Swan Inc. agrees to pay an annual financial contribution to Shire of Kulin:***

- *\$10.00 of each Blazing Swan Festival ticket sold*
- *The distribution of the \$10.00 amongst Kulin will be left at the discretion of the Shire however the Shire of Kulin agrees that those providing goods and/or services to Blazing Swan will be suitably compensated. (Note: Council practice has been to equally split the income between Lucca Pty Ltd and Kulin Bush Races)*
- *All annual payments to be completed within 60 days of the conclusion of the Blazing Swan Festival. (Note: has not been the case, some years final issue of invoices for the income has not occurred until June/July).*
- *All Blazing Swan Festival Event financials will be made available annually to the Shire of Kulin within 60 days of the conclusion of each annual Blazing Swan Festival. (Note: Financials have never normally been provided – just the ticket sales information)*

In return for an annual financial contribution, Shire of Kulin in partnership with the Lucchesi family and the Kulin Bush Races Committee agrees to provide the following goods and services to Blazing Swan Inc.:

- *Use of the land as per this agreement for the festival event (including set-up and bump out) and site visits.*
- *Cleaning of all permanent onsite toilets prior to the event. Cleaning during and after the event is to be the responsibility of Blazing Swan Inc.*
- *Event compliance assistance*
- *Grant application assistance as required*
- *Public Liability Insurance for the land and adjoining reserve under control of Shire of Kulin.*
- *Access to surrounding Nature Reserve 15385 (which is vested in the Shire of Kulin). Shire of Kulin will place warning signs saying ‘risk area’ at Shire Reserve 15385.*
- *Access to Kulin Bush Races Infrastructure which exists at the site including but not limited to toilets, showers, kitchens, fridges, lights, generators.*
- *Assistance with initial setup of infrastructure as required such as medium marquee, large marquee as required, water, power and toilets.*
- *Event signage, road closure, traffic cones, council approvals, information delivered to locals affected*
- *Shire of Kulin Transfer Station access outside normal opening hours. The Shire of Kulin will also open the Transfer Station to the public on an agreed number of days to allow festival goers to dispose of rubbish following the event. Arrangement for access is to be confirmed prior to each event.*

- *Dedicated onsite storage area with infrastructure provided by Blazing Swan Inc. with agreement from land owners as to location and scale.*
- *Acceptance of temporary structures, artwork, fireworks, fire sculptures, music onsite.*
- *Permanent Artwork with agreement from land owners as to location and scale.*

***Blazing Swan Inc. agrees to undertake the following:***

- *Promotion of Kulin as location for festival*
- *Promotion of Shire of Kulin*
- *Involvement of Kulin Community in participating in the event*
- *Involvement of Kulin Community in setting up the event*
- *Promotion of Art Grants to the Kulin Community*
- *Promotion of supporting Kulin to the Blazing Swan community*
- *Assistance with Kulin projects as agreed upon*

***The items listed below do not form part of this lease agreement and therefore Blazing Swan Inc. agrees to liaise with and negotiate any financials, goods and services required directly with the appropriate business or organisation:***

- *Access to Camp Hart during the event*
- *Support from Kulin Services including but not limited to St Johns Ambulance, doctors, hospital access, Fire Brigade and Police.*
- *Individual payments for other goods and services provided by Kulin individuals or businesses.*

It is clear the original license was built around unknown elements of what Blazing Swan Inc were trying to achieve and is a broad brush approach to identifying what “might be”. Unless there are some specifics that Council would like to target, it is suggested to leave the broad nature of the agreement untouched.

Blazing Swan Inc. still remain an arts based organisation that holds multiple events in WA. It has a premise in East Fremantle for its members and optimises both arts and Work for the Dole grants to support its operations. Their continuance of the license agreement and the event in Kulin is integral to their operations and they too would like to forge a bigger relationship with the Kulin community.

Staff discussed a number of items that have potential to expand the relationship and those listed are only part of the conversation. BS Inc. are proposing to revisit the question of enhancing the relationship at an executive meeting, and come up with proposals that they would like to support. Of those discussed;

- BS Inc. offered volunteers for environmental activities in Kulin, they have a very large supporter base with an interest in the environment. CEO has suggested a busy bee weekend to look at Jilakin Rock improvements or any other local environmental project. BS Inc. suggesting that a KBR camping weekend may be well supported by their volunteers.
- Art competition – BS Inc. already hold an Art Prize type competition. They have suggested one piece of the art prize could be for an item to be retained here in Kulin, an addition to community art.
- Forging better involvement with local art interests, by offering space for Kulin artists in the Pre-combination event in August.
- Identifying the skills held by KBR and BS Inc. to see if there could be better crossover and exchange.
- Offered to support local goods for sale e.g. hats from KDHS in 2018 were hot items.
- Considered financial support for local brigades if they could be more involved in fire risk management, as this is a high turnover of staff issue for them.
- Have requested Shire to consider a controlled burn of the Gravel Reserve alongside the KBR site to reduce fuel, as this area is their “safety zone” in the case of evacuation. Whilst they have held some preliminary discussions with Kulin BFS, they would like to progress the matter (if Shire agrees) to ensure completion before the season dries.

**FINANCIAL IMPLICATIONS:**

Blazing Swan Inc. have a total annual turnover of approx. \$600-650k of which the surplus ranges from \$0 to \$100k. Ticket sales from the Kulin event would normally generate between \$550 and \$600k, with the Kulin Easter event costing approx. \$500-\$550k each year. In terms of cash flow, Blazing Swan require between \$100-\$150k to commence the event preparations and the outlay before the event commences is usually around \$350k, being the reason why they align ticket sales and the sale of early tickets at discounted rates to ensure attendance targets are achieved before outlay.



In 2018 the Kulin event made a loss of approx. \$80k, caused from some budget to actual blowouts in electricity generation and costs, a ticketing scam creaming \$15k of tickets and after being charged for 3 years work from a local supplier that had not previously been accounted for. Additionally, ticket sales were flat last year.

These 3 items have placed pressure on the cash flow required to get the 2019 event commenced (needing \$100k-\$150k), but the BS Inc. Executive have affirmatively commenced measures to correct the deficiencies in the budget and have developed contingency plans for a cash injection in August to secure the next year's event. They have signalled that the current payment of \$26k payable to the Shire will be made in August. The invoice was issued on the 13<sup>th</sup> June 2018. Whilst this may be of some concern, they are confident that sufficient support for the Kulin event exists in the "arts" community and they remain confident that all cash flow needed to cover existing debts and start-up costs of next year will be serviced by their next event at the BShed, Fremantle on 18<sup>th</sup> August 2018.

**License agreement**

The original License agreement was framed around \$10 per ticket being payable to the landholder and KBR. Given the cumulative effect of inflation since 2014, this would equal \$10.94 in today's terms.

A review of the price per ticket charged may be appropriate.

**Annual Inflation – Since 2014**

Year	mar	jun	sep	dec	ann
2018	1.9%				
2017	2.1%	1.9%	1.8%	1.9%	1.9%
2016	1.3%	1%	1.3%	1.5%	1.3%
2015	1.3%	1.5%	1.5%	1.7%	1.5%
2014	2.9%	3%	2.3%	1.7%	2.5%

**STATUTORY AND PLANNING IMPLICATIONS:**

Under the Licence, BS Inc. are required to seek an event approval each year and get the Shire to sign off on the event prior to commencement. Each year Shire and BS Inc. have refined the process to the point that last year's approval was the most efficient process to date. BS Inc. have excellent systems of "risk management", and this helped. So much so that they were asked to support KBR's, Mr. Tom Murphy last year and the flow on effect was that KBR's risk management processes improved for their licence significantly. BS Inc. are keen to continue supporting KBR wherever possible.

There are no significant Statutory or Planning matters that came to light in our discussions other than the need to seriously consider a plastic lined evaporation pond for grey water, which was originally proposed by Julian Goldacre (EHO). Investment in a pond would significantly reduce complications for KBR (when leach drains overflow with shower water) and BS Inc. in relation to carting away waste water throughout the event. The EHO's point was that turnaround time on the carting was 1.5 hours per load, whereas an onsite evaporation pond would mean a turnaround time of between 15-20 minutes.

Additionally, the EHO was suggesting that a number of the toilet/shower blocks could be placed onto an internal sewer line with a common tank point allowing pumping to the pond, significantly reducing the need to pump at all.

**STRATEGIC & POLICY IMPLICATIONS:**

The Shire has included the continuation of the Blazing Swan event as a strategic priority in its Community Strategic Plan and undoubtedly as each year unfolds the level of support for BS Inc. improves locally.

Other than improved fuel sales for the week of the event, the Shire is not a direct beneficiary, all turnover falls within businesses within Kulin. Strategically, that is sustainable, many of our other activities cost the Shire funds to hold.

No known Policy implications exist.

**COMMUNITY/CONSULTATION:**

Shire staff have corresponded with KBR Chairperson about the license renewal. KBR will consider the matter at the next Committee meeting and advise if any issues. They have since indicated that no issues exist at their Monday 30<sup>th</sup> July 2018 meeting.

Lucca Pty Ltd was contacted to see if they too had any concerns heading into a new contract agreement.

**WORKFORCE IMPLICATIONS:**

NIL

**RECOMMENDATION:**

That the Shire of Kulin renew the Blazing Swan Inc. License extension for 5 years for the Blazing Swan event to be held at Locations 7759 & 10085 (Kulin Bush Races Track) for the period commencing January 2019, ending in April 2024 in accordance with Item 2 of the License Schedule with the following terms and conditions:

- \$12.00 of each Blazing Swan Festival ticket sold;
- The distribution of the \$12.00 will be left to the sole discretion of the Shire;
- All annual payments to be completed within 90 days of the conclusion of the Blazing Swan Festival.
- Blazing Swan festival event financials will be made available annually to the Shire of Kulin within 30 days of the Annual Report to members.

Shire will progress opportunities to develop a greater relationship with Blazing Swan members through common shared activities.

**VOTING REQUIREMENTS:**

Simple majority required.

09/0818

**Moved Cr McInnes Seconded Cr Robins that the Shire of Kulin renew the Blazing Swan Inc. License extension for 5 years for the Blazing Swan event to be held at Locations 7759 & 10085 (Kulin Bush Races Track) for the period commencing January 2019, ending in April 2024 in accordance with Item 2 of the License Schedule with the following terms and conditions:**

- **\$12.00 of each Blazing Swan Festival ticket sold;**
- **The distribution of the \$12.00 will be left to the sole discretion of the Shire;**
- **All annual payments to be completed within 90 days of the conclusion of the Blazing Swan Festival.**
- **Blazing Swan festival event financials will be made available annually to the Shire of Kulin within 30 days of the Annual Report to members.**

**Shire will progress opportunities to develop a greater relationship with Blazing Swan members through common shared activities.**

**Carried 7/0**

Cr Lucchesi returned to the Council Chambers at 4.22pm

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

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

**SUMMARY:**

Council is requested to amend and 'make' the Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 that had been previously 'made' by Council on 16 May 2018.

**BACKGROUND:**

At the Shire of Kulin Ordinary Council Meeting held 16 May 2018 Council resolved (resolution no.14/0518) to make the Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 (the 'Local Law').

This amendment is the result of correspondence dated 9 August 2017 from the Chair of the Joint Standing Committee on Delegated Legislation advising that the *Shire of Kulin Animals, Environment and Nuisance Local Law 2016* contained several errors requiring the Shire to make an 'Amendment' local law to rectify the identified issues.

The Local Law was signed and sealed and then forwarded to the Chief Health Officer (CHO) for his signature following the 16 May 2018 meeting. The Department of Health (DOH) wrote to the Shire on 19 June 2018 requesting amendments to the Local Law. DOH had previously confirmed in writing on 9 April 2018 that the Local Law was satisfactory.

**COMMENT:**

The DOH has concerns with Clause 5 of the Local Law relating to the proposed definition of 'EHO':

**"EHO means –**

- (a) an Environmental Health Officer appointed by the local government under the Public Health Act 2016 and includes any acting or Assistant Environmental Health Officer to perform all or any of the functions conferred on an Environmental Health Officer under this local law; and  
(b) a person designated by the local government as an authorised officer under section 24 of the Public Health Act 2016;"

This definition does not comply with a CHO guideline dated 17 January 2017 relating to the appointment of officers under the *Public Health Act 2016*. DOH requires clause (a) to be deleted so that the definition reads:

**'EHO means a person designated by the local government as an authorised officer under section 24 of the Public Health Act 2016;'**

The Local Law has been amended to address the DOH concerns and is shown in Attachment 6. It is considered that this change is only minor in nature and will not require advertising.

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

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

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

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

**CONSULTATION:**

Nil

**STATUTORY ENVIRONMENT:**

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

**FINANCIAL IMPLICATIONS:**

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

**POLICY IMPLICATIONS:**

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

**OFFICER'S RECOMMENDATION:**

That Council resolves to:-

1. Revoke Resolution 14/0518 of the Ordinary Meeting of Council held on 16 May 2018;
2. Endorse for inclusion into the Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 the suggested changes submitted by the Department of Health and itemised in the 'Comment' section of this report;
3. 'Make' the Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 as presented in Attachment 6
4. Authorise the affixing of the Shire of Kulin Seal in the presence of the Shire President and the Chief Executive Officer who are also authorised by Council to sign the Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018; and
5. Authorise the Chief Executive Officer to carry out the process of Gazettal of the Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 and to complete the administrative functions required for presentation of the Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 to the Joint Standing Committee on Delegated Legislation of the Western Australian Parliament.

**VOTING REQUIREMENTS:**

Absolute Majority Required

10/0818

Moved Cr Robins Seconded Cr Taylor that Council resolves to:-

1. Revoke Resolution 14/0518 of the Ordinary Meeting of Council held on 16 May 2018;
2. Endorse for inclusion into the Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 the suggested changes submitted by the Department of Health and itemised in the 'Comment' section of this report;
3. 'Make' the Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 as presented in Attachment 6
4. Authorise the affixing of the Shire of Kulin Seal in the presence of the Shire President and the Chief Executive Officer who are also authorised by Council to sign the Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018; and
5. Authorise the Chief Executive Officer to carry out the process of Gazettal of the Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 and to complete the administrative functions required for presentation of the Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 to the Joint Standing Committee on Delegated Legislation of the Western Australian Parliament.

Carried 8/0

## 6.8 Wheatbelt Secondary Freight

**RESPONSIBLE OFFICER:** CEO  
**FILE REFERENCE:** 28.19 Grain freight  
**AUTHOR:** CEO  
**STRATEGIC REFERENCE/S:** CSP – 1.2 Safe and Efficient transport network throughout the Shire  
**DISCLOSURE OF INTEREST:** Nil

### **SUMMARY:**

Seeking funding support from Shires for the Wheatbelt Secondary Freight Project. Requesting a commitment to allow \$6000 in the 2019/20 budget as the co-contribution required from all 42 LG's for the road funding application. Matter was raised at RRG South meeting last month – and gained some comment at the WALGA conference in discussions with the Minister of Transport.

### **BACKGROUND & COMMENT:**

At the most recent meeting of the WBS RRG, delegates requested that all Council's reaffirm their commitment to the Wheatbelt Secondary Freight Project and commit \$6000 in their 19/20 budgets as the co-contribution required from all 42 LG's for the funding application. Approx. 5% of the project cost is required to undertake the detailed planning and design works to enable us to have a Level 4 Infrastructure Australia Submission prepared.

The Wheatbelt Secondary Freight Project has been under development since mid-2016 and stemmed from considerable work done by both WBS & WBN in looking at their road networks in AN attempt to improve connectivity through our RRG funding and road projects. This prior mapping process started in 2014, once the RRG together with Main Roads identified that improving the connectivity was a major project that would bring significant economic benefit to the Agricultural Region. A working group was formed and RDA via Juliet Grist helped us obtain initial funding to further progress this as a regional road project. The last 2 ½ years have seen considerable work undertaken by all 42 LG's and the working group to get this project to a point where we are starting to have constructive and positive meetings with the State Government, Federal Government, Infrastructure Australia, Freight & Logistics Council WA, CBH and other key stakeholders.

Requesting that all LG's present the motion below, with the intent to have 42 LG's adopted the exact same position, so that we continue to present a united front. It is the collaboration and agreement that is getting significant traction both at a Federal and State Government level. Councils have been requested to present this recommendation and supporting documentation at the August round of Council meetings, and then to advise the Chair of WBS RRG confirming the motion that was passed.

### **FINANCIAL IMPLICATIONS:**

\$6000 in the 2019/20 Budget

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

Nil

**STRATEGIC & POLICY IMPLICATIONS:**

The draft work done by Wheatbelt Secondary Freight Project has classified the priorities for road upgrades across the 42 Shires. The Kulin Holt rock Rd (Centre Road) and Aylmore road are the only two roads in the Shire's network that will qualify under this proposal for upgrade. Each is currently presented to be upgraded in year 10-15 of this program. What may change the outlook – is that if successful the Federal Government ramps up the timeline or makes the funding available earlier than currently planned.

Clearly this is a strategic challenge for this Shire. To delay the progression of the Centre road development for 1-2 years currently – would allow us to know if the Wheatbelt Secondary Freight Project would gain traction at a State and Federal level and then take over this projected cost. The question remains as to whether there would be support to delay the upgrading beyond 10 years.

Total kilometres for both roads (55km) at \$150k per kilometre for seal would be a project cost of \$8.25m approx. on today's cost.

**COMMUNITY/CONSULTATION:**

N/A at this stage of consideration.

**WORKFORCE IMPLICATIONS:**

Nothing in terms of the strategy and the Wheatbelt Secondary Freight Project composition.

**RECOMMENDATION:**

That Council:

1. Notes the Secondary Freight Routes Project Development report;
2. Supports the strategic intent of the Secondary Freight Routes project;
3. Authorises the Chief Executive Office to prepare and sign a letter of support in favour of an application for Federal Government Funding under the Building Better Regions Program to develop the Secondary Freight project; and
4. Endorses in principle an allocation of [\$6,000] in 2019/20 to co-fund Secondary Freight Route Project development subject to a successful Building Better Regions Program application.

**VOTING REQUIREMENTS:**

Simple majority required.

11/0818

**Moved Cr Robins Seconded Cr Taylor that Council:-**

1. **Notes the Secondary Freight Routes Project Development report;**
2. **Supports the strategic intent of the Secondary Freight Routes project;**
3. **Authorises the Chief Executive Office to prepare and sign a letter of support in favour of an application for Federal Government Funding under the Building Better Regions Program to develop the Secondary Freight project; and**
4. **Endorses in principle an allocation of [\$6,000] in 2019/20 to co-fund Secondary Freight Route Project development subject to a successful Building Better Regions Program application.**

Carried 8/0

## 6.9 Request to Waive Fees – Community Bus Hire Golf Club

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**NAME OF APPLICANT:** DCEO  
**RESPONSIBLE OFFICER:** CEO  
**FILE REFERENCE:** 12.08 Fees and Charges  
**STRATEGIC REFERENCE/S:**  
**AUTHOR:** DCEO  
**DISCLOSURE OF INTEREST:** NIL

**SUMMARY:**

Wendy Gangell on behalf of the Kulin Golf Club has requested financial assistance by way of a waiver of fees associated with the Community Bus for a club trip up the Tin Horse Highway during the combined associated golf carnival early this month.

**BACKGROUND:**

Wendy Gangell booked the community bus for an outing up the Tin Horse Highway with golfers participating in the combined association golf tournament held during the first week of August 2018. At the time of making this booking she made a request for the Shire to waive the fees associated with the booking. Wendy reasoned that she has advertised in the golf booklet for the event that the Shire were a sponsor of the event and, because of this, this fee should be waived as a part of that sponsorship.

The total fee associated with the hire is \$14. At the time of making the bus booking the golf club had intended on using the bus for the Tin Horse Highway trip a number of times, however due to inclement weather this did not eventuate.

**POLICY IMPLICATIONS:**

No waiver policy exists; Policy being considered at present is designed around the CEO having delegated authority to approve waivers of 10% - 30% with all higher requests being referred to Council.

In this case a reduction was considered appropriate. Suggesting a variety of options for this decision;

1. No waiver (100% mileage \$14.)
2. 50% waiver (50% mileage i.e. \$7.)
3. 100% waiver all costs (mileage and fuel cost to Shire).

**COMMUNITY CONSULTATION:**

Nil

**FINANCIAL IMPLICATIONS:**

Bus Hire \$1.10 (Including GST)

**RECOMMENDATION:**

That Council determine a level of hire for the golf club for their travels up the Tin Horse Highway during their combined association golf carnival held in August 2018.

**VOTING REQUIREMENTS:**

Simple majority required.

12/0818

Moved Cr Robins Seconded Cr McInnes that Council determine a level of hire for the golf club for their travels up the Tin Horse Highway during their combined association golf carnival held in August 2018.

Carried 8/0

## 7 COMPLIANCE

### 7.1 Compliance Reporting – General & Financial Compliance July 2018

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

**SUMMARY:**

This report addresses General and Financial Compliance matters for July 2018. This process is not definitive, each month additional items and/or actions may be identified that are then added to the monthly checklist. Items not completed each month e.g. quarterly action - will be notations.

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

**BACKGROUND & COMMENT:**

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

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

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

#### Items Outstanding for April

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

#### Outstanding Items May 2018

**Annual Report CCC - Due July** – Completed

**Council Photo June Bi-annual - photo of current Council** – Sept 2018

**Performance Reviews - Administration staff, DCEO and Managers** – Completed

**Adjust KRA's for Senior staff and Managers** – Underway awaiting CEO KRA's

#### Outstanding Items June 2018

**Australia Day Awards** – Completed – In Update

**RRG Direct Grant Payments** – After Budget adoption when 40% can be claimed of 2018/19 jobs

#### Outstanding Items July 2018

**Annual Report Preparation/Adoption** – Annual Report not started yet

**Financial Interests Return - CEO completed** – approx. 50% of Councillors still to complete.

**Rate Exemptions - write-offs required for Annual Report - No** – Annual Report not started yet

**Diaries for Councillors - Checking with Councillors August meeting**

**RRG Direct Grant Payments Certificate of Completion - No** – still to be finished and claimed

**R2R Quarterly Report due - Due Sept, not yet completed.**

**Related Party Declarations - Councillor and CEO - Some completed** – waiting on remainder

**Rates Newsletter - Drafted** – ready for rate raising

**Community Cropping Land Annual Levy - No** – debtor account to be raised

**Spray clover Child care & residences - No** – spraying not yet commenced

**AACR Landfill Report 2018 - No - Annual Return underway**

#### **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 July 2018 and note the matters of non-compliance.

#### **VOTING REQUIREMENTS:**

Simple majority required.

13/0818

Moved Cr Smoker Seconded Cr Bowey that Council receive the General & Financial Compliance Report for July 2018 and note the matters of non-compliance.

Carried 8/0

## 7.2 Compliance Reporting – Delegations Exercised – July 2018

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

### **SUMMARY:**

To report back to Council actions performed under delegated authority for the period ending 31 July 2018.

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

### **BACKGROUND & COMMENT:**

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

#### **ADMINISTRATION**

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

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

#### **WORKS**

W1	Gravel Supplies	(MW)
W2	Roads – Clearing	(CEO)



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

**COMMENT:**

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

**G2 Building Licences**

20/6/18 235 (Lot 23691) Graham Rd W. Kulin	NOBLE, Simon & Janine - Garage / Carport
18/7/18 Lot 1158 Hyden-Lake King Rd Holt Rock	(Varley Farm) Demolition/Removal Asbestos
18/7/18 Lot 2514 Varley Rd North Rd HOLT ROCK	(Varley Farm) Demolition/Removal Asbestos
18/7/18 Lot 2797 Gregson Rd Holt Rock	(Varley Farm) Demolition/Removal Asbestos
27/7/18 Lot 2480 Varley North Road Holt Rock	(Varley Farm) Demolition/Removal Asbestos

**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 July 2018.

**VOTING REQUIREMENTS:**

Simple majority required.

**14/0818**  
**Moved Cr Robins Seconded Cr Lucchesi that Council receive the Delegation Exercised Report for July 2018.**

**Carried 8/0**

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

Nil

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

Nil

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

15/0818

Moved Cr McInnes Seconded Cr Robins that the meeting be 'closed to the public' to discuss the affairs of a person.

Carried 8/0

### **10.1 Annual Leave & Long Service Leave Entitlements – Greg Hadlow**

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16/0818

Moved Cr Robins Seconded Cr Varone that Council approve the payment of leave entitlements as per the report to Greg Hadlow through payroll processing for the period ending the 26<sup>th</sup> August 2018.

Carried 8/0

### **10.2 Camp Kulin Strategies**

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17/0818

Moved Cr Smoker Seconded Cr Lucchesi that Council adopt the Camp Kulin Strategies Dot Point Report/Plan 5 dated 13<sup>th</sup> August 2018, and staff action items as required. Next review September 2018.

Carried 8/0

18/0818

Moved Cr Smoker Seconded Cr Robins that Council open the meeting to the public and resume the ordinary meeting.

Carried 8/0

There being no further business the President declared the meeting closed at 5.09pm.