

ORDER OF BUSINESS

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- 11 CLOSURE OF MEETING**

Minutes of an Ordinary Meeting of Council held in the Council Chambers on Wednesday 21 February 2018 commencing at 4.02pm

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
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	
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 December 2017

01/0218

Moved Cr Bowey Seconded Cr McInnes that the minutes of the Ordinary Council Meeting held on 20 December 2017 be confirmed as a true and correct record.

Carried 9/0

Shire of Kulin Annual Electors Meeting – 20 December 2017

02/0218

Moved Cr Varone Seconded Cr Robins that the minutes of the Shire of Kulin Annual Electors Meeting held 20 December 2017 be received.

Carried 9/0

Note – Referring to the Annual Electors Meeting Minutes, the President commented regarding Mr Jim Sullivan's opinion that the Shire President should sign off on Annual Reports, subsequent research has shown that this is not a requirement and has not actually been done in the past.

Kulin Bush Races Meetings – 4 January & 5 February 2018

03/0218

Moved Cr Smoker Seconded Cr Bowey that the minutes of the Kulin Bush Races Meetings held 4 January and 5 February 2018 be received.

Carried 9/0

6 MATTERS REQUIRING DECISION

6.1 List of Accounts – December 2017 & January 2018

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

SUMMARY:

Attached is the list of accounts paid during the months of December 2017 and January 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 December payments being cheque No's 240 (Trip Fund), 379 - 381 (Trust Fund) 2106 – 2107 (Bush Races), 36893 - 36904 (Municipal), EFT No's 13511 - 13587, DD6358.1 – 6373.8 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$385,761.97 be received.

That January payments being cheque No's 382 (Trust Fund) 2108 (Bush Races), 36905 - 36919 (Municipal), EFT No's 13588 - 13681, DD6400.1 – 6405.7 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$414,868.84 be received.

VOTING REQUIREMENTS:

Simple majority required.

04/0218

Moved Cr Robins Seconded Cr Taylor that December payments being cheque No's 240 (Trip Fund), 379 - 381 (Trust Fund) 2106 – 2107 (Bush Races), 36893 - 36904 (Municipal), EFT No's 13511 - 13587, DD6358.1 – 6373.8 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$385,761.97 be received; and, that January payments being cheque No's 382 (Trust Fund) 2108 (Bush Races), 36905 - 36919 (Municipal), EFT No's 13588 - 13681, DD6400.1 – 6405.7 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$414,868.84 be received.

Carried 9/0

6.2 Financial Reports – December 2017 & January 2018

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

SUMMARY:

Attached are the financial reports for the periods ending 31 December 2017 and 31 January 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 statements for the periods ending 31 December 2017 and 31 January 2018.

VOTING REQUIREMENTS:

Simple majority required.

05/0218

Moved Cr Smoker Seconded Cr Robins that Council endorse the monthly financial statements for the periods ending 31 December 2017 and 31 January 2018.

Carried 9/0

6.3 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:

To provide Council with suggested amendments to the *Shire of Kulin Animals, Environment and Nuisance Local Law 2016* due to identified issues.

BACKGROUND & COMMENT:

At the Ordinary Council Meeting held on the 16 August 2017 Council resolved (Resolution 11/0817) to undertake the process for an amendment to the *Shire of Kulin Animals, Environment and Nuisance Local Law 2016*. This amendment is the result of email correspondence dated 9 August 2017 from the Chair of the Joint Standing Committee on Delegated Legislation (JSCDL), The Honourable Ms Emily Louise Hamilton MLA (see attachment). The correspondence identified the *Shire of Kulin Animals, Environment and Nuisance Local Law 2016* containing several errors that require an 'Amendment' local law to be made to rectify the identified issues.

The process for conducting an 'amendment' is identical to the previous process commenced in 2015 for the making of the original *Shire of Kulin Animals, Environment and Nuisance Local Law 2016*. There is a cost difference at gazettal where only the parts to be amended are listed, which is a considerable cost saving; staff time and advertising remain the same in keeping with the required process and advertising rates.

Notwithstanding the emergence of the *Public Health Act 2016*, the *Health (Miscellaneous Provisions) Act 1911* remains the appropriate 'amendment' local law statutory tool. Representations to the Department of Health for assistance and despite a fully staffed and funded team of officers dealing with the transitions and advice sought from the State Solicitors Office, no assistance was forthcoming other than the typical obligatory statement to 'get legal advice'.

Advice that was given was to create a new local law using only the *Local Government Act 1995* and whilst an option it would result in a gazettal fee of around \$4,000 whilst doing an amendment will be several hundred dollars. The Officer believes that an amendment local law using the *Health (Miscellaneous Provisions) Act 1911* is the appropriate mechanism in light of the Environmental Health Directorate recalcitrant position on this matter. A schedule of amendments to assist the understanding of the proposals is shown as follows:

Modified/Removed/Added/Replaced	Clause	Reason
Added	In the title of the local law, insert “(MISCELLANEOUS PROVISIONS)” between ‘HEALTH’ and ‘ACT’.	The <i>Health (Miscellaneous Provisions) Act 1911</i> is now the name of the local law making Act
Added	In the enabling clause, insert “(Miscellaneous Provisions)” between ‘Health’ and ‘Act’.	The <i>Health (Miscellaneous Provisions) Act 1911</i> is now the name of the local law making Act
Added	1.4 (1) Interpretation: insert the definition “ Association has the meaning given to it in the <i>Associations Incorporation Act 2015</i> ;”	The <i>Associations Incorporation Act 2015</i> defines ‘association’ to ‘...includes society, club, institution or body;’ and is thus more inclusive and not limited to the term ‘club’.
Removed, Added & Modified	1.4 (1) Interpretation: Amend the definition for an ‘ affiliated person ’ by replacing the word ‘club’ with the word “association” where mentioned.	The use of the word ‘club’ for poultry and pigeon is limiting by fact the <i>Associations Incorporation Act 2015</i> defines ‘association’ to ‘...includes society, <u>club</u> , institution or body;’ and is thus more inclusive and not limiting.
Added	1.4 (1) Interpretation: In the definition of ‘EHO’, replace the reference to ‘ <i>Health Act 1911</i> ’ with “ <i>Public Health Act 2016</i> ”.	The provision to appoint an EHO under the <i>Health Act 1911</i> has been removed. The power to appoint an EHO now falls under the <i>Public Health Act 2016</i> . The definition of local law is amended to reflect this change.
Modified	1.4 (1) Interpretation: The definition of ‘EHO’ is deleted and replaced with the following: (a) an Environmental Health Officer appointed by the local government under the <i>Public Health Act 2016</i> 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 <i>Public Health Act 2016</i>	The provision to appoint an EHO under the <i>Health Act 1911</i> has been removed. The power to appoint an EHO now falls under the <i>Public Health Act 2016</i> . The definition is modified to reflect the provisions of the <i>Public Health Act 2016</i> , including the various appointments of persons under the Act to carry out particular functions. The <i>Public Health Act 2016</i> introduced provisions to appoint “authorised officers”. The amendment allows authorised officers appointed under the <i>Public Health Act 2016</i> to carry out the duties conferred on an EHO by the local law.
Added	1.4 (1) Interpretation: In the definition of ‘premises’ insert between ‘Health’ and ‘Act’ the words “(Miscellaneous Provisions)”.	The <i>Health (Miscellaneous Provisions) Act 1911</i> is now the correct reference for the definition of ‘premises’.
Added	1.4 (1) Interpretation: insert the definition “ <i>Qualified person</i> is a person who holds either the Item 1 License or an Item 4 License as prescribed in ‘Table 131 – Licensees and entitlements’ of the <i>Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995</i> .”	Defines the parameters of the word ‘qualified person’ used in subclause 3.9(a) to remove any potential ambiguity by referencing the <i>Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995</i> which deals with the required licensing and types of licenses.
Removed & Added	2.12(3)(b)(ii): delete the word ‘but’ after the word ‘thoroughfare’ and replace with the word “where”. After the word ‘the’ and before the word ‘vegetation’, insert “provision of”.	Specifies the requirements in improved English wording.
Removed & Added	2.12(5): Delete the reference to subclause ‘(3)’ after ‘in subclause’ and replace with “(4)”.	Previously missed error identified reference to wrong subclause found during the amendment review.
Removed, Added and Modified	2.15(1)(b): delete subclause reference iii) and replace with “(c)”; and delete subclause reference ‘(iv)’ and replace with “(d)”; and align paragraph ‘(c)’ and ‘(d)’ with paragraphs ‘(a)’	Previously missed error identified by the Joint Standing Committee on Delegated Legislation review of the Local Law.

	and '(b)'.	
Added	2.26(2) : insert between 'Health' and 'Act' the words "(Miscellaneous Provisions)".	The <i>Health (Miscellaneous Provisions) Act 1911</i> is now the correct reference.
Added	2.28(1) : insert between 'Health' and 'Act' the words "(Miscellaneous Provisions)".	The <i>Health (Miscellaneous Provisions) Act 1911</i> is now the correct reference.
Removed & Added	3.5(a) : Delete 'Department of Environment Regulation' and replace with "Department of Water and Environmental Regulation".	The Department of Environment Regulation has now been renamed as Department of Water and Environmental Regulation.
Removed	4.12 : Delete subclause '(1)' entirely.	Statutory unintended effect dealing with signage identified during the Joint Standing Committee on Delegated Legislation review.
Removed & Modified	4.12 : Delete subclause reference '(2)' and realign that subclause text under the clause 4.12 title.	Format changed as no subclauses required.
Removed & Added	Remove completely clause 3.9 and replace with - "3.9 Disposing of disused refrigerators or similar containers" A person shall not place, leave or dispose of a disused refrigerator, ice chest, ice box, trunk, chest or other similar article having a compartment which has a capacity of 0.04 cubic metres or more on any land without first arranging for the removal of any refrigerants by a qualified person, and - (a) removing every door and lid and every lock, catch and hinge attached to a door or lid; or (b) rendering every door and lid incapable of being fastened."	Amends the statutory error identified by the Joint Standing Committee on Delegated Legislation ensuring suitable controls in the Local Law to require 'suitably qualified person' for refrigerant removal. The subclauses have been restructured with the reference to a 'qualified person' merged into the details of the clause before the two subclause to remove any possible confusion.
Removed & Added	Schedule 1 - Prescribed offences : in Item No 42, after the words '...removing the...' delete the word 'refrigerant' and after the words '...being fastened...' insert the words "...or without removing refrigerant"	Reflects clause 3.9 amendments.
Removed	Schedule 1 - Prescribed offences : Delete entirely Item 'No 52'.	This subclause has been deleted from the local law.
Removed & Added	Schedule 1 - Prescribed offences : in Item No 53, delete '(2)' after subclause 4.12 in clause column.	Deleted local law subclause reference.
Removed & Added	Schedule 1 - Prescribed offences : Delete Item No '53' and replace with Item No "52".	Realigns Item Numbers due to removal of a preceding Item Number.
Removed & Added	Schedule 1 - Prescribed offences : Delete Item No '54' and replace with Item No "53"	Realigns Item Numbers due to removal of a preceding Item Number.
Removed & Added	Schedule 1 - Prescribed offences : Delete Item No '55' and replace with Item No "54"	Realigns Item Numbers due to removal of a preceding Item Number.

It is suggested that Council resolves to prepare the proposed Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 (the 'Local Law') as attached.

In order to assist the understanding of the level of amendments as required and as recommended by the Officer, a highlighted edited version of the existing Local Law is provided for Council members to show the level of editing.

To commence the process, the Shire of Kulin President is required to read out aloud the purpose and effect of the proposed Local Law as described below:

PURPOSE: *The purpose of the proposed Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 is to provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the Shire of Kulin; and*

EFFECT: The effect of the proposed Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 is to establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance must comply.

The proposed Local Law as presented comprises the JSCDL required amendments as well as further amendments identified by the reporting Officer. The proposed Local Law making process requires the following to be undertaken to meet statutory requirements being:

1. The giving of State-wide ('West Australian' newspaper) and local public notice (local paper and Notice boards) of the proposed Local Law, summarising purpose and effect of the proposed Local Law for a period of at least 6 weeks since date of publication discounting public holidays;
2. A copy of the proposed Local Law is to be made available at the Shire office counter and provided to any person requesting a copy of the Local Law. Furthermore, copies of the Local Law are to be given to the Director, Environmental Health and the Honourable Minister for Local Government with evidence of state-wide advertising;
3. Consider any submissions received in regard to the proposed Local Law for presentation to Council where Council can resolve to 'make' the Local Law.
4. Council provides a signed and sealed Local Law to the Chief Health Officer for consent;
5. Local law when consented to by the Chief Health Officer is gazetted;
6. Copies of the Local Law as gazetted are given to the Honourable Minister for Local Government and the Chief Health Officer;
7. Give Statewide public notice of title and summary of purpose and effect of *Gazetted* Local Law; and
8. Provide Joint Standing Committee on Delegated Legislation of the WA Parliament with an 'Explanatory Memorandum' of the local laws and 10 copies of the Local Law as Gazetted.

The proposed Local Law will again be presented to Council after the minimum six weeks of advertising for consideration of submissions received and the decision made to endorse, or not, any changes to the proposed Local Law.

It is proposed that advertising will commence shortly after this Ordinary Meeting of Council and conclude on the 27 April 2018 thus allowing up to eight weeks advertising. Should all proceed to completion, and no 'significant changes' made (which could result in readvertising) the Local Law will be resolved on to 'make', should Council choose to do so, then signed and sealed by the Shire President and Chief Executive Officer.

After the Local Law is gazetted, copies are provided to the Chief Health Officer and the JSCDL who will review the Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 and make, or not, a determination on its validity and/or refusal of the Local Law.

The author wishes to acknowledge and thank the Shire of Bruce Rock for its assistance in the preparation of this report and associated documents.

CONSULTATION:

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

STATUTORY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

'West Australian' newspaper advertising estimated at \$800 and gazettal costs estimated at \$600.

POLICY IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That Council resolves:

1. To approve the proposed Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 for advertising as presented in Attachment 5;

2. To give Statewide and local public notice and stating that:
 - I. The Shire of Kulin proposes to make the Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018;
 - II. The purpose of the proposed Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 is to provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the Shire of Kulin; and
 - III. The effect of the proposed Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 is to establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance must comply.
3. To have copies of the proposed Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 made publicly available for inspection or to be obtained at any place specified in the Notice as required by Law;
4. To invite public submissions about the proposed Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 to be addressed to the Chief Executive Officer of the Shire of Kulin before the close of business on the 27 April 2018 for consideration;
5. To provide a copy of the proposed Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 and Notice to the Hon. Minister for Local Government and the Chief Health Officer; and
6. To direct the Chief Executive Officer to prepare and execute the requirements of these resolutions and to prepare a report to Council detailing submissions from the community and the relevant government departments recommending any required or invited changes to the proposed Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 at the first most practicable Ordinary or Special Meeting of Council following the conclusion of the public advertising period.

06/0218

Moved Cr Bowey Seconded Cr Varone that Council resolves:-

1. **To approve the proposed Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 for advertising as presented in Attachment 5; with a *final amendment to include the change to Clause 4.1(1)(a)(vi) as follows:*
insert the definition “*Qualified person is a person who holds either the Item 1 License or an Item 4 License as prescribed in ‘Table 131 – Licensees and entitlements’ of the Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995*”;**
2. **To give Statewide and local public notice and stating that:**
 - I. **The Shire of Kulin proposes to make the Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018;**
 - II. **The purpose of the proposed Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 is to provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the Shire of Kulin; and**
 - III. **The effect of the proposed Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 is to establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance must comply.**
3. **To have copies of the proposed Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 made publicly available for inspection or to be obtained at any place specified in the Notice as required by Law;**
4. **To invite public submissions about the proposed Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 to be addressed to the Chief Executive Officer of the Shire of Kulin before the close of business on the 27 April 2018 for consideration;**
5. **To provide a copy of the proposed Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 and Notice to the Hon. Minister for Local Government and the Chief Health Officer; and**
6. **To direct the Chief Executive Officer to prepare and execute the requirements of these resolutions and to prepare a report to Council detailing submissions from the community and the relevant government departments recommending any required or invited changes to the proposed Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 at the first most practicable Ordinary or Special Meeting of Council following the conclusion of the public advertising period.**

Carried 9/0

Note: Council changed the recommendation to incorporate a final amendment to the wording in Clause 4.1(1)

6.4 Development Application – Proposed Outbuilding (Domestic Storage Shed) on Lot 245 (No.2) Rankin Street, Kulin

RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 07.02 Development Applications
AUTHOR: Mr Joe Douglas - Consultant Town Planner (Exurban Rural & Regional Planning)
STRATEGIC REFERENCE/S: Nil
DISCLOSURE OF INTEREST: Nil

SUMMARY:

This report recommends that a development application submitted by Mr Steven Pearce to construct a new steel framed, colorbond outbuilding on Lot 245 (No.2) Rankin Street, Kulin be approved subject to conditions.

BACKGROUND:

The applicant is seeking Council's development approval to construct a new 77m² steel framed, colorbond outbuilding (i.e. domestic storage shed) at the rear of Lot 245 (No.2) Rankin Street, Kulin.

Lot 245 is located in the south-western segment of the Kulin townsite on the fringe of a well-established residential area. The subject land comprises a total area of approximately 1,115m² and has direct frontage and access to Rankin Street along its southern boundary and Johnston Street along its eastern boundary.

Lot 245 has historically been developed and used for low density residential purposes and contains an older style single storey dwelling in good condition and two (2) outbuildings, one of which is accessed via an existing six (6) metre wide driveway and crossover along the land's Johnston Street frontage.



Location & Lot Configuration Plan (Source: Landgate)

Immediately adjoining land uses include:

- Low density residential development (i.e. single houses & grouped dwellings to the north and west;
- Undeveloped residential zoned land on the opposite side of Rankin Street to the south and the Kulin Caravan Park beyond; and
- Crown Reserve 19354 on the opposite side of Johnston Street to the east which is an undeveloped 'C' class reserve which is controlled by the Department for Planning, Lands and Heritage for the designated purpose 'parklands'.

Under the terms of the information and plans submitted in support of the application the following is proposed:

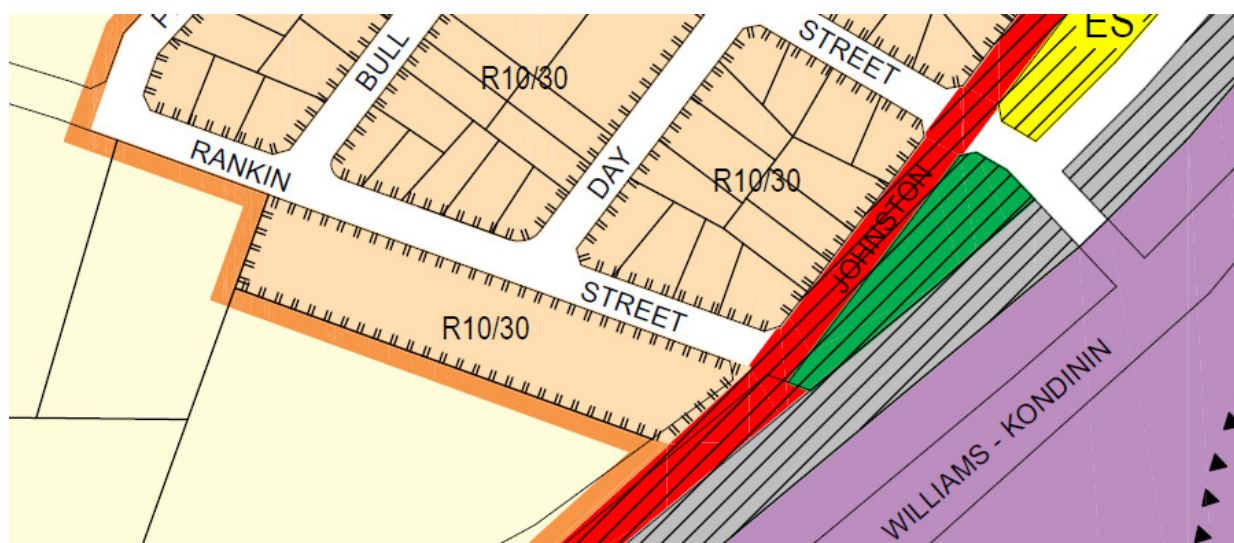
- i) Removal of an existing outbuilding along the land's western side boundary;
- ii) Construction of a new 11 metre long and 7 metre wide steel framed colorbond outbuilding at the rear of the property adjacent to its western and northern side boundaries;
- iii) The outbuilding will have a setback ranging from 2.5 to 3 metres from the land's northern side boundary, 2 metres from the land's western side boundary, 24 metres from the land's Rankin Street frontage and 31 metres from its Johnston Street frontage;
- iv) The outbuilding will have a total floor area of 77m² and be used for domestic purposes only (i.e. general storage including the parking of vehicles);
- v) The outbuilding will be clad with 'Classic Cream' coloured steel walls, doors and roofing with complementary coloured trim;

- vi) The outbuilding will have a gable style roof pitched at 15 degrees with a wall height of 3.8 metres and a ridge height of 4.738 metres above the natural ground level. The applicant has requested approval to a higher than average height structure to accommodate a large caravan with an air-conditioning unit on top that requires sufficient height clearance for access / parking purposes;
- vii) The floor of the outbuilding will be concrete with a finished floor level of 100mm above the natural ground level;
- viii) All vehicle access to/from the outbuilding will be via a proposed new 10 metre wide gravel driveway and crossover along the land's Rankin Street frontage; and
- ix) A new 9,000 litre rainwater storage tank will be installed adjacent to the outbuilding's eastern-side wall to capture and manage all stormwater collected from the roof catchment.

Full details of the application are provided in Attachment 1.

COMMENT:

Lot 245 is classified 'Residential' zone under the Shire of Kulin Local Planning Scheme No.2 (LPS No.2) and has been assigned a density coding of R10/30.



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

Under the terms of LPS No.2 the development and use of an 'outbuilding' in association with a single dwelling is listed as being permitted ('P') on land classified 'Residential' zone subject to compliance with the relevant development standards prescribed in the Residential Design Codes (i.e. the 'R-Codes') and LPS No.2 including any associated local planning policies.

An assessment of the proposal has confirmed it satisfies the majority of standards prescribed in the relevant sections of the local planning framework except for the following:

- i) Maximum permitted wall height (2.4 metres required by the R-Codes / 3.8 metres proposed);
- ii) Maximum permitted ridge height (4.2 metres required by the R-Codes / 4.738 metres proposed);
- iii) Maximum permitted collective floor area (60m² required by the R-Codes / 113m² proposed); and
- iv) Maximum permitted driveway width and location (6 metre maximum width at the street boundary/s, driveways in aggregate no greater than 9 metres for any one property and no closer than 0.5m from a side lot boundary or street pole as required by the R-Codes / 10 metre proposed width along Rankin Street, 16 metres aggregate width for the entire property and a nil setback from its western side boundary).

In considering whether or not to approve these proposed variations to the standards prescribed in the R-Codes, Council must decide whether such variations are likely to have a detrimental impact upon the amenity and character of the immediate locality or any immediately adjoining or other nearby properties.

It is concluded following detailed assessment of the application by the reporting officer that the proposed variations to the wall height, ridge height and floor area requirements of the R-Codes are unlikely to have any adverse impacts and may be supported and approved by Council for the following reasons:

- i) The outbuilding is not considered to be excessively large in its local context either individually or in aggregate with the existing outbuilding proposed to be retained and will be finished using visual appealing materials and colours;

- ii) The outbuilding will be located at the rear of the land with sufficient setbacks from existing development on all immediately adjoining and other nearby properties. As such it is expected to have minimal impact on the visual amenity of the local streetscape or any neighbouring properties;
- iii) No written objections to the proposed outbuilding were received during the recent 14 day public advertising process undertaken by the Shire in accordance with the specific requirements of LPS No.2 and the R-Codes.

Notwithstanding the above conclusion, the reporting officer does not support the proposed variations to the maximum permitted driveway width and location requirements of the R-Codes due to the potential streetscape amenity impacts and pedestrian safety concerns with a 10 metre wide driveway built up to the land's western side boundary. A 7.5 metre wide driveway (including crossover to Rankin Street) with a 1.5 metre wide landscaping strip along the land's western side boundary to the front of the new outbuilding to allow for the retention of some existing vegetation including a number of medium size mature trees is considered a more suitable and desirable development outcome that's more consistent with the aims and objectives of the Shire's local planning framework. As such it is recommended that Council condition any development approval granted accordingly.

STATUTORY ENVIRONMENT:

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

POLICY IMPLICATIONS:

- State Planning Policy 3.1 – *Residential Design Codes*
- Shire of Kulin Local Planning Policy No.1 – *Development of Outbuildings in Residential Precincts*

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. correspondence to all owners and occupiers of properties in the vicinity of the proposed development considered likely to be affected and publication of a notice of the proposed development, including plans, on the Shire's website inviting submissions). At the close of public advertising on Monday 12th February 2018 the Shire had no received no written submissions in respect of the proposed development.

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

The proposal for Lot 245 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 - *Invite and promote the community to take a proactive role in improving the aesthetics of each town site.*
- Environment - *Implement best practice stormwater reuse, water catchment, drainage and harvesting.*
- Civic Leadership - *Use a range of effective communication tools to engage the community to support transparent and accountable Council decision making.*

RECOMMENDATION:

That the application for development approval submitted by Mr Steven Pearce to construct a new steel framed, colorbond outbuilding on Lot 245 (No.2) Rankin 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 existing outbuilding along the land's western side boundary shall be removed from the land in its entirety and disposed of off-site to accommodate construction of the proposed new outbuilding the subject of this application. Any rubbish or waste generated shall also be disposed off-site following completion of all demolition / removal works.
3. The wall height of the new outbuilding shall not exceed 3.8 metres.
4. The ridge height of the new outbuilding shall not exceed 4.738 metres.
5. The finished floor level of the new outbuilding shall not exceed 100mm above the natural ground level unless otherwise approved by Council.
6. The new outbuilding shall be constructed using new non-reflective materials and comprise a maximum floor area of 77m²;

7. All stormwater generated by the new outbuilding shall be managed and disposed of using a 9,000 litre water tank sited on the land in the location shown on the approved plans.
8. A 7.5 metre wide gravel driveway (including crossover to Rankin Street) with a 1.5 metre wide landscaping strip to provide for the retention of a number of existing mature trees shall be constructed along the land's western side boundary in lieu of the 10 metre wide driveway and crossover originally proposed. The landscaping strip shall immediately abut the land's western side boundary for the full length of the new driveway and crossover from Rankin Street to the front of the new outbuilding and be planted with additional vegetation within ninety (90) days of completion of construction of the new outbuilding to the satisfaction of the Shire's Chief Executive Officer.
9. The proposed new driveway crossover between Rankin Street and the front property boundary shall be constructed to the specifications and satisfaction of the Shire's Chief Executive Officer with due regard for all existing essential service infrastructure to ensure its protection from damage during construction and future use.
10. The new outbuilding shall be used for domestic purposes only (i.e. general storage, a home workshop and the parking of vehicles) unless otherwise approved by Council.

Advice Notes

1. The development is to be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Kulin having first been sought and obtained.
2. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
3. This is a development approval of the Shire of Kulin under its Local Planning Scheme No.2. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant and landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
4. In accordance with the Building Act 2011 and Building Regulations 2012, suitable demolition and/or building permit applications must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any demolition, construction or earthworks on the land.
5. The proposed new outbuilding is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
6. No construction works shall commence on the land prior to 7am without the Shire's written approval. No construction works are permitted on Sundays or Public Holidays.
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.

07/0218

Moved Cr Duckworth Seconded Cr McInnes that the application for development approval submitted by Mr Steven Pearce to construct a new steel framed, colorbond outbuilding on Lot 245 (No.2) Rankin 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 existing outbuilding along the land's western side boundary shall be removed from the land in its entirety and disposed of off-site to accommodate construction of the proposed new outbuilding the subject of this application. Any rubbish or waste generated shall also be disposed off-site following completion of all demolition / removal works.
3. The wall height of the new outbuilding shall not exceed 3.8 metres.
4. The ridge height of the new outbuilding shall not exceed 4.738 metres.
5. The finished floor level of the new outbuilding shall not exceed 100mm above the natural ground level unless otherwise approved by Council.
6. The new outbuilding shall be constructed using new non-reflective materials and comprise a maximum floor area of 77m²;
7. All stormwater generated by the new outbuilding shall be managed and disposed of using a 9,000 litre water tank sited on the land in the location shown on the approved plans or piped to the street.
8. A 7.5 metre wide gravel driveway (including crossover to Rankin Street) shall be constructed along the land's western side boundary in lieu of the 10 metre wide driveway and crossover originally proposed. The landscaping strip shall immediately abut the land's western side boundary for the full length of the new driveway and crossover from Rankin Street to the front of the new outbuilding and be planted with additional vegetation within ninety (90) days of completion of construction of the new outbuilding to the satisfaction of the Shire's Chief Executive Officer.
9. The proposed new driveway crossover between Rankin Street and the front property boundary shall be constructed to the specifications and satisfaction of the Shire's Chief Executive Officer with due regard for all existing essential service infrastructure to ensure its protection from damage during construction and future use.
10. The new outbuilding shall be used for domestic purposes only (i.e. general storage, a home workshop and the parking of vehicles) unless otherwise approved by Council.

Advice Notes

1. The development is to be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Kulin having first been sought and obtained.
2. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
3. This is a development approval of the Shire of Kulin under its Local Planning Scheme No.2. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant and landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
4. In accordance with the Building Act 2011 and Building Regulations 2012, suitable demolition and/or building permit applications must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any demolition, construction or earthworks on the land.
5. The proposed new outbuilding is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
6. No construction works shall commence on the land prior to 7am without the Shire's written approval. No construction works are permitted on Sundays or Public Holidays.
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 9/0

NOTE: Council changed the recommendation at Condition 7 to allow applicant to pipe run-off to the road as an additional alternative and Condition 8 removing the requirement to maintain a 1.5m landscaping strip alongside the boundary as the trees had been removed and replanted elsewhere.

6.5 Development Application – Proposed Outbuilding (Domestic Storage Shed) on Lot 25 (No.17) McInnes Street, Kulin

RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 07.02 Development Applications
AUTHOR: CEO – reference to Mr Joe Douglas - Consultant Town Planner (Exurban Rural & Regional Planning)
STRATEGIC REFERENCE/S: Nil
DISCLOSURE OF INTEREST: Nil

SUMMARY:

This report recommends that a development application submitted by Shire of Kulin to construct a new oversize steel framed, colorbond outbuilding on Lot 25 (No.17) McInnes Street, Kulin be approved subject to conditions.

BACKGROUND:

The applicant is seeking Council's development approval to construct a new 100m² steel framed, colorbond outbuilding (i.e. domestic storage shed) at the rear of Lot 25 Bull street and (No.17) McInnes Street, Kulin – a combined lot.

Lot 25 is located opposite the school ovals in the Kulin townsite in a well-established residential area. The subject land comprises a total area of approximately 1,800m² and has direct frontage and access to McInnes Street along its northern boundary and Bull Street along its western boundary.

Lot 25 has historically been developed and used for low density residential purposes and contains an older style single storey dwelling in good condition and two (2) outbuildings, all of which is accessed via McInnes Street on a six (6) metre wide driveway. A kerb crossover exists for access off the Bull Street frontage.



Location & Lot Configuration Plan (Source: Landgate)

Immediately adjoining land uses include:

- Low density residential development single houses dwellings to the west and south west;
- Crown Reserve – School on the opposite side of McInnes Street to the north is currently used as ovals.
- All immediate joining land to the lot is presently owned by the Shire; therefore the advertising process to seek neighbours comment was not seen as relevant.

Under the terms of the information and plans submitted in support of the application the following is proposed:

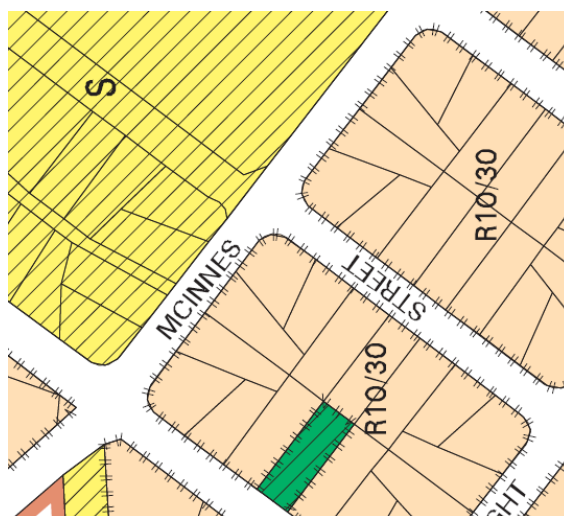
- x) Construction of a new 10 metre long and 10 metre wide steel framed colorbond outbuilding at the rear of the property adjacent to its south western boundary;
- xi) The outbuilding will have a setback ranging from 4.5 metres from the land's northern side boundary (Lot 19 McInnes), 1 metre from the land's south western side boundary, 25 metres approx. from the land's Bull Street frontage;
- xii) The outbuilding will have a total floor area of 100m² and be used for domestic purposes only (i.e. general storage including the parking of vehicles);

- xiii) The outbuilding will be clad with 'Green' coloured steel walls, doors and roofing with complementary coloured trim;
- xiv) The outbuilding will have a gable style roof pitched at 15 degrees with a wall height of 2.4 metres and a ridge height of 3.4 metres above the natural ground level;
- xv) The floor of the outbuilding will be concrete with a finished floor level of 100mm above the natural ground level;
- xvi) All vehicle access to/from the outbuilding will be via the gravel driveway and crossover to Bull Street frontage; and
- xvii) A new 2,000 litre rainwater storage tank will be installed adjacent to the outbuilding's northern-side wall to capture and manage all stormwater collected from the roof catchment. Water from the southern side wall will be piped to the street drainage.

Full details of the application are provided as an attachment.

COMMENT:

Lot 25 is classified 'Residential' zone under the Shire of Kulin Local Planning Scheme No.2 (LPS No.2) and has been assigned a density coding of R10/30.



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

Under the terms of LPS No.2 the development and use of an 'outbuilding' in association with a single dwelling is listed as being permitted ('P') on land classified 'Residential' zone subject to compliance with the relevant development standards prescribed in the Residential Design Codes (i.e. the 'R-Codes') and LPS No.2 including any associated local planning policies.

An assessment of the proposal has confirmed it satisfies the majority of standards prescribed in the relevant sections of the local planning framework except for the following:

- v) Maximum permitted wall height (2.4 metres required by the R-Codes) - complies;
- vi) Maximum permitted ridge height (4.2 metres required by the R-Codes) – complies;
- vii) Maximum permitted collective floor area (60m² required by the R-Codes / 100m² proposed) – does not comply; and
- viii) Maximum permitted driveway width and location (4 metre) at Bull Street - complies.

In considering whether or not to approve these proposed variation to the standards prescribed in the R-Codes, Council must decide whether such variations are likely to have a detrimental impact upon the amenity and character of the immediate locality or any immediately adjoining or other nearby properties.

It is concluded following detailed assessment of the application by the reporting officer that the proposed variations to floor area requirements of the R-Codes are unlikely to have any adverse impacts and may be supported and approved by Council for the following reasons:

- iv) The outbuilding is not considered to be excessively large in its local context either individually or in aggregate and will be finished using visual appealing materials and colours;
- v) The outbuilding will be located at the rear of the land with sufficient setbacks from existing development on all immediately adjoining and other nearby properties. As such it is expected to have minimal impact on the visual amenity of the local streetscape or any neighbouring properties;
- vi) As the Shire owns all neighboring property, advertising the oversize application was not considered needed.

STATUTORY ENVIRONMENT:

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

POLICY IMPLICATIONS:

- State Planning Policy 3.1 – *Residential Design Codes*
- Shire of Kulin Local Planning Policy No.1 – *Development of Outbuildings in Residential Precincts*

COMMUNITY CONSULTATION:

Determined as minimal impact and not required due to land ownership.

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

The proposal for Lot 25 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 - Invite and promote the community to take a proactive role in improving the aesthetics of each town site.*
- *Environment - Implement best practice stormwater reuse, water catchment, drainage and harvesting.*
- *Civic Leadership - Use a range of effective communication tools to engage the community to support transparent and accountable Council decision making.*

RECOMMENDATION:

That the application for development approval submitted by Shire of Kulin to construct a new steel framed, colorbond outbuilding on Lot 25 (No.17) McInnes 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 finished floor level of the new outbuilding shall not exceed 100mm above the natural ground level unless otherwise approved by Council.
3. The new outbuilding shall be constructed using new non-reflective materials and comprise a maximum floor area of 100m²;
4. All stormwater generated by the new outbuilding shall be managed and disposed of using a water tank or be piped to the street;
5. The new outbuilding shall be used for domestic purposes only (i.e. general storage, a home workshop and the parking of vehicles) unless otherwise approved by Council.

Advice Notes

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

6. No construction works shall commence on the land prior to 7am without the Shire's written approval. No construction works are permitted on Sundays or Public Holidays.
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.

08/0218

Moved Cr Duckworth Seconded Cr Varone that the application for development approval submitted by Shire of Kulin to construct a new steel framed, colorbond outbuilding on Lot 25 (No.17) McInnes 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 finished floor level of the new outbuilding shall not exceed 100mm above the natural ground level unless otherwise approved by Council.
3. The new outbuilding shall be constructed using new non-reflective materials and comprise a maximum floor area of 100m²;
4. All stormwater generated by the new outbuilding shall be managed and disposed of using a water tank or be piped to the street;
5. The new outbuilding shall be used for domestic purposes only (i.e. general storage, a home workshop and the parking of vehicles) unless otherwise approved by Council.

Advice Notes

1. The development is to be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Kulin having first been sought and obtained.
2. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
3. This is a development approval of the Shire of Kulin under its Local Planning Scheme No.2. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant and landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
4. In accordance with the Building Act 2011 and Building Regulations 2012, suitable demolition and/or building permit applications must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any demolition, construction or earthworks on the land.
5. The proposed new outbuilding is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
6. No construction works shall commence on the land prior to 7am without the Shire's written approval. No construction works are permitted on Sundays or Public Holidays.
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 9/0

6.6 First Home Super Savers Scheme – Change of Superannuation Contribution Type

NAME OF APPLICANT:	Shire of Kulin
FILE REFERENCE:	22.12 Superannuation
STRATEGIC REFERENCE/S:	Nil
AUTHOR:	DCEO
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

In recent council discussions regarding housing it is apparent that encouraging staff to own their own home is a priority of Council. The federal government has acknowledged that housing affordability is an issue nationwide and have passed a bill to establish the First Home Super Savers Scheme. Under the scheme employees who contribute savings to superannuation are able to later withdraw them to use towards a house deposit. To encourage Council employees to use the scheme to its full extent we can allow the contribution of Council matched superannuation to be included in the deposit savings.

BACKGROUND:

First Home Super Saver Scheme

The First Home Super Saver Scheme (FHSSS) was introduced by the Australian Government in the Federal Budget 2017-2018 to reduce pressure on housing affordability. The FHSSS allows First Home Buyers (FHB) to save money for a first home inside their super fund. This will help first home buyers save faster with concessional tax treatment within super.

About the scheme

From 1 July 2017 FHB can make voluntary concessional (before-tax) and non-concessional (after-tax) contributions into their super fund to save for their first home. From 1 July 2018 they can then apply to release their contributions, along with associated earnings, to help them purchase their first home. The FHB must be 18 years or over to apply for the release of these amounts.

To qualify a person must:

- have not previously owned property in Australia (or the Commissioner of Taxation has determined you have suffered a financial hardship as specified by regulations)
- have not previously released FHSS funds
- either live or intend to live in the premises you are buying as soon as practicable
- intend to live in the property for at least six months of the first 12 months you own it, after it is practical to move in.

Contributions

A FHB can contribute up to \$15,000 in one year and up to a maximum of \$30,000 in total from the 1st July 2017. The concessional contributions cap still applies and an individual cannot contribute more than \$25,000 at the concessional tax rate. Individuals are still entitled to make non-concessional contributions but these are made after tax or where a tax deduction has not been claimed.

When a FHB makes a personal superannuation contribution to their fund it is taxed at the concessional rate (concessional contributions cap is \$25k) of 15%. When the funds have been approved for release the total savings plus the deemed investment earnings will be released to the FHB. The ATO will withhold from the savings tax at the individual's marginal rate less a 30% tax offset.

In the table on the left (over the page) an individual, with a marginal tax rate of 35%, contributes \$1,000 to their super fund using the FHSS Scheme. In the table on the right an individual deposits \$1,000 of salary in to a bank to save for a deposit the conventional way.

** (Current ATO deemed investment rate 4.7%, 90 day bank bill + 3%)

FHSSS		Conventional Savings	
Contribution to super fund	1,000.00	Earns salary	1,000.00
Taxed at 15% (concessional rate)	(150.00)	Taxed at 35%	(350.00)
Total contribution to super fund	850.00	Total contribution	650.00
Earnings on contribution (4.7%)	40.55	Earnings on contribution 2.2%	14.30
Total available for withdrawal	890.55	Total available for withdrawal	664.30

Less tax on withdrawal from fund 35%	(311.69)	Tax on Investment Earnings 35%	(5.01)
Add back tax offset 30%	267.16		
Total savings remaining	846.02	Total Deposit remaining	659.30

As you can see a FHB is \$186.72 better off investing through the FHSSS than a conventional bank deposit.

Applying to release the savings

When the FHB is ready, they will need to apply to the Commissioner of Taxation for a FHSS determination and a release of their funds. Funds will be eligible for withdrawal from 1 July 2018. The Commissioner of Taxation will issue a release authority to the superannuation fund and the fund will then send the requested release amounts to the ATO. The ATO will then withhold the appropriate amount of tax and send the balance to the FHB.

Shire Contributions

The Shire's superannuation policy allows for the compulsory superannuation guarantee of 9.5% as well as salary sacrificed contributions. Salary sacrificed contributions made by an employee are matched by Council up to a limit based on an employee's tenure. An excerpt from the policy manual shows the limits:

Additional Contributions

As an added incentive for employees, the Shire of Kulin will also make additional payments to superannuation for employees on the basis of length of service.

- 0 to 1 year service - No additional contribution.
- 1 to 5 years of service – Shire will pay an additional 5 percent.
- After 5 years of service – Shire will match up to 9.5 percent.

The maximum percentage payable by the Shire will be 19% per annum."

Employee vs Employer Contributions

The FHSS Scheme allows for First Home Buyers to cash out any employee contributions made to their superannuation fund after 1 July 2017. When an employee contributes superannuation via a salary sacrifice deduction it is classified as an employee contribution. When Council make the matching contribution to the employee's superannuation fund it is classed as an employer's contribution. The Council contribution therefore cannot be withdrawn as part of the FHSS Scheme.

It is proposed that Council allow for the change of the contribution type from an 'Employer Contribution' to an 'Employee Contribution' to allow an employee who is a First Home Buyer to withdraw both the personal (salary sacrificed) contribution and the matched Council contribution in accordance with the rules of the scheme.

Council's superannuation fund, WA Super, have indicated that it is likely that Council matched superannuation contributions will be considered an employee contribution however this will not be decided upon until their next board meeting.

CONSULTATION:

Australian Tax Office

STATUTORY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil. Council are already obliged by policy to make these contributions and allowance for such expenditure is allowed for in the budget.

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That Council resolve to change the contribution type of the Council matched superannuation contribution from an employer contribution to an employee contribution to allow for first home buyers to fully utilise the First Home Super Saver Scheme.

VOTING REQUIREMENTS:

Simple majority required.

09/0218

Moved Cr Robins Cr Taylor that Council resolve to change the contribution type of the Council matched superannuation contribution from an employer contribution to an employee contribution to allow for first home buyers to fully utilise the First Home Super Saver Scheme.

Carried 9/0**6.7 Sundry Debtor Write-off**

NAME OF APPLICANT: Shire of Kulin
FILE REFERENCE: 12.03 Audit
STRATEGIC REFERENCE/S: Nil
AUTHOR: DCEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

We have a number of aged debtors for which we have determined their debts unrecoverable. A table is presented showing total debts of \$2,642.98.

BACKGROUND:

Section 6.12(1)(c) of the Local Government Act 1995 gives Council the power to write off any amount of money owing to the Shire.

"Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may -
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money, which is owed to the local government.

* Absolute majority required.

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power."

The Shire of Kulin Delegation of Authority Register June 2017, provide the CEO authority to write off individual sundry debts up to \$100, all sundry debts in excess of \$100 are to be written off by Council resolution. In this instance we have chosen to present all debts that we believe should be written off to Council

Debtor Code	Value of Debt	Comment
DC155	\$352.50	Office Rent July 2013, have sent numerous statements and received no contact.
DD119	\$1,165.78	Warranty job, invoiced for labour and parts however only parts were recoverable. This remaining portion relates to labour and needs to be written off.
DH81	\$500.00	Employee was charged for damage to unit in excess of what was recoverable from their bond. Have been unable to make contact and the debt is over 4 years old.
DK121	\$198.00	Local advert in the Kulin update. The business no longer operates in town and the business owner is unwell. We have sent numerous invoices and statements and we have not been able to recover the debt.
DS126	\$200.00	The cost of repairs to a stop sign after a motor vehicle accident were on charged to the debtor at fault. We have sent numerous invoices and statements and we have not been able to recover the debt.
DD114	\$9.00	Advertising in the Kulin update and the debtor no longer lives in town. Insignificant in value.
DB149	\$30.00	Disputes the charge as the debtor believes they had already paid.
DB145	\$24.00	Advertising in the Kulin update and the debtor no longer lives in town. Insignificant in value.

DJ35	\$90.00	Child care fees. The debtor has left town and we have been able to contact to chase up debt.
DT02	\$73.70	Private works, debtor disputes the charges. Believes they have been incorrectly charged to them.

CONSULTATION:

Senior Finance Officer, Chief Executive Officer

STATUTORY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Provision is made in the budget for bad debt expense. This will result in a loss of \$2,642.98.

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That Council resolve to write off \$2,642.98 in sundry debtors.

VOTING REQUIREMENTS:

Simple majority required.

10/0218

Moved Cr Duckworth Seconded Cr Robins that Council resolve to write off \$2,642.98 in sundry debtors.

Carried 9/0

7 COMPLIANCE

7.1 Compliance Reporting – General & Financial Compliance Dec 2017 & Jan 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 December 2017 and January 2018. This process is not definitive, each month additional items and/or actions may be identified that are then added to the monthly checklist. Items not completed each month e.g. quarterly action - will be notations.

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

BACKGROUND & COMMENT:

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

As the month progresses, staff in conjunction with their manager, the CEO or DCEO will determine the extent of work/action needed to complete items. During Agenda week, the Compliance Team again meets to ensure the

monthly report/list is reviewed and that compliance items are completed. In preparing the Agenda report, the CEO or DCEO will sign off on completed items.

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

All items from September and October 2017 have been completed. Photo for Council was transferred to June/July.

Items outstanding for December 2017 and January 2018.

Harold Proud – Issue Invoice half yearly – Shed – researching – previous issue 2013.

Records Archive – Review, archive and destroy non-permanent records – Ongoing with electronic conversion

Compliance Audit Return – Due 31st March – On LG Hub – part complete

Reimburse Members Travelling – Due February 2018 meeting

Fair Value Calculations and Inclusion in reporting- Roads – In-house reporting this year – to be ready for annual statements in October

Budget Review - required between 1 January to 31 March – will present in March 2018

Phone Book - to be completed and ready for distribution - March

Quarterly Stats to DRD – now on Survey Monkey – March 2018

Review Agreement with Kulin DHS – Underway CDO

FINANCIAL IMPLICATIONS:

In the generation of the report, nil in terms of meeting compliance. 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 Reports for December 2017 and January 2018 and note the matters of non-compliance.

VOTING REQUIREMENTS:

Simple majority required.

11/0218

Moved Cr Bowey Seconded Cr McInnes that Council receive the General & Financial Compliance Reports for December 2017 and January 2018 and note the matters of non-compliance.

Carried 9/0

7.2 Compliance Reporting – Delegations Exercised – December 2017 & January 2018

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 January 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

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 Mgr.)
A6	Investment of Surplus Funds	(CEO/DCEO)
A7	IT & Social Media – Use Of	(CEO)
A8	Legal Advice, Representation & Cost Reimbursement	(CEO)
A9	Payments from Municipal and Trust Funds	(CEO – to numerous staff orders)
A10	Use of Common Seal	(CEO)
A11	Writing Off Debts	(CEO)
A12	Housing	(CEO)
A13	Procedure for Unpaid Rates Finance	(CEO)

GOVERNANCE

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

HUMAN RESOURCES

H1	Grievance Procedures	(CEO)
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COMMUNITY SERVICES

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

WORKS

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

COMMENT:

The following details the delegations exercised within the Shire relative to the delegated authority for the months of December 2017 and January 2018 and are submitted to Council for information (excluding delegations under A9, Payments – refer to individual order and payment listed in Accounts paid).

A5 Fees & Charges – Discounts (CEO/DCEO/MW/MLS/CRC Mgr.)
CEO Approved - Lend Lease – Discount on Shire plant – approx. \$10 or 7.5% discount per hour for the hire of Shire plant for proposed works on the Brookton Hwy

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

Type	Rate	Deposit/(Withdrawal)
At Call	1.5%	(100,000)
At Call	1.5%	251,417.81
At Call	1.5%	(100,000)
At Call	1.5%	(100,000)
Term Deposit	1.75%	(250,000)

G1 Applications for Planning Consent

Nil

G2 Building Licences (CEO)

Nil

C7 Dog Ownership Limit – Dog Control

(CEO)

Approved 3rd dog for License for Rachael Argent

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 December 2017 & January 2018.

VOTING REQUIREMENTS:

Simple majority required.

12/0218
Moved Cr Smoker Seconded Cr Varone that Council receive the Delegation Exercised Report for December 2017 & January 2018.

Carried 9/0

8 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Community Bus

Cr Bowey indicated in the Concept Forum that she would be bringing this matter to the meeting.

13/0218

Moved Cr Bowey Seconded Cr Lucchesi that Council endorse a proposal to purchase a community bus in the 2018/19 budget, and that a letter be written to KBR to inform them of our decision and request they consider making a contribution towards the purchase of a community bus.

Carried 9/0

Will Pearce, Environmental Health Officer, entered the Council chambers at 5.25pm

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

Thank You – Michael Robins

Deputy President Duckworth extended a thank you to Michael Robins for his 3 ½ years employed as the Tech Officer for the Shire. This was endorsed by President West and it was agreed that a Vote of Thanks be recorded.

10 MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC

Nil

There being no further business the President declared the meeting closed at 5.40pm