

ORDER OF BUSINESS

- 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS - COUNCIL CHAMBERS**
- 2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**
- 3 PUBLIC QUESTION TIME**
- 4 APPLICATIONS FOR LEAVE OF ABSENCE**
- 5 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**
 - 5.1 Shire of Kulin Ordinary Meeting – 21 February 2018
- 6 MATTERS REQUIRING DECISION**
 - 6.1 List of Accounts – February 2018
 - 6.2 Financial Reports - February 2018
 - 6.3 A14 Housing – Policy Amendment Adoption, A10A Sale of Land and Housing Adoption
 - 6.4 Appeal to Bond Being Retained – Johnston St Unit
 - 6.5 A17A Superannuation - First Home Buyers Scheme Policy Adoption
- 7 COMPLIANCE**
 - 7.1 Compliance Reporting - General & Financial Compliance February 2018
 - 7.2 Compliance Reporting – Delegations Exercised February 2018
 - 7.3 Compliance Audit Return 2017 – Adoption
- 8 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 9 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**
 - 9.1 Lease of Land for Cropping
- 10 MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC**
- 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 21 March 2018 commencing at 4.03pm

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 – 21 February 2018

01/0318

Moved Cr Smoker Seconded Cr Bowey that the minutes of the Ordinary Council Meeting held on 21 February 2018 be confirmed as a true and correct record.

Carried 9/0

6 MATTERS REQUIRING DECISION

6.1 List of Accounts – February 2018

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

SUMMARY:

Attached is the list of accounts paid during the month of February 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 February payments being cheque No's 242 (Trip Fund), 36920 - 36932 (Municipal), EFT No's 13682 - 13762, DD6422.1 – 64424.7 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$225,604.25 be received.

VOTING REQUIREMENTS:

Simple majority required.

02/0318

Moved Cr Robins Seconded Cr Lucchesi that February payments being cheque No's 242 (Trip Fund), 36920 - 36932 (Municipal), EFT No's 13682 - 13762, DD6422.1 – 64424.7 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$225,604.25 be received.

Carried 9/0

6.2 Financial Reports – February 2018

RESPONSIBLE OFFICER: DCEO

FILE REFERENCE: 12.01

AUTHOR: DCEO

STRATEGIC REFERENCE/S: 12.01

DISCLOSURE OF INTEREST: Nil

SUMMARY:

Attached are the financial reports for the period ending 28 February 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 28 February 2018.

VOTING REQUIREMENTS:

Simple majority required.

03/0318

Moved Cr Robins Seconded Cr Taylor that Council endorse the monthly financial statement for the period ending 28 February 2018.

Carried 9/0

6.3 A14 Housing – Policy Amendment Adoption, A10A Sale of Land and Housing Adoption

RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 04.04 Shire of Kulin Policy
AUTHOR: Noel Mason
STRATEGIC REFERENCE/S: 1.4 SCP, Liveable and Safe Community, 1.4.1b CBP – Staff Housing
DISCLOSURE OF INTEREST: Nil

SUMMARY:

The Shire Housing policy has been under review for some months with an aim of improving the imbalance in incentives provided to staff in relation to housing.

The review aimed to eliminate or minimise the level of subsidisation provided for staff renting Shire residences, as opposed to that provided to staff who own their own homes or rent on the open market. The proposed policy now provides for a high level of support for staff owning their own home, and would commence 1 July 2018.

Additionally, the new policy proposal provides that where a staff member (or Council) is required to go to the open market to obtain a suitable residence, rental support has been set to the same level of financial assistance for a two year period. No previous policy existed on this matter.

Housing Policy changes incorporating the review aims is attached.

The presentation of policy for adoption in relation to the sale of housing stock and land. Attached as H14A – SALE OF LAND and HOUSING. This policy effectively requires the CEO to refer opportunities for the sale of land or housing to Council for a decision within guidelines.

BACKGROUND & COMMENT:

The Shire of Kulin as an open market employer, constantly reviews the benefits and incentives provided to staff, so that it can remain an employer of choice. As part of this constant review, the Shire is aware of the growing imbalance between Shire staff who rent from the Council as opposed to Shire staff who own their own home in the community and the costs they individually incur.

The Council recognises that for every staff member who owns their own home, there are serious financial decisions/impacts to buy and ultimately sell when/if retiring or moving elsewhere to new employment. A decision by the employee to own their home provides a considerable saving to the Shire in relation to the supply of residential housing.

Whilst the Shire of Kulin evidence suggest that longevity of employment is achieved through home ownership (approx. 10 years), there has been a tendency by staff to move away from this option. Additionally, a staff home owner also has ongoing costs of rates, water rates and consumption (currently paid for staff in Shire houses) and maintenance costs, all which widen the financial gap when compared to staff who rent from Council.

Council has previously (and for some years) provided a Housing Allowance (currently \$35 per week) as an incentive to reduce the impact of home ownership. Initially this incentive was set to cover the cost of land and water rates, but it barely does this in today's terms.

Research has identified that the minimum level of disadvantage (without mortgage impacts) to an owner could equate to \$5,200 - \$5,600pa on a standard residence (minimum estimates on various costs) but if calculations are loaded toward wider parameters, anywhere up to \$15,000pa could be the difference between owning a home or renting from Shire or marketplace. It is acknowledged by Council that the aim of the policy is not to remove ALL costs associated with home ownership, but to provide a more realistic recognition of some of the basic costs home owners in Kulin would incur, and to keep the Shire competitive against regional Shires who provide this incentive.

Eligibility criteria have been established that should accommodate the variances in the work force makeup.

Additionally, the Shire has rented other residences when there was no Shire stock available for staff at the current market prices. The policy suggests that when more housing is needed, rental subsidisation for staff renting in the private market of up to \$3640pa would apply - for a maximum period of 2 years. This benefit equates to that which the Shire would charge for rent if the staff member rented a standard Shire residence.

The A10A Sale of Land and Housing policy requires the CEO to present options to Council for the Sale of Houses. In relation to the sale of land under A10A, all unused serviced lots in Proudview estate and Workman estates would be offered for sale at this point.

Staff would develop suitable signage to attract interest.

If adopted, only 23 Bull Street and 8 Wright Street would be likely sale items under the proposed policy.

CEO would propose direct contact with the Shire tenant to see if interest exists, but early indications are that this is not the case.

FINANCIAL IMPLICATIONS:

The current Housing Incentive Allowance (H14 – Housing) has a current payment per week of \$35. To increase this to \$70 (\$3640pa) would equate to 70% of the identified gap being met.

The Council has discussed how this could be done over 4 years by increasing the payments by; \$10, \$10, \$10, \$5, but have signaled a preference to adopt a once off increase in the 2018/19 Budget.

Adoption of the policy now will enact that and the Annual Budget Housing Incentive Allowance would cost approximately costing \$36,400pa. Additional costs would apply if the Shire was (or staff were) also renting houses on open market – but this is not currently the case.

This change recognises that in the open Kulin market, rental of a standard home equivalent to what the Shire generally supplies, the cost would be \$10,400 approx. (\$200 per week). Shire renters would have a cost of \$3,640 (\$70 per week the Shire would charge) and staff home owners would receive the allowance of \$3,640. The gap between the two employees would be \$7280; a very significant contribution towards home owner's costs, and the best incentive when compared to regional Shires by \$5 per week.

Provided as a Housing Allowance, no additional tax liability is created, therefore the full value of the allowance ends in the employees' pay packet.

STATUTORY AND PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

As detailed in the two policies.

COMMUNITY CONSULTATION:

The matter has been presented in Council Agenda since July 2017, both Council and Forum. NIL formal community consultation on policy adoption.

WORKFORCE IMPLICATIONS:

A \$35 per week increase in the allowance for staff who currently receive the Housing Allowance – to be effective from the 1 July 2018.

OFFICER'S RECOMMENDATION:

That the Shire of Kulin polices A10, Housing (March 2018) and A10A, Sale of Land and Housing (March 2018) be adopted and that the CEO be authorised to commence release of land under the updated sale of land arrangements. CEO to commence conversations with occupiers of Shire housing at 23 Bull Street and 8 Wright Street about purchase options.

VOTING REQUIREMENTS:

Normal majority required

Judd Hobson left the Council Chambers at 4.51pm

Cr Lucchesi left the Council Chambers at 4.58pm

Note: Council amended the Officers recommendation so that the two policy items could be considered separately; as each required consideration of supporting material and viewpoints. Council determined to consider Housing A10 first.

04/0318

Moved Cr Robins Seconded Cr Bowey that Council adopt Policy A10 Housing (March 2018) with the following policy amendments/alterations;

1. By Adding to paragraph 4 under “Incentive for Staff owning their own residence” - *An employee privately renting or leasing housing “where no suitable, equivalent Shire housing is available” shall also be entitled to...*
2. By adding to paragraph 4 under “Incentive for Staff owning their own residence” – *No other contribution to private rental will be made”... and Council requires any consideration to extend private rental arrangements beyond 2 years by the CEO to be referred in a report for a Council determination.*

Carried 8/0

Note: Council altered the officer’s recommendation to adjust the policy and include two additional points:

1. Clarify that private rental arrangements should only occur if no suitable or equivalent Shire housing was available, and;
2. By requesting that consideration of extensions beyond 2 years under private rentals be referred to Council for a decision.

Cr Lucchesi returned to the Council Chambers at 5.01pm

Judd Hobson returned to the Council Chambers at 5.09pm

Note: Council was provided with additional report information by the DCEO in relation to the listed fair value of each of the properties, so that Council could ascertain if the policy options would provide sufficient incentive for staff to consider purchase.

05/0318

Moved Cr Taylor Seconded Cr Robins that the Shire of Kulin policy A10A, Sale of Land and Housing (March 2018) be adopted and that;

1. The CEO be authorised to commence release of land under the updated A10A Land and Housing Incentive Option arrangements;
2. CEO to commence conversations with occupiers of Shire housing at 23 and 8 Wright Street to determine interest in purchase options;
3. 21 Bull Street be placed on the open market for sale (subject to LG Act provisions), but be held back until interest in remaining properties be ascertained.

Carried 9/0

Note: Council amended the Officers recommendation so that the two policy items could be considered separately.

6.4 Appeal to Bond Being Retained – Johnston St Unit

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

SUMMARY:

In February 2018 the tenant of Unit 1, 25 Johnston Street Kulin vacated the premises and terminated their tenancy agreement with the Shire. An exit inspection was conducted and it was determined that the tenant had caused permanent damage to the carpets which would need to be replaced before we were able to offer the unit for rent. Upon entering into the tenancy agreement a bond of \$800 is payable, this was the amount retained by the Shire to cover the costs of replacing the flooring.

A letter has since been received from the tenant appealing the decision made to retain the bond. The Shire has also withheld the bond from the occupant \$200 for the animal to be kept on the premises.

BACKGROUND:

On 24 January an exit inspection was conducted by the Finance/Housing Officer and Deputy CEO at Unit 1, 25 Johnston Street after the tenant (Kulin Hardware employee) had vacated. The unit was left in an extremely untidy state and the carpets appeared to be badly damaged. Contact was made with Hayden from Kulin Hardware to arrange an inspection with both the Shire and Kulin Hardware to demonstrate the state of the unit. Hayden agreed the unit was very untidy and that they would make arrangements for the unit to be cleaned over the coming weekend. A second inspection was conducted by the CEO and Finance/Housing Officer and the unit had been cleaned to an appropriate standard.

At the time of the second inspection it was determined that the carpets were beyond repair and the flooring needed to be replaced. The decision to replace the flooring was made quickly as we had a new staff member moving into the unit mid-February. A quote was obtained and the flooring was replaced in the following week.

The CEO decided to withhold the bond paid by Kulin Hardware on the basis that the carpet was damaged beyond possible use.

When this tenancy agreement was first entered into, an entry checklist was completed and there was no damage or staining to the carpets. A three month inspection was also conducted and no damage was noticeable at this time. In subsequent inspections (conducted annually before budget preparation) the unit was in untidy state and the damage to the carpets was not obvious. While it is likely that the damage could have been caused by spilt drinks it is unclear exactly what caused the damage however due to the amount of dog hair found on the carpet it was obvious that a dog did reside inside the premises.

In making the decision to withhold the bond, the CEO has indicated that to have the carpets cleaned would be a waste of time, energy and resource only to have to replace the carpet in any event. The carpet cleaner concurred with this view; indicating that cleaning may not improve the condition to the point that it could be used and that if it was going to be replaced saw little point in doing the work.

Subsequently the tenant has claimed that they were not given the opportunity to clean the carpet – thereby they would be in a position to retain the bond. The question is, was the carpet beyond repair because it had reached end of life over the 3 years of occupancy, or did the tenant/occupant damage the carpet to the point that it was beyond repair in any event.

A letter from Kulin Hardware was received dated 16 February appealing the decision to withhold their bond. The letter is provided as an attachment.

CONSULTATION:

CEO has discussed the matter with Kulin Hardware in relation to the decision to withhold the bond and indicated that any decision to adjust the amount withheld/returned would be on appeal to Council.

STATUTORY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

The decision to withhold both bonds was based on the carpet condition being such that it could not be used again after the animal or spillages had put it beyond recovery; not in an attempt to reduce the financial impact of floor replacement which was approx. \$5,000.

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That the Shire consider and determine the appeal to withhold the bond for Unit 1, 25 Johnston Street.

VOTING REQUIREMENTS:

Simple majority required.

06/0318

Moved Cr Smoker Seconded Cr Robins that Council return \$400 being 50% of the bond payment to Kulin Hardware and Rural, accompanied with a letter of reply.

Carried 9/0

6.5 A17a Superannuation – First Home Buyers Scheme Policy – Adoption

RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 04.04 Shire of Kulin Policy
AUTHOR: CEO
STRATEGIC REFERENCE/S: 1.4 SCP, Liveable and Safe Community, 1.4.1b CBP – Staff Housing
DISCLOSURE OF INTEREST: Nil

SUMMARY:

The February Council Forum discussed the First Home Super Savers Scheme (FHSSS) that is available to eligible staff as a superannuation home saving scheme and detail of the treatment of employer contributions made by the Shire in support for the scheme.

Policy has now been created on this subject for adoption by Council.

BACKGROUND & COMMENT:

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.

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 treatment of Councils contribution is also described in the policy, but in essence, the Shire will match these contributions up to the existing scale of our already established superannuation contribution incentives – that is scaled along years of service. See policy A17.

FINANCIAL IMPLICATIONS:

No additional superannuation expense – Council will only match in accordance with what we do already under our existing policy.

STATUTORY AND PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Would be eligible to First Home Buyer staff who meet eligibility criteria.

OFFICER'S RECOMMENDATION:

That Council adopt A17A Superannuation First Home Buyers Scheme policy.

VOTING REQUIREMENTS:

Simple majority required.

07/0318

Moved Cr Taylor Seconded Cr McInnes that Council adopt A17A Superannuation First Home Buyers Scheme policy.

Carried 9/0

7 COMPLIANCE

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

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

BACKGROUND & COMMENT:

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

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

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

Items outstanding for December 2017 and January 2018 now resolved.

Harold Proud – Issue Invoice half yearly for Shed. Research showed that this matter was all tied together with the Shire accepting the macrocarpa reserve. The letter to Mr Proud was not clear if the fee for the Shed would still apply; Mr Proud naturally can't recall. Mr Proud has not been billed since 2013, so some argument that it should not apply would be reasonable. CEO determined that payment for 5 years would total approx. \$4480. The Council made a decision to lease the lots to the Kulin Museum in 2016, giving Mr Proud occupancy rights to his shed until no longer required. Mr Proud pays for electricity to the shed. On the basis of the evidence CEO determined that it would not be appropriate to raise a debtor because if challenged – not sufficient Shire paper trail to press claim for payment. **Completed**

Records Archive – Review, archive and destroy non-permanent records – **Completed**

Compliance Audit Return – Due 31st March – On LG Hub – **Completed**

Reimburse Members Travelling – Due February 2018 – paid 14/3/18 – **Completed**

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

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

Phone Book - completed – now on sale at CRC – **Completed**

Quarterly Stats to DRD – March 2018 - **Completed**

Review Agreement with Kulin DHS – Meeting with School 16/3/18.

Items outstanding for February 2018.

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

Budget Plant Replacement Program – Price Check equotes WALGA by May 2018

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 Report for February 2018 and note the matters of non-compliance.

VOTING REQUIREMENTS:

Simple majority required.

08/0318

Moved Cr McInnes Seconded Cr Varone that Council receive the General & Financial Compliance Report for February 2018 and note the matters of non-compliance.

Carried 9/0

Cr Robins departed the Council Chambers at 5.35pm

7.2 Compliance Reporting – Delegations Exercised – February 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 28 February 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

- A1 Acting Chief Executive Officer
- A2 Agreements for Payments of Debts to Council
- A3 Casual Hirer’s Liability
- A4 Complaint Handling
- A5 Fees & Charges – Discounts
- A6 Investment of Surplus Funds
- A7 IT & Social Media – Use Of
- A8 Legal Advice, Representation & Cost Reimbursement
- A9 Payments from Municipal and Trust Funds
- A10 Use of Common Seal
- A11 Writing Off Debts
- A12 Housing
- A13 Procedure for Unpaid Rates Finance

Officers

- (CEO)
- (CEO/DCEO)
- (CEO)
- (CEO)
- (CEO/DCEO/MW/MLS/CRC)
- (CEO/DCEO)
- (CEO)
- (CEO)
- (CEO – to numerous staff orders)
- (CEO)
- (CEO)
- (CEO)
- (CEO)
- (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 Mngt 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 February 2018 and are submitted to Council for information (excluding delegations under A9, Payments – refer to individual order and payment listed in Accounts paid).

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

Municipal funds

Type	Rate	Deposit/(Withdrawal)
At Call	1.5%	403,125.48
Term Deposit	2.2%	(400,000)

G1 Applications for Planning Consent

S Pearce – Finalise planning application and sign – subject to a Council decision in February approving the over height shed.

G2 Building Licences (CEO)

S Pearce – Finalise building application and sign – subject to a Council planning decision in February approving the over height shed.

STATUTORY ENVIRONMENT:

Building Act 2011

Bushfires Act 1954

Cemeteries Act 1986

Health (Asbestos) Regulations 1992;

Health (Miscellaneous Provisions) Act 1911;

Local Government Act 1995

*Public Health Act 2016
Shire of Kulin TPS2
Town Planning Development Act
Town Planning Scheme
Trustees Act, Part III,
Criminal Procedure Act 2004;*

FINANCIAL IMPLICATIONS:

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

STATUTORY AND PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

There are no known policy implications relating to this report.

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That Council receive the Delegation Exercised Report for February 2018.

VOTING REQUIREMENTS:

Simple majority required.

09/0318

Moved Cr Bowey Seconded Cr Lucchesi that Council receive the Delegation Exercised Report for February 2018.

Carried 8/0

7.3 Compliance Audit Return 2017 – Adoption

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 04.02 Local Government Act & Returns
STRATEGIC REFERENCE/S: CBP 4.1 Civic Leadership, 4.1.8 Compliance methods
AUTHOR: CEO
DISCLOSURE OF INTEREST: NIL

SUMMARY:

To present the Compliance Audit Return to the Audit and Risk Committee who adopt the report and make recommendation to Council.

BACKGROUND:

Each year all local governments across the State are required by legislation to undertake a compliance audit for the period 1 January to 31 December. This audit is performed against the requirements of the Compliance Audit Return prepared by the Department of Local Government covering the following business areas considered to be 'high risk':

- Commercial Enterprises by Local Government;
- Delegation of Power / Duty;
- Disclosure of Interest;
- Disposal of Property;
- Elections;
- Finance;
- Local Government Employees;
- Official Conduct; and
- Tendering for Providing Goods & Services

COMMENT:

The Risk and Audit Committee's consideration and endorsement of the Compliance Audit Return (addressing those areas identified as high risk) is required prior to the report being submitted to the Department of Local Government and Communities. A completed return for the year ended 31 December 2017 is due to the Department by the 31 March 2018.

Please note that the Risk and Audit Committee is required to review the completed CAR and report the results to the Council, prior to the CAR's adoption by Council and submission to the Department by 31 March 2018. The CAR will be presented to both the Risk and Audit Committee and the Council on the same day being the 21 March 2018.

The Compliance Audit Return is attached for the Committee's and Council's consideration. Note the report was prepared by the CEO.

STATUTORY IMPLICATIONS:

Regulation 14 of the Local Government (Audit) Regulations 1996 provides:

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
 - (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.

Regulation 15 provides that:

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
 - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
 - (b) any additional information explaining or qualifying the compliance audit,
 - (c) is to be submitted to the Executive Director by 31 March next following the period to which the return relates.
- (2) In this regulation, certified in relation to a compliance audit return means signed by;
 - (a) the mayor or president; and
 - (b) the CEO.

FINANCIAL IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY STRATEGIC PLAN IMPLICATIONS:

Nil

10/0318

Moved Cr Duckworth Seconded Cr Smoker that the Ordinary Meeting be adjourned and Council convene as the Shire of Kulin Audit and Risk Committee.

Carried 8/0

Audit & Risk Committee Recommendation:-

Moved Cr Duckworth Seconded Cr Bowey that the Audit and Risk Committee recommend to Council that; Note the recommendations and comments of the Audit Committee as detailed;

1. *Council adopt the Compliance Audit Return 2017, as presented;*
2. *The Chief Executive Officer and the Shire President be authorised to sign the Compliance Audit Return 2017;*
3. *Endorse the return for submission to the Department of Local Government, Sport and Cultural Industries by 31 March 2018.*

11/0318

Moved Cr Taylor Seconded Cr Lucchesi that the Audit & Risk Committee adjourn and reconvene as the Ordinary Meeting of Council.

Carried 8/0

COMMITTEE RECOMMENDATION:

That the Audit and Risk Committee recommend to Council that;
Note the recommendations and comments of the Audit Committee as detailed;

1. Council adopt the Compliance Audit Return 2017, as presented;
2. The Chief Executive Officer and the Shire President be authorised to sign the Compliance Audit Return 2017;
3. Endorse the return for submission to the Department of Local Government, Sport and Cultural Industries by 31 March 2018.

VOTING REQUIREMENTS:

Absolute Majority Required

12/0318

Moved Cr Smoker Seconded Cr Varone that the Audit and Risk Committee recommend to Council that;

1. Note the recommendations and comments of the Audit Committee as detailed;
2. Council adopt the Compliance Audit Return 2017, as presented;
3. The Chief Executive Officer and the Shire President be authorised to sign the Compliance Audit Return 2017;
4. Endorse the return for submission to the Department of Local Government, Sport and Cultural Industries by 31 March 2018.

Carried by Absolute Majority 8/0

8 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

9.1 Lease of Land for Cropping

RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 15.01
AUTHOR: CEO
STRATEGIC REFERENCE/S: 15.01
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Following the discussion during the Concept Forum Cr West requested that a decision be made on regarding the lease of land for cropping.

BACKGROUND & COMMENT:

The following information was presented by the CEO in his report:-

Council resolution 11/0415 granted the KKFC rights to crop the Airstrip land until Jan 2018 and the Proud paddock for a term expiring January 2020. A fee of \$10 per ha was applied. The Club has recently been billed, as it would appear no invoices have been raised in the past 3 years. The lease funds (when paid) are to be held by the Shire in Trust to offset costs if work is required on the paddocks during non-lease periods. Terms of the lease have only partly been met – no reports on the program have been received at the Shire office.

The KKFC have been advised that subject to final approvals, 13ha of the land will be lost to the Solar Farm when developed. Blue Planet have indicated that they would not be in a position to commence within the next 12 months, due to the approval process, therefore cropping is not impacted this year, but could be next – the last year of the Proud land agreement.

KKFC Secretary has indicated that the KKFC would like to negotiate an extension of the Airstrip and Proud paddocks, on a similar basis as that developed in 2015.

Conversation at the last meeting would suggest the Shire may have some other views developing and it may be an opportune time to provide detail of how far the Council would like to progress these ideas – now that the actual KKFC information is available to us.

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Previous “rules” have only been contained

COMMUNITY CONSULTATION:

Kulin Kondinin Football Club Secretary

WORKFORCE IMPLICATIONS:

Nil

OFFICERS RECOMMENDATION:

That Council agree to extend the lease to the Kulin Kondinin Football Club, for the ‘airstrip land’ for 2 years until January 2020, which brings it in line with the expiry of the Proud paddock lease, and that KKFC use the same rotations on both the airstrip land and Proud paddock.

VOTING REQUIREMENTS:

Simple majority required.

13/0318

Moved Cr Lucchesi Seconded Cr Taylor that Council agree to;

- 1. Extend the agreement to the Kulin Kondinin Football Club for the ‘airstrip land’ for 2 years until January 2020, so that both areas have the same agreement end date;**
- 2. Bring cropping rotation into line with the Proud paddock lease;**

Carried 8/0

Note: Recommendation was changed to increase clarity.

Camp Kulin Sub Committee

Cr West requested that this group hold a meeting in the near future.

10 MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC

Nil

There being no further business the President declared the meeting closed at 5.48pm