

ORDER OF BUSINESS

- A AUDIT COMMITTEE MEETING – Shire Conference Room – Commencing at 2.30pm**
To confer with Auditor in relation to the 2015/16 Annual Report and Audit report.
To make recommendation to Council to adopt the 2015/16 Annual Report and receive Auditors report
- 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 – 19 October 2016
5.2 Kulin Child Care Centre Committee Meeting – 8 November
5.3 Kulin Bush Races Committee Meetings - 28 Sept & 26 Oct 2016
- 6 MATTERS REQUIRING DECISION**
6.1 List of Accounts – October 2016
6.2 Financial Reports – October 2016
6.3 Council Meeting Dates 2017
6.4 Bushfire Administration – Dual Fire Control Officers Wickepin
6.5 Kulin SES Unit – Closure and Disbandment
6.6 Plant Tenders – Prime Mover and Crew Cab Truck
6.7 DPR&P – Staff Accommodation and associated themes
6.8 Tenders – Transportable Housing (2) Kulin
6.9 Development Application – Proposed Single Dwelling on Lot 2417 (No.1166) Allen Rocks Road, Little Italy
6.10 Proposed Consolidation of the Shire of Kulin Town Planning Scheme No 2
- 7 COMPLIANCE**
7.1 Compliance Reporting - General Compliance – Oct 2016
7.2 Compliance Reporting – Accounting Compliance – Oct 2016
7.3 Compliance Reporting – Delegations Exercised – Oct 2016
7.4 Annual Report 2015/16 – Auditors Report
- 8 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 9 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**
- 10 MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC**
10.1 Staff Matter – CEO Probationary Period Review – Process or Decision
- 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 16 November 2016 commencing at 4:47pm

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
MJ Ledwith	Councillor	West Ward
G Robins	Councillor	Town Ward
R Bowey	Councillor	Town Ward
R O'Brien	Councillor	Central Ward
BP Taylor	Councillor	Central Ward
L Varone	Councillor	East Ward
N Mason	Chief Executive Officer	
C Vandenberg	Deputy CEO	
L Hobson	Manager of Works	
N Thompson	ESO/Minutes	

Apologies

Nil

3. PUBLIC QUESTION TIME

Nil

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

DECLARATIONS OF INTEREST

Cr Varone declared an interest in Item 6.9 Development Application – Proposed Single Dwelling on Lot 2417 (No.1166) Allen Rocks

CEO, Noel Mason declared an indirect financial interest in Item 6.1 – Accounts for Payment EFT 11963 and Item 10.1 Staff Matter – CEO Probationary Review

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

5.1 Shire of Kulin Ordinary Meeting – 19 October 2016

01/1116

Moved Cr Duckworth Seconded Cr Bowey that the minutes of the Ordinary Council Meeting held on 19 October 2016 be confirmed as a true and correct record.

Carried 9/0

5.2 Kulin Child Care Centre Management Committee Meeting – 8 November 2016

02/1116

Moved Cr O'Brien Seconded Cr Varone that the minutes of the Kulin Child Care Centre Management Committee Meeting held on 8 November 2016 be received.

Carried 9/0

5.3 Kulin Bush Races Committee Meetings - 28 September & 26 October 2016

03/1116

Moved Cr Robins Seconded Cr O'Brien that the minutes of the Kulin Bush Races Committee Meetings held 28 September & 26 October 2016 be received.

Carried 9/0

6.1 List of Accounts – October 2016

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

SUMMARY:

Attached is the list of accounts paid during the month of October 2016 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 October payments being cheque No's 221, 247 - 348 (Trip & Trust Funds), 1910 - 1957 (Bush Races), 36670 – 36681 (Municipal), EFT No's 11932 - 12022, DD5926.1 – DD5943.12 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$734788.54 be passed for payment.

VOTING REQUIREMENTS:

Simple majority required.

04/1116

Moved Cr McInnes Seconded Cr Ledwith that October payments being cheque No's 221, 247 - 348 (Trip & Trust Funds), 1910 - 1957 (Bush Races), 36670 – 36681 (Municipal), EFT No's 11932 - 12022, DD5926.1 – DD5943.12 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$734788.54 be passed for payment.

Carried 9/0

6.2 Financial Reports – October 2016

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

SUMMARY:

Attached are the financial reports for the period ending 31 October 2016.

BACKGROUND & COMMENT:

Nil

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND PLANNING IMPLICATIONS:

Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires local governments to prepare each month a statement of financial activity reporting on the revenue and expenditure of funds for the month in question.

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That Council endorse the monthly financial statements for the period ending 31 October 2016.

VOTING REQUIREMENTS:

Simple majority required.

05/1116

Moved Cr Duckworth Seconded Cr Robins that Council endorse the monthly financial statements for the period ending 31 October 2016.

Carried 9/0

6.3 Council Meeting Dates 2017

NAME OF APPLICANT: DCEO

RESPONSIBLE OFFICER: DCEO

FILE REFERENCE: 13.03

AUTHOR: DCEO

STRATEGIC REFERENCE/S: SCP 2013-2017 – 4.3 Excellent Customer Service, 4.4 Communication with ratepayers

DISCLOSURE OF INTEREST: Nil

SUMMARY:

Legislation requires meeting dates are advertised in advance, for all Council meetings to be held in the following year. As Council does not hold any committee meetings that have delegated powers there are no committee meetings requiring the necessary notification.

BACKGROUND & COMMENT:

Proposed meeting dates and times are as follows:

Date	Time
15 February 2017	1:00PM
15 March 2017	1:00PM
19 April 2017	1:00PM
17 May 2017	3:00PM
21 June 2017	1:00PM
19 July 2017	1:00PM
16 August 2017	1:00PM
20 September 2017	1:00PM
18 October 2017	1:00PM
15 November 2017	3:00PM
20 December 2017	1:00PM

Quarterly meetings of the Audit Committee – March, June, September & December – no change to start time.

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That Council advertise that all 2017 Ordinary Council meetings are to be held on the third Wednesday of each month, commencing at the indicated times, excluding January 2017 when no meeting is held. Meeting dates and times changed due to extraordinary circumstances will be advertised in the Shire of Kulin Update and on the Council's Website.

VOTING REQUIREMENTS:

Simple majority required.

06/1116

Moved Cr Duckworth Seconded Cr Taylor that Council advertise that all 2017 Ordinary Council meetings are to be held on the third Wednesday of each month, commencing at the indicated times, excluding January 2017 when no meeting is held. Meeting dates and times changed due to extraordinary circumstances will be advertised in the Shire of Kulin Update and on the Council's Website.

Carried 9/0

6.4 Bushfire Administration – Dual Fire Control Officers Wickepin

NAME OF APPLICANT: Shire of Wickepin; Shire of Kulin
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 09.02 Bushfire Administration
AUTHOR: CEO
STRATEGIC REFERENCE/S: SCP 2013-2017 - 4.8 Human Resource Excellence
DISCLOSURE OF INTEREST: Nil

SUMMARY:

The Shire of Wickepin requesting the Shire of Kulin approval for the appointment of Dual Fire Control Officers covering both Shires for the 2016/17 fire season.

BACKGROUND & COMMENT:

The Shire of Wickepin requesting the Shire of Kulin approval for the appointment of; Wes Astbury, Colin Coxon & David Stacey as Dual Fire Control Officers covering both Shires for the 2016/17 fire season.

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY/CONSULTATION:

N/A

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That the Shire of Kulin appoint Wes Astbury, Colin Coxon and David Stacey as Dual Fire Control Officers covering both Shires for the 2016/17 fire season.

VOTING REQUIREMENTS:

Simple majority required.

07/1116

Moved Cr O'Brien Seconded Cr Taylor that the Shire of Kulin appoint Wes Astbury, Colin Coxon and David Stacey as Dual Fire Control Officers covering both Shires for the 2016/17 fire season.

Carried 9/0

6.5 Kulin SES Unit – Closure and Disbandment

NAME OF APPLICANT: Kulin SES; SES WA Regional Office
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 09.06 State Emergency Service
AUTHOR: CEO
STRATEGIC REFERENCE/S:
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Council resolution supporting the closure, disbandment and distribution of resources of the Kulin SES Unit is required following a request by Kulin members with the support from State Emergency Service WA regional office.

BACKGROUND & COMMENT:

This issue arises from conversations and assessment of viability of the Kulin SES Unit undertaken during 2016. The matter is not new to Council and has been logged on the Corporate Action Plan for some time.

A final meeting of the CEO, Mr Ron Silver (Local Manager Kulin SES Unit) and Mr Gary Logan, Regional Manager SES Albany was held in November where a letter was tabled for Council confirmation and resolution to wind-up the Kulin SES Unit.

Letter states;

Due to the number of operational calls over the past 15 years and the declining need for the Kulin SES Unit...members have decided to dissolve the Kulin SES Unit.

Upon...dissolution of the Unit...ancillary equipment, such as chainsaws, water pump, generator, handheld radios, etc. is to be distributed to the Kulin VFRS Brigade.

Items such as tarpaulins, sandbags and other consumables etc. are to remain in the community for use during emergencies.

Any financial assets...are to be distributed to the Kulin VFRS Brigade, to maintain those funds within the Community.

The vehicle and trailer be returned to the Great Southern Regional HQ for Distribution to an in need SES Unit within the Great Southern.

The future SES services/arrangements for Kulin will be provided by Kondinin SES Unit and via a mobile task group being established in Narrogin for regional responses.

I am advised by Mr Silver that no current members of the SES Unit are continuing service with the SES, though some members already held dual roles with the Kulin VFRS Brigade and these would continue.

Many valuable personal and community contributions/sacrifices to ensure the Kulin SES Unit remained operational for this length of time have been made and it would be appropriate for the Council to acknowledge such contributions. Council (via the President) may consider special recognition at the Annual Electors Meeting and invite remaining Kulin SES Unit members to the join us for a commemoration at some future date.

FINANCIAL IMPLICATIONS:

No immediate impact on the co-located facility. Emergency Services Levy funding may reduce with one service no longer active, yet the need to fund an additional shed suitable for the Kulin Fire Brigade truck is no longer an issue.

STATUTORY AND PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY/CONSULTATION:

The closure and disbandment of the Kulin SES Unit has been canvassed amongst members and community for some time.

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That the Shire of Kulin;

- Acknowledge the closure and disbandment of the Kulin State Emergency Service Unit and approve of the allocation of assets and resources as recommended by the Unit;
- Pass a vote of commendation to past and present members of the Kulin SES Unit for their community service;
- Invite Kulin SES Unit members past and present to a commemoration function at a future date to allow the community to acknowledge their excellent service over the 15 years of operation;
- Pass a vote of thanks to Mr Ron Silver for his services as Local Manager.

VOTING REQUIREMENTS:

Simple majority required.

08/1116

Moved Cr Duckworth Seconded Cr Robins that the Shire of Kulin;

- **Acknowledge the closure and disbandment of the Kulin State Emergency Service Unit and approve of the allocation of assets and resources as recommended by the Unit;**
 - **Pass a vote of commendation to past and present members of the Kulin SES Unit for their community service;**
 - **Invite Kulin SES Unit members past and present to a commemoration function at a future date to allow the community to acknowledge their excellent service over the 15 years of operation;**
- Pass a vote of thanks to Mr Ron Silver for his services as Local Manager.**

Carried 9/0

Note: Cr McInnes requested that number plate KU 1000 be retained.

6.6 Plant Tenders – Prime Mover and Crew Cab Truck

NAME OF APPLICANT: CEO; Works Manager
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 23.05 Plant Tendering
AUTHOR: CEO
STRATEGIC REFERENCE/S: Asset Management Plan 2013, Budget 2016
DISCLOSURE OF INTEREST: Nil

SUMMARY:

In accordance with the adopted Budget 2016/17, plant tenders have been called for;

- Prime Mover
- Crew Cab Truck

BACKGROUND & COMMENT:

Tenders for the listed items close at 4pm on Monday 14 November 2016. After tenders close, a table detailing tenders received will be prepared for the Council meeting and presented on the 16 November as a late addition to this report.

FINANCIAL IMPLICATIONS:

In accordance with the 2016/17 Budget, estimations for the replacement of the items are;

Item	Estimate Purchase	Trade or Sale	Total
Prime Mover	\$170,000	\$40,000	\$130,000
Crew Cab Truck	\$ 35,000	\$10,000	\$ 25,000

Note: Asset replacements are generally in accordance with the adopted Plant Replacement Program though from time to time some changes to the timing of replacements are made.

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

NOTE: To be provided in the report addendum tabled on Council meeting day.

VOTING REQUIREMENTS:

Simple majority required.

Prime Mover

09/1116

Moved Cr Robins Seconded Cr O'Brien that Council accept the tender from South West Isuzu for the Isuzu GIGA CXZ 455 (with bull bar, water tank and 65 tonne GCM), for a changeover price of \$93,637.

Carried 9/0

Dual Cab

10/1116

Moved Cr Duckworth Seconded Cr O'Brien that Council accept the tender from Daimler Trucks for the Mitsu Fuso Canter (with floor mats & 2way) for a changeover price of \$31,590.

Carried 9/0

6.7 Dot Point Report and Plan (DPR&P) – Staff Accommodation and Associated Themes

NAME OF APPLICANT: CEO

RESPONSIBLE OFFICER: CEO

FILE REFERENCE: 05.11 Shire of Kulin – Staff Housing

AUTHOR: CEO

STRATEGIC REFERENCE/S: Strategic Community Plan (SCP), Corporate Business Plan (CBP) 2013-2017, Workforce Plan (WP), Long Term Financial Plan (LTFP), & Asset Management Plan 2013 (AMP2013)

DISCLOSURE OF INTEREST: Nil

SUMMARY:

The question of accommodation for staff housing has been assessed and a Dot Point Report and Plan has been prepared taking into account;

- historical factors,
- themes and approaches,
- staff trends and future housing needs,
- current accommodation units,
- financial implications,

with a view to selecting a suitable strategy that the Shire can adopt now to meet future needs.

BACKGROUND & COMMENT:

At the commencement of the reporting process the writer's view was that there was a significant shortage of accommodation units (4-5 houses) to meet current and future needs, but as assessment progressed this view changed to the point where the conclusions and recommendations suggest a continuance of existing plans for 2016/17 and little else.

FINANCIAL IMPLICATIONS:

The financial implications of developing more accommodation units or trending to a higher percentage of Shire ownership are significant. The question of value for money in ownership versus renting on behalf of employees would need further development if more units were considered necessary as loan funds are the only likely source of funding to pay for such.

STATUTORY AND PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Shire Policy in relation to accommodation benefits is not consistent across all staff and the report suggests this should be corrected in future Budgets and at the time of renegotiating packages and performances. The report recommends Council may like to consider detailing/expressing accommodation rentals and benefits in terms of percentage targets at the different employment levels; this would then guide future negotiations for packages and maintain consistency across all staff.

The current review of Policy could include this approach when developing Policy for staff accommodation and packages.

COMMUNITY/CONSULTATION:

N/A

WORKFORCE IMPLICATIONS:

Upward trends in accommodation demand have not been as pronounced as first thought. Expansion of the Camp Kulin workforce would have implications if accommodation not addressed in any expansion plans. This appears the most logical time to tackle the issue of adding single unit accommodation to the existing stock mix.

RECOMMENDATION:

That the Shire of Kulin Dot Point Report and Plan be received and the recommendations be noted and actioned.

CEO Note: Additional Councillor comment and opinion be written as an addendum to the Staff Accommodation Dot Point Report and Plan so that when the accommodation question is next considered these opinions and background can be drawn into the report assessment.

VOTING REQUIREMENTS:

Simple majority required.

11/1116

Moved Cr Taylor Seconded Cr Ledwith that the Shire of Kulin Dot Point Report and Plan be received and the recommendations be noted and actioned.

Carried 9/0

6.8 Tenders – Transportable Housing (2) - Kulin

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 05.11 Shire of Kulin – Staff Housing
AUTHOR: CEO
STRATEGIC REFERENCE/S: Asset Management Plan 2013 (AMP2013), Budget 2016
DISCLOSURE OF INTEREST: Nil

SUMMARY:

In accordance with the adopted Budget 2016/17, housing tenders have been called for;

- Transportable residence – Lot 9 (lot 7 on Shire maps) Rankin Street – Executive size and standard;
- Transportable residence – Lot 12 Ellson Street – 4x2 residence

Selecting and determining suitable make, model and style for residences for Shire housing from tenders provided meeting specification outline and Council preferences; determining final Kulin lot locations for the residences.

BACKGROUND & COMMENT:

Tenders for the listed items close at 4pm on Wednesday 16 November 2016. After tenders close, a table detailing tenders received will be prepared for the Council meeting and presented as a late addition to this report.

Abbreviated specifications are detailed at Attachment 6. In summary Council is seeking two (2) executive standard 4x2 transportable residences, though indications/enquiries from modular manufacturers suggest they can also meet the specifications in terms of timing and costs. Modular manufacturers were advised to submit a tender if they considered they could meet the specifications.

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Lots

The nominated lots in Kulin were selected to improve the aesthetic look of both streetscapes considering they may be the only houses erected in their respective locations for some time.

Lot 9/11A (Google Maps – actually Lot 7 on Shire plans) Rankin Street places the residence in the middle lot along Rankin Street and fills in the expansive vista between the Old Caravan Park and the residence viewed in Hodgson Street, opposite Price Street/Rankin Street corner.



Lot 12 Ellson Street is located on the north western side of the Police and School Principal's residence approximately facing Bowey Way. Again this site was selected as it fills in the vista when travelling around Ellson Street.



Both lots will require average quantities of sand fill for house pads (Council will construct) and in the case of the Ellson Street lot the entire lot will be raised above street level (approx. 600mm sand). This is very consistent with all other potential lots available to the Shire for the residences and lot 12 Ellson minimises the removal of mature trees (4 trees are regrowth – not planted).

The eventual lot selection can be made by Council if other preferences exist; tenders required that some detail of the lot be provided.

Pads

Estimates for sand pads are 2-3 days carting, 2-3 days compaction and leveling.

Tenderers have been advised that the sand in Kulin is likely to produce a Class M pad; in which case builders would be required to install a (300mmx400mm) reinforced strip footing under transportable housing stump blocks to eliminate movement caused by higher clay content in the sand.

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The final decision on whether a strip footing will be required will be made at assessment of the Building Plans stage as some manufacturers produce engineering certificates claiming that they are not needed.

I have indicated in all cases that the Shire will not be installing the strip footing and tenderers should include an allowance for this element. Past examples of builders shifting risk for subsequent cracking in houses back to the pad and footing producers is the driver for this position. Penetrometer tests demonstrating pad hardness and soil test indicating clay content will secure Shire's position in relation to the hardness of the pad. The EHO can undertake these tests.

Sewer/Septic Tanks and Leach Drains

Sewer is provided for the Ellson Street residence.

Septic tank and leach drains are required for the Rankin street lot. Subject to a soil test, the actual requirements will be determined at the time of Building Assessment following EHO soil absorption tests. Council will provide the digging for tanks and drains, installation is expected to be included in the tender price.

Storm Water Drainage

Tenderers have been asked to include allowances for storm water removal.

Landscaping, fencing sheds, driveways – allowance by Shire/ work by Shire.

Approvals, Licenses and Permits

Tenderers are expected to include, complete and submit all development applications, building approvals, Health approvals etc. and provide engineering and other certificates/approvals to meet Shires building approval process, including a completion certificate prior to handover.

FINANCIAL IMPLICATIONS:

In accordance with the 2016/17 Budget allocation the transportable housing investment is expected to be;

Location	Transportable	Landscaping, Fencing, Sheds, Driveways, pads.	Total
Rankin Street	\$325,000	\$50,000	\$375,000
Ellson Street	\$325,000	\$50,000	\$375,000

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Town Planning Development Applications for each lot are required. Zoning for residences are approved under TPS2 for each location no special provisions would apply.

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

Table of Tenders

NOTE: To be provided in the report addendum tabled on Council meeting day.

VOTING REQUIREMENTS:

Simple majority required.

12/1116

Moved Cr McInnes Seconded Cr Robins that TR Homes be selected as Council's preferred tenderer to supply an executive style home on Rankin St for \$308,896 and a standard style residence on Ellson St for \$308,245 with the final amount determined at the pre-contract client review.

Carried 9/0

Agreed that the CEO include DCEO and Cr's Bowey and Varone on team to finalise housing requirements prior to pre-contract client review.

Cr Varone declared an interest in Item 6.9 and left the Council chambers at 6.04pm

6.9 Development Application – Proposed Additional Single Dwelling on Lot 2417 (No.1166) Allen Rocks Road, Little Italy

NAME OF APPLICANT: TR MacKinnon & Co on behalf of Marlu Pty Ltd (Landowner)
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 18.04 – Town Planning Approvals
STRATEGIC REFERENCE/S: SCP 2013 -2023 – 2.1 Thriving, diverse and growing economy, 4.2 Civic Leadership,
AUTHOR: Messrs Joe Douglas & Carlo Famiano – Consultant Town Planners (Urban & Rural Perspectives)
DISCLOSURE OF INTEREST: Nil

SUMMARY:

This report recommends that a development application submitted by TR MacKinnon & Co on behalf of Marlu Pty Ltd (Landowner) to construct an additional single detached dwelling on Lot 2417 (No.1166) Allen Rocks Road, Little Italy be conditionally approved subject to no valid objections being received by the Shire during the current public advertising process which is due to be completed on Tuesday 15 November 2016.

After public advertising in the Shire Update and on Council's website, as at the 9 November 2016, NIL comments in relation to the Development Application have been received.

BACKGROUND:

The applicant is seeking Council's development approval to construct one (1) new additional single detached dwelling on Lot 2417 (No.1166) Allen Rocks Road, Little Italy to accommodate family members actively involved in the day-to-day use of the land for broadacre agricultural purposes (i.e. cropping & grazing).

Lot 2417 is located approximately eighty three (83) kilometres east of the Kulin townsite and has direct frontage and access to Allen Rocks Road along its eastern boundary and Mouritz Road along its southern boundary (see Plans 1 & 2).

Lot 2417 is irregular in shape and comprises a total area of approximately 1,758.6 hectares. The land has been extensively cleared for agricultural purposes and contains some scattered stands of native vegetation throughout. The land also contains a number of physical improvements associated with its current rural use including an existing single detached dwelling, sheds, dams, grain storage silos, water storage tanks, internal access tracks, fire breaks and boundary fencing (see Plan 3).

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

- i) Construction of a new 314m² single detached dwelling comprising four (4) bedrooms, two (2) bathrooms, a double garage and alfresco areas (see Plans 4 to 6);
- ii) The new dwelling will be of steel frame construction with weatherboard wall cladding (i.e. 'grey' colour) and Spandek roofing (i.e. 'Monument' colour);
- iii) The new dwelling will have a wall height of 2.7 metres and a ridge height of 4.77 metres;
- iv) The new dwelling will be constructed on a 200mm high built-up sand pad;
- v) The new dwelling will be located approximately 50 metres south-east of the existing dwelling on the land with a setback of approximately 412 metres from the land's frontage to Allen Rocks Road;
- vi) Vehicle access to/from the new dwelling will be provided via an existing gravel access road within the property which currently provides two wheel drive access to Allen Rocks Road along the land's eastern side boundary; and
- vii) Effluent disposal will be undertaken on-site using septic tanks and leach drains constructed in accordance with the relevant health standards and regulations.

COMMENT:

Current Zoning & Land Use Permissibility

Lot 2417 is classified 'Rural' zone under the Shire of Kulin's current operative Town Planning Scheme No.2 (TPS No.2).

Under the terms of TPS No.2 the development and use of any land classified 'Rural' zone is required to be consistent with the following objectives:

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

Clause 4.11.1 of TPS No.2 states that within the 'Rural' zone Council will not generally support the erection of more than one (1) single dwelling per lot. Clause 4.11.2 of TPS No.2 does however afford Council the discretion to grant development approval to an additional dwelling or grouped dwelling/s on land classified 'Rural' zone where the landowner clearly demonstrates that additional housing is required for farm management purposes and with the maximum number of dwellings on any lot limited to four (4).

Clause 4.11.3 of TPS No.2 expressly states that Council shall not grant approval to the development of one or more additional dwellings or grouped dwelling/s on land classified 'Rural' zone until any application received is advertised for public comment for the minimum required period of fourteen (14) days.

Given the additional dwelling proposed to be developed on Lot 2417 is unlikely to compromise the objectives for land classified 'Rural' zone and will be used to accommodate family members actively involved in the day-to-day use of the subject land for broadacre agricultural purposes, the reporting officers' have formed the view the proposal is consistent with the requirements of TPS No.2 has scope to be supported and approved by Council subject to the outcomes from public advertising.

TPS No.2 Development Standards & Requirements

TPS No.2 does not contain any specific standards governing the development and use of land classified 'Rural' zone for the purpose of an additional single detached dwelling. As such the application has been assessed with due regard for the general development standards contained in TPS No.2 including those that apply specifically to all land classified 'Rural' zone.

Having regard for the information submitted in support of the application the reporting officers' have concluded the proposal satisfies the various general development standards prescribed in TPS No.2 (i.e. minimum dwelling standards, boundary setbacks, compatibility of land usage and site characteristics) and again has scope to be supported and approved by Council.

Bushfire Attack Level Assessment (BAL)

A portion of Lot 2417 has been identified by the Department of Fire and Emergency Services (DFES) as being located within a designated 'Bushfire Prone Area. Notwithstanding this fact, the proposed dwelling is not located within the area identified as being bushfire prone. As such a basic 'Bushfire Attack Level' assessment is required to assist Council's consideration and determination of the application.

The applicant has submitted a basic BAL assessment in support of the application. A review of that assessment has confirmed the following:

- i) The proposed dwelling is located more than 100 metres (i.e. approximately 117 metres) from the 'bushfire prone vegetation' identified on the land;
- ii) The proposed dwelling is located on a portion of the land classified as having a BAL-Low rating; and
- iii) In light of the above, further assessment of the proposal against the bushfire protection criteria prescribed in State Planning Policy 3.7 entitled '*Planning in Bushfire Prone Areas*' is not required.

Having regard for the findings of the basic BAL assessment undertaken in respect of Lot 2417, the reporting officers' have concluded the bushfire risk is low and able to be suitably managed subject to a 100 metre minimum separation distance being maintained between the proposed new dwelling and any existing bushfire prone vegetation on the land.

Conclusion

It is concluded from a detailed assessment of the application that the proposal to construct an additional single detached dwelling on Lot 2417 (No.1166) Allen Rocks Road, Little Italy is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality subject to compliance with a number of conditions to ensure it proceeds in a proper and orderly manner. As such it is recommended the application be conditionally approved subject to no valid objections being received by the Shire during the current public advertising process.

STATUTORY ENVIRONMENT:

- Shire of Kulin Town Planning Scheme No.2
- Planning and Development Act 2005
- Part 10A Planning and Development (Local Planning Scheme) Regulations 2015 - Bushfire Risk Management

POLICY IMPLICATIONS:

Nil

PUBLIC CONSULTATION:

As previously mentioned Clause 4.11.3 of TPS No.2 expressly states Council shall not grant approval to the development of one or more additional dwellings or grouped dwelling/s on land classified 'Rural' zone until any application received is advertised for public comment.

Council is advised that advertising of the application received for Lot 2417 has commenced on the Shire's website for the minimum required period of fourteen (14) days in accordance with the specific requirements of clause 64 of the Deemed Provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015* with the closing date for submissions being Tuesday 15 November 2016. At the time of writing this report no submissions had been received by the Shire.

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS

The proposal for Lot 2417 is considered to be consistent with the *Shire of Kulin Strategic Plan 2010 – 2015* as it applies specifically to the following key strategic goals:

- Manage development through effective land-use planning;
- Increase business and employment opportunities in the Shire; and
- Plan and cater for the requirements of groups within the community with particular needs.

RECOMMENDATION:

1. That Council **APPROVE** the application for development approval submitted by TR MacKinnon & Co on behalf of Marlu Pty Ltd (Landowner) to construct an additional single detached dwelling on Lot 2417 (No.1166) Allen Rocks Road, Little Italy subject to the following conditions and advice notes and no valid objections being received during public advertising.

Conditions

- i) 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.
- ii) A suitable capacity water supply shall be provided to the additional dwelling for both domestic consumption and firefighting purposes to the specifications and satisfaction of the Department of Health and Department of Fire and Emergency Services.
- iii) The additional dwelling shall be provided with an adequate on-site effluent disposal system constructed and maintained to the specifications and satisfaction of the Shire of Kulin and Department of Health.
- iv) All stormwater generated by the additional dwelling shall be managed and disposed of to the specifications and satisfaction of the Shire of Kulin.
- v) A minimum separation distance of 100 metres shall be maintained between the additional dwelling and any existing bushfire prone vegetation on the land.
- vi) All new on-site vehicle access ways and parking areas associated with the additional dwelling shall be constructed and maintained to the specifications and satisfaction of the Shire of Kulin.
- vii) The additional dwelling shall only be used as accommodation for member(s) of the family of the occupier(s) of the principal dwelling on the land unless otherwise approved by Council.

Advice Notes

- i) The development shall be substantially commenced within 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 development approval of the Shire of Kulin having first been sought and obtained.
- ii) A completed building permit application for the proposed new dwelling must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any development.

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- iii) The proposed development 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.
 - iv) This approval shall not be construed as a basis for the local government's support for the future possible subdivision of the land.
 - v) 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 Town Planning Scheme No.2 and may result in legal action being initiated by the local government.
 - vi) 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 within 28 days of the determination.
2. In the event the Shire receives a valid objection at the close of public advertising that cannot be resolved at Council's November meeting, the Shire Administration shall consider that objection and refer the application back to Council for further consideration and final determination at its December 2016 Ordinary Meeting.

VOTING REQUIREMENTS

Simple majority required.

13/1116

Moved Cr Taylor Seconded Cr Robins that

1. That Council **APPROVE** the application for development approval submitted by TR MacKinnon & Co on behalf of Marlu Pty Ltd (Landowner) to construct an additional single detached dwelling on Lot 2417 (No.1166) Allen Rocks Road, Little Italy subject to the following conditions and advice notes and no valid objections being received during public advertising.

Conditions

- i) 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.
- ii) A suitable capacity water supply shall be provided to the additional dwelling for both domestic consumption and firefighting purposes to the specifications and satisfaction of the Department of Health and Department of Fire and Emergency Services.
- iii) The additional dwelling shall be provided with an adequate on-site effluent disposal system constructed and maintained to the specifications and satisfaction of the Shire of Kulin and Department of Health.
- iv) All stormwater generated by the additional dwelling shall be managed and disposed of to the specifications and satisfaction of the Shire of Kulin.
- v) A minimum separation distance of 100 metres shall be maintained between the additional dwelling and any existing bushfire prone vegetation on the land.
- vi) All new on-site vehicle access ways and parking areas associated with the additional dwelling shall be constructed and maintained to the specifications and satisfaction of the Shire of Kulin.
- vii) The additional dwelling shall only be used as accommodation for member(s) of the family of the occupier(s) of the principal dwelling on the land unless otherwise approved by Council.

Advice Notes

- i) The development shall be substantially commenced within 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 development approval of the Shire of Kulin having first been sought and obtained.
- ii) A completed building permit application for the proposed new dwelling must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any development.
- iii) The proposed development 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.
- iv) This approval shall not be construed as a basis for the local government's support for the future possible subdivision of the land.
- v) 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 Town Planning Scheme No.2 and may result in legal action being initiated by the local government.

- vi) 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 within 28 days of the determination.
2. In the event the Shire receives a valid objection at the close of public advertising that cannot be resolved at Council's November meeting, the Shire Administration shall consider that objection and refer the application back to Council for further consideration and final determination at its December 2016

Carried 8/0

Cr Varone returned to the Council Chambers at 6.08pm

6.10 Proposed Consolidation of Shire of Kulin Town Planning Scheme No.2

NAME OF APPLICANT: Shire of Kulin
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 18.05 Town Planning Scheme
STRATEGIC REFERENCE/S: SCP 4.2 Civic Leadership, 4.7 Review Compliance methods
ATTACHMENTS: Attachment 1 – Schedule of Submissions
AUTHOR: Mr Joe Douglas – Consultant Town Planner (Urban & Rural Perspectives)
DISCLOSURE OF INTEREST: Nil

SUMMARY:

This report documents the outcomes from public advertising of the amended, consolidated version of the Shire of Kulin Town Planning Scheme No.2 and recommends that Council resolve to request the Minister for Planning's approval under section 87(2) of the Planning and Development Act 2005 to modify the Scheme in accordance with the recommendations contained in the attached Schedule of Submissions to enable publication of the final consolidated version of the Scheme in the Government Gazette.

BACKGROUND:

As Council is aware the Shire has been progressing the proposed consolidation of its current operative Town Planning Scheme No.2 (TPS No.2) for the following purposes:

- i) To update the format of the Scheme Text to bring it into line with the contemporary planning standards prescribed in the recently introduced *Planning and Development (Local Planning Schemes) Regulations 2015*;
- ii) To incorporate a number of new planning controls in the Scheme Text to ensure consistency with new planning legislation and policy and address a range of land use and development issues that have arisen since TPS No.2 was first gazetted in July 1999;
- iii) To correct a number of minor errors and anomalies in the Scheme Text;
- iv) To update the Scheme Maps to reflect changes to cadastral boundaries resulting from subdivision development over the past seventeen (17) years, particularly in the agricultural areas of the Shire; and
- v) To update the Scheme Maps to reflect changes to the boundaries, classification and use of various Crown reserves throughout the Shire.

Following the Minister for Planning's approval to an amended, consolidated version of Town Planning Scheme No.2 and in accordance with the specific requirements of Section 81 of the *Planning and Development Act 2005*, the Shire's administration referred the Scheme to the Environmental Protection Authority (EPA) for processing and "environmental clearance" under Section 48A of the *Environmental Protection Act 1986*. By correspondence dated 11 April 2016 the EPA advised the Shire the consolidated Scheme does not require assessment under Part IV Division 3 of the *Environmental Protection Act 1986* and it is not necessary for it to provide any advice or recommendations in respect of the new Scheme.

Following environmental clearance by the EPA the consolidated Scheme was advertised for public comment in accordance with the specific requirements of clause 84 of the *Planning and Development Act 2005* for a period of 77 days (commencing on 18 June and concluding on 2 September 2016). This process included an appropriate notice in the West Australian Newspaper, correspondence to all relevant government agencies and service authorities and public display of the Scheme at the Shire's administration centre and the Perth office of the Western Australian Planning Commission (WAPC).

COMMENT:

At the conclusion of public advertising a total of ten (10) submissions had been received by the Shire in respect of the consolidated Scheme, all of which were from government agencies including one from the Shire itself. A summary of the submissions received is provided in the attached Schedule of Submissions (see Attachment 1).

A detailed review of the submissions has revealed no objections were raised to the proposed Scheme. A number of suggestions were however made regarding modifications to the Scheme Text and Maps to address various points of concern identified.

In accordance with the specific requirements of the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council is now required to consider all submissions received in respect of the Scheme, determine whether or not the Scheme should be supported with or without modification and then refer the Scheme to the Western Australian Planning Commission for consideration, assessment and final approval by the Minister for Planning.

Given the outcomes from public advertising it is recommended that Council now resolve to support and finally adopt the amended version of the consolidated Scheme subject to the various additional modifications recommended in the attached Schedule of Submissions and submit the relevant documentation to the WAPC seeking the Minister for Planning's final approval.

STATUTORY ENVIRONMENT:

- Planning and Development Act 2005 (as amended)
- Planning and Development (Local Planning Schemes) Regulations 2015
- Environmental Protection Act 1986

POLICY IMPLICATIONS:

Nil

PUBLIC CONSULTATION:

Completed on 2 September 2016 for a period of seventy seven (77) days. See comments provided previously above.

FINANCIAL IMPLICATIONS:

Allowance has been made in Council's budget for the 2016/2017 financial year to progress and finalise the proposed consolidation of Town Planning Scheme No.2.

STRATEGIC IMPLICATIONS:

The proposed consolidation of the Shire of Kulin Town Planning Scheme No.2 is considered to be consistent with the *Shire of Kulin Strategic Plan 2010–2015* as it applies specifically to the following key strategic goals:

- Manage development through effective land-use planning;
- Increase business and employment opportunities in the Shire;
- Increase visitors to the Kulin Shire;
- Maintain or improve environmental conditions;
- Plan and cater for the requirements of groups within the community with particular needs; and
- Improve communication and engagement with the community.

RECOMMENDATION:

That Council resolve to:

1. Determine the submissions received on the amended consolidated version of the Shire of Kulin Town Planning Scheme No.2 in accordance with the recommendations contained in the attached Schedule of Submissions;
2. Request the Minister for Planning's approval to modify the Shire of Kulin Town Planning Scheme No.2 in accordance with the recommendations contained in the attached Schedule of Submissions;
3. Authorise the Shire Administration to prepare and submit all the necessary documentation to the Western Australian Planning Commission requesting the Minister for Planning's approval to the recommended modifications to the Shire of Kulin Town Planning Scheme No.2 under section 87(2) of the Planning and Development Act 2005; and
4. If the Minister for Planning approves the proposed amendments under section 87(2) of the Planning and Development Act 2005, authorise the Shire Administration to incorporate the approved amendments into the consolidated Scheme and arrange publication of the final consolidated version of the Shire of Kulin Town Planning Scheme No.2 in the Government Gazette in accordance with section 92(2) of the Planning and Development Act 2005.

VOTING REQUIREMENTS:

Simple majority required.

Agreed that Item 6.10 - Proposed Consolidation of Shire of Kulin Town Planning Scheme No.2 be left on the table until the December meeting.

Carried 9/0

Note: electronic map to be emailed out to Councillors.

7 COMPLIANCE

7.1 Compliance Reporting – General Compliance – October 2016

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 12.05 - Compliance
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

This report addresses General Compliance matters for the month of October 2016. This process is not definitive, each month additional items and/or actions may be identified and are then added to the monthly checklist workload. Some items are not always completed each month e.g. quarterly actions and these will be notations.

The report provides a guide to the compliance and operational 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 administration staff member will email the assigned staff members their compliance requirements for the month.

As the month progresses, staff in conjunction with their manager, the CEO or DCEO will undertake the work required and determine the extent of 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 and can be reported to Council. In preparing the Agenda report – the CEO or DCEO sign off on completed items.

Prior month items not completed will be reported in the following months – so Council remains aware of what still remains outstanding.

MATTERS OF NON COMPLIANCE: SEPTEMBER 2016

Recover Insurance from KBR

Senior Finance Officer indicates that this will be completed as KBR accounting matters are organised in October.

CEO Comment Nov: This matter still requires resolution – correct charge for KBR still to be determined. Will now progress with DCEO.

Retirement Homes – request to Write-off rates

DCEO has received request – report seeking write-off still to be prepared.

CEO Comment Nov: Retirement Homes Inc. rates write-off was processed via a report to the October Council meeting.

Food Act – Annual report on testing

EHO still collating information for the report.

CEO Comment Nov: EHO advises that the report is now completed.

LEMC Meeting

CEO has been in contact with local Police, awaiting advice of date for December Meeting.

MATTERS OF NON COMPLIANCE: OCTOBER 2016

- 1. Annual Electors Meeting to be held within 56 days of acceptance of the Annual Report by Council.**
No – not yet complete, will comply if Annual report at Nov meeting and AEM in December 2016.

2. **Send Audit Report to Department of Local Government within 30 days of receiving Audit Report.**
3. **Place copy of Annual Financial Report and Audit report & Annual report on the Council Website**
No – not yet complete, anticipated date of Audit report 11/11/2016. Will comply when received.
4. **Commence process for property sale for 3 years outstanding rates**
Final Notice payments due 11/11/2016 –after that point 3 year outstanding rates properties can be checked and process will commence.
5. **Key to Kulin reimbursement**
No – SFO to prepare listing for DCEO in Nov.
6. **Christmas decorations up**
No – defer until late Nov
7. **Shire Audit Report to DRD for CRC Expenditure**
No – not yet complete, anticipated date of Audit report 11/11/2016. Will comply when received.
8. **Camp Hart – summary from FRC Bowls Night**
No – still costs still to be calculated – then balance will be transferred.

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 Compliance Report for October 2016 and note non-compliance where detailed. CEO to finalise outstanding items and report in December 2016.

VOTING REQUIREMENTS:

Simple majority required.

14/1116

Moved Cr Taylor Seconded Cr O'Brien that Council receive the General Compliance Report for October 2016 and note non-compliance where detailed. CEO to finalise outstanding items and report in December 2016.

Carried 9/0

7.2 Compliance Reporting – Accounting Compliance – October 2016

NAME OF APPLICANT: DCEO
RESPONSIBLE OFFICER: SFO
FILE REFERENCE: 12.06 – Compliance
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

This report addresses Accounting Compliance matters for the month of October 2016. The accounting compliance spreadsheet checklist includes details the majority of the compliance and operation issues that are required throughout the year on a month by month basis. Council should refer to the DCEO any items they wish to raise for review.

MINUTES OF ORDINARY MEETING HELD 16 NOVEMBER 2016

This process is not definitive – each month additional items and/or actions may be identified and are then added to the monthly checklist workload. Some items are not always completed each month – e.g. quarterly actions and these will be notations.

Additionally – Items not completed each month will be contained in the report body.

Compliance recorded in this way should provide Council with the surety that all known compliance and operational requirements are being addressed as part of staff workloads and that a degree of internal audit is 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 administration staff member will send to the listed staff members an email detailing their compliance requirements for the month.

As the month progresses, staff in conjunction with their manager, the CEO or DCEO will undertake the analysis of the work required and determine the extent of action needed that will be required to complete items. During Agenda week the monthly report/list is reviewed to ensure compliance items are completed and can be reported to Council. As the Agenda is prepared – the CEO or DCEO sign off on all completed items.

MATTERS OF NON COMPLIANCE: SEPTEMBER 2016

1. **Asset disposals, additions, depreciation and reconciliation have not been processed.**

DCEO Comment Nov: Audit sign off has been delayed at the Auditor end. We are expecting Audit now to be finalised on the 11/11/2016 and the roll-over of the asset module items in the 2015/16 financial year will be processed after that. We are unable to roll forward the new financial year in the asset module until the Audit has been passed.

MATTERS OF NON COMPLIANCE: OCTOBER 2016

1. **Asset disposals, additions, depreciation and reconciliation have not been processed**

SFO Comment Nov: still awaiting Audit final results before conducting rollover of asset module.

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 Finance Compliance Report for October 2016 and note non-compliance where detailed. DCEO to finalise outstanding items and report in December 2016.

VOTING REQUIREMENTS:

Simple majority required.

15/1116

Moved Cr McInnes Seconded Cr Ledwith that Council receive the Finance Compliance Report for October 2016 and note non-compliance where detailed. DCEO to finalise outstanding items and report in December 2016.

Carried 9/0

7.3 Compliance Reporting – Delegations Exercised – October 2016

NAME OF APPLICANT: Shire of Kulin
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 12.05 - Compliance
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

To report back to Council actions performed under delegated authority from the period 1 October to 31 October 2016.

BACKGROUND & COMMENT:

This report is prepared for Council detailing actions performed under delegated authority by the respective officers –

Finance

- Investment of Surplus Funds (DCEO)
- Agreements for the payment of debts to Council (DCEO)
- Writing Off debts to Council – Up to \$100 (CEO)

Approvals

- Building Licenses issued (Building Officer)
- Swimming Pool Inspections completed (EHO)
- Health approvals issued or actions taken (EHO)
- Development Applications (DA's) issued (CEO)

Other Delegations

- Fire Fighting – plant hire (CEO)
- Temporary Road Closures (Works Manager)
- Cemeteries Act – exhumations (CEO)
- Use of the Common Seal (CEO)

COMMENT

The following tables outline the actions performed within the organisation relative to the delegated authority for the month and are submitted to Council for information.

Finance

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

No delegated decisions were undertaken by staff pursuant to the Investment of Funds for the reporting period.

Agreements for the payment of debts to Council (DCEO) - Local Government Act 1995 section 6.49

No delegated decisions were undertaken by staff pursuant to the payment of debts for the reporting period.

Writing Off debts to Council – Up to \$100 (CEO) - Local Government Act 1995 section 6.12

No delegated decisions were undertaken by staff pursuant to the payment of debts for the reporting period.

Approvals

Building Licenses issued (Building Officer) - Building Act 2011, Building Code of Australia

Date of Decision	Decision Ref.	Decision Details	Other affected Person(s)
25 October 2016	Building License	Carport to value \$1000 – 80-82 Day Street, Kulin	Ms D Giles

Swimming Pool Inspections completed (EHO)

No delegated decisions were undertaken by staff pursuant to the Inspection of Pools for the reporting period.

Health approvals issued or actions taken (EHO) - Health Act 1911, section 26

No delegated decisions were undertaken by staff pursuant to the issue of Health Approvals for the reporting period.

Development Applications (DA's) issued (CEO) – Shire of Kulin TPS2

No delegated decisions were undertaken by staff pursuant to the Shire of Kulin TPS2 for the reporting period.

Other Delegations

Fire Fighting – plant hire (CEO) - Local Government Act sections 5.42 and 5.44 and Bush Fires Act section 38 (3), (4) and (5).

No delegated decisions were undertaken by staff pursuant to the hire of firefighting plant for the reporting period.

Temporary Road Closures (Works Manager) - Local Government Act 1995 section 3.50

No delegated decisions were undertaken by staff pursuant to the temporary closure of roads for the reporting period.

Cemeteries Act – exhumations (CEO) - Cemeteries Act 1986 sections 6 and 59

No delegated decisions were undertaken by staff pursuant to exhumations for the reporting period.

Use of the Common Seal (CEO) - Local Government Act 1995 – Section 9.49A

Date of Decision	Decision Ref.	Decision Details	Other affected Person(s)
21 October 2016	CEO/President	Affix Common Seal to 3 Copies of the Shire of Kulin Animals, Environment and Nuisance Local Law 2016	Department of Local Government

STATUTORY ENVIRONMENT:

*Building Act 2011
 Bushfires Act 1954
 Cemeteries Act 1986
 Health Act 1911, section 26
 Health Act 1991 – s.107
 Local Government Act 1995
 Shire of Kulin TPS2
 Town Planning Development Act
 Town Planning Scheme
 Trustees Act, Part III,*

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 October 2016.

VOTING REQUIREMENTS:

Simple majority required.

16/1116
Moved Cr O’Brien Seconded Cr Robins that Council receive the Delegation Exercised Report for October 2016.
Carried 9/0

7.4 Annual Report 2015/16 – Auditors Report

NAME OF APPLICANT: DCEO
RESPONSIBLE OFFICER: DCEO
FILE REFERENCE: 12.05 Audit Return and Review
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

This report is submitted for Council consideration following a Meeting of the Shire of Kulin Audit Committee on the 16 November 2016.

The Shire of Kulin Annual Report 2015/16 has been audited by Councils Auditor, Byfields. The Auditor has provided the Independent Auditor's Report. It should be noted that no issues of inaccuracy or non-compliance with the Shire's Annual Financial Report for the year ended 30 June 2016 have been identified.

COMMENT:

Each year, as part of Council's audit process, an Independent Audit is undertaken to assess Council's Annual Financial Report and the legitimacy and accuracy of Council's accounts.

An Independent Audit Report is then produced by the Auditor and provided to the Chief Executive Officer, President and the Minister, Department for Local Government. The Report is included in Council's Annual Report. Any issues arising from the Independent Audit Report are to be investigated and action taken to resolve those issues.

Council's Auditor, Ms Leanne Oliver, will attend a teleconference at 2.45pm on the 16 November to discuss the audit report and take questions from Audit Committee members.

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION OF AUDIT COMMITTEE:

That the Auditors Report for the 2015/16 Financial Year be received and the accompanying management letter be noted. Questions arising from the Audit Report and management letter requiring action be addressed by the CEO. The Shire of Kulin Annual Report 2015/16 be received.

VOTING REQUIREMENTS:

Simple majority required.

17/1116

Moved Cr Duckworth Seconded Cr Taylor that Council adopt the recommendation of the Audit Committee that the Auditors Report for the 2015/16 Financial Year be received and the accompanying management letter be noted. Questions arising from the Audit Report and management letter requiring action be addressed by the CEO. The Shire of Kulin Annual Report 2015/16 be received.

Carried 9/0

8 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

Noel Mason, Cassi-Dee Vandenberg, Nicole Thompson & Len Hobson left the Council Chambers at 6:27pm.

10 MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC

That Council close the meeting to the public under Section 5.23 (2) (a) of the Local Government Act – matter affecting an employee.

Noel Mason, Cassi-Dee Vandenberg, Nicole Thompson & Len Hobson returned to the Council Chambers at 6:45pm.

11. DATE AND TIME OF MEETING

The next Ordinary Council meeting will be held on Wednesday 21 December 2016 at 1:00pm. Proceeding this will be the Annual Electors Meeting to commence at 11:30am, followed by a light luncheon.

12. CLOSURE OF MEETING

There being no further business the meeting closed at 6:51pm.