

## **ORDER OF BUSINESS**

- 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**  
Sergeant Paul Grosveld and First Class Constable Daniel Tordoff from Kulin Police will join Council for afternoon tea.at 3:30pm
- 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 September 2016
  - 5.2 Kulin Bush Races Meetings – 15 & 20 September 2016
  - 5.3 Freebairn Recreation Club Meeting – 27 September 2016
- 6 MATTERS REQUIRING DECISION**
  - 6.1 List of Accounts – September 2016
  - 6.2 Financial Reports – September 2016
  - 6.3 Ward Review
  - 6.4 Shire of Kulin Animals, Environment and Nuisance Local Law 2016
  - 6.5 Annual Electors Meeting
  - 6.6 Kulin Retirement Homes Inc.– Request to Write Off Rates
  - 6.7 Subdivision Application – Shire of Kulin – Kukerin Road, Walyurin
- 7 COMPLIANCE**
  - 7.1 Compliance Reporting - General Compliance – Sept 2016
  - 7.2 Compliance Reporting – Accounting Compliance – Sept 2016
  - 7.3 Compliance Reporting – Delegations Exercised – Sept 2016
- 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 Changes to the Shire of Kulin – WA Fire Brigades Kulin Townsite Service Boundaries
- 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 19 October 2016 commencing at 3:06pm**

**1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

Sergeant Paul Grosveld and First Class Constable Daniel Tordoff from Kulin Police will join Council for afternoon tea at 3:30pm

**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 (from 3:09pm)	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

**5. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

5.1 Shire of Kulin Ordinary Meeting – 21 September 2016

**01/1016**

**Moved Cr Robins Seconded Cr Taylor that the minutes of the Ordinary Council Meeting held on 21 September 2016 be confirmed as a true and correct record.**

**Carried 8/0**

5.2 Kulin Bush Races Committee Meetings – 15 & 20 September 2016

**02/1016**

**Moved Cr O'Brien Seconded Cr Varone that the minutes of the Kulin Bush Races Committee Meetings from 15 & 20 September 2016 be received.**

**Carried 8/0**

5.3 Freebairn Recreation Club Committee – 27 September 2016

**03/1016**

**Moved Cr Bowey Seconded Cr Taylor that the minutes of the Freebairn Recreation Club Committee Meeting held 27 September 2016 be received.**

**Carried 8/0**

**Cr Ledwith entered the Council Chambers at 3:09pm**

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## 6.1 List of Accounts – September 2016

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

**SUMMARY:**

Attached are the list of accounts paid during the month of September 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 September payments being cheque No's 219 - 220, 166 – 168, 346 (Trip & Trust Funds), 1880 - 1909 (Bush Races), 36648 – 36658 (Municipal), EFT No's 11825 - 11931, DD5895.1 – 5912.12 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$390,999.83 be passed for payment.

**VOTING REQUIREMENTS:**

Simple majority required.

04/1016

Moved Cr Ledwith Seconded Cr Robins that September payments being cheque No's 219 - 220, 166 – 168, 346 (Trip & Trust Funds), 1880 - 1909 (Bush Races), 36648 – 36658 (Municipal), EFT No's 11825 - 11931, DD5895.1 – 5912.12 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$390,999.83 be passed for payment.

Carried 9/0

## 6.2 Financial Reports – September 2016

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**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 30 September 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 30 September 2016.

**VOTING REQUIREMENTS:**

Simple majority required.

05/1016

**Moved Cr McInnes Seconded Cr Robins that Council endorse the monthly financial statements for the period ending 30 September 2016.**

**Carried 9/0**

**Council adjourned for afternoon tea at 3:30pm**

Sergeant Paul Grosveld and First Class Constable Daniel Tordoff from Kulin Police joined Council for afternoon tea.

**Council resumed from afternoon tea at 4.24pm**

### 6.3 Ward Review

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**NAME OF APPLICANT:** CEO  
**RESPONSIBLE OFFICER:** CEO  
**FILE REFERENCE:** 13.04  
**STRATEGIC REFERENCE:**  
**AUTHOR:** CEO  
**DISCLOSURE OF INTEREST:** Nil

**SUMMARY:**

Based on information received from the Dept. Local Government & Communities (DLGC) Advisory Board that it is likely that in October 2016 the Shire of Kulin will be requested to prepare a review of the Shire Ward system, the following recommendation was adopted at the September Council Meeting:-

21/0916

*Moved Cr Taylor Seconded Cr Robins that the CEO and staff prepare a discussion paper relating to the review of Wards and Councillor representation for consideration by the Council at the October meeting.*

*Once prepared Council will;*

- *Adopt the discussion paper with or without amendment;*
- *Undertake public consultation throughout the Shire inviting comments on the proposal;*
- *Prepare a report for Council's December 2016 meeting including assessment of comments received and outlining a draft submission for the DLGC Advisory Board for consideration;*
- *Present the draft submission back to the Community for a 21 day comment period;*
- *Subject to the level and nature of the comments (with reference to the President and Deputy President) either submit the submission to the DLGC with or without modification;*
- *Or in the event of substantive objection requiring consideration, report back to Council at the February 2017 meeting.*

*Carried 8/0*

**BACKGROUND & COMMENT:**

On Friday 30 September, an email was received from Julie Knight, Dept. of Local Government and Communities which stated that:

***"I can advise that the Local Government Advisory Board evaluated this at its meeting on 25 August and recommended that no action is needed at present."***

So, effectively Council are not currently required to undertake a ward review and will need to rescind that motion passed at the September meeting.

**FINANCIAL IMPLICATION:**

Nil

**STATUTORY AND TOWN PLANNING IMPLICATIONS**

Nil

**POLICY IMPLICATIONS:**

Nil

**COMMUNITY CONSULTATION:**

Nil

**WORKFORCE IMPLICATIONS:**

Nil

**OFFICER RECOMMENDATION:**

That Council rescind motion 21/0916 – Ward Review due to advice received from the Department of Local Government and Communities advising that no action is needed at present regarding a ward and representation review for the Shire of Kulin.

**VOTING REQUIREMENTS:**

Simple majority required.

06/1016

**Moved Cr Taylor Seconded Cr Robins that Council rescind motion 21/0916 – Ward Review due to advice received from the Department of Local Government and Communities advising that no action is needed at present regarding a ward and representation review for the Shire of Kulin.**

**Carried 9/0**

## **6.4 Shire of Kulin Animals, Environment and Nuisance Local Law 2016**

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**NAME OF APPLICANT:** Shire of Kulin – Environmental Health Officer

**FILE REFERENCE:** 19.03

**STRATEGIC REFERENCE/S:** 2.1 'What we do'.

**AUTHOR:** Mr J Goldacre Environmental Health Officer (EHO)

**SUMMARY:**

That Council resolves to endorse the recommended changes that do not substantially change the nature, quality, substance and intent of the proposed Shire of Kulin Animal Environment & Nuisance Local Law 2016. That Council then resolves to 'make' the Shire of Kulin Animal Environment & Nuisance Local Law 2016 and authorises the Shire of Kulin Seal to be affixed to three copies of the Shire of Kulin Animal Environment & Nuisance Local Law 2016 which is then to be signed by the Shire President and the Chief Executive Officer and the Chief Executive Officer is to then undertake all undertakings to progress the made Shire of Kulin Animal Environment & Nuisance Local Law 2016 to gazettal.

**BACKGROUND & COMMENT:**

At the Ordinary Meeting of Council held on the 18 May 2016 the following was resolved:

14/0516

*Moved Cr Robins Seconded Cr Taylor that Council:*

1. *Adopt the proposed Shire of Kulin Animals, Environment and Nuisance Local Law 2016 for advertising;*
2. *Gives Statewide public notice and stating that:*
  - i. *The Shire of Kulin propose to make the Shire of Kulin Animals, Environment and Nuisance Local Law 2016;*
  - ii. *The purpose of the proposed Shire of Kulin Animals, Environment and Nuisance Local Law 2016 is to provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the Shire of Kulin; and*
  - iii. *The effect of the proposed Shire of Kulin Animals, Environment and Nuisance Local Law 2016 is to establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance must comply.*

## MINUTES OF ORDINARY MEETING HELD 19 OCTOBER 2016

*A copy of the proposed local law may be inspected or obtained at any place specified in the notice; and;*

*Submissions about the proposed local law may be made to the Shire before the day specified in the notice, being not less than 6 weeks after the notice is given.*

- 3. Provides a copy of the proposed local law and notice to the Hon. Minister for Local Government and the Executive Director of Public Health; and*
- 4. Directs the Chief Executive Officer to prepare a report to Council detailing submissions from the community at the first Council meeting following the closure of the designated submissions period.*  
*Carried 9/0.*

On the 23 May 2016 advertising of the proposed Shire of Kulin Animal Environment & Nuisance Local Law 2016 (Local Law) was commenced locally on notice boards, the Shire of Kulin website, Shire of Kulin library and in the weekend West Australian newspaper published on the 21 & 22 May 2016 on page 106. Both the Hon. Minister for Local Government and the Executive Director of Public Health on behalf of the Hon. Minister for Health were both sent copies of the Local Law for their consideration.

Despite the proposed Shire of Kulin Animal Environment & Nuisance Local Law 2016 being previously advertised thus resulting in amendments requiring re-advertising considerable comments were received back from the Dept. of Local Government & Communities (DLGC) as seen in Attachment 4b and some comments from the Dept. of Health Western Australia (DoHWA) in Attachment 4c. Despite the editing, minor additions and some clause restructuring of the Local Law the nature, quality, substance and intent of the Local Law is retained.

The Local Law as presented to Council in Attachment 4a is most practicable to ensure a most reasonable Local Law written for the good governance of the people with the specific focus on what occurs on the land and in society within the local government of Kulin.

The Local Law as presented has had the changes, inserts and restructuring recommended by the DLGC & DoHWA as 'agreed to' by the Environmental Health Officer displayed in red coloured font as well as the edits performed by the Environmental Health Officer which are described below:

1. Defining 'Broadacre farming' to distinguish the regions traditional and current farming activity and thus to support the intent of clause 3.4;
2. Ensuring the intent of 'means' and 'includes' in the definitions were correctly used as a result from discussions with the DoHWA to accurately use the two words. The term 'means' is consigned to terms where it is specifically detailed as a specific article such as a term under a planning scheme for 'Residential' which is clearly defined. The term 'includes' is designed to describe 'not limited to' so aims to create the intent of such a definition to include particular animals, cars and buildings and the like but not specifically defining them to a point where it is specifically detailed as a specific thing but appeals to a broad definition, case in point being 'farm animals' to include pigs, cows & goats and the like but should a cow and goat be successfully breed thus creating a 'coat' it would still be captured under the definition whereas the use of 'means' would limit the definition to that specifically described;
3. Clause 2.4 requires a cattery to be registered but does not define the article to do so, therefore a subclause (8) is inserted that allows the local government to specify a 'form' and a 'fee' which is seen elsewhere in the Local Law;
4. Clause 2.28 was specifically rewritten as its original drafting was perhaps unintentionally ambiguous thus lacking specific clarity. It would be an understatement to say this clause was of requiring very much care and attention when the clarity issue was raised and is now resolved; &
5. Schedule 1 Prescribed Offences was reviewed intensely to ensure all the potential offences within the Local Law had a specific prescribed modified penalty as encouraged by the DLGC.

No public comments were received on the re-advertising of the Local law although as already mentioned the DLGC and the DoHWA both submitted comments as did the author the Environmental Health Officer.

## MINUTES OF ORDINARY MEETING HELD 19 OCTOBER 2016

Responses to the proposed Local Law received from the DoHWA and the DLGC suggested recommendations for formatting, further definitions, correcting typographical errors and suggestions in line with current best practices for such local laws and to ensure clarity. The recommendations have been either 'agreed' to, 'done' or 'dismissed' with the reason given where required.

The changes as shown in 'red' in the Local Law attached are considered minor and would not reasonably be considered a 'significant change' to the draft tabled in May 2016. The Officer has prudently given all consideration to concerns raised through diligent discussions with persons in the DLGC and the DoHWA to ensure the Local Law has been prudently scrutinised.

The process now is for Council to consider 'making' the Shire of Kulin Animal Environment & Nuisance Local Law 2016 and to authorise the signatures of the Shire President and Chief Executive Officer in the presence of the affixing the Shire of Kulin Seal onto the Shire of Kulin Animal Environment & Nuisance Local Law 2016. When signed and sealed then one original is sent to the Executive Director of Public Health for consent along with two copies. When the consent has been completed and returned to the Shire of Kulin the next step is to have the Local Law Gazetted by State Law Publishers. When Gazetted the Shire of Kulin Animal Environment & Nuisance Local Law 2016 is presented to the Hon. Minister for Local Government; Community Services; Seniors and Volunteering; Youth and also to the Executive Director of Public Health Mr. Tarun Weeramanthri or his delegated deputy as the case requires. Furthermore local public notice of title and summary of purpose and effect of the Gazetted Local Law is required. The Joint Standing Committee on Delegated Legislation of the WA Parliament is then provided with an 'Explanatory Memorandum' of the Local Law and copies of the Local Law as Gazetted within 10 days of gazettal.

Provided the Local Law survives the scrutiny of the Joint Standing Committee on Delegated Legislation, the Shire of Kulin will finally have clear and present Shire of Kulin Animal Environment & Nuisance Local Law 2016.

### **FINANCIAL IMPLICATIONS:**

Whilst the Shire of Kulin Animal Environment & Nuisance Local Law 2016 is presently 28 pages the State Law Publisher can condense the text through reformatting the text size of the document to around 20% less. A price per page estimated at \$100.35 would be \$2,248 for a special gazette. Also to include is the cost to advertise a notice in a local newspaper circulating through the district to announce the 'making' of the Shire of Kulin Animal Environment & Nuisance Local Law 2016.

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

Health Act 1911; &  
Local Government Act 1995.

Nil town planning implications.

### **RECOMMENDATION:**

That Council resolves to:

1. Endorse for inclusion into the Shire of Kulin Animal Environment & Nuisance Local Law 2016 the changes presented by the Environmental Health Officer described as 'edits performed by the Environmental Health Officer...';
2. Endorse for inclusion into the Shire of Kulin Animal Environment & Nuisance Local Law 2016 the 'agreed' and 'done' changes only as presented by the Dept. of Health WA in Attachment 4c and the Dept. of Local Government and Communities 'agreed' and 'done' changes only shown in Attachment 4b;
3. Resolves to 'Make' the Shire of Kulin Animal Environment & Nuisance Local Law 2016 as presented in Attachment 4a.
4. Authorise the affixing of the Shire of Kulin Seal in the presence of the Shire President and the Chief Executive Officer who are also authorised by Council sign the Shire of Kulin Animal Environment & Nuisance Local Law 2016; and
5. Authorise the Chief Executive Officer to carry out the process of Gazettal of the Shire of Kulin Animal Environment & Nuisance Local Law 2016 and to complete the administrative functions required for presentation of the Shire of Kulin Animal Environment & Nuisance Local Law 2016 to the Joint Standing Committee on Delegated Legislation of the Western Australia Parliament.

### **VOTING REQUIREMENTS:**

Absolute majority required.

07/1016

Moved Cr Duckworth Seconded Cr McInnes that Council resolves to:

1. Endorse for inclusion into the Shire of Kulin Animal Environment & Nuisance Local Law 2016 the changes presented by the Environmental Health Officer described as 'edits performed by the Environmental Health Officer...';
2. Endorse for inclusion into the Shire of Kulin Animal Environment & Nuisance Local Law 2016 the 'agreed' and 'done' changes only as presented by the Dept. of Health WA in Attachment 4c and the Dept. of Local Government and Communities 'agreed' and 'done' changes only shown in Attachment 4b;
3. Resolves to 'Make' the Shire of Kulin Animal Environment & Nuisance Local Law 2016 as presented in Attachment 4a.
4. Authorise the affixing of the Shire of Kulin Seal in the presence of the Shire President and the Chief Executive Officer who are also authorised by Council sign the Shire of Kulin Animal Environment & Nuisance Local Law 2016; and
5. Authorise the Chief Executive Officer to carry out the process of Gazettal of the Shire of Kulin Animal Environment & Nuisance Local Law 2016 and to complete the administrative functions required for presentation of the Shire of Kulin Animal Environment & Nuisance Local Law 2016 to the Joint Standing Committee on Delegated Legislation of the Western Australia Parliament.

Carried 9/0

## 6.5 Annual Electors Meeting 2016

**NAME OF APPLICANT:** CEO  
**RESPONSIBLE OFFICER:** CEO  
**FILE REFERENCE:** 13.03  
**AUTHOR:** CEO  
**DISCLOSURE OF INTEREST:** Nil

### **SUMMARY:**

Outlining how the December Council meeting, Annual Electors Meeting and Annual Christmas function can be combined on the 21 December 2016. Advising of the Works Shutdown planned for Thursday 22 December 2016.

Council has already endorsed the closure of the Shire Office over the Christmas/New Year break which would commence at approx. noon on Friday 23 December 2016.

### **BACKGROUND & COMMENT:**

The December Council meeting is scheduled for Wednesday 21 December 2016. It is proposed to hold the Annual Electors Meeting (AEM) on the same date – commencing at 12 noon. Council is required to consider the Annual Statements and the Audit report together at the 16 November 2016 meeting, therefore holding the AEM meeting in November after the 16 is not likely to suit many Councillors.

Holding the AEM on the 21 December at noon allows Council to extend the invitation for participants to share a light meal afterwards, before the Council Forum would commence at 1.15pm.

The Shire Christmas function can follow at the FRC at 4pm with bowls followed by meal.

The Outside staff Christmas function at the depot would be held the following day 22 December at noon.

The Shire Office would then close on Friday 23<sup>rd</sup> December at approximately 12 noon.

### **FINANCIAL IMPLICATIONS:**

Nil

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

Nil

### **POLICY IMPLICATIONS:**

Nil

### **COMMUNITY CONSULTATION:**

Nil

### **WORKFORCE IMPLICATIONS:**

Nil



**RECOMMENDATION:**

That the Shire of Kulin Annual Electors Meeting be held on Wednesday 21 December 2016, commencing at noon and attendees be invited to share a light luncheon with Council afterwards.

**VOTING REQUIREMENTS:**

Simple majority required.

**08/1016**

**Moved Cr O'Brien Seconded Cr Duckworth that the Shire of Kulin Annual Electors Meeting be held on Wednesday 21 December 2016, commencing at noon and attendees be invited to share a light luncheon with Council afterwards.**

**Carried 9/0**

## **6.6 Kulin Retirement Homes Inc. – Request to Write Off Rates**

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**NAME OF APPLICANT:** Kulin Retirement Homes Inc.  
**RESPONSIBLE OFFICER:** CEO  
**FILE REFERENCE:** 25.02  
**AUTHOR:** CEO  
**DISCLOSURE OF INTEREST:** Nil

**SUMMARY:**

In past years the Kulin Retirement Homes has requested a refund of rates for their property in Gordon Street and Price St, Kulin. All service charges applicable for the property are to be paid by the committee.

**BACKGROUND & COMMENT:**

This year the committee has written to Council requesting that Council waive rates for both Kulinda Estate and the Workman Estate. Since the write off will occur so late in the year interest and ESL penalties have been charged and I also request that these charges are written off also.

**FINANCIAL IMPLICATIONS**

The write off is allowed for in annual budget.

**STATUTORY AND TOWN PLANNING IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS:**

Nil

**STATUTORY AND PLANNING IMPLICATIONS:**

Nil

**POLICY IMPLICATIONS:**

Nil

**COMMUNITY CONSULTATION:**

Nil

**WORKFORCE IMPLICATIONS:**

Nil

**RECOMMENDATION:**

That Council rates levied to Kulin Retirement Homes totalling \$2,760.26 for assessment number A95, charged against Kulinda Village and \$6,747.31 for assessment number A1422, charged against Workman Estate, be donated back to the organisation as they continue to operate as a not for profit community organisation.

**VOTING REQUIREMENTS:**

Simple majority required.

09/1016

Moved Cr Duckworth Seconded Cr O'Brien that Council rates levied to Kulin Retirement Homes totalling \$2,760.26 for assessment number A95, charged against Kulinda Village and \$6,747.31 for assessment number A1422, charged against Workman Estate, be donated back to the organisation as they continue to operate as a not for profit community organisation.

Carried 9/0

Cr Bowey declared an interest in Item 6.7 as her husband is the property owner and took no part in the discussion or vote.

## 6.7 Subdivision Application – Shire of Kulin - Kukerin Road Walyurin

**NAME OF APPLICANT:** Shire of Kulin  
**RESPONSIBLE OFFICER:** CEO  
**FILE REFERENCE:** 18.04 Subdivision of Land  
**STRATEGIC REFERENCE/S:** Item 1.3 Corporate Business Plan (Infrastructure - recreation) Item 1.4 Community Strategic Plan – Liveable and Safe community – roads  
**AUTHOR:** CEO  
**DISCLOSURE OF INTEREST:** Nil

### SUMMARY:

Seeking Council resolution to finalise a subdivision of land Application 154333 – Lot 10194, 10195 & 10196 on the Kukerin Road, Walyurin. The matter relates to the Shire of Kulin Blackspot program and the re-aligning of Kukerin Road through the property owned by Mr Robert Bowey.

### BACKGROUND & COMMENT:

Re-alignment of the Kukerin Road through the Bowey property as per the attached plans.

The Blackspot program requires all property related issues to be resolved/completed as part of the program – therefore Council had to subdivide the road reserve from the land holding on 3 occasions to realign the 5 corners contained within the works.

Survey has been prepared by Mr. Peter Gow – Narrogin on Council's behalf.

**FINANCIAL IMPLICATIONS:** Survey costs included in the Black Spot program.

**STATUTORY AND TOWN PLANNING IMPLICATIONS:** Subdivision matter that will rest with the WAPC for determination. As this is a Shire application, Shire unlikely to require any further conditions or input prior to approval.

### WORKFORCE IMPLICATIONS:

Nil

### RECOMMENDATION:

That the Shire of Kulin approve the subdivision Application 154333 – Lot 10194, 10195 & 10196 on the Kukerin Road, Walyurin.

### VOTING REQUIREMENTS:

Simple majority required.

10/1016

Moved Cr Robins Seconded Cr McInnes that the Shire of Kulin approve the subdivision Applications 154333 and 154339, being Lots 10194, 10195, 10196 & 10199 on the Kukerin Road, Walyurin.

Carried 8/0

**NOTE:** Motion 10/1016 was altered from the staff recommendation as the Shire has received a second application (154339) pertaining to the same section of road alignment. Passing both applications conjointly was seen as the best method to progress the matter.

## **7 COMPLIANCE**

### **7.1 Compliance Reporting – General Compliance – September 2016**

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**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 September 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 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 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: AUGUST 2016

**Delegation Register** – *The LGA.s5.46 (3) requires the CEO to maintain a register in which all delegations exercised each month are recorded. We are still establishing the records for this item – it will be updated to 1 June 2016 (CEO appointment) -*

CEO Comment Oct: As per the report to the Council Forum – Delegations exercised each month will now be reported to Council under compliance report 7.3 and this report will form the basis of the Register.

**Uniforms Ordering** – *Not all staff have placed an order for uniforms the rest will follow as year unfolds.*

CEO Comment Oct: The responsibility for this item now rests with the payroll function. Reminders will be sent to staff; some difficulties in receiving orders in suitable timeframes may result in a change of supplier.

**Statement of Earnings for Elected Members** – *Still ascertaining if Council is required to provide the Statements or if Councillors have to request the Statements. Will resolve next month.*

CEO Comment Oct: CEO has since received advice from WALGA in relation to earnings as a Councillor. No requirement to provide earning statements to Councillors. This item will be removed from the Compliance Checklist.

**Tin Horse Hwy Community Maintenance Day** – *Bush Races now utilise the Lions Club to undertake the maintenance at \$2k per annum – this can be removed from the listing.*

CEO Comment Oct: KBR now have an arrangement with the Lions Club to do all maintenance. Item will now be removed from Compliance Checklist.

#### **Food Act report to DOH –**

CEO Comment Oct: EHO advises report still being collated, - due by 28 Oct 2016.

**National Environment Protection Measure** – *staff have not been in a position to confirm with the Environmental Health Officer the status of these items.*

CEO Comment Oct: EHO advises that this is a new requirement and he is yet to determine if the provisions apply in our circumstance. Will be contacting WALGA to seek determination.

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

**Retirement Homes – request to Write-off rates**

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

**Food Act – Annual report on testing**

EHO still collating information for the report.

**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 September 2016 and note non-compliance where detailed. CEO to finalise outstanding items and report in November 2016.

**VOTING REQUIREMENTS:**

Simple majority required.

11/1016

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

**Carried 9/0**

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## **7.2 Compliance Reporting – Accounting Compliance – September 2016**

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**RESPONSIBLE OFFICER:** DCEO

**FILE REFERENCE:** 12.06

**AUTHOR:** DCEO

**DISCLOSURE OF INTEREST:** Nil

**SUMMARY:**

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

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**

- Asset disposals, additions, depreciation and reconciliation have not been processed as we are yet to have our Audit signed off on. We are still recording the purchase of these asset items in the financials but have not processed the other tasks in the asset module. We are unable to roll forward the new year in the asset module until the audit has been passed.
- Stock on hand at the Freebairn Recreation Centre was not recorded as I did not receive a stock on hand valuation from the manager.

**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 acknowledge the monthly General Compliance Report and endorse the recommendations. DCEO to finalise outstanding items and report in November 2016.

**VOTING REQUIREMENTS:**

Simple majority required.

12/1016

**Moved Cr Bowey Seconded Cr Varone that Council acknowledge the monthly General Compliance Report and endorse the recommendations. DCEO to finalise outstanding items and report in November 2016.**

**Carried 9/0**

**7.3 Compliance Reporting – Delegations Exercised – September 2016**

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**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 September to 30 September 2016.

## MINUTES OF ORDINARY MEETING HELD 19 OCTOBER 2016

### **BACKGROUND & COMMENT:**

To increase transparency this report has been prepared for Council and includes all actions performed under delegated authority by the respective officers for –

#### **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**

<b>Date of Decision</b>	<b>Decision Ref.</b>	<b>Decision Details</b>	<b>Other affected Person(s)</b>
5 Sept 2016	Bendigo Bank - DCEO	Return Investment to general funds - \$505,504.41	Nil
29 Sept	Bendigo Bank - DCEO	Invest surplus funds \$700,000	Nil

**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**

<b>Date of Decision</b>	<b>Decision Ref.</b>	<b>Decision Details</b>	<b>Other affected Person(s)</b>
11 Sept 2016	Building License	Timber Framed Covered Deck – 10 Stewart St, Kulin	Ms G Farrelly
14 Sept	Building License	Steel Extension to existing shed – 47 Johnston St Kulin	Mr Dean Hope

**Swimming Pool Inspections completed (EHO)**

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

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

<b>Date of Decision</b>	<b>Decision Ref.</b>	<b>Decision Details</b>	<b>Other affected Person(s)</b>
5 Sept 2016	DA Approval	Loc. 536 Kulin West Rd, extension to residence.	Davies – Rosalie Peck Eva

#### **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 payment of debts for the reporting period.*

MINUTES OF ORDINARY MEETING HELD 19 OCTOBER 2016

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

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

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

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

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

<b>Date of Decision</b>	<b>Decision Ref.</b>	<b>Decision Details</b>	<b>Other affected Person(s)</b>
21 Sept 2016	CEO/President	Lot 39, 1/21 Ellson St, Lease Rental Agreement	Housing Authority
21 Sept 2016	CEO/President	Lot 39, 2/21 Ellson St, Lease Rental Agreement	Housing Authority
21 Sept 2016	CEO/President	Lot 22, 10 Price St, Lease Rental Agreement	Housing Authority

**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. There may be financial implications in the case of each delegation exercised.

**STATUTORY AND PLANNING IMPLICATIONS:**

Nil

**POLICY IMPLICATIONS:**

There are no known financial implications relating to this report though each of the delegations exercised is as a result of Council Policy previously adopted.

**COMMUNITY CONSULTATION:**

Nil

**WORKFORCE IMPLICATIONS:**

Nil

**OFFICER'S RECOMMENDATION:**

That Council receive the Delegation Exercised Report for September 2016.

**VOTING REQUIREMENTS:**

Simple majority required.

13/1016

Moved Cr Robins Seconded Cr Taylor that Council receive the Delegation Exercised Report for September 2016.

Carried 9/0

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

Nil.

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

### **9.1 Changes to the Shire of Kulin – WA Fire Brigades Kulin Townsite Service Boundaries**

**NAME OF APPLICANT:** Shire of Kulin  
**RESPONSIBLE OFFICER:** CEO  
**FILE REFERENCE:** 09.06 WA Town Brigade - DFES  
**STRATEGIC REFERENCE/S:** Item 1.4 Community Strategic Plan – Liveable and Safe community – emergency services  
**AUTHOR:** CEO  
**DISCLOSURE OF INTEREST:** Nil

#### **SUMMARY:**

Seeking Council resolution to redefine the Kulin townsite service boundary for the purposes of the WA Fire Brigades Kulin service district.

#### **BACKGROUND & COMMENT:**

At a meeting held 6 October 2016 with representatives of the WA Fire Brigade – Kulin, it was suggested that the Shire amend the current boundaries of the service area for the Kulin Brigade. Currently a number of major infrastructure items are excluded from the service area including the Freebairn Recreations Centre, Kulin Airstrip, CBH Kulin, Shire Swimming Pool, and McIntosh's on the southern side of Kulin and the north eastern semi-rural properties out to the Shire's Waste Transfer station and on the western side of Kulin the Proudview Estate.

It was suggested that the new fire district be aligned to the existing Kulin townsite boundary as shown on the attached plan.

**FINANCIAL IMPLICATIONS:** None in terms of the decision. WA Fire Brigades and State Agencies (i.e. Water Corporation) will become responsible for hydrants inside the service district; Kulin Brigade suggest there are three that they would now become responsible for under the changes.

The Emergency Services Levy applied to the included properties would not change as all properties within the Shire are determined as ESL Category 5 which equates to approximately \$72 per assessment.

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

Nil

#### **WORKFORCE IMPLICATIONS:**

Nil

#### **RECOMMENDATION:**

That Council redefine the Kulin WA Fire Brigades service district to the existing Shire of Kulin, Kulin townsite boundary and request Department of Fire & Emergency Service (DFES) to amend same.

#### **VOTING REQUIREMENTS**

Simple majority required.

14/1016

**Moved Cr Duckworth Seconded Cr McInnes that Council redefine the Kulin WA Fire Brigades service district to the existing Shire of Kulin, Kulin townsite boundary and request Department of Fire & Emergency Service (DFES) to amend same.**

**Carried 9/0**



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

15/1016

Moved Cr Duckworth Seconded Cr Varone that Council close the meeting to the public under Section 5.23 (2) (a) of the Act – matter affecting an employee – time 4.40pm.

Carried 9/0

Cassi Vandenberg, Nicole Thompson & Len Hobson left the Council Chambers at 4:40pm

16/1016

Moved Cr Duckworth Seconded Cr Robins that Council open the meeting to the public and that the item discussed by Council remain confidential until further notice – time 5.19pm.

Carried 9/0

No Motions resulted from the discussion held whilst the meeting was closed to the public.

## **11. DATE AND TIME OF MEETING**

The next Ordinary Council meeting will be held on Wednesday 16 November 2016 at 3:00pm.

## **12. CLOSURE OF MEETING**

There being no further business the meeting closed at 5:20pm.