

ORDER OF BUSINESS

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Minutes of an Ordinary Meeting of Council held in the Council Chambers on Wednesday 21 December 2016 commencing at 3:40pm

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

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Shire of Kulin Ordinary Meeting – 16 November 2016

01/1216

Moved Cr Bowey Seconded Cr Robins that the minutes of the Ordinary Council Meeting held on 16 November 2016 be confirmed as a true and correct record.

Carried 9/0

Audit & Risk Committee Meeting – 16 November 2016

02/1216

Moved Cr Duckworth Seconded Cr O'Brien that the minutes of the Audit & Risk Committee Meeting held on 16 November 2016 be received.

Carried 9/0

Freebairn Recreation Club AGM & Sporting Council Meetings – 26 October 2016

03/1216

Moved Cr O'Brien Seconded Cr Robins that the minutes of the Freebairn Recreation Club Annual General Meeting and Sporting Council Meeting held on 26 October 2016 received.

Carried 9/0

Kulin Local Emergency Management Committee – 1 December 2016

04/1216

Moved Cr McInnes Seconded Cr Varone that the minutes of the Kulin Local Emergency Management Committee Meeting held on 1 December 2016 received.

Carried 9/0

MINUTES OF ORDINARY MEETING HELD 21 DECEMBER 2016

Kulin Child Care Centre Management Committee Meeting – 13 December 2016

05/1216

Moved Cr Duckworth Seconded Cr Taylor that the minutes of the Kulin Child Care Centre Management Committee Meeting held on 13 December 2016 received.

Carried 9/0

RoeROC Council Minutes – 17 November 2016

06/1216

Moved Cr Bowey Seconded Cr Ledwith that the minutes of the RoeROC Meeting held on 17 November 2016 received.

Carried 9/0

6.1 List of Accounts – November 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 November 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 November payments being cheque No's 1958 - 1974 (Bush Races), 36682 – 36705 (Municipal), EFT No's 12023 - 12149, DD5956.1 – DD5963.12 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$714,980.49 be passed for payment.

VOTING REQUIREMENTS:

Simple majority required.

07/1216

Moved Cr Ledwith Seconded Cr Robins that November payments being cheque No's 1958 - 1974 (Bush Races), 36682 – 36705 (Municipal), EFT No's 12023 - 12149, DD5956.1 – DD5963.12 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$714,980.49 be passed for payment.

Carried 9/0

6.2 Financial Reports – November 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 30 November 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 November 2016.

VOTING REQUIREMENTS:

Simple majority required.

Note: Council queried why Credit Card Statements had not been included in the Attachment. DCEO advised information was overlooked and will email information out to Councillors.

08/1216

Moved Cr Robins Seconded Cr Bowey that Council endorse the monthly financial statements for the period ending 30 November 2016.

Carried 9/0

6.3 Plant Tenders – 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:

To reaffirm by resolution the tender price for the Crew Cab truck originally considered at the 17 November 2016 meeting.

BACKGROUND & COMMENT:

At the Ordinary Meeting held on 17 November 2016 tenders received for a new Prime Mover and Crew Cab truck were discussed with the following resolution for the dual cab being passed:-

Dual Cab

10/1116

MINUTES OF ORDINARY MEETING HELD 21 DECEMBER 2016

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

Following the Council meeting it came to light that the pricing tabled in relation to the Dual Cab was incorrect.

The accepted tender price from Daimler Trucks for the Mitsu Fuso Canter was listed at a changeover price of \$31,590. This price did not include GST on the trade-in. The correct tender amount (GST inc) is \$34,140. This price remains the lowest tender received. See table below:

REVISED Tenders - Dual Cab Changeover Budget (\$25,000 exc)									
All Prices gst ex									
Tenderer	Make & Model	Engine	GVM/ GCM	Delivery	Warranty	Price	Trade	Nett	Options
South West Isuzu	Isuzu	4 cyl	6500kg	January	3 yr	\$59,820.00	\$27,093.00	\$32,727.00	4175mm wheelbase
	NH NPR 65-190	140kw (188hp)	10000kg	2017	100,000 km				5yrs/250k \$2227
	Crew Cab	140L Fuel							License insp \$235
									2way \$990
South West Isuzu	Isuzu	4 cyl	7500kg	January	3 yr	\$63,670.00	\$27,306.00	\$36,364.00	4175mm wheelbase
	NH NPR 75-190	140kw (188hp)	11000kg	2017	100,000 km				5yrs/250k \$2227
	Crew Cab	140L Fuel							License insp \$235
									2way \$990
Daimler Trucks Perth	Mitsu Fuso Canter	4 cyl 3.0 L	7500kg 11000kg	6-7 wks	5 yr 200,000 km	\$60,460.00	\$27,400.00	\$33,060.00	Lic included Floor mats \$280
	FEB71GR-	110kw (144hp)							Auto \$1740
	4WFAC	100L Fuel							2way \$800
									3850mm wheelbase
WA Hino	Hino 300 Series 717	4 cyl 3.0 L	6500kg 10000kg	5 Weeks	3 yr 100,000 km	\$64,750.00	\$24,545.00	\$40,205.00	5yrs/250k \$2000 3870mm Wheelbase
		121kw (162hp)							
	Hino 300 Series 921	4 cyl 3.0 L	8500kg 12000kg	5 Weeks	3 yr 100,000 km	\$74,700.00	\$24,545.00	\$50,155.00	5yrs/250k \$2000 Auto
		151kw (202hp)							3870mm Wheelbase

On 21 Nov 2016, at 10:37am, CEO emailed Councillors to ascertain support for continuance of the tender process with the commitment to reaffirm the resolution at the December meeting.

Councillors West, Duckworth, Bowey, Varone and O'Brien confirmed support for continuing at the revised price therefore Council resolution to accept the tender at \$34,140 is required.

FINANCIAL IMPLICATIONS:

Additional cost of the tender is \$2550

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That Council accept the revised tender from Daimler Trucks for a Mitsu Fuso Canter Dual Cab (with floor mats & 2way) for a changeover price of \$34,140.

VOTING REQUIREMENTS:

Simple majority required.

09/1216

Moved Cr Duckworth Seconded Cr O'Brien that Council accept the revised tender from Daimler Trucks for a Mitsu Fuso Canter Dual Cab (with floor mats & 2way) for a changeover price of \$34,140.

Carried 8/1

6.4 Bushfire Administration – Dual Fire Control Officers Corrigin

NAME OF APPLICANT: Shire of Corrigin; 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 Corrigin 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 Greg Doyle and Bryce Nicholls 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 Greg Doyle and Bryce Nicholls as Dual Fire Control Officers covering both Shires for the 2016/17 fire season.

VOTING REQUIREMENTS:

Simple majority required.

10/1216

Moved Cr McInnes Seconded Cr Bowey that the Shire of Kulin appoint Greg Doyle and Bryce Nicholls as Dual Fire Control Officers covering both Shires for the 2016/17 fire season.

Carried 9/0

6.5 Jean Sloan – Request Permission for Collection of Native Seed

NAME OF APPLICANT: Jean Sloan
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 11.04
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Jean Sloan has written to Council seeking permission to collect native seed from reserves vested in the Shire of Kulin for the period to June 2017.

BACKGROUND & COMMENT:

In the past Council has adopted the following practice in relation to seed collection license applications:

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- All persons collecting native seed are to be licensed according to the Wildlife Conservation Act 1950 and will abide by the conditions of this licence,
- Permission is for a 12 month period commencing 1 July,
- Collection is to only be undertaken by the applicant or the applicant's staff,
- Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds,
- All care to be taken to avoid the disturbance of fauna habitat, and
- All care to be taken to avoid any disturbance that may lead to soil degradation.
- 10 % of seed collected within the Shire of Kulin is to be retained by the Kulin Shire Council for the replanting of native flora areas in our region, failure to do so will see the cancellation of the licence."

Council agreed at its August Meeting to consider the creation of a new policy to handle ongoing requests for seed collection, with the delegation resolving applications at an administrative level as they arise. As Policy changes are yet to be adopted Council will be required to make a decision on this request.

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

As above.

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That Council permit the issue of a seed collection licence to Jean Sloan for the period ending 30 June 2017, under the following conditions;

- All persons collecting native seed are to be licensed according to the Wildlife Conservation Act 1950 and will abide by the conditions of this licence,
- Permission is for a 12 month period commencing 1 July,
- Collection is to only be undertaken by the applicant or the applicant's staff,
- Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds,
- All care to be taken to avoid the disturbance of fauna habitat, and
- All care to be taken to avoid any disturbance that may lead to soil degradation.
- 10 % of seed collected within the Shire of Kulin is to be retained by the Kulin Shire Council for the replanting of native flora areas in our region, failure to do so will see the cancellation of the licence."

VOTING REQUIREMENTS

Simple majority required.

11/1216

Moved Cr Duckworth Seconded Cr Robins that Council permit the issue of a seed collection licence to Jean Sloan for the period ending 30 June 2017, under the following conditions;

- **All persons collecting native seed are to be licensed according to the Wildlife Conservation Act 1950 and will abide by the conditions of this licence,**
- **Permission is for a 12 month period commencing 1 July,**
- **Collection is to only be undertaken by the applicant or the applicant's staff,**
- **Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds,**
- **All care to be taken to avoid the disturbance of fauna habitat, and**
- **All care to be taken to avoid any disturbance that may lead to soil degradation.**
- **10 % of seed collected within the Shire of Kulin is to be retained by the Kulin Shire Council for the replanting of native flora areas in our region, failure to do so will see the cancellation of the licence."**

6.6 Kulin Child Care Management Committee

RESPONSIBLE OFFICER: Kulin Child Care Management Committee
FILE REFERENCE: 05.04
AUTHOR: CEO
STRATEGIC REFERENCE/S:
DISCLOSURE OF INTEREST: Nil

SUMMARY:

The Kulin Child Care Centre Management Committee currently comprises two Council representatives, Cr Bowey & Taryn Scadding, Centre Coordinators and six community members. Deidre Carroll's term expired in 2016.

BACKGROUND & COMMENT:

Nominations were called via notices in the Weekly Update. Elle Bowey nominated for the Management Committee.

The Management Committee agreed that they recommend to Council to appoint Elle Bowey onto the Kulin Child Care Management Committee for a two year term and will continue to seek another community member for a one year term.

FINANCIAL IMPLICATIONS

Nil

STATUTORY AND TOWN PLANNING IMPLICATIONS

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nominations were called for via notices in a local paper.

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That Council appoint Ms. Elle Bowey for a two year term to expire in October 2018.

VOTING REQUIREMENTS

Simple majority required.

12/1216

Moved Cr Duckworth Seconded Cr McInnes that Council appoint Ms Elle Bowey to the Kulin Child Care Centre Management Committee for a two year term to expire in October 2018.

Carried 9/0

6.7 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:

At the November Ordinary Meeting Council resolved to defer this item until the December 2016 meeting.

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CEO provided email information to Councillors relating to reserve numbers and location maps for the Reserves described in the Schedule of Submissions by the Dept. of parks and Wildlife.

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.

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.

13/1216

Moved Cr Duckworth Seconded Cr McInnes 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**

6.8 Re allocation of Jilakin Street R2R Funding for 2016/17

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 28.04
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

MRWA have signalled that they are now in a position to plan for road network changes around Kulin townsite which will include an upgrade to Jilakin Street. Shire Budget for 2016/17 has a programmed job to upgrade Jilakin Street (\$150,925 – R2R \$27,800, RRG \$100,587, Shire \$22,538).

If we proceed this work could be replaced in 2-3 years. MRWA have signalled that they would approve without reference to the Regional Road Group the extension of the Yealering road seal from the 3.3 to 4.7km and the funding could be allocated to this job.

Seeking Council approval to amend Budget works to reallocate the \$150k to the Yealering road seal. The following additional jobs can be incorporated into Council's 2016/17 plans and therefore require Budget adjustment;

Town Streets – Hotmix seal - \$100k
Gravel Sheeting – Kukerin Road \$50k

BACKGROUND & COMMENT:

Councillors would recall that Mr Michael Chin visited Council in October 2015 meeting to discuss future priorities for roadworks in and around the Kulin townsite. The attached map signals the direction of those discussions.

It has become apparent in recent discussions with MRWA that they are now in a position to plan for these works. The Shire planned road upgrade for Jilakin Street in 2016/17 using R2R funding and Council contribution would be wasted effort if plans to upgrade Jilakin Street to a MRD road standard are adopted in the next 2-3 years.

Whilst these changes incorporate the somewhat controversial Intersection of Gorge Rock Lake Grace Rd & Jilakin St, the matter of this report relates to the planned work the Shire had intended this year being wasted if a revised upgrade goes ahead in the near future.

FINANCIAL IMPLICATIONS:

Seeking Council approval to amend Budget works to reallocate the \$150k to the Yealering road seal.

In addition – the following additional jobs can be incorporated into Council's 2016/17 plans – and therefore require Budget adjustment;

Town Streets – Hotmix seal - \$100k
Gravel Sheeting – Kukerin Road \$50k

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

No major impact on the workforce. Program changes occur year on year as alternative plans are developed.

RECOMMENDATION:

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That Council approve a 2016/17 Budget amendment and reallocate \$150,925 previously approved for Jilakin Street works to the Yealering road seal.

Additional jobs incorporated into Council's 2016/17 plans;
Town Streets – Hotmix reseal - \$100k
Gravel Sheeting – Kukerin Road \$50k

VOTING REQUIREMENTS:

Absolute majority required.

14/1216

Moved Cr Bowey Seconded Cr Taylor that Council approve a 2016/17 Budget amendment and reallocate \$150,925 previously approved for Jilakin Street works to the Yealering road seal.

Additional jobs incorporated into Council's 2016/17 plans;

Town Streets – Hotmix reseal - \$100k

Gravel Sheeting – Kukerin Road \$50k

Carried 9/0

7 COMPLIANCE

7.1 Compliance Reporting – General Compliance – November & December 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 months of November and December 2016. December has been completed "as is known" because the information will be outdated by the February meeting. (see Attachment table – most timings self-explanatory). This process is not definitive, each month additional items and/or actions may be identified and are then added to the monthly checklist. Items not completed each month e.g. quarterly action - will be notations.

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

BACKGROUND & COMMENT:

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

As the month progresses, staff in conjunction with their manager, the CEO or DCEO will determine the extent of work/action needed to complete items. During Agenda week, the Compliance Team again meets to ensure the monthly report/list is reviewed and that compliance items are completed 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 previously will be reported in the following month so Council remains aware of what items are still outstanding.

MATTERS OF NON COMPLIANCE: OCTOBER 2016

- 1. Annual Electors Meeting to be held within 56 days of acceptance of the Annual Report by Council.**
AEM will be held on 21st December 2016 – then complete.
- 2. Send Audit Report to Department of Local Government within 30 days of receiving Audit Report.**
Done - Complete.
- 3. Place copy of Annual Financial Report and Audit report & Annual report on the Council Website**
Done - complete.

4. Commence process for property sale for 3 years outstanding rates

Still following through on Final Notice payments – 3 year outstanding rates properties will be resolving that in January 2017.

5. Key to Kulin reimbursement

Yes completed Nov 2016.

6. Christmas decorations up

Yes completed.

7. Shire Audit Report to DRD for CRC Expenditure

Yes completed after Audit report was received.

8. Camp Hart – summary from FRC Bowls Night

Yes transfer completed.

MATTERS OF NON COMPLIANCE: NOVEMBER 2016

No matters of non-compliance to report for November – see table

MATTERS OF NON COMPLIANCE: DECEMBER 2016

No matters of non-compliance to report for December – see table

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 Reports for November and December 2016 and note no matters of non-compliance.

VOTING REQUIREMENTS:

Simple majority required.

15/1216

Moved Cr O'Brien Seconded Cr Taylor that Council receive the General Compliance Report for November and December 2016 and note no matters of non-compliance.

Carried 9/0

7.2 Compliance Reporting – Accounting Compliance – November 2016

NAME OF APPLICANT: DCEO

RESPONSIBLE OFFICER: SFO

FILE REFERENCE: 12.06 – Accounting Compliance

AUTHOR: CEO

DISCLOSURE OF INTEREST: Nil

SUMMARY:

This report addresses Accounting Compliance matters for the month of November 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.

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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/OCTOBER 2016

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

With the 2015-16 Audit completed (16/11/2016) the Synergy Asset module has now be finalised and rolled over into 2016-17 financial year. Asset changes have now been updated for 2016/17 and allocations of depreciation etc. included in reporting. The Half Year Budget review will further refine these items.

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 November 2016 and note no items of non-compliance outstanding.

VOTING REQUIREMENTS:

Simple majority required.

16/1216

Moved Cr Robins Seconded Cr Taylor that Council receive the Finance Compliance Report for November 2016 and note no items of non-compliance outstanding.

Carried 9/0

7.3 Compliance Reporting – Delegations Exercised – November 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 November to 30 November 2016.

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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

Delegation exercised for November 2016.

Municipal funds

\$ 969,307.83	1.50%	At Call	
\$ 500,000.00	1.75%	30 days	\$ 721.92
\$ 250,000.00	2.10%	60 days	\$ 848.63
\$ 500,000.00	2.35%	90 days	\$ 3,026.03

Reserve Funds

\$ 1,381,384.81	2.35%	3 months	\$ 8,271.28
\$ 314,193.59	2.55%	6 months	\$ 4,016.94

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)
17 November 2016	Building License	Single Dwelling - Lot 2417 Allen Rocks Road, Little Italy	TR MacKinnon – on behalf of Marlu Pty Ltd - Varone

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

Date of Decision	Decision Ref.	Decision Details	Other affected Person(s)
17 November 2017	Development Application	Approval - Single Dwelling - Lot 2417 Allen Rocks Road, Little Italy	TR MacKinnon – on behalf of Marlu Pty Ltd - Varone

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

No delegated decisions were exercised by CEO pursuant to affixing the common seal for the reporting period.

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 November 2016.

VOTING REQUIREMENTS:

Simple majority required.

17/1216

Moved Cr Ledwith Seconded Cr Taylor that Council receive the Delegation Exercised Report for November 2016.

Carried 9/0

7.4 Appointment of Acting CEO

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 13.02 Governance
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

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SUMMARY:

Appointment of the DCEO as Acting CEO during the period the CEO will be overseas on leave and at the ABCD community development conference.

BACKGROUND & COMMENT:

Resolution 16/0916 approved the absence of the Chief Executive Officer during a period of Annual Leave from 2 January 2017 to the 13 January 2017, combined with attendance at the Asset Based Community Development (ABCD) Conference in Goa India 15 – 20 January 2017.

The CEO will depart Kulin on 27 December during the Shire of Kulin Office Christmas closure, therefore the DCEO should be appointed from this point (bushfire control issues may arise) until return to work on the 24 January 2017.

FINANCIAL IMPLICATIONS:

Normal practice would apply whereby the relieving officer would receive 80% of the incumbent's salary for the period of relief work.

STATUTORY AND PLANNING IMPLICATIONS:

The Shire is required to have an appointed CEO (acting or relieving) at all times to hold the statutory authorities for the organisation.

POLICY IMPLICATIONS:

Nil

CONSULTATION:

With DCEO in regards to timing, workload and alignment issues. The January period is traditionally very quiet in terms of workloads, though I know the 2016/17 Half Year Budget Review will be a primary focus in this period.

WORKFORCE IMPLICATIONS:

No other major implications.

RECOMMENDATION:

That DCEO be appointed Acting CEO for the period 27 December 2016 to 24 January 2017.

VOTING REQUIREMENTS:

Simple majority required.

18/1216

Moved Cr McInnes Seconded Cr Robins that the DCEO be appointed Acting CEO for the period 27 December 2016 to 24 January 2017.

Carried 9/0

19/1216

Moved Cr Duckworth Seconded Cr Robins that Council now move to go into the meeting as Audit and Risk Committee.

Carried 9/0

7.5 Quarterly Risk Management Report and Audit Regulation 17 Report

RESPONSIBLE OFFICER: CEO

FILE REFERENCE: 04.04

STRATEGIC REFERENCE/S: Corporate Business Plan, Civic Leadership 4.1.1 a; CEO KRA 3.3 Financial Management, 3.5 Integrated Planning

AUTHOR: CEO

DISCLOSURE OF INTEREST: Nil

SUMMARY:

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Shire of Kulin Audit and Risk Committee is required to undertake a review of the Council's risk profile by the 30 December 2016, on the basis of a report prepared by the CEO.

It is intended that this report and attachments be the December Risk Report 2016. Attachment One details work completed on the Kulin Risk Register and Attachment Two details items remaining that are now transferred to the Corporate Action Plan for completion.

The Shire of Kulin CEO and DCEO now report monthly compliance to the full Council focussing on general and accounting compliance.

The new compliance changes adopted since the CEO's appointment in May 2016, collectively address the Audit Regulation 17 framework for dealing with risk and reporting compliance.

Accepting this report qualifies the Shire to indicate the Audit Regulation 17 acknowledging the remaining action on yet to be completed items.

BACKGROUND & COMMENT:

The Audit and Risk Committee is required to meet twice yearly to assess compliance and risk. The Shire of Kulin currently meets quarterly (including our Audit review and hook-up with Auditors) to consider strategic and operational risks including financial and non-financial systems, compliance with legislation, regulations, policies and known best practice. Recommendations are developed and agreed with management for follow-up to ensure that they are implemented as agreed.

A Risk Register prepared by CEO N Mason in June 2016, (adopted by the Audit and Risk Committee in June) has been the basis of the compliance work undertaken in the past 6 months. It comprised the remaining outstanding Risk Register items from the James Trail risk analysis of 2015, the majority of which have now been completed with the balance of these items now incorporated into the monthly Corporate Action Plan Report (held at the back of the Forum Agenda). It should be noted that on-going items now appear where relevant in the Compliance Calendar listing which managers use each month for the compliance reports to Council.

The Shire had already adopted a Risk Management Framework that includes matrixes that allows for the assessment of identified risk and again this was used to select priorities.

Since June 2016 some significant priority improvements have been made to the risk profile. Council is already aware of these items as they flowed through into the monthly meeting process, namely;

- Development of a **Compliance Calendar** showing all monthly compliance actions required to be completed by staff;
- Establishment of a **Compliance team** (CEO, DCEO, TO, ESO, SFO) – required to meet monthly after Council meetings to plan the compliance work for the next month, and then to incorporate non-compliance reports into the monthly Council Meeting Agenda;
- The ESO sends emails detailing **compliance actions** required by each staff member for the month soon after the Council meeting;
- CEO developed a report template that addresses issues of compliance at the end of each month; (**Compliance Items 7.1 & 7.2**) presented in the monthly Council Agenda;
- Compliance reporting is separated into **General and Accounting compliance** and reported by responsible Officers being CEO and DCEO;
- Establishing a **Delegation Exercised report** template where all CEO delegations exercised for the month are reported to Council.
- Developed the **Corporate Action Plan** (reported to Council Forum) that brings together information and action items contained in many reports into one format. E.g. Integrated Plans reports, Community Strategic Plan, Corporate Business Plan, Workforce Plan, Long Term Financial Plan, Budget, Financial Management Report Y Bowey 2015. This allows the Council to be confident that nothing is being overlooked, forgotten, avoided or misplaced when it comes to ensuring that programmes, projects, policy or legislative changes are being considered and actioned at and after every meeting.

Clearly these changes have brought a strategic management approach to the Shire's compliance actions and this is the aim of Audit Regulation 17. Minimise risk!

The new processes adopted now provide a degree of certainty that risk and compliance matters that address the who, what, where, when of compliance are addressed, updated, reviewed and stored in a format that allows for easy access and utilisation. This negates the chance that something will be overlooked and with the CEO signing off on the reports each month ensures that staff get the compliance work completed.

FINANCIAL IMPLICATIONS:

Now actioned, the potential upside is greater efficiency in meeting compliance requirements of the LG Act and Regulations. As an example, the initial spreadsheet risk register in June took 2 days for the CEO to complete. Having now completed most of the listed work; the current risk register took the CEO 1.5.hours to complete. The impact of this is obvious.

Whilst CEO/DCEO have to prepare report items each month above what was previously required and this takes more time, the results suggest that this is significant saving in time and dollars compared to an independent contractor doing the work.

STATUTORY AND PLANNING IMPLICATIONS:

The Local Government (Audit) Regulations 1996 require local government authorities to establish audit committees. The Department of Local Government amended the Audit Regulations inserting regulation 17, requiring the CEO to review and report on systems and procedures.

Regulation 17 – CEO to review certain systems and procedures

A new regulation 17 has been inserted and states as follows:

17 CEO to review certain systems and procedures

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to –
 - (a) risk management; and*
 - (b) internal controls; and*
 - (c) legislative compliance.**
- (2) The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*
- (3) The CEO is to report to the audit committee the results of that review.*

This report meets that requirement.

The changed formats of monthly reporting to the Council meetings significantly positions the Shire of Kulin to meet the requirements. The Auditors (Byfields) at the 2015/16 Audit commented that this change was a very positive and innovative method in meeting the requirements and appeared to have all matters addressed.

POLICY IMPLICATIONS:

Council staff are currently preparing a new Policy Manual for initial review by Council in February 2017. The aim of policy development will be to ensure that policy timelines and references exist in the Compliance calendar (i.e. who, what, why, when) again making sure that now and into the future items being determined by Council flow through into the compliance processes undertaken by the staff and won't be overlooked.

There are no known policy implications attributable to this report.

STRATEGIC IMPLICATIONS:

The Department of Local Government Operational Guidelines 2013 relating to Audit Committees suggests;

That a Council's internal control environment includes the following components:

- *Structure of the organisation*
- *Culture of the organisation*
- *Knowledge, skills and experience of employees*
- *Processes employed by the organisation to conduct business.*

That the Chief Executive Officer plays a key role in the establishment and development of an effective internal control environment, as it ultimately sets the operational tone of the Council, and should reflect the ethics, integrity and values espoused by the Council.

An effective and transparent internal control environment would focus on the following key areas:

- *Integrity and ethical values*
- *Management's philosophy and operating style*
- *Organisation structure*

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- *Performance measures*
- *Policies and procedures*
- *Human resources policy*
- *Internal Audit function*
- *The Audit Committee.*

The role of the Audit & Risk Committee is to govern the integrity of the entity's financial information, systems of internal control, and the legal and ethical conduct of management and the employees.

Internal Control actions taken since June 2016 include;

Integrity and Ethical Values

- Staff were required to reflect and discuss values and ethics as part of the 6 monthly performance review in December 2016.

Organisational Structure

- Appointment of Senior Finance Officer and upgrade of role to ensure adequate support for the DCEO and the finance function;
- Refinement of the CRC Manager and Community Development Officer roles to ensure time available for broader Shire administrative activities;
- Enhancement of Technical Officers role to allow greater focus on Occupational Health and Safety plans and works road funding needs of the Shire.

Performance Measures

- Development of priority Key Result Area's (KRA's) for all administrative and managerial positions – reviewed every 6 months;
- Development of monthly reporting for Corporate Action Plan, detailing action to date, Council/CEO priorities, anticipated workload, strategic and risk estimates;
- Bringing together of all action items in strategic plans into one plan - the Corporate Action plan. E.g. Community Strategic Plan, Corporate Business Plan, Workforce Plan;
- Creating dot point reporting and plans for Key subject items and priorities – Staff Accommodation, Camp Kulin, Doctor Services and Old Administration Building. Resulting actions then detailed in Corporate Action Plan.

Policy and Procedures

- Policy review underway – draft for completion in February 2017;
- Review and update for significant procedure areas – Bushfires Brigades processes, Volunteer records, Fire Control Officers Incident and Reporting, Occupational Health & Safety and Staff Induction Manuals.

Human Resource Policy

- CEO interview all staff as part of transition processes;
- CEO completed a review of workforce needs prior to 2016-17 Budget;
- Reported to Council on staffing issues in July 2016;
- Update of Salaries and Wages records in payroll;
- Position descriptions establishing links to performance, KRA's and occupational health & safety for both inside and outside staff have been developed, reviewed and used in current Performance Appraisals (PA's);
- Created template for PA's which included discussion re values and principles, KRA's etc.

Internal Audit Function

- Significant improvement as a result of the internal controls and reporting established as outlined (dot points - background and comment above);
- No known non-compliance matters that would require LG Department involvement,
- Focus on completing tasks and reporting so that matters are not on a continual loop of being revisited;
- Half yearly Budget review completed in Jan 2016 and on track for Feb meeting in 2017;
- CEO completing accounts for payment, bank reconciliation and financial statement checks each month to improve compliance and presentation;

The Audit and Risk Committee

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- As per Council previous instruction – met in June (risk Report) November (Auditor phone hook-up) and December (Audit 17 Regulation/Risk Report)

The Shire of Kulin is addressing its strategic aim of being compliant and operating within the law whilst minimising exposure to risk. The action taken by Staff and CEO in the past 6 months have solidified processes to ensure there will be ongoing improvement in terms of focus on compliance.

It is recommended that as monthly reporting has become more of a compliance focus, the Audit and Risk Committee meetings could be scaled back to 3 meetings per year. Best timing would be June and December, with the face to face or phone contact meeting with the Auditor timed to coincide with receipt of the Audit report and management letter. (between mid Sept – November)

COMMUNITY CONSULTATION:

Chief Executive Officer

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That the Audit and Risk Committee recommend to Council that:-

1. Council adopt of the Shire of Kulin's Risk Management Report June 2016 (and attachments) as required by Audit Regulation 17 incorporating the Risk Register;
2. Acknowledge that this report and the monthly compliance reporting processes developed by staff satisfies the intent of Audit Regulation 17 whereby the CEO is required to report on risk management, internal controls and legislative compliance;
3. Adopt the recommendation and actions contained in the Shire of Kulin's Risk Register Report December 2016 and where appropriate remove completed risk items;
4. Review the Risk Register recommended actions and these be incorporated into the monthly Corporate Action Plan for follow-up;
5. Change Audit and Risk Committee meetings to align with reporting workloads of June and December each year with an additional meeting to be held to receive the Audit report, Management letter and Annual report at a time suitable for staff and auditor as soon as possible after the annual audit is completed.

VOTING REQUIREMENTS:

Simple majority required.

20/1216

Moved Cr Robins Seconded Cr O'Brien that the Audit and Risk Committee recommend to Council that:-

- 1. Council adopt of the Shire of Kulin's Risk Management Report June 2016 (and attachments) as required by Audit Regulation 17 incorporating the Risk Register;**
- 2. Acknowledge that this report and the monthly compliance reporting processes developed by staff satisfies the intent of Audit Regulation 17 whereby the CEO is required to report on risk management, internal controls and legislative compliance;**
- 3. Adopt the recommendation and actions contained in the Shire of Kulin's Risk Register Report December 2016 and where appropriate remove completed risk items;**
- 4. Review the Risk Register recommended actions and these be incorporated into the monthly Corporate Action Plan for follow-up;**
- 5. Change Audit and Risk Committee meetings to align with reporting workloads of June and December each year with an additional meeting to be held to receive the Audit report, Management letter and Annual report at a time suitable for staff and auditor as soon as possible after the annual audit is completed.**

Carried 9/0

21/1216

Moved Cr Duckworth Seconded Cr Taylor that Council adjourn as the Audit & Risk Committee and reconvene as the Council meeting.

Carried 9/0

22/1216

Moved Cr Robins Seconded Cr O'Brien that Council:-

1. Adopt of the Shire of Kulin's Risk Management Report June 2016 (and attachments) as required by Audit Regulation 17 incorporating the Risk Register;
2. Acknowledge that this report and the monthly compliance reporting processes developed by staff satisfies the intent of Audit Regulation 17 whereby the CEO is required to report on risk management, internal controls and legislative compliance;
3. Adopt the recommendation and actions contained in the Shire of Kulin's Risk Register Report December 2016 and where appropriate remove completed risk items;
4. Review the Risk Register recommended actions and these be incorporated into the monthly Corporate Action Plan for follow-up;
5. Change Audit and Risk Committee meetings to align with reporting workloads of June and December each year with an additional meeting to be held to receive the Audit report, Management letter and Annual report at a time suitable for staff and auditor as soon as possible after the annual audit is completed.

Carried 9/0

8 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

8.1 Bending Landfill Weighbridge

NAME OF APPLICANT: RoeROC
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 31.07 Waste Tips - Landfill
AUTHOR: CEO
STRATEGIC REFERENCE/S:
DISCLOSURE OF INTEREST: Nil

SUMMARY:

At the RoeROC meeting on 17 November 2016 it was resolved that:-

1. The Bending Weighbridge is retained and that each RoeROC Council is requested to rescind previous motions to dispose of the Weighbridge.
2. The Environmental Health Officer investigate all the costs and options for re-establishment of the Weighbridge including a reliable power source.

BACKGROUND & COMMENT:

Council at its Ordinary Meeting on 17 February 2016 resolved to sell the Shire of Kulin's 25% share of the weighbridge located at the Regional Waste Site located in Bending due to the weighbridge being surplus to needs. See below the resolution from February Meeting:

6.4 Sale of RoeROC Weighbridge – Bending Tip Site

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 31.07

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AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Council is requested to agree to sell the weighbridge located at the Regional Waste Site located in Bendering subject to S3.58 (3) of the Local Government Act 1995.

BACKGROUND:

Roe Regional Organisation of Councils (RoeROC) comprises the local governments of the Shires of Corrigin, Kondinin, Kulin and Narembeen. RoeROC was formally established in 2006 to help facilitate the implementation of regional arrangements for waste management, environmental health, building control, recreation services and primary health care.

The establishment of RoeROC is built on the long standing shared services arrangements in place between the four participating local governments. On this basis, RoeROC has established a Regional Waste Site located in Bendering in the Shire of Kondinin but owned by all four RoeROC local governments. In 2010, members of RoeROC put forward the idea that to purchase a weighbridge for the regional waste site at Bendering at a cost of approximately \$200,000, which could be funded by the RoeROC CLGF allocation. RoeROC was successful in receiving additional funding of \$35,000 which reduced the financial exposure to \$165,000 for the cost of the weighbridge. At the time, RoeROC was required to make an initial payment of \$85,000 in 2009/10 financial year (\$21,250 each Shire) and a further payment of \$80,000 after 1 July 2010. This resulted in each Shire needing to contribute \$20,000 in their respective 2010/11 Budgets.

Since the weighbridge was commissioned some six years ago, the weighbridge has not been used and is now considered to be surplus to the needs of the Regional Waste Site and RoeROC members. On this basis, the sale of the weighbridge was first floated at the RoeROC meeting for discussion on the 25 June 2015.

COMMENT:

Each Shire is a tenant in common of the weighbridge with a 25% share in the weighbridge. Presently Avon Waste are able to provide weights for reporting purposes to the Waste Authority as their trucks have the ability to calculate weights for each rubbish load.

There is no present or future likelihood that we will accept municipal waste from outside of the RoeROC grouping of Shires due to Dept. of Environment Regulation compliance burdens and the limitation on the amount of waste the Bendering landfill can accept each year as a 'Registration, which is up to 5,000 tonnes.

At a RoeROC Executive Meeting held on Tuesday 19 January 2016 and attended by the CEO's of the RoeROC Shires, the issue of the weighbridge was discussed. The unanimous view of CEOs was that the weighbridge is mostly redundant and there is no legislative requirement to have one. Accordingly, the CEO's consider that the weighbridge should be offered for sale.

Each Shire would report to their respective Council to dispose of the weighbridge asset by private treaty rather than by tender. This would be subject to the provisions relating to giving public notification of the proposed disposition under S3.58 (3) of the Local Government Act 1995. Advertising would include notification in the West Australian Newspaper along with advertising in Farm Weekly and contacting any known organisations that could have an interest in a weighbridge.

STATUTORY ENVIRONMENT:

Local Government Act 1995

The statutory implications associated with disposing of property are contained within S3.58 Disposing of Property.

POLICY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

Depending on the market for significant infrastructure items such as a weighbridge, it is possible that RoeROC will receive a financial loss on the sale. This will be addressed by representative Councils and RoeROC once the 'market' has been tested.

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION :

That Council:

1. Authorises the Chief Executive Officer to offer for sale the Shire of Kulin's 25% share of the weighbridge located at the Regional Waste Site located in Bendering and to carry out the process of sale as required by Section 3.58 (3) of the Local Government Act 1995.

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2. Requests the Chief Executive Officer to confer with the member local governments within the Roe Regional Organisation of Councils to ensure wide advertising of the weighbridge and to refer the matter back to Council at the conclusion of advertising the sale for consideration.

VOTING REQUIREMENTS:

Simple majority required.

12/0216

Moved Cr McInnes Seconded Cr Robins that Council:

1. *Authorises the Chief Executive Officer to offer for sale the Shire of Kulin's 25% share of the weighbridge located at the Regional Waste Site located in Bending and to carry out the process of sale as required by Section 3.58 (3) of the Local Government Act 1995.*
2. *Requests the Chief Executive Officer to confer with the member local governments within the Roe Regional Organisation of Councils to ensure wide advertising of the weighbridge and to refer the matter back to Council at the conclusion of advertising the sale for consideration.*

Carried 8/0

RoeROC members, in discussing the weighbridge agreed that if a reliable power source could be installed then it would have value in the future. Anticipated future reporting requirements on waste volumes will require waste to be weighed and whilst the weighbridge has had some problems in the past it is believed that these issues can be resolved.

FINANCIAL IMPLICATIONS:

All costs associated with the re-establishment of the weighbridge will be investigated by the EHO. Significant loss on sale of asset implications will not apply if weighbridge is retained for RoeROC use. Repairs will be a minor cost compared to the cost of removal.

STATUTORY AND PLANNING IMPLICATIONS:

Local Government (Administration) Regulations 1996

Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
 - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
 - (b) in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in sub regulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —
 - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
 - (b) in any other case, by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

1. That Notice of Motion to revoke decision 12/0216 be signed by the Mover (Cr McInnes) and $\frac{1}{3}$ rd of Councillors;
2. That Council revoke Council resolution 12/0216 of the Ordinary Meeting of Council held on 17 February 2016, and;

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3. That Council supports the recommendation of RoeROC that the Bendering Weighbridge is retained and that the Environmental Health Officer investigate all the costs and options for reestablishment of the weighbridge including a reliable power source.

VOTING REQUIREMENTS:

Absolute Majority

Note: CEO had received a Notice of Motion signed by the Mover and more than 1/3rd of Councillors to consider the matter.

23/1216

Moved Cr Robins Seconded Cr McInnes that:-

1. That Notice of Motion to revoke decision 12/0216 be signed by the Mover (Cr McInnes) and 1/3rd of Councillors;
2. That Council revoke Council resolution 12/0216 of the Ordinary Meeting of Council held on 17 February 2016, and;
3. That Council supports the recommendation of RoeROC that the Bendering Weighbridge is retained and that the Environmental Health Officer investigate all the costs and options for reestablishment of the weighbridge including a reliable power source.

Carried 9/0

8.2 Proposed CEO House

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 05.11a Shire Residential Housing
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Cr Bowey researched the matter concerning previous decisions relating to CEO Housing and identified the latest decision (see report item below).

As Motion 05/1215 is no longer Council's adopted position/direction the motion should be revoked.

The process of revocation requires the signed agreement of the Mover and 1/3rd of Councillors before being considered.

BACKGROUND & COMMENT:

At the Ordinary Meeting of Council held in December 2015 the following resolution was made:-

6.2 Preliminary Meeting – Proposed CEO House

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 05.11a
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

At our November meeting Council requested that a small committee investigate and make a recommendation to Council on the way forward for the construction of the proposed new CEO house.

BACKGROUND & COMMENT:

On Monday 7 December 2015 Crs West, Robins, O'Brien, Bowey and the CEO met to consider the options. Below is a summary of discussions and a recommendation from the group for consideration and endorsement by Council.

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Preferred location

The committee resolved that the most suitable location is Lot 107, Rankin St, Kulin which is in the 1 hectare rural subdivision area. The committee felt that by constructing on one of the 1 hectare lots this gave us many more design options. Other reasons included:

- the addition of another house in this area may encourage additional dwellings to be constructed in the near future by locals.
- the Bowey Way/Ellson St area was not considered ideal due to the existence of a number of other Shire Houses in the area.
- The lots along Price St were considered too small for the size of house proposed. The option to build over two lots was discussed however this was considered to be a waste of funds already paid out on the lots for headwork's.

Design and Construction

The committee resolved along the following lines;

- That Gary Ramm, Ramm's Building design, be asked to prepare a design/s for the proposed residence incorporating:
 - a 4 x 2 residence with a small office, double lock up garage, kitchen/eating/living area, theatre room and pantry off garage entry,
 - ensure an adequate outdoor area is incorporated into the design e.g. recess for BBQ, outdoor sink and recess for refrigerator etc.,
 - standard ceilings,
 - walk in entry showers,
 - air-conditioning with some rooms to have ceiling fans e.g. bedrooms, colorbond roof,
 - to be either double brick or brick veneer depending on costs.

It was further decided that the preferred option was to have full plans and specifications prepared to enable Council to either go to tender or build the residence in-house when the appropriate time comes.

FINANCIAL IMPLICATIONS:

Council will need to allocate some funds for the design phase of the project however this can be recouped from loan funds at a later date if considered necessary.

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That Council endorse the recommendations of the committee, as outlined above, to enable the construction of a new CEO house to commence as soon as possible, particularly the location of the residence i.e. Lot 107, Rankin St, Kulin and the appointment of Ramm's Building Design for the planning and design phase of the project..

VOTING REQUIREMENTS:

Simple majority required.

05/1215

Moved Cr McInnes Seconded Cr Duckworth that Council endorse the recommendations of the committee, as outlined above, to enable the construction of a new CEO house to commence as soon as possible, particularly the location of the residence i.e. Lot 107, Rankin St, Kulin and the appointment of Ramm's Building Design for the planning and design phase of the project.

Carried 7/0

At the November 2016 meeting Council adopted the following motion which is a significantly different motion. The change in location, change in supplier and not for the CEO only but executive use would suggest that 05/1215 should be revoked.

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

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND PLANNING IMPLICATIONS:

Local Government (Administration) Regulations 1996

Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
 - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
 - (b) in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in sub regulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —
 - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
 - (b) in any other case, by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That Council revoke Council resolution 05/1215 of the Ordinary Meeting of Council held on 18 December 2015.

VOTING REQUIREMENTS

Absolute majority.

24/1216

Moved Cr Bowey Seconded Cr Robins that Council revoke resolution 05/1215 of the Ordinary Meeting of Council held on 18 December 2015.

Carried 9/0

DCEO provided Council with a "For Information" Report relating to Housing Tenders (Resolution 12/1116) from the November 2016 meeting.

8.2 Transportable Housing – Finalising Prices & Specifications

RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 05.11.01
AUTHOR: DCEO
STRATEGIC REFERENCE/S:
DISCLOSURE OF INTEREST: Nil

SUMMARY:

We have received updated specifications and pricing for the construction of 2 transportable houses following the prestart meeting held at the offices of TR Homes on the 25th of November.

BACKGROUND & COMMENT:

At the November meeting the following motion was passed:

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 the housing sub-committee.

The CEO and DCEO travelled to Perth on the 25th of November to attend a prestart meeting with TR Homes. We went through a range of options and chose the colour concept and fixtures and fitting for each house. The changes and updated prices are presented in the table below:

Rankin Street Residence		Ellson Street Residence	
Tender Price	\$308,896	Tender Price	\$308,245
Security Screens to hinged doors	2,541	Security Screens to hinged doors	2,669
Upgrade to washable paint	198	Upgrade to washable paint	194
Provide bench to laundry	1,281	Provide bench to laundry	1,281
Provide screen doors to shower	518	Provide screen doors to shower	518
Provide downlights to living	2,992	Provide robe with 4 shelves to study	1,911
Upgrade kitchen appliances	597	Amend patio & carport	10,024
Upgrade carpet to bedrooms	973	Remove 1m concrete around house	(3,710)
Rake ceilings in living area	4,648	Provide additional outdoor tap	166
Relocate opening to lounge	80	Provide 3 x GPO	138
Provide single door entry	(334)	Provide external GPO	97
Provide additional outdoor tap	166	Provide Outdoor lighting	206
Provide 4 x GPO	184	Provide 2 TV outlets	208
Provide external GPO	97		
Provide Outdoor lighting	206		
Provide 2 TV outlets	208		
Increase window size in living	377		
Amend alfresco size	9,479		
Amend Bedroom 1 for enclosed WC	2,328		
Swap position of bathroom & study	183		
Total Price including alterations	\$335,618	Total Price including alterations	\$322,000

During the meeting held by the sub-committee prior to the prestart meeting it was suggested that there was a TR Homes plan that suited Council's needs for an executive style home better than the option selected and that the alternative plan would better suit the Rankin Street block. The alternative option provides an additional 60m² which would go a way to fill in the large area of the 1 hectare lot.

We asked TR Homes to provide pricing for the alternative plan and include all of the above variations to see if the plan could fit our budget. The price came back at \$412,574.

After looking at the specifications we believed it would be possible to alter the current list of specifications in order to purchase the alternative, larger plan along with the original plan tendered for the Ellson Street lot. After removing some of the options entirely as well as seeking local contractors to complete some of the work, rather than TR Homes, we were able to get both properties within the vicinity of the original tender price. The following scenario is presented:

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Rankin Street Residence (Larger Option)		Ellson Street Residence	
Tender Price	\$412,574	Tender Price	\$322,000
Remove carport, verandah	(28,027)	Remove carport, verandah	(10,024)
Remove cement relating to above	(18,549)	Remove cement relating to above	(14,499)
Reduce level of air-conditioning	(10,000)	Reduce level of air-conditioning	(7,000)
Remove wood convection heater	(3,968)	Remove wood convection heater	(3,968)
		Remove extension to carport	(14,499)
New Price	\$352,030	New Price	\$272,010
Total price of both residences			\$624,040

It is envisaged that we would contract the contractors who erected the shire carports to do the verandahs and carports at the residences.

FINANCIAL IMPLICATIONS:

The final price is within that presented in the initial discussion with Council at our November meeting and fits within the budgeted amount for this project. We believe that the alternative option provides better value for money for Council and also makes better use of the 1 hectare lot on Rankin Street. The budget allocation for this project was \$750,000 and is expected to be allocated by:

Location	House	Verandahs, shed, fencing, pad and driveway	Total Price
Rankin Street	\$353,000	\$63,000	\$416,000
Ellson Street	\$272,000	\$62,000	\$334,000

STATUTORY AND 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

OFFICER'S RECOMMENDATION:

For Council's information to demonstrate that pricing is within the nominated prices originally accepted at the November meeting of Council. Until firm quotes are received from contractors (electrical, plumbing etc.) total project cost is uncertain. The total spend for this financial year will fall within the budget of \$750,000 provided the project is completed prior to 30 June. If not, some of these costs as well as any other necessary construction/landscaping will straddle the two financial years. Any spend which falls in to the next financial year will be presented to Council for decision with the 2017/18 Annual Budget.

VOTING REQUIREMENTS:

Simple majority required.

25/1216

Moved Cr Robins Seconded Cr McInnes that Council receive the additional information pertaining to the Housing Tender Resolution 11/11116 and request the concept of both houses being located in the Proudview Estate be actioned by staff in finalising contracts for the build.

Carried 9/0

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

Nil

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

Nil

11 DATE AND TIME OF NEXT MEETING

The next Ordinary Council meeting will be held on Wednesday 15 February 2017 at 1:00pm.

12 CLOSURE OF MEETING

There being no further business the meeting closed at 5:28pm.