

ORDER OF BUSINESS

- 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS - COUNCIL CHAMBERS**
Election of President and Deputy President
- 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 – 16 October 2019
 - 5.2 Freebairn Recreation Club AGM & Sporting Council Minutes 22 October 2019
 - 5.3 Kulin Child Care Centre Management Committee Minutes 27 October 2019
- 6 MATTERS REQUIRING DECISION**
 - 6.1 List of Accounts – October 2019
 - 6.2 Financial Reports – October 2019
 - 6.3 Councillor Portfolio's and Representation
 - 6.4 Council Meeting Dates 2020
 - 6.5 Kulin Museum Request to Reinstate Tractor in Main Street
 - 6.6 Development Assessment Panels (DAP)
 - 6.7 New Policy – HR19 Work Related Travel Expenses
 - 6.8 Kulin Masonic Lodge – Request to Write Off Rates 2018/19
 - 6.9 Expressions of Interest – Lease of Community Cropping Land
- 7 COMPLIANCE**
 - 7.1 Compliance Reporting - General Compliance October 2019
 - 7.2 Compliance Reporting – Delegations Exercised October 2019
- 8 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 9 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**
- 10 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**
 - 10.1 Replacement of Administration Computers
- 11 MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC**
- 12 DATE AND TIME OF NEXT MEETING**
- 13 CLOSURE OF MEETING**

Minutes of an Ordinary Meeting of Council held in the Council Chambers on Thursday 21 November 2019 commencing at 3.00pm

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Election of President

The CEO declared the position of President vacant and called for nominations. A written nomination was received from Cr Barry West. The CEO called for other nominations.

As no further nominations were received, Cr West was declared elected unopposed to the position of President for a 2 year term expiring in October 2021.

Cr West made and signed the Elected Members Declaration, Form 7, witnessed by Garrick Yandle.

Election of Deputy President

The President, Cr West took the chair and called for nominations for the position of Deputy President. A written nomination was received from Cr Grant Robins. The President called for other nominations.

As no further nominations were received, Cr Robins was declared elected unopposed to the position of President for a 2 year term expiring in October 2021.

Cr Robins made and signed the Elected Members Declaration, Form 7, witnessed by Garrick Yandle.

The President thanked outgoing Deputy President Cr Duckworth, acknowledging his service over the past four years and expressing appreciation for the 'backup' provided, commenting that Cr Duckworth was always 'in the loop' and able to step in at any time.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Attendance

BD West	President	West Ward
G Robins	Deputy President	Town Ward
R Bowey	Councillor	Town Ward
L Varone	Councillor	East Ward
BP Taylor	Councillor	Central Ward
B Smoker	Councillor	West Ward
MS Lucchesi	Councillor	Central Ward
JK Noble	Councillor	Town Ward
RD Duckworth	Councillor	West Ward
G Yandle	Chief Executive Officer	
J Hobson	Manager of Works	
C Vandenberg	Deputy Chief Executive Officer	
N Thompson	Executive Support Officer / Minutes	

APOLOGIES

Nil

LEAVE OF ABSENCE

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 October 2019

01/1119

Moved Cr Taylor Seconded Cr Lucchesi that the minutes of the Ordinary Council Meeting held on 16 October 2019 be confirmed as a true and correct record.

Carried 9/0

Freebairn Recreation Club AGM & Sporting Council Meetings – 22 October 2019

02/1119

Moved Cr Smoker Seconded Cr Noble that the minutes of the Freebairn Recreation Club AGM & Sporting Council Meetings held on 22 October 2019 be confirmed as a true and correct record.

Carried 9/0

Kulin Child Care Centre Management Committee Meeting – 27 October 2019

03/1119

Moved Cr Duckworth Seconded Cr Varone that the minutes of the Kulin Child Care Centre Management Committee Meeting held on 27 October 2019 be confirmed as a true and correct record.

Carried 9/0

6 MATTERS REQUIRING COUNCIL DECISION

6.1 List of Accounts – October 2019

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

SUMMARY:

Attached is the list of accounts paid during the month of October 2019 for Council's consideration.

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 October payments being cheque no.'s 254 (Trip), 420 - 422 (Trust), 37162 - 37172; EFT No's 15746 - 15853, DD7075.1 – DD7097.12 (Municipal), credit card payments, creditor payments, payroll and other vouchers from the Municipal Fund totalling \$431,720.93 be received.

VOTING REQUIREMENTS:

Simple majority required.

04/1119

Moved Cr Taylor Seconded Cr Smoker that October payments being cheque no.'s 254 (Trip), 420 - 422 (Trust), 37162 - 37172; EFT No's 15746 - 15853, DD7075.1 – DD7097.12 (Municipal), credit card payments, creditor payments, payroll and other vouchers from the Municipal Fund totalling \$431,720.93 be received.

Carried 9/0

6.2 Financial Reports – October 2019

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

SUMMARY:

Attached are the financial reports for the period ending 31 October 2019.

BACKGROUND & COMMENT:

Nil

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND PLANNING IMPLICATIONS:

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

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That Council endorse the monthly financial statements for the period ending 31 October 2019.

VOTING REQUIREMENTS:

Simple majority required.

05/1119

Moved Cr Smoker Seconded Cr Lucchesi that Item 6.2 Financial Reports – October 2019 be deferred to the December Meeting.

Carried 9/0

6.3 Councillor Portfolios and Representation

NAME OF APPLICANT: CEO
FILE REFERENCE: 13.03 Council
STRATEGIC REFERENCE/S:
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Council portfolios and committee representation is currently as follows:

Portfolios

- Roads & Transport (RRG, Transport issues, MRD): - Crs West, Lucchesi & Robins
- Sport & Recreation (Freebairn Management Committee, Sporting Groups): - Cr West
- Health (Hospital, Doctor, Nursing issues etc.): - Crs Bowey & Varone
- Tourism (Kulin Bush Races, Roe Tourism etc.): - Crs Bowey & Duckworth (& CRC Manager)
- Agriculture (APB Zone, Skeleton Weed, Dogger etc.): - Cr Taylor
- Business Development (Small Business Centre, Business Development, Resource Centre): - Crs McInnes & Smoker (& CRC Manager)
- Emergency Services (Bush Fire, Ambulance, LEMAC, SES, Emergency Building etc.): - Crs Duckworth & McInnes
- Townscape, Town Planning, Tidy Towns: - Crs McInnes & Robins
- WALGA Central Country Zone – Cr West & Cr Duckworth

Committee Representatives

- Australia Day Committee – Cr Duckworth & Cr Bowey
- Freebairn Recreation Centre – Cr West
- Kulin Retirement Homes – CEO
- Kulin Child Care Centre – Cr Lucchesi (proxy Cr Bowey)
- Kulin Bush Races – Cr Bowey
- Camp Kulin Working Party BBRF Application – Crs West & Smoker
- Audit Committee – Full Council
- RoeROC – Cr West & Cr Duckworth
- Lakes District Sub-Group Regional Road Group – Cr Robins (proxy Cr Lucchesi)
- Regional Road Group – Cr Robins & Cr Lucchesi
- Central Ag Care – Cr McInnes
- DAP Nominated Representatives – Cr West & Cr Duckworth
- Local Government Week – Crs West & Duckworth plus one other delegate
- National Roads Transport Forum – Cr Robins

BACKGROUND & COMMENT:

At the August Council Meeting it was agreed to appoint Cr West to CKC (Cultivating Kulin Committee). At the same time the appointment of a representative on Camp Kulin Inc was held over until after the Local Government elections.

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That the portfolios and committee representatives be discussed and determined.

VOTING REQUIREMENTS:

Simple majority required.

06/1119

Moved Cr Lucchesi Seconded Cr Noble that the following Portfolio's and Committee Representations be confirmed:

Portfolios

- Roads & Transport (RRG, Transport issues, MRD): - Crs Lucchesi, Robins, Varone & West
- Sport & Recreation (Freebairn Management Committee, Sporting Groups): - Cr Noble & West
- Health (Hospital, Doctor, Nursing issues etc.): - Crs Bowey & Varone
- Tourism (Kulin Bush Races, Roe Tourism etc.): - Crs Bowey & Duckworth (& CRC Manager)
- Agriculture (APB Zone, Skeleton Weed, Dogger etc.): - Cr Taylor & Cr Smoker
- Business Development (Small Business Centre, Business Development, Resource Centre): - Crs Smoker, Robins, Lucchesi & Noble (& CRC Manager)
- Emergency Services (Bush Fire, Ambulance, LEMC, SES, Emergency Building etc.): - Crs Duckworth & Noble
- Townscape, Town Planning, Tidy Towns: - Crs Robins & Bowey
- WALGA Central Country Zone – Cr West & Cr Robins
- Kulin Bush Races – Cr Bowey & Cr Noble

Committee Representatives

- Australia Day Committee – Cr Duckworth & Cr Bowey
- Freebairn Recreation Centre – Cr West (proxy Cr Noble)
- Kulin Retirement Homes – CEO (proxy Cr Bowey)
- Kulin Child Care Centre – Cr Lucchesi (proxy Cr Bowey)
- Camp Kulin – Cr West (proxy Cr Smoker)
- Audit Committee – Full Council
- RoeROC – Cr West & Cr Robins
- Lakes District Sub-Group Regional Road Group – Cr Robins (proxy Cr Lucchesi & Cr Varone)

- Regional Road Group – Cr Robins & Cr Lucchesi (proxy Cr Varone)
- Central Ag Care – request Haydn McInnes to continue representing Shire of Kulin (proxy Cr Bowey)
- DAP Nominated Representatives – Cr West & Cr Duckworth
- Local Government Week – Crs West & Robins plus one other delegate
- National Roads Transport Forum – Cr Robins & CEO
- CKC – Cr West (proxy Cr Smoker)
- LEMC – Cr Duckworth
- Roe Tourism – Cr Bowey (proxy Cr Duckworth)

Carried 9/0

6.4 Council Meeting Dates 2020

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 13.03
AUTHOR: CEO
STRATEGIC REFERENCE/S: SCP 2013-2017 – 4.3 Excellent Customer Service, 4.4 Communication with ratepayers
DISCLOSURE OF INTEREST: Nil

SUMMARY:

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

BACKGROUND & COMMENT:

Proposed meeting dates and times are as follows:

Date	Time
19 February 2020	1:00PM
18 March 2020	1:00PM
15 April 2020	1:00PM
20 May 2020	3:00PM
17 June 2020	1:00PM
15 July 2020	1:00PM
19 August 20	1:00PM
16 September 2020	1:00PM
21 October 2020	1:00PM
18 November 2020	3:00PM
16 December 2020	1:00PM

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

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That Council advertise that all 2020 Ordinary Council meetings are to be held on the third Wednesday of each month, commencing at the indicated times, excluding January 2020 when no meeting is held. Meeting dates and times changed due to extraordinary circumstances will be advertised in the Shire of Kulin Update and on the Council's Website.

VOTING REQUIREMENTS:

Simple majority required.

07/1119

Moved Cr Taylor Seconded Cr Varone that Council advertise that all 2020 Ordinary Council meetings are to be held on the third Wednesday of each month, except July which will be held on 22 July 2019, commencing at the indicated times, excluding January 2020 when no meeting is held. Meeting dates and times changed due to extraordinary circumstances will be advertised in the Shire of Kulin Update and on the Council's Website.

Carried 9/0

Note: the resolution was changed with the scheduled meeting for July being a week later to enable more time for staff to prepare the 2020/21 budget for presentation to Council

6.5 Kulin Museum Request to Reinstate Tractor in Main Street

RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 05.19
AUTHOR: CEO
STRATEGIC REFERENCE/S:
DISCLOSURE OF INTEREST: Nil

SUMMARY:

The Kulin Museum Society Inc. have written to Council requesting permission to reinstate the rare blue Emerson Brantingham & Co tractor in the main street.

BACKGROUND & COMMENT:

The tractor is circa 1915 and was owned by Mr J. H. (Harry) Nichols and was formerly situated opposite the National Bank where it was placed around 1960.

Permission is sought to place it in the main street again at the south side of the area adjacent to the fuel facility. The Museum intend to construct a concrete platform structure and with a metal shade structure as before. Work is proposed to be overseen by Museum members.

It is believed that Museum members would also undertake some restoration work on the tractor prior to its relocation, in the form of new paintwork.



STATUTORY ENVIRONMENT:

Building Code of Australia - Any building greater than 3m x 3m will require a building application to be submitted for approval.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Kulin Museum Society Inc.

WORKFORCE IMPLICATIONS:

Building Surveyor required to assess and approve building permit applications.

RECOMMENDATION:

That Council approve the relocation request by the Kulin Museum Society Inc. to reinstate the rare blue Emerson Brantingham & Co tractor in the main street upon the following provisions:

- Provide sketch map showing specific location and size of plinth.
- Building Application be submitted and approved prior to construction of proposed shade shelter.
- Council is not held responsible for any public damage or vandalism that the tractor may be subject to post installation.
- Restoration of the tractor is undertaken via appropriate paintwork approved by the CEO.
- All costs are borne by the Museum.

VOTING REQUIREMENTS:

Simple Majority.

08/1119

Moved Cr Duckworth Seconded Cr Robins that Council approve the relocation request by the Kulin Museum Society Inc. to reinstate the rare blue Emerson Brantingham & Co tractor in the main street upon the following provisions:

- Provide sketch map showing specific location and size of plinth.
- Building Application be submitted and approved prior to construction of proposed shade shelter.
- Council is not held responsible for any public damage or vandalism that the tractor may be subject to post installation.
- Restoration of the tractor is undertaken via appropriate paintwork approved by the CEO.
- All costs are borne by the Museum
- Ongoing care and maintenance to be the responsibility of the Kulin Museum Society Inc.

Carried 9/0

6.6 Development Assessment Panels (DAP)

NAME OF APPLICANT: Department of Planning, Lands & Heritage
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 18.05
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Development Assessment Panels came into operation in 2011 to determine development applications for each Shire that meet a certain threshold value (can be determined by applicant). Each DAP comprises 5 members, 3 specialist members, one of which is the presiding member, and 2 local government members. The appointments of all DAP members expire on 26 January 2020 and Council was requested to supply names prior to 8 November 2019 to ensure all local interests are represented in future DAP determinations.

BACKGROUND & COMMENT:

In April 2017 Councillors West and Duckworth were Council's nominated representatives to serve on the DAP. Both Cr West and Duckworth had undertaken the required training.

In 2017 Council did not nominate 2 alternatives members, which is acceptable – and considering that the Kulin DAP has had no work in the past 7 years, was not a high priority.

The appointments are for a two-year term to expire on 26 January 2022.

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND TOWN PLANNING IMPLICATIONS

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That Council nominate Cr West and Cr Duckworth to serve on the DAP for a two-year term expiring 26 January 2020.

VOTING REQUIREMENTS:

Simple majority required.

09/1119

Moved Cr Smoker Seconded Cr Bowey that Council nominate Cr West and Cr Duckworth to serve on the DAP for a two-year term expiring 26 January 2020.

Carried 9/0

6.7 New Policy – HR19 Work Related Travel Expenses

NAME OF APPLICANT: DCEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 23.05
AUTHOR: CEO
STRATEGIC REFERENCE/S: Administrative Procedures and Operational Guidelines (APOG) Manual
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Council require a formalised procedure for staff to claim travel expenses. A procedure will help to clarify the process, expectations and limitations surrounding the reimbursement of expenditure when conducting work related travel.

BACKGROUND & COMMENT:

Staff have used a very old, informal policy contained within the payroll processing instructions regarding the reimbursement of travel expenses. The details of the policy are:

Travel

- *If shire car not available. Employee to take own car and paid 76 cents/km for use of own car as per award*
- *If staff do not want to take their own car they do not go.*

Accommodation

- *\$150-\$170 per day as a guide including breakfast & evening meal. (lunch normally included in training/seminar)*
- *Anything reasonable will be considered*
- *Payment only made on receipt of invoice.*

Meal Allowance

- *Conference – If person choses to stay in own accommodation - \$75 per day*
- *Training or Meeting - If person choses to stay in own accommodation - \$50 per day (\$20 for breakfast, \$30 for dinner). If breakfast is had at hotel then \$30 per day for dinner.*

Daily travel to Perth

- *Will pay for lunch, morning tea, as a guide around \$20 per day on production of receipts.*

The content of the guideline is similar to the informal procedure however the rates have been altered to be in line with what the Australian Taxation Office determines as appropriate and the process to claim the expenses has been outlined.

FINANCIAL IMPLICATIONS:

There is a cost to Council but it is expected that the costs will be much the same as they currently are.

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Update to the Administrative Procedures and Operational Guidelines (APOG) Manual

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That Council adopt the Administrative Procedures and Operational Guideline HR19 for Work Related Travel Expenses.

VOTING REQUIREMENTS:

Simple majority required.

10/1119

Moved Cr Lucchesi Seconded Cr Smoker that Council adopt the Administrative Procedures and Operational Guideline HR19 for Work Related Travel Expenses.

Carried 9/0

6.8 Kulin Masonic Lodge – Request to Write Off Rates 2018/19

NAME OF APPLICANT: Kulin Masonic Lodge
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 25.02
AUTHOR: DCEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

The Shire of Kulin have received a letter from the Kulin Masonic Lodge requesting that Council consider granting the organisation an exemption on their land for the purposes of raising rates based on the charitable works the organisation conducts.

BACKGROUND & COMMENT:

The Kulin Masonic Lodge describes itself as a charitable organization and have contributed generously to the community and local organisations over the years. Some of the work they have been involved in has included:

- Kulin Retirement Homes – donation of the land which the residences have been constructed on
- Caring for the widows of the Brethren
- Kulin Bush Races – volunteering to run the fish and chips shop throughout the event.

Section 6.26(g) of the Local Government Act 1995 provides for a rate exemption for 'land used exclusively for charitable purposes'. The Local Government Act 1995 does not define what a charitable purpose is therefore, the definition under Commonwealth Law must be applied.

Under Section 12(1) of the Charities Act 2013, a charitable purpose means any of the following:

- a) the purpose of advancing health;
- b) the purpose of advancing education;
- c) the purpose of advancing social or public welfare;
- d) the purpose of advancing religion;
- e) the purpose of advancing culture;
- f) the purpose of promoting reconciliation, mutual respect and tolerance between groups of individuals that are in Australia;
- g) the purpose of promoting or protecting human rights;
- h) the purpose of advancing the security or safety of Australia or the Australian public;
- i) the purpose of preventing or relieving the suffering of animals;
- j) the purpose of advancing the natural environment;
- k) any other purpose beneficial to the general public that may reasonably be regarded as analogous to, or within the spirit of, any of the purposes mentioned in paragraphs (a) to (j);
- l) the purpose of promoting or opposing a change to any matter established by law, policy or practice in the Commonwealth, a State, a Territory or another country, if:
 - i. in the case of promoting a change—the change is in furtherance or in aid of one or more of the purposes mentioned in paragraphs (a) to (k); or
 - ii. in the case of opposing a change—the change is in opposition to, or in hindrance of, one or more of the purposes mentioned in those paragraphs.

The Kulin Masonic Lodge invests and provides services to the community. The Kulin Masonic Lodge, while not a registered charitable organisation itself, operates under the State Masonic Lodge which is registered under the Australian Charities and Not for Profit Commission.

Given the small membership of the Kulin Masonic Lodge they are unable to raise enough revenue to cover the expense of their rates. The 2019/20 rates levied are currently outstanding and it is my understanding that, while the letter received is asking for an exemption for their property rates, the group are also seeking a write off of the current year rates.

FINANCIAL IMPLICATIONS

There is a budget allocation for general write offs and this expense can be covered under that allocation. If a rate exemption is granted the financial impact will be considered when preparing future budgets.

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

- 1.) Write off 2019/20 rates levied to Kulin Masonic Lodge totalling \$448.80 (including \$4.91 penalty interest charges) for assessment number A94 be written off, and
- 2.) Council grant the Kulin Masonic Lodge a rates exemption for their property at 20 Gordon Street, Kulin due to the charitable nature of the organisation's activities.

VOTING REQUIREMENTS:

Simple majority required.

11/1119

Moved Cr Bowey Seconded Cr Duckworth that Council

- 1.) Write off 2019/20 rates levied to Kulin Masonic Lodge totalling \$448.80 (including \$4.91 penalty interest charges) for assessment number A94 be written off, and
- 2.) Council grant the Kulin Masonic Lodge a rates exemption for their property at 20 Gordon Street, Kulin due to the charitable nature of the organisation's activities.

Carried 9/0

6.9 Expressions of Interest – Lease of Community Cropping Land

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

SUMMARY:

Council advertised for Expressions of Interest from local community groups for "Kulin Community Cropping Lease" for the "Airstrip" and "Proud's" farmland.

Written submissions closed on 8 November 2019 with CKC (Cultivating Kulin Committee) being the only community group who provided a verbal EOI and have since submitted their EOI in writing.

CKC advise that they accept all terms and conditions detailed in the Expressions of Interest, however have requested a zero dollar per hectare lease. See attached letter outlining criteria requested in the EOI.

BACKGROUND & COMMENT:

The existing lease arrangement with the Kulin Kondinin Football Club (\$10 per hectare) expires in January 2020. The Kulin Community Cropping farmland consists of Airstrip (approx. 50 ha) and Proud's (approx. 110 ha); although KKFC have been levied the \$10 per ha fee based on an agreed 150 hectares (previous advice from Ben Whisson indicates that there is actually 136 ha of arable land).

The following details the lease terms, conditions and management practices to be adopted over the term of the lease:

1. Commercial Details

- a. All income from the cropping land is to be retained by the lessee.
- b. The lease period is to be for 3 or 6 years.
- c. Lease period commences February 2020.
- d. The lease will be reviewed within 6 months of expiry.
- e. In years 1, 2, 4 and 5 any crop can be planted.
- f. In years 3 and 6 a break crop is to be planted, this is classified by one of the following; lupins, peas, canola or chemical fallow.

2. Agronomy

- a. An agronomist is to be consulted to assist with the cropping program
- b. A written record of cropping procedures is to be maintained, eg chemical, fertiliser and crop rotation.
- c. Soil testing is required in the first month of the term, the results of which should be provided to the Shire for historical purposes.
- d. All test results and written records must be forwarded to the Shire annually for record keeping purposes.
- e. A minimum of 10 units / hectare of phosphorus and potassium is to be applied each year.
- f. In the first year of the lease a lime application of 2 tonnes / hectare is to be applied.
- g. Summer spraying is to be carried out by the lease in the last 6 months of the term.

3. Maintenance

- a. All burning, removal of chaff heaps, water consumption, picking of rocks etc, and other operating costs associated with the cropping program are the responsibility of the lease.
- b. Firebreaks will be the responsibility of the Shire as the lessor.

FINANCIAL IMPLICATIONS:

If zero dollars per ha approved, loss of budgeted income 2019/20 of \$625 (\$1250 annually)

STATUTORY AND PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Expressions of Interest advertised via Update

WORKFORCE IMPLICATIONS:

Nil

OFFICERS RECOMMENDATION:

That Council agree to lease the Kulin Community Cropping farmlands (consisting of Loc 165 being the 'Airstrip' and Loc's 13765 & 9838 being 'Proud's') to Cultivating Kulin Committee (CKC), for a 6 year period commencing 1 February 2020 to 31 January 2026 at a rate of zero dollars per hectare.

VOTING REQUIREMENTS:

Simple majority required.

12/1119

Moved Cr Noble Seconded Cr Bowey that Council agree to lease the Kulin Community Cropping farmlands (consisting of Loc 165 being the 'Airstrip' and Loc's 13765 & 9838 being 'Proud's') to Cultivating Kulin Committee (CKC), for a 6 year period commencing 1 February 2020 to 31 January 2026 at a rate of \$10 per hectare.

Carried 9/0

Note: Motion changed from zero dollars per hectare to \$10 per hectare to reflect the conditions imposed on previous leaseholders.

7 COMPLIANCE

7.1 Compliance Reporting – General Compliance October 2019

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 12.05 Compliance 12.06 – Accounting Compliance
STRATEGIC REFERENCE/S: CBP 4.1 Civic Leadership, 4.1.8 Compliance methods
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

This report addresses General and Financial Compliance matters for October 2019. This process is not definitive, each month additional items and/or actions may be identified that are then added to the monthly checklist. Items not completed each month e.g. quarterly action - will be notations.

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

BACKGROUND & COMMENT:

The Compliance team and works staff commence the monthly compliance effort immediately after the Shire meeting each month. At that time, the Executive Support Officer will email the assigned staff member their compliance requirements for the coming month. As the month progresses, staff in conjunction with their manager, the CEO or DCEO will determine the extent of work/action needed to complete items. During Agenda week, the Compliance Team again meets to ensure the monthly report/list is reviewed and that compliance items are completed. In preparing the Agenda report, the CEO or DCEO will sign off on completed items.

Prior month items not completed previously will be reported in the following month so Council remains aware.

Outstanding May 2019

Review of Equal Opportunity Employment Plan

Outstanding June 2019

Staff Performance Reviews & KRA's – commenced

Outstanding July

Disability Access and Inclusion Plan Review

LEMC Reporting

Outstanding September

Occupational Health & Safety Meeting

FINANCIAL IMPLICATIONS:

In terms of meeting compliance - normal administration expense. There may be items that require additional administrative effort to complete or require external assistance to resolve. In those cases, individual financial implications will be reported.

STATUTORY AND PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Identified as necessary – this report Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That Council receive the General & Financial Compliance Report for October 2019 and note the matters of non-compliance.

VOTING REQUIREMENTS:

Simple majority required.

13/1119

Moved Cr Smoker Seconded Cr Taylor that Council receive the General & Financial Compliance Report for October 2019 and note the matters of non-compliance.

Carried 9/0

7.2 Compliance Reporting – Delegations Exercised – October 2019

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 12.05 - Compliance
STRATEGIC REFERENCE/S: CBP 4.1 Civic Leadership, 4.1.8 Compliance methods
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

To report back to Council actions performed under delegated authority for the period ending 31 October 2019.

To provide a comprehensive report listing of the delegations able to be exercised following adoption of a more substantial array of delegations in June 2017.

BACKGROUND & COMMENT:

This report is prepared for Council detailing actions performed under delegated authority by the respective officers under each of the delegation headings:

ADMINISTRATION

Policy	Delegation	Officers
A1	Acting Chief Executive Officer	(CEO)
A2	Agreements for Payments of Debts to Council	(CEO/DCEO)
A3	Casual Hirer's Liability	(CEO)
A4	Complaint Handling	(CEO)
A5	Fees & Charges – Discounts	(CEO/DCEO/MW/MLS/CRC)
A6	Investment of Surplus Funds	(CEO/DCEO)
A7	IT & Social Media – Use of	(CEO)
A8	Legal Advice, Representation & Cost Reimbursement	(CEO)
A9	Payments from Municipal and Trust Funds	(CEO-to numerous staff – purchase orders)
A10	Use of Common Seal	(CEO)
A11	Writing Off Debts	(CEO)
A12	Housing	(CEO)
A13	Procedure for Unpaid Rates Finance	(CEO)

GOVERNANCE

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

HUMAN RESOURCES

H1	Grievance Procedures	(CEO)
----	----------------------	-------

COMMUNITY SERVICES

CS1	Bushfire Control – Shire Plant for Use of	(CEO)
CS2	Bushfire Control – Plant Use for Adjoining Shires	(CEO)
CS3	Bushfire Prohibited / Restricted Burning Periods – Changes	(Shire President/CEO)
CS4	Bushfire Training Administration	(CEO)
CS5	Cat Ownership Limit – Cat Control	(CEO)
CS6	Dog Control – Attacks	(CEO)
CS7	Dog Ownership Limit – Dog Control	(CEO)
CS8	Sea Containers Use of – Town Planning	(CEO)
CS9	Second Hand Dwellings	(CEO)
CS10	Temporary Accommodation	(CEO)
CS11	Unauthorised Structures – Building Control	(CEO)
CS13	Freebairn Recreation Club Committee	(FRC Club Committee)
CS14	Kulin Child Care Centre Management Committee	(KCCC Mgmt. Committee)
CS15	General – Community Services Practices	(CEO)
CS20	Seed Collection	(CEO)

WORKS

W1	Gravel Supplies	(MW)
W2	Roads – Clearing	(CEO)
W3	Roads – Damage to	(MW)

W4	Roads – Roadside Markers – Management of	(MW)
W5	Stormwater Drainage	(MW)
W6	Street Trees	(CEO)
W7	Streetscape – Improvements	(CEO)
W8	Roadside Burning	(MW)
W9	Temporary Road Closures	(MW)
W10	General – Works Practices Approvals	

COMMENT:

The following details the delegations exercised within the Shire relative to the delegated authority for the month of October 2019 and are submitted to Council for information (excluding delegations under A9, Payments – refer to individual order and payment listed in Accounts paid).

A7 IT & Social Media – Use of (CEO)

Various posts on Social Media as authorised by CEO

H1 Grievance Procedures

CEO has engaged external contractor Mapien Services to assist in the investigation of formally received Grievance Complaint (confidential).

STATUTORY ENVIRONMENT:

Building Act 2011
Bushfires Act 1954
Cemeteries Act 1986
Health (Asbestos) Regulations 1992;
Health (Miscellaneous Provisions) Act 1911;
Local Government Act 1995
Public Health Act 2016
Shire of Kulin TPS2
Town Planning Development Act
Town Planning Scheme
Trustees Act, Part III,
Criminal Procedure Act 2004;

FINANCIAL IMPLICATIONS:

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

STATUTORY AND PLANNING IMPLICATIONS:

Sections 5.18 and 5.46 of the Local Government Act 1995

POLICY IMPLICATIONS:

There are no known policy implications relating to this report.

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER’S RECOMMENDATION:

That Council receive the Delegation Exercised Report for October 2019.

VOTING REQUIREMENTS:

Simple majority required.

14/1119

Moved Cr Lucchesi Seconded Cr Bowey that Council receive the Delegation Exercised Report for October 2019.

Carried 9/0

8 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

Council Meeting adjourned at 5.02pm during which time the Concept Forum was held.

Council Meeting resumed at 6.55pm

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

8.1 Replacement of Administration Computers

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

SUMMARY:

The administration computers operating lease needs to be renewed as our computers are beginning to reach the end of their useful life. A decision needs to be made between either buying outright, or entering into another operating lease.

BACKGROUND & COMMENT:

Presented in April 2019 was a forum item which provided a detailed breakdown of the Shire's IT expenses. One of the major IT expenses for the Shire is equipment leases for IT hardware, we currently have three leases which are described below:

1. Two laptop computers for Camp Kulin trainee staff. These laptops are due for an upgrade however the Camp Kulin Manager has indicated that she would like to pursue a grant for the replacement of these computers. Regardless of this, and given the Manager is away on leave, these will be purchased in this group of computers.
2. Server equipment. In March 2015 we began the process of upgrading our server equipment. The upgrade was an absolute necessity and was unbudgeted for at the time. The cost at \$59,000 was significant. The option to lease the equipment allowed Council to reduce the initial outlay and spread the cashflow impact evenly across the life of the asset.
3. Administration computer equipment. When we moved offices from the admin building to the newly renovated CRC building our computer equipment was upgraded. Our computers were at the end of their life and each member of staff had a different type of computer or laptop depending on when the machine was last upgraded/replaced. Having different hardware and operating software created difficulties for our IT support providers when dealing with staff IT issues. The equipment was replaced with identical machines which has provided our staff and our IT providers with some efficiencies when using or maintaining the machines.

The pros and cons described to Council in April 2019 forum item were:

Pros	Cons
Reduces the impact of large capital outlay when purchasing new equipment.	Commits council funds for a number of years. Rather than year to year which is typical in a normal budget cycle.
Frees up operating funds for other projects.	There is a financing charge similar to interest which increases the overall cost of the asset.
Spreads the cost of the equipment evenly across the asset life.	You do not own the equipment when the term of the lease expires.
Equipment can be upgraded at end of lease and the lease term is extended. Allows us to take advantage of technological advances.	Down time when replacing leased assets with new assets.

A significant issue, as pointed out by the Department of Local Government during our 2017/2018 audit, was that our operating surplus ratio has consistently been below the required benchmark of between 1 and 15%.

The Operating Surplus Ratio is calculated by:

$$\frac{\text{(Operating Revenue-Operating Expenditure)}}{\text{Own Source Revenue}}$$

A positive ratio indicates the percentage of total own source revenue available to help fund proposed capital expenditure, transfer to cash reserves or to reduce debt.

A negative ratio indicates the percentage increase in total own source revenue (principally rates) that would have been required to achieve a break-even operating result.

In September 2019 we held an audit committee meeting to discuss the actions Council would undertake to improve the ratio. The two actions were to:

- Prepare a new asset management plan and long term financial plan in which we looked at the rates of depreciation of assets to ensure rates are correct and we are not over-expensing depreciation, and
- Apply a higher level of scrutiny to ensure expenses which are capital in nature are not classed as operating expenditure, meaning these assets move to the balance sheet which will have a positive effect on our profit result.

If Council were to purchase the computers outright, rather than entering in to a finance lease, the ongoing quarterly cost of the operating lease will not be classed as an operating expense. While the effect of this purchase will not be so significant that our operating surplus ratio will reach the benchmark level based on this purchase alone it does have a positive effect. Depreciation expense will still be incurred however the rate will be lower than the cost of the operating lease.

The cost of the operating leases has been included in the annual budget however the cost of purchasing the computers outright has not. Council hold an Administration Equipment Reserve which could be used for the purchase of these computers which will reduce the effect on the budget. There is currently \$75,000 in the Administration Equipment Reserve.

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

The quoted cost of replacing the computers is \$40,856.23 excl GST

There will be a saving once the existing lease agreement is cancelled. This amount will be offset against the cost of the new computers, the remaining funds will come via a Reserve transfer resulting in minimal effect on operating funds.

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION

That Council approve the outright purchase of the administration computers at a cost of \$40,856.23 excluding GST

VOTING REQUIREMENTS:

Absolute Majority.

15/1119

Moved Cr Duckworth Seconded Cr Lucchesi that Council approve the outright purchase of the administration computers at a cost of \$40,856.23 excluding GST.

Carried by Absolute Majority

10 MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC

Nil

11 DATE AND TIME OF NEXT MEETING

Wednesday 18 December 2019 at 1.00pm to be followed by Council Christmas party at the Freebairn Recreation Centre.

12 CLOSURE OF MEETING

There being no further business the President declared the meeting closed at 7.05pm