

ORDER OF BUSINESS

- 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS - COUNCIL CHAMBERS**
5:30pm Mary Lucchesi JP, Jarron Noble – New Councillor Declarations
- 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 – 18 September 2019
- 6 MATTERS REQUIRING DECISION**
 - 6.1 List of Accounts – September 2019
 - 6.2 Financial Reports – September 2019
 - 6.3 Plant Tender – Grader
 - 6.4 51 Johnston Street, Kulin – Request to Write Off Penalty charges
 - 6.5 Office Closure – Christmas 2019
- 7 COMPLIANCE**
 - 7.1 Compliance Reporting - General Compliance September 2019
 - 7.2 Compliance Reporting – Delegations Exercised September 2019
- 8 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 9 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**
 - 9.1 Proposed Budget Amendment – Mobile Concrete Batching Plant
 - 9.2 Bitumen & Aggregate Tenders
- 10 MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC**
- 11 DATE AND TIME OF NEXT MEETING**
- 12 CLOSURE OF MEETING**

Minutes of an Ordinary Meeting of Council held in the Council Chambers on Wednesday 16 October 2019 commencing at 4.45pm

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

President West congratulated the recently elected Councillors (all unopposed) and advised Councillor Declarations will take place at the conclusion of the meeting.

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
B Smoker	Councillor	West Ward
R Bowey	Councillor	Town Ward
BP Taylor	Councillor	Central Ward
MS Lucchesi	Councillor	Central Ward
G Robins	Councillor	Town Ward
L Varone	Councillor	East Ward
G Yandle	Chief Executive Officer	
J Hobson	Manager of Works	
C Vandenberg	Deputy Chief Executive Officer	

APOLOGIES

N Thompson Executive Support Officer / Minutes

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 – 18 September 2019

01/1019

Moved Cr Bowey Seconded Cr Varone that the minutes of the Ordinary Council Meeting held on 18 September 2019 be confirmed as a true and correct record.

Carried 9/0

6 MATTERS REQUIRING COUNCIL DECISION

6.1 List of Accounts – September 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 September 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 September payments being cheque no.'s 251 - 253 (Trip), 414 - 419 (Trust), 37154 - 37161; EFT No's 15651 - 15745, DD7036.1 – DD7067.10 (Municipal), credit card payments, creditor payments, payroll and other vouchers from the Municipal Fund totalling \$768,008.07 be received.

VOTING REQUIREMENTS:

Simple majority required.

Cr Lucchesi declared a Financial Interest in Item 6.1 as landowner (Blazing Swan event location) and did not vote.

02/1019

Moved Cr Robins Seconded Cr Smoker that September payments being cheque no.'s 251 - 253 (Trip), 414 - 419 (Trust), 37154 - 37161; EFT No's 15651 - 15745, DD7036.1 – DD7067.10 (Municipal), credit card payments, creditor payments, payroll and other vouchers from the Municipal Fund totalling \$768,008.07 be received.

Carried 8/0

6.2 Financial Reports – September 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 30 September 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 30 September 2019.

VOTING REQUIREMENTS:

Simple majority required.

03/1019

Moved Cr Duckworth Seconded Cr McInnes that Council endorse the monthly financial statements for the period ending 30 September 2019.

Carried 9/0

6.3 Plant Tender - Grader

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 23.05
AUTHOR: CEO
STRATEGIC REFERENCE/S: Budget
DISCLOSURE OF INTEREST: Nil

SUMMARY:

In accordance with the adopted budget, tenders have been called for the supply and delivery of one Grader 100kw minimum with the 2006 Cat 12M being offered as a trade.

BACKGROUND & COMMENT:

Tenders close at 4pm on Monday 14 October 2019. After tenders close, a table detailing tenders received will be prepared for the Council meeting and presented on the 16 October as a late addition to this report.

FINANCIAL IMPLICATIONS:

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

To be provided in the report tabled on meeting day – now attached.

VOTING REQUIREMENTS:

Simple majority required.

04/1019

Moved Cr Smoker Seconded Cr Taylor that Council accept the tender from Westrac Equipment to supply one 12M CAT Grader for \$356,715 with a trade value of \$88,000 for councils 2008 12M CAT with a changeover price of \$268,715.

Carried 9/0

6.4 51 Johnston Street, Kulin – Request to Write-Off Penalty Charges

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

SUMMARY:

We commenced legal action against the owner of 51 Johnston Street, Kulin early in 2018. A Property Seizure and Sale Order was lodged with the court then eventually the property was placed for sale by auction in November 2018. The property was not sold on the day however the Bailiff and Kulbiz PL negotiated a sale in February of 2019. The sale price of the property did not cover the legal fees and penalty interest accumulated in its entirety and this agenda item is written to request the write off of the remaining charges.

BACKGROUND & COMMENT:

Once the sale (by auction) of 51 Johnston Street, Kulin was unsuccessful the Bailiff and Kulbiz PL entered in to negotiations to determine a suitable sale price for the property. This was done in consultation with staff at the Shire. The sale price consisted of only outstanding rates, penalty interest charges and legal fees at a particular date. Since the price was negotiated the Shire of Kulin incurred additional legal charges for the lodgment of court documents and also imposed penalty interest charges on the outstanding amount as per Council procedure. As the sale price was negotiated and the property has transferred we are unable to recover these fees from the new owners.

The details of the outstanding fees are as follows:

- Interest and ESL penalty \$256.44
- Legal charges \$466.50

Overall the rates, legal charges and penalty interest outstanding on the property were in the vicinity of \$14,000. In order to proceed with the collection of 2019/20 rates we are asking Council to consider writing off the final balance of \$722.94.

FINANCIAL IMPLICATIONS

There is an allowance for the write off of rates in our annual budget.

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That legal fees and penalty interest of \$722.94 charged to 51 Johnston Street, Kulin after the sale price was negotiated with the new owners, be written off.

VOTING REQUIREMENTS:

Simple majority required.

05/1019

Moved Cr Taylor Seconded Cr Lucchesi that legal fees and penalty interest of \$722.94 charged to 51 Johnston Street, Kulin after the sale price was negotiated with the new owners, be written off.

Carried 9/0

6.5 Office Closure – Christmas 2019

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 22.16
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

As has been the case in past years the Shire Office has been closed during the Christmas & New Year period. This year Christmas day falls on a Wednesday, as such proposed options for office closure are:

- Monday 23rd December 2019 to Friday 3rd January 2020 inclusive (reopen Monday 6th)
- Monday 23rd December 2019 to Wednesday 1st January 2020 inclusive (reopen Thursday 2nd)
- Wednesday 25th December 2019 to Friday 3rd January 2020 inclusive (reopen Monday 6th)
- Wednesday 25th December 2019 to Wednesday 1st January 2020 inclusive (reopen Thursday 2nd)

The CEO and DCEO had discussions regarding the proposed options and the recommended office closure period is:

- Monday 23rd December 2019 to Friday 3rd January 2020 (inclusive). The Administration Office will reopen on Monday 6th January 2020.

Reasons:

- Everyone gets a good break from work and can recharge.
- Enforced leave clears some staff's long overdue leave balances.
- The short weeks either side of the public holidays are generally unproductive and some staff will take extended leave or RDOs during this period anyway.

During that period of 10 days, 3 are public holidays, with the remaining 7 to be taken as either annual, or unpaid leave, RDO or TIL (depending on an individual's accumulated entitlement).

BACKGROUND & COMMENT:

- The December Ordinary Meeting of Council will be held on Wednesday 18 December 2019.
- This is also the date agreed to for the Annual Electors Meeting, with a possible start time of 11.30am followed by a light luncheon prior to the commencement of the Concept Forum at 1.00pm.
- The annual Shire Christmas Party will be held same day at the Freebairn Recreation Centre from 6.00pm.
- Outside staff Christmas function at the depot is TBC.
- Christmas New Year closure usually requires a senior staff member to be present in Kulin during the period to instigate Fire and Movement of Vehicle Bans and address any emergency responses if required. Staff will resolve who these contacts will be closer to the closure when all staff Christmas movements are known.

FINANCIAL IMPLICATIONS

Payroll is due on Wednesday 1st January 2020. Staff will present leave forms and timesheets in advance of this period and DCEO will ensure all staff fortnightly pay is processed as normal.

STATUTORY AND TOWN PLANNING IMPLICATIONS

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Community will be advised in Update and on Notice Boards of the closure.

WORKFORCE IMPLICATIONS:

Staff will establish emergency contacts for Administration, Works, Bushfire and Ranger services during the period. The FRC, Aquatic Centre and Camp Kulin will operate as normal during this time period, with specific operating times advertised in advance.

RECOMMENDATION

Council approve the Administration Office Closure for 2019/20 from Monday 23rd December 2019 to Friday 3rd January 2020 (inclusive).

VOTING REQUIREMENTS:

Simple majority required.

06/1019

Moved Cr Smoker Seconded Cr Varone that Council approve the Administration Office Closure for 2019/20 from Monday 23rd December 2019 to Friday 3rd January 2020 (inclusive).

Carried 9/0

7 COMPLIANCE

7.1 Compliance Reporting – General Compliance September 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 September 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 August

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 September 2019 and note the matters of non-compliance.

VOTING REQUIREMENTS:

Simple majority required.

07/1019

Moved Cr McInnes Seconded Cr Robins that Council receive the General & Financial Compliance Report for September 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 30 June 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)
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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 September 2019 and are submitted to Council for information (excluding delegations under A9, Payments – refer to individual order and payment listed in Accounts paid).

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

Type	Rate	Deposit/(Withdrawal)
Term Deposit	1.25%	200,000
Term Deposit	1.45%	250,000
Term Deposit	1.60%	250,000

CS11 Unauthorised Structures – Building Control

CEO has investigated unauthorised “dongas” placed in McIntosh and Sons’ Yard. Currently seeking advice from Joe Douglas – Town Planner and liaising with McIntosh and Sons’ regarding removal.

C17 Collection of Native Seeds

Approval for Jean Sloan to collect native seeds

W1 Gravel Supplies

Sourced gravel for various capital works projects

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 September 2019.

08/1019

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

Carried 9/0

8 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

8.1 Change of November Meeting Date

Due to the CEO attending the National Local Roads Congress from 18 – 20 November a change of date for the November meeting is required.

09/1019

Moved Cr Smoker Seconded Cr Bowey that Council change the date of the November Ordinary Meeting from Wednesday 20 November to Thursday 21 November 2019 and undertake appropriate advertising.

Carried 9/0

8.2 Congratulations - Kulin Bush Races and Graeme Robertson

10/1019

Moved Cr West Seconded Cr McInnes that Council extend its congratulations to the Kulin Bush Races on their 25th anniversary, acknowledging all committee members past and present; and, to Graeme Robertson on being awarded a Life Membership of the Kulin Bush Races committee.

Carried 9/0

8.3 Congratulations - Kulin Community Financial Services 20th Birthday

11/1019

Moved Cr West Seconded Cr Robins that Council extend its congratulations to Kulin Community Financial Services Ltd on their 20th Birthday; acknowledging Graeme Robertson, Andrena Mullan and Robbie McInnes on their awards for service to Kulin Bendigo Bank. Congratulations to Brad Smoker, Derek Young, Tom Murphy and all past directors and staff for their work since the branch opened in 1999.

Carried 9/0

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

10 MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC

12/1019

Moved Cr Duckworth Seconded Cr Lucchesi that the meeting be 'closed to the public' to discuss a confidential matter in regards to the Kulin Bowling Club.

Carried 9/0

Judd Hobson and Jarron Noble left the Council Chambers at 5.12pm

10.1 Kulin Bowling Club

13/1019

Moved Cr Robins Seconded Cr Taylor that Council maintain its stance that persons in the community who have a criminal conviction for activities that may not be appropriate to be in public place where children are regularly present, and where children are at the time shall not be considered for membership of the Freebairn Recreation Centre."

Carried 9/0

14/0719

Moved Cr Lucchesi Seconded Cr Smoker that Council open the meeting to the public and resume the ordinary meeting.

Carried 9/0

Judd Hobson and Jarron Noble returned to the Council Chambers at 5.32pm

Cr West thanked Cr McInnes for his contributions over many years. Council will formally recognise Cr McInnes at a dinner in his honour tonight at the Kulin Hotel

11 DATE AND TIME OF NEXT MEETING

Thursday 21 November 2019 at 3.00pm

12 CLOSURE OF MEETING

There being no further business the President declared the meeting closed at 5.38pm