

# **ORDER OF BUSINESS**

- 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS - COUNCIL CHAMBERS**
- 2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**
- 3 PUBLIC QUESTION TIME**
- 4 APPLICATIONS FOR LEAVE OF ABSENCE**
- 5 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**
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  - 5.2 RoeROC Council Meeting Minutes – 20 September 2018
  - 5.3 Shire of Kulin OS&H Meeting Minutes – 27 September 2018
- 6 MATTERS REQUIRING DECISION**
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- 8 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 9 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**
- 10 MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC**
  - 10.1 Appointment of Chief Executive Officer
- 10 DATE AND TIME OF NEXT MEETING**
- 12 CLOSURE OF MEETING**

# Minutes of an Ordinary Meeting of Council held in the Council Chambers on Wednesday 17 October 2018 commencing at 4.43pm

## 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
G Robins	Councillor	Town Ward
B Smoker	Councillor	West Ward
R Bowey	Councillor	Town Ward
BP Taylor	Councillor	Central Ward
L Varone	Councillor	East Ward
N Mason	Chief Executive Officer	
J Hobson	Manager of Works	
N Thompson	ESO/Minutes	

### **APOLOGIES**

Cassi-Dee Vandenberg – Deputy CEO

Cr Michael Lucchesi – Leave of Absence granted at September meeting

## 3. PUBLIC QUESTION TIME

Nil

## 4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

## 5. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Shire of Kulin Ordinary Meeting – 19 September 2018

**01/1018**

**Moved Cr Robins Seconded Cr Taylor that the minutes of the Ordinary Council Meeting held on 19 September 2018 be confirmed as a true and correct record.**

**Carried 8/0**

RoeROC Council Meeting – 20 September 2018

**02/1018**

**Moved Cr Duckworth Seconded Cr Bowey that the minutes of the RoeROC Council Meeting held on 20 September 2018 be received.**

**Carried 8/0**

Shire of Kulin OS&H Meeting – 27 September 2018

**03/1018**

**Moved Cr Smoker Seconded Cr Bowey that the minutes of the Shire of Kulin OS&H Meeting held on 27 September 2018 be received.**

**Carried 8/0**

## **6 MATTERS REQUIRING DECISION**

### **6.1 List of Accounts – September 2018**

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**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 2018 for Council's consideration.

**BACKGROUND & COMMENT:**

Nil

**FINANCIAL IMPLICATIONS:**

Nil

**STATUTORY AND PLANNING IMPLICATIONS:**

Nil

**POLICY IMPLICATIONS:**

Nil

**COMMUNITY CONSULTATION:**

Nil

**WORKFORCE IMPLICATIONS:**

Nil

**OFFICER'S RECOMMENDATION:**

That September payments being cheque No.393 - 400 (Trust Fund), 37029 – 37042 (Municipal), EFT No's 14443 - 14555, DD6652.1 – DD6674.1 (Municipal), credit card payments, creditor payments, payroll and other vouchers from the Municipal Fund totalling \$469,184.55 be received.

**VOTING REQUIREMENTS:**

Simple majority required.

**04/1018**

**Moved Cr Robins Seconded Cr Smoker that September payments being cheque No.393 - 400 (Trust Fund), 37029 – 37042 (Municipal), EFT No's 14443 - 14555, DD6652.1 – DD6674.1 (Municipal), credit card payments, creditor payments, payroll and other vouchers from the Municipal Fund totalling \$469,184.55 be received.**

**Carried 8/0**

### **6.2 Financial Reports – September 2018**

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**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 2018.

**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 statement for the period ending 30 September 2018.

**VOTING REQUIREMENTS:**

Simple majority required.

05/1018

Moved Cr Taylor Seconded Cr Bowey that Council endorse the monthly financial statement for the period ending 30 September 2018.

Carried 8/0

### 6.3 Donation – AOOB's and Kulin Community Trailer

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**NAME OF APPLICANT:** CEO

**RESPONSIBLE OFFICER:** CEO

**FILE REFERENCE:** 12.06 Sundry Debtors – request for donation

**AUTHOR:**

**STRATEGIC REFERENCE/S:** Nil

**DISCLOSURE OF INTEREST:** Nil

**SUMMARY:**

The Kulin AOOB's has requested a donation from Council relating to the cost of providing a trailer during their annual car rally.

The CEO does not have the delegated authority to provide for donations that fall outside normal budget provisions. Council may need to consider the policy and politic implications in making a decision in either direction.

**BACKGROUND & COMMENT:**

The Kulin AOOB's has requested a donation from Council relating to the cost of providing a trailer during their annual car rally. See attached letter.

To ensure the trailer is available each year for the AOOB's Annual Car Rally this booking can be included in the Compliance Calendar for January to prompt staff to make the 'booking' each year. This will allow the AOOB's access as they need, and depending on timing may or may not be able to accommodate the school hiring the trailer for country week.

**FINANCIAL IMPLICATIONS:**

Shire does not recover funds from KDHS for bus – cost forms part of annual contribution under formal Shire/KDHS agreement, therefore suggestion in correspondence is not possible.

A payment of \$100 from Council to the AOOB's in lieu of the expense they incurred would seem the best way to enact a reasonable outcome for all parties.

**STATUTORY AND TOWN PLANNING IMPLICATIONS:**

Nil

**POLICY IMPLICATIONS:**

Nil

**COMMUNITY CONSULTATION:**

Nil

**WORKFORCE IMPLICATIONS:**

Nil

**RECOMMENDATION:**

Council make a donation of \$100 to the AOOB's to cover the costs they were required to pay to hire a trailer during their Annual Car Rally.

**VOTING REQUIREMENTS:**

Simple majority required.

06/1018

**Moved Cr Duckworth Seconded Cr Robins that Council make a donation of \$100 to the AOOB's to cover the costs they were required to pay to hire a trailer during their Annual Car Rally.**

Carried 8/0

## 7 COMPLIANCE

### 7.1 Compliance Reporting – General & Financial Compliance September 2018

**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/DCEO  
**DISCLOSURE OF INTEREST:** Nil

**SUMMARY:**

This report addresses General and Financial Compliance matters for September 2018. 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 Items May 2018

**Council Photo June** **Bi-annual - photo of current Council** – *Completed Sept 2018*

Outstanding Items July 2018

**Annual Report Preparation/Adoption** – *Annual Report for Nov meeting.*

**Rate Exemptions - write-offs required for Annual Report** – *Completed Sept*

**RRG Direct Grant Payments Certificate of Completion** – *Completed and now on MRD record*

**R2R Quarterly Report due** - *Completed 10 Oct 2018*

**Spray clover Child care & residences** – *Ongoing- completed*

**AACR Landfill Report 2018** – *Completed*

Outstanding August 2018

**FRAC & Sporting Council AGM** - *Scheduled for 22 October 2018*

Outstanding September 2018

**FOI Statement** - *Send FOI Statement to Commissioner – After Audit November*

**Record Keeping Plan Compliance** - *Comment in Annual Report - November*

**Bushfire Firebreak Inspections** - *Ranger organised to undertake November*

**Audit Committee September** – Council meeting November to accept Annual Report & contact meeting with Auditor

**ABS return** - Submit annual return - After Audit report finalised

**ESL Reconciliation** – Annual ESL return - After Audit has been finalised

**CBH Ex Gratia Rates** - Annual Invoice CBH – Unsure check November

**Water Usage Charges** - invoices for water standpipe consumption - N/A awaiting Council decision November

**Check town blocks for wild oats** – Annual inspection - Send notice to clean up

**R2R Annual report** – Annual Audited R2R Report due - After Audit received

**Swimming pool water sampling** - Season opening 5 Nov – testing by EHO approx. 20 Oct 2018

**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 2018 and note the matters of non-compliance.

**VOTING REQUIREMENTS:**

Simple majority required.

07/1018

Moved Cr Taylor Seconded Cr Varone that Council receive the General & Financial Compliance Report for September 2018 and note the matters of non-compliance.

Carried 8/0

## 7.2 Compliance Reporting – Delegations Exercised – September 2018

**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 September 2018.

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**

A1 Acting Chief Executive Officer  
A2 Agreements for Payments of Debts to Council  
A3 Casual Hirer's Liability

**Officers**

(CEO)  
(CEO/DCEO)  
(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)
CS12	Kulin Bush Races	(Kulin Bush Races Committee)
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 2018 and are submitted to Council for information (excluding delegations under A9, Payments – refer to individual order and payment listed in Accounts paid).

#### **G2 Building Licences**

23/8/18 3 Johnston St Kulin, WARD, Richard & Ann – Shed/Storage

26/9/18 5 High St Kulin. ARGENT, Rachel & Allyn - Patio

### **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:**

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 September 2018.

**VOTING REQUIREMENTS:**

Simple majority required.

08/1018

Moved Cr Bowey Seconded Cr Varone that Council receive the Delegation Exercised Report for September 2018.

Carried 8/0

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

Nil

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

Nil



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

**09/1018**

Moved Cr Duckworth Seconded Cr Taylor that the meeting be closed to members of the public to discuss a staff issue.

Carried 8/0

**10/1018**

Moved Cr Robins Seconded Cr Taylor that the meeting now be opened to members of the public.

Carried 8/0

The President detailed the resolution passed by Council whilst behind closed doors.

### **10.1 Appointment of Chief Executive Officer**

**11/1018**

Moved Cr Robins Seconded Cr McInnes that Council:

1. Appoint Mr Garrick Yandle to the position of Chief Executive Officer with the Shire of Kulin for a period of three (3) years commencing on 7 January 2019 and concluding on 6 January 2022 in accordance with terms and conditions of his employment contract; and
2. is of the belief that Mr Yandle is suitably qualified for the position of Chief Executive Officer;

Carried 8/0

**12/1018**

Moved Cr Smoker Seconded Cr Taylor that Council:

1. Is satisfied with the provisions of the proposed employment contract to be entered into with Mr Garrick Yandle with a total remuneration package of \$176,245 per annum, in accordance with the advertised package and with the current Salaries and Allowances Tribunal determination for Band 4 Local Government, Chief Executive Officers; and
2. Authorises the President, Cr Barry West to execute the Contract of Employment on behalf of the Shire of Kulin and apply the Common Seal (as appropriate and in accordance with Shire policy).

Carried by Absolute Majority 8/0

The President thanked the Noel Mason for all the work he undertook on the CEO appointment process, commenting that it had been very successful. Council also acknowledged the outstanding quality of the candidates that applied.

There being no further business the President declared the meeting closed at 5.34pm.