

ORDER OF BUSINESS

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Minutes of an Ordinary Meeting of Council held in the Council Chambers on Wednesday 15 March 2017 commencing at 4.17pm

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
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

R O'Brien	Councillor	Central Ward
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3. PUBLIC QUESTION TIME

Nil

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Shire of Kulin Ordinary Meeting – 15 February 2016

01/0317

Moved Cr Robins Seconded Cr Varone that the minutes of the Ordinary Council Meeting held on 15 February 2017 be confirmed as a true and correct record.

Carried 8/0

6 MATTERS REQUIRING COUNCIL DECISION

6.1 List of Accounts – February 2017

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 February 2017 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 February payments being cheque No's 351 - 352 (Trust Fund) 1981 – 1982 (Bush Races), 36749 - 36760 (Municipal), EFT No's 12308 - 12411, DD6059.1 – DD6059.11 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$499,854.81.56 be passed for payment.

VOTING REQUIREMENTS:

Simple majority required.

02/0317

Moved Cr Ledwith Seconded Cr McInnes that February payments being cheque No's 351 - 352 (Trust Fund) 1981 – 1982 (Bush Races), 36749 - 36760 (Municipal), EFT No's 12308 - 12411, DD6059.1 – DD6059.11 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$499,854.81.56 be passed for payment.

Carried 8/0

6.2 Financial Reports – February 2017

RESPONSIBLE OFFICER: DCEO

FILE REFERENCE: 12.01

AUTHOR: DCEO

STRATEGIC REFERENCE/S:

DISCLOSURE OF INTEREST: Nil

SUMMARY:

Attached is the financial report for the period ending 28 February 2017.

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 28 February 2017.

VOTING REQUIREMENTS:

Simple majority required.

03/0317

Moved Cr Duckworth Seconded Cr Taylor that Council endorse the monthly financial statement for the period ending 28 February 2017.

Carried 8/0

6.3 2017 WALGA Local Government Week Convention

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
AUTHOR: CEO
STRATEGIC/REFERENCE: 04.08 WALGA
DISCLOSURE OF INTEREST: CEO/DCEO will be attending LG Week

SUMMARY:

Requesting a determination of who will be attending Local Government Week on behalf of the Shire of Kulin.

BACKGROUND & COMMENT:

WALGA have announced dates for the Local Government Week convention to be held at the Perth Convention and Exhibition Centre 2 - 4 August 2017.

FINANCIAL IMPLICATIONS:

Councillor attendance provided in Annual Budget.

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICERS RECOMMENDATION:

Council nominate the following members and staff to attend the 2017 Local Government Week Convention and that bookings be actioned.

VOTING REQUIREMENTS:

Simple majority required.

Resolved that Councillors West, Bowey & Varone along with the CEO attend the 2017 Local Government Week Convention.

6.4 License to Use – Stock Water - MJ & KM Wilson

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 05.19 Lot 20 – Town Oval Dams
STRATEGIC REFERENCE/S: Item 1.3 Corporate Business Plan (Infrastructure - recreation) Item 1.4 Community Strategic Plan – Liveable and Safe community – maintain playing fields
AUTHOR: CEO
DISCLOSURE OF INTEREST: NIL

SUMMARY:

Council resolved in July 2016 to subdivide a portion of Location 1001 (now Lot 20) from MJ & KM Wilson (in exchange for stock water) for the purpose of Oval watering dams. MJ & KM Wilson agreed to transfer the land if the Shire of Kulin would agree to maintain the supply of stock water to the balance of Location 1001 using existing Shire equipment at the dam for pumping water back to the ovals. (Submersible pump and solar panels with some poly pipe back to the boundary)

The License for stock watering purposes has been created, agreed to by the Wilson's and is now presented to Council for approval, affixing the common seal and signing.

BACKGROUND & COMMENT:

This matter backdates to the installation of Dam 1 & 2 and the informal arrangement with Mike and Kathy Wilson over the use of the land and the supply of water for stock. In 2016 Council agreed to formalise all arrangements and subdivide the land.

The transfer of land to the Shire of Kulin has now been completed and the last item in this process was to create a License with the Wilson's for the purpose of their access stock water.

The License to Use is attached for information. MJ & KM Wilson have agreed to the terms and conditions of the License. Council now needs to agree to sign and affix the Common Seal.

FINANCIAL IMPLICATIONS:

NIL in preparation of the License – the interests of both parties will be funded by each if the occasion ever rose where fire (or similar) destroyed the water supply assets on site. Council's agreement was to maintain the assets on site, (which we require for oval watering) and allow MJ & KM Wilson access to water at no cost.

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Subdivision completed – now Lot 20.

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

RECOMMENDATION:

That the Shire of Kulin accept the License to Use with MJ & KM Wilson, sign and affix the Common Seal and indicate their thanks for the assistance MJ & KM Wilson have provided in resolving the subdivision and land transfer.

VOTING REQUIREMENTS:

Simple majority required.

04/0317

Moved Cr Robins Seconded Cr Duckworth that Council accept the License to Use with MJ & KM Wilson, sign and affix the Common Seal and indicate their thanks for the assistance MJ & KM Wilson have provided in resolving the subdivision and land transfer.

Carried 8/0

6.5 Secondary Freight Routes – Research Funding - Regional Road Group

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 15.10 Regional Road Group – Secondary Freight Routes
STRATEGIC REFERENCE/S: CSP 1.2 – Connected Communities – Transport Network
AUTHOR: CEO
DISCLOSURE OF INTEREST: NIL

SUMMARY:

Seeking Council support for a proposal discussed at both Zone and Regional Road Group meetings to develop a funding application for Secondary Freight routes for the Wheatbelt region. An initial application to Royalties 4 Regions was declined on the grounds that more research was required prior to completing an application. At this point on roads are marked up on a regional map; now the data needs to be gathered formulate a funding proposal.

BACKGROUND:

The Central and Great Eastern Zones of WALGA as well as the North and South Regional Road Groups are progressing proposals to upgrade the nominated Secondary Freight Routes (some 3,400kms) across the LGA's in Wheatbelt North and South regions. This initiative is aimed at identifying co-funding that can progress the research needed at a State and local level to justify the development of secondary freight routes, and seek Federal funding support for the development of this infrastructure.

RDA on behalf of Shires made application to Royalty for Regions (Regional Grants Scheme) for \$300,000 to fund the first part of the planning phase. This application was unsuccessful. The cost of the planning phase has been estimated at \$2 million and an application has been made to the Building Better Regions Fund (BBRF) administered by the Federal Government for grant funding. Member LGA's (Wheatbelt North & South) are required to fund 25% when designated as remote (which most are) and the suggestion has been made that this funding "come off the top" of RRG funding to each Shire in the 2017/18 allocation.

The construction costs of upgrading the 3,400 kms of road comprising the Secondary Freight Routes identified across the two regions, has not been assessed but will probably be around \$200 million. It is believed that such an amount would ultimately (if funded) come from the Federal Infrastructure Fund on behalf of Wheatbelt Local governments.

The RRG members of the Northern Wheatbelt have agreed that each Shire budget between \$10,000 and \$20,000 in the 2017/18 year to cover the LGA contribution towards the BBRF grant funding, and the Shire of Kulin RRG (Lakes Sub Group) suggested it be found in the RRG funding. I tend to support this approach as it binds every Shire to a commitment and should be easy to administer.

Of course there is no guarantee that this grant application will be successful.

FINANCIAL IMPLICATIONS:

Improving these important freight roads in the Wheatbelt is a critical initiative and no immediately available funding sources exist. Without research, an application is impossible and any expectation that State funding would be available to fund the research is unrealistic, even though MRWA have supported the idea. Finding an alternate source of funds for roads is critical for the future development of the road network in this region.

Initially it was suggested that \$10k per Government would be required but as the work has evolved, estimates as high as \$26k for each Shire have been suggested. Whatever the final amount if it is deducted from RRG funding, then all Shires should be part of the proposal.

STRATEGIC IMPLICATIONS:

Upgrading our main freight roads network is an important strategic objective and finding alternate funding sources is critical to this effort.

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

RECOMMENDATION:

That the Shire of Kulin support the Regional Road Group effort to develop a proposal and complete the research necessary to submit a Secondary Freight Route project to the Federal Government. Initial application research is expected to cost \$2m and Kulin Shire agree to have its contribution deducted from the RRG allowance for 2017/2018, at an estimate of up to \$30k.

VOTING REQUIREMENTS:

Simple Majority.

05/0317

Moved Cr Duckworth Seconded Cr Taylor that the Shire of Kulin support the Regional Road Group effort to develop a proposal and complete the research necessary to submit a Secondary Freight Route project to the Federal Government. Initial application research is expected to cost \$2m and Kulin Shire agree to have its contribution deducted from the RRG allowance for 2017/2018, at an estimate of up to \$30k.

Carried 8/0

6.6 Request to Waive Fees – Community Bus Hire Senior Citizens

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 12.08 Fees and Charges
STRATEGIC REFERENCE/S: CSP 1.3 –Services and Community Needs 1.3.3 Embraces and provides for older residents
AUTHOR: CEO
DISCLOSURE OF INTEREST: NIL

SUMMARY:

Pat Robins on behalf of Kulin Seniors has requested financial assistance by way of a waiver of fees associated with the Community Bus for a senior's trip to Kellerberrin.

BACKGROUND:

Kulin Seniors annual outing this year is being planned. Pat Robins on behalf of Kulin Seniors has requested financial assistance by way of a waiver of fees associated with the Community Bus for a senior's trip to Kellerberrin. In 2015/16 the seniors hired the Community Bus for a trip to Southern Cross and paid full hire fees which totalled \$735.

Mrs Robins has indicated that this group only hold one raffle per year therefore earn little for these trips.

POLICY IMPLICATIONS:

No waiver policy exists; Policy being considered at present is designed around the CEO having delegated authority to approve waivers of 10% - 30% with all higher request being referred to Council.

In this case a reduction was considered appropriate.

Suggesting a variety of options for this decision;

1. No waiver (100% mileage \$385 approx.)
2. 50% waiver (50% mileage i.e. \$190 approx.)
3. 100% waiver on the mileage cost – bus must be returned full of fuel (no direct cost to Shire)
4. 100% waiver all costs (mileage and fuel cost to Shire).

COMMUNITY CONSULTATION:

Nil

FINANCIAL IMPLICATIONS:

Bus Hire \$1.10 (Including GST) - Estimated 350 kilometres return @ 1.10c per kilometre totalling \$385.

RECOMMENDATION:

That Council determine a level of hire for the senior group to travel to Kellerberrin for their annual outing.

VOTING REQUIREMENTS:

Simple majority required.

06/0317

Moved Cr McInnes Seconded Cr Duckworth that Council agree to 100% waiver of all costs (mileage and fuel cost to Shire).

Carried 7/1

6.7 Tender – Swimming Pool – Replace Slide Seals

NAME OF APPLICANT: CEO; Works Manager
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 05.18 Swimming Pool Complex
AUTHOR: CEO
STRATEGIC REFERENCE/S: Asset Management Plan 2013, Budget 2016
DISCLOSURE OF INTEREST: Nil

SUMMARY:

In accordance with the adopted Budget 2016/17, tenders have been called for repairs to the pool slide, namely renewing the slide seals.

BACKGROUND & COMMENT:

The tender was advertised in the West Australian on Wednesday 1 February 2017 and closed 4pm Wednesday 1 March 2017.

The works are scheduled to commence after Easter and it is anticipated to take three weeks to complete. Tenderers were required to complete a Shire Risk Assessment in demonstration that they had the capacities to undertake the work.

Only one tender was received and this met the requirements to qualify for consideration to repair the waterslide.

Complete Aquatic Services supplied a tender for the completion of works for the amount of \$80,508.12 GST inclusive. Their scope of works complies with the tender documents and OHS issues have been addressed with appropriate Safe Work Method Statement (SWMS) having been completed.

The warranty period on workmanship is for a 12 month defect period, materials is 5 years.

FINANCIAL IMPLICATIONS:

Price of the tender, \$80,508.12 with the Shire of Kulin receiving a swimming pool maintenance grant of \$32,000 to assist with this cost.

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That the Complete Aquatic Services tender for \$80,508.12 GST inclusive, be accepted for repairs to the pool slide, namely renewing the slide seals. The scope of works, OHS issues and Safe Work Method Statement (SWMS) are accepted.

VOTING REQUIREMENTS:

Simple majority required.

07/0317

Moved Cr Duckworth Seconded Cr Robins that the Complete Aquatic Services tender for \$80,508.12 GST inclusive, be accepted for repairs to the pool slide, namely renewing the slide seals. The scope of works, OHS issues and Safe Work Method Statement (SWMS) are accepted.

Carried 8/0

6.8 Review of 2016 - 2017 Annual Budget

NAME OF APPLICANT: DCEO

FILE REFERENCE: 12.04

AUTHOR: DCEO

SUMMARY:

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires local governments to carry out, between the 1 January and 31 March in each financial year, a review of its annual budget for that year.

BACKGROUND:

Local Governments are required to conduct a budget review between 1 January and 31 March each year. This is mandatory under Regulation 33A of the *Local Government (Financial Management) Regulations 1996*. The thrust of the legislation is to ensure local governments conduct at least a single budget review after the half way mark of the financial year and before the completion of the ninth month.

A budget review comprises a detailed examination of year to date actual results with Council's adopted budget. Regulation 33A (2) and (3) of the FM Regulations requires the results of the budget review to be submitted to Council within 30 days of the review. Council is then to give consideration to adopting the review (or part of) and associated recommendations.

Regulations 33A (4) states that within 30 days after Council has conducted its review, a copy and recommendations are to be provided to the Department of Local Government.

COMMENT:

The review is presented in the attached report. The Report seeks to identify and quantify:

- i) the forecast year-end major variances from the adopted budget;

- ii) matters arising not currently included in the adopted budget but which are recommended for consideration of inclusion in the budget;

The review process has been undertaken having regard for:

- i) actual revenues and expenditures for the first (8) months of the financial year, a necessary indicator to informed forecasts for the remainder of the year;
- ii) forecast revenue and expenditure levels for the remaining (4) months of the year;
- iii) the more significant (in \$ terms) variances to budget rather than the many minor 'unders and overs' which, history has shown, will largely balance out;

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Local Government Act 1995 Section 6.2 Municipal Budget

Local Government (Financial Management) Regulations 1996 Regulation 33A

Regulation 33A Review of Budget;

1. Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
2. Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
3. A council is to consider a review submitted to it and is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.
4. Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That Council accept the recommendations as contained in the *Review of Budget for the period ending 28 February 2017* and adopt the report as presented.

VOTING REQUIREMENTS:

Absolute majority required.

08/0317

Moved Cr Taylor Seconded Cr Robins that Council accept the recommendations as contained in the Review of Budget for the period ending 28 February 2017 and adopt the report as presented.

Carried by Absolute Majority

7 COMPLIANCE

7.1 Compliance Reporting – General & Financial Compliance – February 2017

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 February 2017. 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 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 JANUARY 2017 - GENERAL COMPLIANCE:

1. **Compliance Audit Return**
Presented to Council March for sign-off.
2. **Authorised Officer – Annual Update**
Completed in Feb Agenda
3. **Fair Value Calculations for Inclusion in accounting reporting**
In this year Council is required to undertake a fair value assessment for land and buildings. A Contractor will be engaged to undertake this work during April/May.
4. **Budget Review - required between 1 January to 31 March**
Completed - March Agenda

MATTERS OF NON COMPLIANCE FEBRUARY 2017 - GENERAL COMPLIANCE:

1. **Fair Value Calculations for Inclusion in accounting reporting**
In this year Council is required to undertake a fair value assessment for land and buildings. A Contractor will be engaged to undertake this work during April/May.
2. **Notice to Tenants - Annual Building Inspections**
Refer to Forum Item – Staff will resolve inspections

MATTERS OF NON COMPLIANCE – FINANCE COMPLIANCE: FEBRUARY 2017

See attached checklist.

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 February 2017 and note the matters of non-compliance.

VOTING REQUIREMENTS:

Simple majority required.

9/0317

Moved Cr Robins Seconded Cr Ledwith that Council receive the General Compliance Reports for February 2017 and note the matters of non-compliance.

Carried 8/0

7.2 Compliance Reporting – Delegations Exercised – February 2017

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 from the period 16 February to 8 March 2017.

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 February 2017.

Municipal funds

At Call	1.5%	250,848.63
At Call	1.5%	320,000.00

Reserve Funds

Nil		
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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 establishment of agreements for the payment of debts to Council.

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

No delegated decisions for Building Licenses issued (Building Officer) - Building Act 2011, Building Code of Australia were undertaken by staff pursuant to this reporting period.

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

No delegated decisions were undertaken by staff pursuant to Development Applications issued under the Shire of Kulin TPS2 for the reporting period.

Date of Decision	Decision Ref.	Decision Details	Other affected Person(s)
1 March 2017	Development Application	Lot 130 Day Street – Application for shed	S & SE Herwig

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 undertaken by staff pursuant to the use of the Common Seal.

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 March 2017.

VOTING REQUIREMENTS:

Simple majority required.

10/0317

Moved Cr Duckworth Seconded Cr Taylor that Council receive the Delegation Exercised Report for March 2017.

Carried 8/0

7.3 Compliance Audit Return 2016 – Adoption

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 04.02 Local Government Act & Returns
STRATEGIC REFERENCE/S: CBP 4.1 Civic Leadership, 4.1.8 Compliance methods
AUTHOR: CEO
DISCLOSURE OF INTEREST: NIL

SUMMARY:

To present the Compliance Audit Return to the Audit and Risk Committee who adopt the report and make recommendation to Council.

BACKGROUND:

Each year all local governments across the State are required by legislation to undertake a compliance audit for the period 1 January to 31 December. This audit is performed against the requirements of the Compliance Audit Return prepared by the Department of Local Government covering the following business areas considered to be 'high risk':

- Commercial Enterprises by Local Government;
- Delegation of Power / Duty;
- Disclosure of Interest;
- Disposal of Property;
- Elections;
- Finance;
- Local Government Employees;
- Official Conduct; and
- Tendering for Providing Goods & Services

COMMENT:

The Risk and Audit Committee's consideration and endorsement of the Compliance Audit Return (addressing those areas identified as high risk) is required prior to the report being submitted to the Department of Local Government and Communities. A completed return for the year ended 31 December 2016 is due to the Department by the 31 March 2017.

Please note that the Risk and Audit Committee is required to review the completed CAR and report the results to the Council, prior to the CAR's adoption by Council and submission to the Department by 31 March 2017. The CAR will be presented to both the Risk and Audit Committee and the Council on the same day being the 15 March 2017.

The Compliance Audit Return is attached for the Committee's and Council's consideration. Note the report was prepared by the CEO and DCEO.

STATUTORY IMPLICATIONS:

Regulation 14 of the Local Government (Audit) Regulations 1996 provides:

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
 - (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.

Regulation 15 provides that:

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
 - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
 - (b) any additional information explaining or qualifying the compliance audit,
 - (c) is to be submitted to the Executive Director by 31 March next following the period to which the return relates.

- (2) In this regulation — certified in relation to a compliance audit return means signed by —
- (a) the mayor or president; and
 - (b) the CEO.

FINANCIAL IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY STRATEGIC PLAN IMPLICATIONS:

Nil

OFFICER RECOMMENDATION:

That the Audit and Risk Committee recommend to Council that;

1. Note the recommendations and comments of the Audit Committee as detailed;
2. Council adopt the Compliance Audit Return 2016, as presented;
3. The Chief Executive Officer and the Shire President be authorised to sign the Compliance Audit Return 2016;
4. Endorse the return for submission to the Department of Local Government and Communities by 31 March 2017.

VOTING REQUIREMENTS:

Absolute majority required.

11/0317

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

Carried 8/0

12/0317

Moved Cr Robins Seconded Cr Bowey that the Audit and Risk Committee recommends to Council that:

1. Note the recommendations and comments of the Audit Committee as detailed;
2. Council adopt the Compliance Audit Return 2016, as presented;
3. The Chief Executive Officer and the Shire President be authorised to sign the Compliance Audit Return 2016;
4. Endorse the return for submission to the Department of Local Government and Communities by 31 March 2017.

Carried 8/0

13/0317

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

Carried 8/0

14/0317

Moved Cr Robins Seconded Cr Bowey that the Audit and Risk Committee recommend to Council that;

1. Note the recommendations and comments of the Audit Committee as detailed;
2. Council adopt the Compliance Audit Return 2016, as presented;
3. The Chief Executive Officer and the Shire President be authorised to sign the Compliance Audit Return 2016;
4. Endorse the return for submission to the Department of Local Government and Communities by 31 March 2017.

Carried by Absolute Majority

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

Nil

11 DATE AND TIME OF NEXT MEETING

The next Ordinary Council meeting will be held on Wednesday 19 April 2017 at 1:00pm.

12 CLOSURE OF MEETING

There being no further business the meeting closed at 5:47pm.