

ORDER OF BUSINESS

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Minutes of an Ordinary Meeting of Council held in the Council Chambers on Wednesday 20 September 2017 commencing at 4:10pm

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Cr West welcomed Michael Lucchesi and Brad Smoker as members of the public to the Council Meeting. He congratulated them on their election to Council (commence November meeting) along with the re-election of Councillors Duckworth and Robins.

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
MJ Ledwith	Councillor	West Ward
R Bowey	Councillor	Town Ward
BP Taylor	Councillor	Central Ward
R O'Brien	Councillor	Central Ward
L Varone	Councillor	East Ward
N Mason	Chief Executive Officer	
C Vandenberg	Deputy CEO	
J Hobson	Manager of Works	
N Thompson	ESO / Minutes	

Members of the Public

M Lucchesi
B Smoker

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 August 2017

01/0917

Moved Cr Bowey Seconded Cr Robins that the minutes of the Ordinary Council Meeting held on 16 August 2017 be confirmed as a true and correct record.

Carried 9/0

Kulin Retirement Homes Committee Meeting - 17 August 2017

02/0917

Moved Cr O'Brien Seconded Cr Varone that the minutes of the Kulin Retirement Homes Committee Meeting held 17 August 2017 be received.

Carried 9/0

Kulin Bush Races Committee Meetings – 9 & 23 August 2017

03/0917

Moved Cr Robins Seconded Cr O'Brien that the minutes of the Kulin Bush Races Committee Meetings held 9 & 23 August 2017 received.

Carried 9/0

6 MATTERS REQUIRING COUNCIL DECISION

6.1 List of Accounts – August 2017

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 August 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 August payments being cheque No's 236 (Trip Fund), 367 - 368 (Trust Fund) 2002 - 2011 (Bush Races), 36837 - 36850 (Municipal), EFT No's 13104 - 13200, DD6254.1 - DD6259.10 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$384,792.57 be received.

VOTING REQUIREMENTS:

Simple majority required.

04/0917

Moved Cr Ledwith Seconded Cr Robins that August payments being cheque No's 236 (Trip Fund), 367 - 368 (Trust Fund) 2002 - 2011 (Bush Races), 36837 - 36850 (Municipal), EFT No's 13104 - 13200, DD6254.1 - DD6259.10 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$384,792.57 be received.

Carried 9/0

6.2 Financial Reports – August 2017

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

SUMMARY:

Attached is the financial report for the period ending 31 August 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 periods ending 31 August 2017.

VOTING REQUIREMENTS:

Simple majority required.

05/0917

Moved Cr McInnes Seconded Cr Taylor that Council endorse the monthly financial statement for the period ending 31 August 2017.

Carried 9/0

6.3 Aged Housing Project – Wheatbelt South Aged Housing Alliance – Building Better Regions Funding (BBRF) Application

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 02.10 Aged Accommodation
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil.

SUMMARY:

The Shire of Kulin contributed \$3500 (Resolution 15/1015) towards the development of a business case for an R4R application by the Shire of Wickepin, on behalf of the Wheatbelt South Aged Housing Alliance and it appears that a new MOU would increase this to \$5000. The project had received conditional approval but was caught up in Machinery of Government (MOG) and State Budget repair changes.

The State Budget announcements in relation to Royalty for Region funding (correspondence Ralph Addis, Director General DPIRD to Shire of Wickepin tabled in this Agenda) has effectively ended this project. R4R funding will not be forthcoming but a regional aged accommodation program will be announced into the future.

The Shire of Wickepin is seeking participating Shires comment on the possibility to submitting a National Stronger Regions BBRF application for federal funding and has asked if the Shire of Kulin has any interest in proceeding.

Wheatbelt South Aged Housing Alliance Minutes of the September 2017 meeting are attached – and the resolutions extracted in the report below. Report and recommendation should be read in context with Minutes.

BACKGROUND & COMMENT:

The following is a summary of the BBRF funding guidelines for this project.

Infrastructure Projects Stream

- Between \$20,000 and \$10m;
- Projects that are ready to go and that can be started and completed by December 2019.

Co funding

- The project be supported by co-funding at the required minimum ratio (generally \$1:\$1 but for remote it is \$1 for every \$3 from the Fund). Kulin, Kondinin and Corrigin are remote and Cuballing, Narrogin, Wickepin and Wandering are regional but guidelines indicate that “*Your project may include multiple site locations. Where there is mix of regional and remote site locations we will consider your entire project location as remote for the purposes of the co-funding requirement.*”;
- The applicant must be a financial co-contributor to the project. It is not enough to be contributing in kind resources –**you must contribute cash.**

Assessment Criteria

Applications are assessed using a point scoring methodology that allocates points to the various merit criteria. This is a weighted score so not all aspects are considered to be of equal value.

- Merit criteria 1 – economic benefit –is worth 15/35 points;
- Merit criteria 2 – social benefit –is worth 10/35 points;
- The other two merit criteria – value for money and project delivery are worth 5 points each;
- The application is first assessed against the eligibility criteria;
- Those applications that meet the eligibility criteria are assessed against the merit criteria;
- Grant requests of \$1m or over require a Cost Benefit Analysis. A cost benefit analysis measures both economic and social impact and so this one analysis will contribute to 25/35 possible points.

Ineligible activities

- purchase of land or existing infrastructure;
- repair or replacement of existing infrastructure where there is no demonstrated significant increase in benefit;
- purchase and installation of manufacturing equipment and furniture;
- ongoing operating costs including utilities and staffing;
- soft infrastructure, including computer software or hardware that is not an integral part of the funded capital project;
- **payment of salaries for the applicant's employees;**
- project overhead items including office equipment, vehicles or mobile capital equipment. Examples include **trucks and earthmoving equipment and the applicant's internal plant operating costs;**
- business case development and feasibility studies.

The Shire of Kulin would be seeking National Stronger Regions BBRF funding for Camp Kulin Expansion in the December 2017 round and can only submit one application. To continue with this application would end Camp Kulin Ex efforts. Resolutions of the WSAHA Minutes carried at the meeting held 12 September 2017

Moved Gary Sherry / Seconded Alan George

That the WSAHA revise the Aged Housing Project Business Case, budget and supporting documents in preparation for the next round of Regional Development Australia - Building Better Regions Funding which is anticipated to open at the end of 2017 and that the WSAHA still continue to work with the WDC to exhaust all avenues of State Funding.

Carried

Moved Rob Paul / Seconded Gary Sherry

That the WSAHA agree in principle for the Shire of Wickelbin to utilise the WSAHA funds of \$32,020 towards the cost of a revised cost benefit analysis as part of the RDA grant application.

Carried

It would appear from the Minutes that when successful – a new MOU would be established and all Shires would be required to contribute \$5000 towards costs.

COMMUNITY CONSULTATION:

Nil in terms of this decision, but as a matter of course, Kulin Retirement Homes has been involved from the outset in the decision making around this project. They have already been advised of the State Budget implications and will be updated in relation to this decision when made.

STATUTORY AND PLANNING IMPLICATIONS:

Nil

WORKFORCE IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

As the Aged Housing Project totalled \$9,186,550, the amount needed locally to meet the BBRF criteria is about \$2,300,000 cash. Kulin's application to fund 4 units (Year 1) would require a Kulin CASH contribution of \$249,315. Without previous planning, no Budget provision has been made for this contribution.

OFFICER'S RECOMMENDATION:

That the Shire of Kulin indicate to the Wheatbelt South Aged Housing Alliance (via Shire of Wickepin) that;

- without R4R funding, the Shire would not be in a position to proceed further with a BBRF application as the required financial contribution required is not available at this point in time;
- the Shire of Kulin already has a significant number of Aged Care units and demand in Kulin has softened to the point where vacancies now exist; further participation in efforts to expand capacity is no longer a priority;
- the Shire of Kulin will be happy to continue participation in the Wheatbelt South Aged Housing Alliance in the hope that further opportunities for funding may arise and demand changes;
- the Shire of Kulin thanks the Wheatbelt South Aged Housing Alliance and the Shire of Wickepin for efforts to date in seeking R4R funding for this project; whilst unsuccessful for political/financial reasons, the exercise in regional co-operation has been excellent.

VOTING REQUIREMENTS:

Simple Majority

06/0917

Moved Cr Duckworth Seconded Cr Taylor that the Shire of Kulin indicate to the Wheatbelt South Aged Housing Alliance (via Shire of Wickepin) that;

- without R4R funding, the Shire would not be in a position to proceed further with a BBRF application as the required financial contribution required is not available at this point in time;
- the Shire of Kulin already has a significant number of Aged Care units and demand in Kulin has softened to the point where vacancies now exist; further participation in efforts to expand capacity is no longer a priority;
- the Shire of Kulin will be happy to continue participation in the Wheatbelt South Aged Housing Alliance in the hope that further opportunities for funding may arise and demand changes;
- the Shire of Kulin thanks the Wheatbelt South Aged Housing Alliance and the Shire of Wickepin for efforts to date in seeking R4R funding for this project; whilst unsuccessful for political/financial reasons, the exercise in regional co-operation has been excellent.

Carried 9/0

6.4 Town Planning Scheme No 2 - Application for Planning Consent Lime Sand CBH

NAME OF APPLICANT: Co-operative Bulk Handling
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 08.08 Co-operative Bulk Handling
AUTHOR: CEO – Joe Douglas, Exurban
DISCLOSURE OF INTEREST: Nil.

SUMMARY:

Application for Planning Consent was received from CBH on the 21 August 2017, for the development of an external lime sand bin at the CBH lot in Kulin. Whilst there were some information missing from the original application, the final information upon which the application can be assessed has now been received, (24 August 2017). Upon receipt of the initial information I contacted Council's Town Planner, Mr Joe Douglas for planning advice and the bulk of his comment has been included under background and comment items 1 -10 .

The proposal (**with recommended conditions**) would be permissible under the TPS2 and the consolidated TPS.

BACKGROUND & COMMENT:

CBH initially approached the Shire on the 22 November 2016 in relation to the provision and sale of Lime Sand into the Wheatbelt. Council's response has always been that we would expect and then will consider a development application/planning consent approval when it arrives.

CBH as part of their DA (development application) have included **supporting information** in relation to the lime sand activity. The application can only be assessed in relation to "planning" issues.

The preliminary assessment of the development application corrected references to the location, Lot 2 on Diagram 36513 and identified the flowing issues/conditions;

1. CBH refer to the storage of lime sand as a trial operation. In any event a DA is required, though the implication is that if the trial is successful then the facility becomes permanent. The appropriate assessment of the application therefore is as if the proposal is a permanent fixture. All terms and conditions must be detailed and enforced as a permanent facility. Assessed in full, the "trial" of the facility becomes irrelevant.

2. Advertising - The proposed use (i.e. storage yard) is not specifically listed in the Zoning Table of the Shire's current TPS No.2 or the new consolidated version of that Scheme. Council can consider the proposal as a 'use not listed' and therefore public advertising would not be required; (but this is a decision of the Council).
Recommendation: That Council consider the proposal as a "use not listed", thereby not requiring advertising.
3. It can be argued that the use is generally consistent with the objectives of the land's current 'Industrial' zoning classification and may therefore be permitted by Council. In that case, without any major stumbling blocks to the DA terms and conditions, an industrial use in an industrial zoning, is something that could be approved under the CEO's Delegation. In this case, due to the need for Council determination on multiple matters, terms and conditions; the DA has been referred to Council for a decision.
4. The proposal uses a portion of Lot 2 directly along its frontage to Jilakin Street for lime sand storage purposes (refer Google Maps and Plan) including all the loading and unloading of the heavy vehicles. The application names "Access Rd" as the primary street frontage, but this is problematic as clause 4.7 of TPS No.2 expressly requires the following:

Sub-clause 4.7.3 - *Where an open storage area is visible from a public place or street, and is not of a display nature, it shall be screened to the satisfaction of the Council;*

Sub-clause 4.7.4 - *Street setback areas shall be landscaped, including an area of not less than one metre wide adjacent to each side boundary, except where an access is shared between adjacent lots. Areas other than the front setback that are visible from a public street or place shall be developed with landscaped open space or screened to the approval of the Council. If claiming that Jilakin Street is a side boundary then landscaping is required; setback still required on Jilakin St, therefore the recommendation to align with existing bins to maintain consistency.*

Sub-clause 4.7.4 - *The Council may require a bond or bank guarantee from a developer to ensure that landscaping and/or other development works are designed and carried out to the satisfaction of the Council. In the case of planting, the works shall be brought to a standard considered by the Council to be properly established within twelve (12) months of the date of commencement of development works.*

Having regard for the above requirements and the standards prescribed in Schedule 5 of the TPS No 2 as they apply specifically to all 'General Industry' type development; the proposal does not comply with the Scheme requirements in terms of boundary setback and visual screening. Council does have discretion to vary these requirements and CBH was asked to provide written justification as to why the standards should be relaxed but nothing was forthcoming. Council cannot support variations without information from CBH.

Recommendation: The external lime sand stockpile bin be aligned with the existing open storage bin setback (approx. 6.5m from Jilakin Street) and the street setback be landscaped or screened with chain wire fence in accordance with Australian Standard AS1725, covered with industrial grade shade cloth.

5. Setback to the lime sand bin should be consistent with the setback of the existing open storage bins on Lot 2 located a few metres immediately to the east (of what shown in drawing) to allow suitable landscaping / screening of the new storage area from public view on Jilakin Street. Council may find the current proposal with 1m setback inconsistent with the requirements of TPS2, being too close to the roadway on Jilakin St.
6. CBH are proposing to screen the new storage area to Jilakin Street by erecting a link mesh type boundary fence and covering it with industrial grade shade cloth. From a town planning perspective this is not the ideal solution but may suffice until landscaping is established.
7. Council may elect to include a condition requiring payment of a performance bond or bank guarantee to ensure all landscaping works in the Jilakin street setback area is completed.
Recommendation: No performance bond would apply to the application.
8. CBH mention in the supporting information that this is a trial; no explanation has been provided as to how long the trial will be conducted. Council should indicate that if tonnages remain at 5,000 to 7,000 tonnes, no further applications are required, but if storage tonnages increase, a further application would be required.
Recommendation: That Shire development consent approval is for the storage of 5000, to 7,000 tonnes of lime sand, any additional storage tonnage would be subject to additional DA approval.
9. If lime sand delivered and stored on the land does not exceed the 5,000 to 7,000 tonnes, the heavy vehicle traffic volumes this would generate are not expected to provide any additional impacts. It is therefore important that any approval indicate a maximum 5,000 to 7,000 tonnes limit held onsite.
Recommendation: That a maximum storage limit of 7,000 tonnes of lime sand be held onsite.

10. Council may want to indicate a requirements for reducing dust generated and/or the need to approve a suitable dust management plan if dust does become a problem. It is clear this would be the most impactful outcome for the storage, therefore a requirement as to how this would be addressed would be appropriate.

Recommendation: That used grain tarps and sprayed storm water be acknowledged as the immediate CBH dust management system. If dust spread becomes evident outside of the CBH landholding, CBH will be required to prepare and have approved by the Shire of Kulin a dust management plan that addresses the identified dust problem.

STATUTORY AND PLANNING IMPLICATIONS:

The proposed use (i.e. storage yard) is not specifically listed in the Zoning Table of the Shire's current TPS No.2 or the new consolidated version of that Scheme. Council consider the CBH proposal as a 'use not listed' and thereby negating public advertising of the proposal, on the grounds that an industrial purpose in an industrial zone would not require advertising under the TPS2.

POLICY IMPLICATIONS:

No additional policy implications - CBH refer to the storage of lime sand as a trial operation though the TPS2 has no "trial provisions". Clearly the policy implication would be that if the trial is successful then the facility becomes permanent. The appropriate assessment of the application therefore is that the proposal be assessed as a permanent fixture. All terms and conditions must be detailed and enforced as a permanent facility.

COMMUNITY CONSULTATION:

In terms of planning assessment under a 'use not listed', public advertising of the proposal is not required. An industrial purpose in an industrial zone would not require advertising under the TPS2.

WORKFORCE IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

The development application fee for a development proposal of \$50,000 would be \$147.

OFFICER'S RECOMMENDATION:

That the CBH application for planning consent to develop an onsite storage bin to store 5,000 to 7,000 tonnes of lime sand at Lot 2 CBH Access Rd, on Diagram 36513, be considered as a "use not listed" in the Shire of Kulin TPS2 development table thereby not requiring advertising; and that the application be approved subject to the following conditions;

1. The external lime sand stockpile bin be aligned with the existing open storage bin setback (approx. 6.5m from Jilakin Street) and the street setback be landscaped or screened with chain wire fence in accordance with Australian Standard AS1725, covered with industrial grade shade cloth.
2. No performance bond would apply to the application.
3. That Shire development consent approval is for the storage of 5000, to 7,000 tonnes of lime sand, any additional storage tonnage would be subject to additional DA approval.
4. That a maximum storage limit of 7,000 tonnes of lime sand be held onsite.
5. That used grain tarps and sprayed storm water be acknowledged as the immediate CBH dust management system. If dust spread becomes evident outside of the CBH landholding, CBH will be required to prepare and have approved by the Shire of Kulin a dust management plan that addresses the identified dust problem.

VOTING REQUIREMENTS:

Simple Majority

07/0917

Moved Cr Bowey Seconded Cr Duckworth that the CBH application for planning consent to develop an onsite storage bin to store 5,000 to 7,000 tonnes of lime sand at Lot 2 CBH Access Rd, on Diagram 36513, be considered as a "use not listed" in the Shire of Kulin TPS2 development table thereby not requiring advertising; and that the application be approved subject to the following conditions;

1. The external lime sand stockpile bin be aligned with the existing open storage bin setback (approx. 6.5m from Jilakin Street) and the street setback be landscaped or screened with chain wire fence in accordance with Australian Standard AS1725, covered with industrial grade shade cloth.
2. No performance bond would apply to the application.
3. That Shire development consent approval is for the storage of 5000, to 7,000 tonnes of lime sand, any additional storage tonnage would be subject to additional DA approval.
4. That a maximum storage limit of 7,000 tonnes of lime sand be held onsite.
5. That used grain tarps and sprayed storm water be acknowledged as the immediate CBH dust management system. If dust spread becomes evident outside of the CBH landholding, CBH will be required to prepare and have approved by the Shire of Kulin a dust management plan that addresses the identified dust problem.

Carried 5/4

6.5 Kulin Retirement Homes Inc. – Request to Write Off Rates 2017/18

NAME OF APPLICANT: Kulin Retirement Homes Inc.
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 25.02
AUTHOR: DCEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

In past years the Kulin Retirement Homes has requested a refund of rates for their property in Gordon Street and Price St, Kulin. All service charges applicable for the property are to be paid by the committee.

BACKGROUND & COMMENT:

This year the committee has written to Council requesting that Council waive rates for both Kulinda Estate and the Workman Estate.

FINANCIAL IMPLICATIONS

The write off is allowed for in 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 Council rates levied to Kulin Retirement Homes totalling \$2,691.27 for assessment number A95, charged against Kulinda Village and \$6,578.66 for assessment number A1422, charged against Workman Estate, be donated back to the organisation as they continue to operate as a not for profit community organisation.

VOTING REQUIREMENTS:

Simple majority required.

08/0917

Moved Cr Duckworth Seconded Cr O'Brien that Council rates levied to Kulin Retirement Homes totalling \$2,691.27 for assessment number A95, charged against Kulinda Village and \$6,578.66 for assessment number A1422, charged against Workman Estate, be donated back to the organisation as they continue to operate as a not for profit community organisation.

Carried 9/0

7 COMPLIANCE

7.1 Compliance Reporting – General & Financial Compliance – August 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 August 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 will 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. (*Refer to Table attached*)

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 & Financial Compliance Reports for August 2017 and note there are no matters of non-compliance.

VOTING REQUIREMENTS:

Simple majority required.

09/0917

Moved Cr O'Brien Seconded Cr Taylor that Council receive the General & Financial Compliance Reports for August 2017 and note there are no matters of non-compliance.

Carried 9/0

7.2 Compliance Reporting – Delegations Exercised – August 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 for the period ending 1 September 2017.

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 Mgr.)
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 for 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

C1	Bushfire Control – Shire Plant for Use of	(CEO)
C2	Bushfire Control – Plant Use for Adjoining Shires	(CEO)
C3	Bushfire Prohibited / Restricted Burning Periods – Changes	(Shire President/CEO)
C4	Bushfire Training Administration	(CEO)
C5	Cat Ownership Limit – Cat Control	(CEO)
C6	Dog Control – Attacks	(CEO)
C7	Dog Ownership Limit – Dog Control	(CEO)
C8	Sea Containers Use of – Town Planning	(CEO)
C9	Second Hand Dwellings	(CEO)
C10	Temporary Accommodation	(CEO)
C11	Unauthorised Structures – Building Control	(CEO)
C12	Kulin Bush Races	(Kulin Bush Races Committee)
C13	Freebairn Recreation Club Committee	(FRC Club Committee)
C14	Kulin Child Care Centre Management Committee	(Kulin CCC Management Committee)
C15	General – Community Services Practices	(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 and are submitted to Council for information (excluding delegations under A9, Payments – refer to individual order and payment listed in Accounts paid)

Delegations exercised for August 2017.

A5 Fees & Charges – Discounts (CEO)

CEO granted a request under Delegation A5 Discounts, after receiving a request for a discount on the Shire of Kulin plant rates for side tippers. The discount requested was for a quote by Wagin Earthmoving for WANDRRA works at the Shire of Lake Grace. The requested price on a side tipper was \$140+GST per hour – (which is a 10% discount)

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

Municipal funds

At Call	1.5%	-150,000
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G2 Building Licences (CEO)

Approved Building Application for Jarrad West, Evasham Farms at Lot 235, for a 63sqm double garage storeroom estimated value \$7000.

Approved Building Application for Cameron Mudge, Torwood Ag. Location 1796, Holt Rock, for a 630sqm shed estimated value \$95,000.

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 August 2017.

VOTING REQUIREMENTS:

Simple majority required.

10/0917

Moved Cr Duckworth Seconded Cr Robins that Council receive the Delegation Exercised Report for August 2017.

Carried 9/0

7.3 Register of Delegations – Update

RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 04.04
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Council is required to review the Delegations Register on an annual basis. This document was last reviewed in June 2017.

BACKGROUND & COMMENT:

It has recently been discovered that delegation **A9 Payments from Municipal and Trust Funds** omitted the Building Maintenance Officers authority to issue purchase orders up to the value of \$500. Council is requested to approve this limit (retrospectively from 1 July 2017) and the Register of Delegations will be updated accordingly.

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Update of A9 in the Register of Delegations

COMMUNITY CONSULTATION:

N/A

WORKFORCE IMPLICATIONS:

Building Maintenance Officers authority to issue purchase orders up to the value of \$500.

OFFICER'S RECOMMENDATION:

That Council approve an update to the Register of Delegations, A9 Payments from Municipal and Trust Funds to include authorisation to Council's Building Maintenance Officer to issue purchase orders up to the value of \$500 and this limit be approved retrospectively from 1 July 2017.

VOTING REQUIREMENTS:

Absolute majority required.

11/0917

Moved Cr McInnes Seconded Cr Bowey that Council approve an update to the Register of Delegations, A9 Payments from Municipal and Trust Funds to include authorisation to Council's Building Maintenance Officer to issue purchase orders up to the value of \$500 and this limit be approved retrospectively from 1 July 2017.

Carried 9/0

7.4 A10 – Regional Price Preference Policy

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 04.04
AUTHOR: CEO
STRATEGIC REFERENCE/S:
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Closure of the Regional Price Preference Policy advertising period; Council decision to adopt policy requested.

Following the review and creation of the Administrative Procedures and Operation Guidelines (APOG) manual, this policy document along with the Shire of Kulin Policy Manual were both adopted at the June meeting.

BACKGROUND & COMMENT:

A10 is the Regional Price Preference Policy (RPPP) which exists to provide for a price preference framework for the purchase of goods and services from local Shire of Kulin suppliers. Although this policy was adopted in June, there is a requirement to advertise Council's intention to adopt a Regional Price Preference Policy under the Local Government Act.

An advertisement was placed in the West Australian newspaper on 26 July 2017 inviting comments on the policy.

No submissions were received by the closing date of 8 September.

FINANCIAL IMPLICATIONS:

In terms of the Policy nil.

STATUTORY AND PLANNING IMPLICATIONS:

Section 24E of the Local Government (Functions and General) Regulations 1996

POLICY IMPLICATIONS:

Adoption of a Regional Price Preference Policy places obligations on Shire to advertise that we have a policy in tenders and tender documentation and pay due effect to the policy when considering and selecting tenders. The implication is that a Shire of Kulin based supplier of goods and services via tenders and quotes would have up to a 10% advantage on like for like items/services, subject to the items/services being of similar standard and quality.

Due regard to the RPPP must be notated in the decisions of Council when selecting tenders.

COMMUNITY CONSULTATION:

The draft policy along with Council's intention to adopt the policy was advertised in the Press and the comment period was open for more than 42 days (statutory period). No submissions were received.

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That following the required advertising, Council adopt the Shire of Kulin Regional Price Preference Policy.

VOTING REQUIREMENTS:

Absolute majority required.

12/0917

Moved Cr McInnes Seconded Cr O'Brien that following the required advertising, Council adopt the Shire of Kulin Regional Price Preference Policy.

Carried 9/0

8 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

9.1 Annual Tenders – Plant, Bitumen, Aggregate

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 23.05 Plant tenders
AUTHOR: CEO, Works Manager, Technical Officer
STRATEGIC REFERENCE/S: CSP 1.2.1 Transport network
DISCLOSURE OF INTEREST: *It is acknowledged that some Councillors do have a financial interest in various items in this report – therefore tender items have been separated so they may be considered individually (previously the Shire has adopted these tenders in bulk or part in bulk).*

SUMMARY:

The Shire is currently in the process of adopting Policy A10 - Regional Price Preference Policy and this is up for final adoption today following advertising. These tenders were not called under the Policy (there are various requirements to do so – including Council's agreement that it will apply) though a local tenderer (incorrectly – because it has not been adopted yet) has brought the existence of the policy to the Shire's attention in submission of their tender.

In accordance with the adopted budget in terms of plant replacement and annual tenders for the supply of bitumen, aggregate and cartage tenders were called for;

Plant

- Item 1 - Self-Propelled Rubber Tyred Roller; 18 -24 tonne;
- Item 2 - Loader – 100 - 125kw range; bucket size 2.5m³ - 3.2m³
- Item 3 - For Sale by Tender – CAT 928H trade-in for the above Loader;

Annual Tenders

- Item 4 – Bitumen supply 2017/18.
- Item 5 - Aggregate requirements and cartage for 2017/18.

BACKGROUND & COMMENT:

Tenders for the listed items closed at 4pm on Monday 18th September 2016. Tenders were opened by staff in the presence of two tenderers.

The Shire Policy A10 – Regional Price Preference Policy did not apply to this tender due to a timing issue in adoption – the Shire could elect to consider that the Policy should apply in this case by resolution – or leave the matter alone.

A table detailing tenders received has been prepared for the Council meeting and in addition the following comments are made;

Item 1 - Self-Propelled Rubber Tyre Roller 18 -24 tonne - Budget \$120,000

Comment: Only one supplier (Multipac) provided a price under to our original Budget tender estimates. Plant Mechanic has indicated that with the rest of the rollers in the Shire fleet being Bomag; purchasing the Bomag would be his preference – parts, supplier, consistency of model etc. To do so would result in expenditure \$9500 above Budget. – See spreadsheet

Item 2 - Loader -100 -125kw range; bucket 2.5m³ - 3.2m³ Budget \$140,000

Comment: For Sale by Tender (Item 3) most advantageous tender - Evasham Farms at \$75,000 and would recommend price be accepted as dealers offering additional no-trade prices increasing value to Shire. (detailed at top of loader spreadsheet)

All tenders except the McIntosh offering is within the specified kilowatt range.

Many of the tenders exceeded the estimated budget allowance of \$140,000 changeover.

After all considerations in terms of size, bucket size, kilowatts, weight and known preferences the most advantageous tender is viewed as the Komatsu. Therefore to run a comparison against this tender an additional column was inserted into the spreadsheet showing (where possible) the costs of like for like elements against what is supplied by the Komatsu offer. Where it was not possible to provide the tenderers price on the extras, the average comparative price detailed in the column heading was used. We were then able to compare against the Komatsu.

In addition to the price estimates in this comparison column – Komatsu is offering 2 years free servicing on the machine also. A significant feature of the Komatsu offering is the 5 year 6000hrs warranty (estimates are that Shire would operate at 800hrs per annum – therefore 5 years would apply) – whereas the comparison was made on 3 years 3000hrs. The Komatsu offering would only leave 2 years outside of warranty (at Shire cost) before intended replacement at 7 years.

It is clear that when like for like comparisons are made to the local tender offering \$164,460, and if the up to 10% local price preference is applied (\$16446) the comparative result is \$148, 014 which still exceeds the Komatsu tender.

It was considered by staff that a tender decision could be held over until loaders could be test driven by operators – but on the basis of the comparison the decision is somewhat straight forward.

FINANCIAL IMPLICATIONS:

In accordance with the 2017/18 Budget allocation for the replacement of the plant items the Self-Propelled Rubber Tyred roller exceeds budget estimates by \$9500.

The Loader can be purchased within budget estimates.

Other tenders meet expectations and apply to road construction jobs where the exact quantities can only be determined later and pricing in that sense is based more on unit cost.

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

As discussed in summary and comment.

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATIONS:

Item 1 – That the Shire of Kulin accept the tender of Tutt Bryant Equipment for a Bomag BW27RH Self-propelled Rubber Tyred Roller for a changeover price of \$129,500.

Item 2 – That the Shire of Kulin accept the tender of Komatsu for a WA250PZ loader at \$139,000 including quick hitch.

Item 3 – That the Shire of Kulin accept the For Sale by Tender price for the CAT 928H from Evasham Farms for \$75,000.

Item 4 – That the Shire of Kulin accept the tender price from Bitutek to supply the Shire bitumen requirements for 2017/18, at a unit litre rate of .83 cents per litre, spreader hire \$125 hr and precoat at \$6 per tonne.

Item 5 – That the Shire of Kulin accept the tender of Castle Equipment for the supply of aggregate and Kulin Transport for the cartage totalling \$61,111 on tender quantity estimates.

VOTING REQUIREMENTS:

Simple majority required.

Item 1 – Self Propelled Rubber Tyred Roller; 18 – 24 tonne

13/0917

Moved Cr Duckworth Seconded Cr McInnes that the Shire of Kulin accept the tender from Tutt Bryant Equipment for a Bomag BW27RH Self-propelled Rubber Tyred Roller for a changeover price of \$129,500; and that the Shire of Kulin sell the trade-in, SP roller to Euroauctions for \$22,500.

Carried 9/0

Note: The recommendation was changed to include reference to the sale of the Trade-in to Euroauctions for \$22,500 for clarity.

Cr West declared an interest in Item 3 and left the Council Chambers at 5.27pm

Item 3 – For Sale by Tender – CAT 928H trade-in for loader

14/0917

Moved Cr Taylor Seconded Cr O'Brien that the Shire of Kulin accept the For Sale by Tender price for the CAT 928H from Evasham Farms for \$75,000.

Carried 8/0

Cr West returned to the Council Chambers at 5.36pm.

Item 2 – Loader – 100 – 125kw range; bucket size 2.5m³ – 3.2m³

15/0917

Moved Cr Duckworth Seconded Cr O'Brien that the Shire of Kulin accept the tender of Komatsu for a WA250PZ loader at \$139,500 including quick hitch.

Carried 9/0

Item 4 – Bitumen Supply 2017/18

16/0917

Moved Cr O'Brien Seconded Cr Robins that the Shire of Kulin accept the tender price from Bitutek to supply the Shire bitumen requirements for 2017/18, at a unit litre rate of .83 cents per litre, spreader hire \$125 hr and precoat at \$6 per tonne.

Carried 9/0

Cr Robins declared an interest in Item 5 and left the Council Chambers at 5.40pm

Item 5 – Aggregate requirements and cartage for 2017/18

17/0917

Moved Cr Taylor Seconded Cr Duckworth that the Shire of Kulin accept the tender of Castle Equipment for the supply of aggregate and Kulin Transport for the cartage totalling \$61,111 on tender quantity estimates.

Carried 8/0

Cr Robins returned to the Council Chambers at 5.49pm

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 18 October at 1:00pm.

12 CLOSURE OF MEETING

There being no further business the meeting closed at 5.50pm