



## **ORDER OF BUSINESS**

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  - 5.2 Kulin Bush Races AGM & General Meeting – 4 February 2016
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  - 6.11 Rates – Sale of Land
- 7 COMPLIANCE**
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- 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 Kitchen Hire – Freebairn Recreation Centre
- 10 DATE AND TIME OF NEXT MEETING**
- 11 CLOSURE OF MEETING**

**Minutes of an Ordinary Meeting of Council held in the Council Chambers on Wednesday 17 February 2016 commencing at 2:51pm**

**1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

The President of the Shire welcomed all present and declared the meeting opened at 2.51pm

**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

Attendance

BD West	President	West Ward
RD Duckworth	Deputy President	West Ward
MJ Ledwith	Councillor	West Ward
G Robins	Councillor	Town Ward
HT McInnes	Councillor	Town Ward
R Bowey	Councillor	Town Ward
R O'Brien	Councillor	Central Ward
BP Taylor	Councillor	Central Ward
G Hadlow	Chief Executive Officer	
C Vandenberg	Deputy CEO (to 3.50pm)	
N Thompson	Executive Support Officer/Minutes	
L Hobson	Manager of Works	

**3. PUBLIC QUESTION TIME**

Mr Paul Reader from Kulin was in attendance as an observer, but had no questions for Council.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Cr O'Brien advised he would need Leave of Absence if the March Council Meeting was held on 16 March 2016. *Note: Agreed in Concept Forum to change date of next meeting to 23 March 2016.*

**5. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Shire of Kulin Ordinary Meeting – 18 December 2015

**01/0216**

**Moved Cr Robins Seconded Cr Bowey that the minutes of the Ordinary Council Meeting held on 18 December 2015 be confirmed as a true and correct record.**

**Carried 8/0**

Kulin Bush Races AGM & General Meeting – 4 February 2016

**02/0216**

**Moved Cr Taylor Seconded Cr O'Brien that the minutes of the Kulin Bush Races AGM & General Meeting held on 4 February 2016 be confirmed as a true and correct record.**

**Carried 8/0**

*Cr Bowey advised her name was not listed on KBR Management Committee 2016 however she is Council's representative on the committee.*

*Cr Duckworth suggested the Hiring Policy for the marquee include an increase in the hiring cost which could be split between those that assist with putting it up and pulling it down as it is a labour intensive process.*

Freebairn Recreation Club Committee Meeting – 9 February 2016

**03/0216**

**Moved Cr Ledwith Seconded Cr Duckworth that the minutes of the Freebairn Recreation Club Committee Meeting held on 9 February 2016 be confirmed as a true and correct record.**

**Carried 8/0**

## **6 MATTERS REQUIRING COUNCIL DECISION**

### **6.1 List of Accounts – December 2015 & January 2016**

**RESPONSIBLE OFFICER:** DCEO  
**FILE REFERENCE:** 12.06  
**AUTHOR:** DCEO  
**DISCLOSURE OF INTEREST:**

**SUMMARY:**

Attached are the list of accounts paid during the months of December 2015 and January 2016 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 December payments being cheque No 322- 325 (Trip) No 1830 - 1833 (Bush Races), 323 (Trust Fund) 36502 – 36519 (Municipal), EFT No's 10682 - 10819 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$651,309.76 be passed for payment.

That January payments being cheque No 1834 - 1836 (Bush Races), 327 - 328 (Trust Fund) 36520 – 36536 (Municipal), EFT No's 10820 - 10942 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$522,850.86 be passed for payment.

**VOTING REQUIREMENTS:**

Simple majority required.

**04/0216**

**Moved Cr McInnes Seconded Cr Robins that December payments being cheque No 322- 325 (Trip) No 1830 - 1833 (Bush Races), 323 (Trust Fund) 36502 – 36519 (Municipal), EFT No's 10682 - 10819 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$651,309.76 be passed for payment.**

**Carried 8/0**

**05/0216**

**Moved Cr Robins Seconded Cr Taylor that January payments being cheque No 1834 - 1836 (Bush Races), 327 - 328 (Trust Fund) 36520 – 36536 (Municipal), EFT No's 10820 - 10942 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$522,850.86 be passed for payment**

**Carried 8/0**

## 6.2 Financial Reports – December 2015 & January 2016

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**RESPONSIBLE OFFICER:** DCEO  
**FILE REFERENCE:** 12.01  
**AUTHOR:** DCEO  
**DISCLOSURE OF INTEREST:**

**SUMMARY:**

Attached are the financial reports for the periods ending 31 December 2015 and 31 January 2015.

**BACKGROUND & COMMENT:**

Nil

**FINANCIAL IMPLICATIONS:**

Nil

**STATUTORY AND PLANNING IMPLICATIONS:**

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

**POLICY IMPLICATIONS:**

Nil

**COMMUNITY CONSULTATION:**

Nil

**WORKFORCE IMPLICATIONS:**

Nil

**OFFICER'S RECOMMENDATION:**

That Council endorse the monthly financial statements for the periods ending 31 December 2015 and 31 January 2015.

**VOTING REQUIREMENTS:**

Simple majority required.

06/0216

Moved Cr Taylor Seconded Cr McInnes that Council endorse the monthly financial statements for the periods ending 31 December 2015 and 31 January 2016.

Carried 8/0

Council brought forward Item 6.6 Loan Funds – Office Relocation and Item 6.11 Rates – Sale of Land to discuss whilst the Deputy CEO was in attendance.

## 6.6 Loan Funds – Office Relocation

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**NAME OF APPLICANT:** CEO  
**RESPONSIBLE OFFICER:** CEO  
**FILE REFERENCE:** 12.09  
**AUTHOR:** CEO  
**DISCLOSURE OF INTEREST:** Nil

**SUMMARY:**

Council included an amount of \$600,000 for loan funds in the budget to cover part of the cost of the office relocation. I have attached a copy of the expenses for the project thus far and these total \$1,326,041, with another \$197,800 estimated to be required for other items as listed. The original budget was \$1,443,332 with the final spend likely to be approx. \$1.52M. As detailed in the attached breakdown we will be a little over budget should the final additional costs come out as outlined. I do think that I have been fairly conservative with these costs and expect the over budget spend of \$80,509 to be significantly less.

Regardless I am extremely proud of the final outcome and I would like to congratulate Ryan Brandis and Damian Whitely for a job well done, Michael Robins for his dedicated project management, Len Hobson and the outside crew for their involvement and inside staff, almost all being actively involved in the planning and organising of the project.

**BACKGROUND & COMMENT:**

I mentioned at the December meeting that Council may need to consider increasing loan funds for this project to around \$1,000,000 to ensure we are not eating too much into our Municipal Funds and therefore affecting our future operations. Obviously a discussion will need to be held to determine Councils attitude towards the level of funds raised and I provide the following information for consideration.

- Council currently has outstanding loan commitments of \$222,591 with the Bendigo Bank for the construction of the Police/Education Dept. housing (Loan No 58). The loan expires in September 2017 with an annual repayment of \$142,505.
- I have attached copies of quotes received from WA Treasury for various levels of borrowing including amounts of \$1M & \$1.5M over 10, 15 and 20 years. At this stage I am waiting for an indicative quote from Bendigo Bank for information.
- We need to add the Government guarantee levy of 0.7% to the Treasury Corporations schedules. I have summarized the repayments applicable below.

<u>Loan Amount</u>	<u>Period</u>	<u>Total Repayments</u>	<u>Annual Repayments</u>
\$1.5M	10 yrs	\$1,853,190	\$185,319
	15 yrs	\$2,084,454	\$138,964
	20 yrs	\$2,344,692	\$117,235
\$1M	10 yrs	\$1,235,459	\$123,546
	15 yrs	\$1,389,636	\$92,642
	20 yrs	\$1,563,128	\$78,156

I have been in touch with the Department of Local Government and they have advised that because we had provided for the raising of a loan in the adopted budget we do not need to advertise the additional loan amount as may normally be required by the regulations.

**FINANCIAL IMPLICATIONS:**

Obviously Council will need to provide for the repayments in future annual budgets.

**STATUTORY AND TOWN PLANNING IMPLICATIONS:**

Nil

**POLICY IMPLICATIONS:**

Nil

**COMMUNITY CONSULTATION:**

Nil

**WORKFORCE IMPLICATIONS:**

**RECOMMENDATION:**

That Council proceed with raising a loan, borrowing \$1M over a 10 year period from the WA Treasury at a fixed interest rate of 3.01% per annum.

**VOTING REQUIREMENTS:**

Simple majority required.

**07/0216**

**Moved Cr Taylor Seconded Cr McInnes that Council proceed with raising a loan, borrowing \$1.5M over a 15 year period from the WA Treasury at a fixed interest rate of 3.34% per annum.**

**Carried 8/0**

Following intensive debate Council resolved as above so as the loan amount meets more closely the total cost of the Office Relocation, the intention being that operational funds are not being used to fund this large capital project, particularly where the current climate indicates a significantly reduced opportunity to undertake additional private works as in the past.

**08/0216**

**Moved Cr Duckworth Seconded Cr Robins that Council go in 'camera' to discuss Item 6.11 Rates – Sale of Land.**

**Carried 8/0**

**Mr Paul Reader left the Council Chambers at 3.41pm**

**6.11 Rates – Sale of Land**

**NAME OF APPLICANT:** DCEO  
**RESPONSIBLE OFFICER:** DCEO  
**FILE REFERENCE:** 25.03  
**AUTHOR:** DCEO  
**DISCLOSURE OF INTEREST:** Nil

**SUMMARY:**

Sale of Land – recovery of rates in arrears for a period of three or more years.

**BACKGROUND:**

There are currently 2 properties that have rates outstanding by three or more years for which it has not been possible to enter into acceptable and successful arrangements for the payment of the balance owing. In each instance, a written notification has been directed to the last known postal address of the ratepayer’s property advising that it will be our intention to refer the matter to Council with a recommendation to sell property in order to recover the outstanding balance.

Both of these properties have been referred to our debt collection agency and the bailiff has served a general procedure claim to the ratepayer advising them of the intention to sell their property if the rates are not paid immediately. The ratepayer has not been in contact with Council and we now wish to proceed to the next step and issue the rate payer with a Property Sale & Seizer Order (PSSO).

**COMMENT:**

	Property 1	Property 2
Assessment	A18	A151
Zoning	Commercial GRV	Residential
Period Outstanding	2012/2013 – 2015/2016	2012/2013 – 2015/2016
Amount Outstanding	\$ 6,012.43	\$ 5,422.80
Last Payment	09/11/2012	09/10/2012
Recovery Action	Letter sent in accordance with Council policy Final Notice Sent General Procedure Claim served	Letter sent in accordance with Council policy Final Notice Sent General Procedure Claim served

**STATUTORY ENVIRONMENT:**

S6.64 OF THE Local Government Act 1995 states:

- 1.) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and –
  - (a) From time to time lease the land;
  - (b) Sell the land;
  - (c) Cause the land to be transferred to the Crown; or
  - (d) Cause the land to be transferred to itself.
- 2.) On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.
- 3.) Where payment of rates or service charges in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land and may withdraw caveats so lodged by it.

**FINANCIAL IMPLICATIONS:**

The sale of this land will equate to a decrease in the level of outstanding rates of \$ 11,435.23.

Options

**Option 1 – exercise the provisions of Section 6.64 of the Local Government Act 1995**

- Given the level of debt, and the amount of time that has been afforded to enable to ratepayers to either clear or reduce their debt, it is appropriate to apply the relevant section of the Local Government Act 1995 empowering the sale of land provisions in relation to the unpaid rates and charges.

**Option 2 – Exercise the provisions of Section 6.74 of the Local Government Act 1995**

- Apply to the Minister to have the land re-vested in the Crown in the right of the State.

**Option 3 – Make application for the land to be vested in the local government.**

**RECOMMENDATION:**

That Council, pursuant to Section 6.64(1)(b) of the Local Government Act 1995, proceed to sell the properties listed hereunder which have rates in arrears for 3 or more years, and recover from the proceeds of sale the outstanding balances which total \$11,435.23.

09/0216

Moved Cr Taylor Seconded Cr McInnes that Council come out of 'camera'.

Carried 8/0

10/0216

Moved Cr Robins Seconded Cr O'Brien that Council pursuant to Section 6.64(1)(b) of the Local Government Act 1995, proceed to sell the properties listed hereunder which have rates in arrears for 3 or more years, and recover from the proceeds of sale the outstanding balances which total \$11,435.23.

Carried 8/0

Council adjourned for afternoon tea at 3.52pm

Council resumed from afternoon tea at 4.21pm without DCEO Cassi-Dee Vandenberg in attendance.

**6.3 Bending Landfill Trenches & Landfill Reserve Funding**

**NAME OF APPLICANT:** RoeROC EHO  
**RESPONSIBLE OFFICER:** EHO  
**FILE REFERENCE:** 31.07  
**AUTHOR:** Mr J Goldacre  
**DISCLOSURE OF INTEREST:** No interest to disclose

**BACKGROUND:**

At the Roe Regional Organisation of Council meeting held on the 25 June 2015 the Bending landfill report was adopted. In this report were the details for the next trench size and type to be dug along with test holes to determine where the deep and soft ground was on the western flank. After the test holes were dug it was revealed that the Bending landfill has no deep soft ground beyond 2m in some places and mostly nothing deeper than 1m in most places. It was agreed that machinery other than exclusively an excavator would be needed such as a D9 type dozer to break through the hard ground to gain deeper trenches.

**COMMENT:**

Between 7 and 9 of December 2015 six requests for quotations for trench construction were sent via email to six identified operators around the Central Wheatbelt. Of the six requested to submit quotations four responded being St Leger Nominees Pty Ltd trading as B F Walsh Earthmoving contractor, Cardinal Contractors Pty Ltd, Denaro Nominees Pty Ltd (Mr B Smoker) and Vernice Pty Ltd; both Mr Rodger George of RE GEORGE and Mr Alf Brooks of AG BROOKES EXCAVATIONS declined to submit quotations. All companies quoting attended the site visit to the Bending landfill on the 14 December 2015; all companies quoting are established earth moving operators.

The attached table shows in detail the received quotations with two companies offering two options. This table was placed into the report submitted to the special executive meeting of RoeROC held at the Shire of

Narembeen Council Chambers on the 19 January 2016. The officer recommendation (attached) at the RoeROC special meeting resolved that:

**OFFICER RECOMMENDATION**

1. Vernice is selected for the construction of 2 trenches, 60m x 12m x 5m = 7,200m<sup>3</sup>, including the construction of ramps at both ends of each trench (1 in 5 slope = 1,500m<sup>3</sup> trench), totaling \$46,783 including GST in accordance with the quotation provided.
2. Funding for the construction of the trenches and the previous test trenches to be allocated from the RoeROC budget 2015/16 with additional contributions from each member Shire being \$15,000 per member, and contributed to the Shire of Corrigin by 29 February 2016.
3. Trenches to be constructed in Stage Area 1, with a requirement of the quote being prior to start of any works, a site meeting with RoeROC and contractors must be organised and the works to commence by 29 February 2016.
4. Commencing from 2016/17 year, each RoeROC member Shire is to set aside \$5000 each year to go to reserve fund for operational costs for Bendering landfill site.

*Moved: John Read, Seconded: Chris Jackson Carried: 4/0*

Vernice Pty Ltd second quote option was chosen based on price and equipment to be used being the heavy weight D375-6 '70' tonne dozer (recommended by Vernice) and a 45 tonne excavator. The per RoeROC Shire amount of \$15,000 is inclusive of the outstanding remittance to the Corrigin Shire for test holes and trench, seedling plantings and fence constructions done in the last half of 2015.

Before works are undertaken a meeting is to be arranged to identify trench location and to discuss operational matters with a representative of Avon Waste to ensure a practical outcome. It is expected that the trenches when built to the planned design parameters will last between 2 to 3 years. The further future allocation of \$5,000 has been previously discussed at RoeROC and is now for resolution to ensure a reserve fund to pay for future works and maintenance at the Bendering landfill site.

**CONSULTATION:**

Mr G Hadlow CEO Kulin Shire

Mr R Paull CEO Corrigin Shire

Mr C Jackson CEO Narembeen Shire

Mr J Read CEO Kondinin Shire

Mrs H Talbot Executive Manager Governance and Compliance, Shire of Corrigin

Mrs L Pitman EHO RoeHEALTH Scheme

**STATUTORY ENVIRONMENT:**

Local Government Act 1995

**POLICY IMPLICATIONS:**

There are no direct policy implications in relation to this item.

**FINANCIAL IMPLICATIONS:**

\$20,000 allocation requirement being:

- \$15,000 sourced from the Shire of Kulin 2015-2016 budget review as required to complete the trench works and to reimburse Corrigin Shire for the works undertaken by Alf Brooks in July 2015 inclusive of the tree planting and fencing; and
- \$5,000 allocation to a reserve fund to be held by the Shire of Corrigin being the Bendering landfill management Shire on behalf of RoeROC to be apportioned during the 2016-2017 budget settlement.

**OFFICER'S RECOMMENDATION:**

That Council resolves to endorse the Recommendation made at the RoeROC special meeting held on the 19 January 2016 at the Shire of Narembeen that was moved by CEO John Read of the Shire of Kondinin and seconded by CEO Chris Jackson of the Shire of Narembeen and carried 4/0 that:

1. Vernice is selected for the construction of 2 trenches, 60m x 12m x 5m = 7,200m<sup>3</sup>, including the construction of ramps at both ends of each trench (1 in 5 slope = 1,500m<sup>3</sup> trench), totalling \$46,783 including GST in accordance with the quotation provided;
2. Funding for the construction of the trenches and the previous test trenches to be allocated from the RoeROC budget 2015/16 with additional contributions from the Shire of Kulin being the required quarter portion of \$15,000 and contributed to the Shire of Corrigin by 29 February 2016;
3. Trenches to be constructed in Stage Area 1, with a requirement of the quote being prior to start of any works, a site meeting with RoeROC and contractors must be organised and the works to commence by 29 February 2016; and

4. Commencing from 2016/17 financial year the Shire of Kulin is to set aside \$5,000 each year to go to a reserve fund for operational costs for Bendering landfill site.

**VOTING REQUIREMENT:**

Absolute majority

11/0216

Moved Cr O'Brien Seconded Cr Robins that Council resolves to endorse the recommendation made at the RoeROC special meeting held on the 19 January 2016 at the Shire of Narembeen that was moved by CEO John Read of the Shire of Kondinin and seconded by CEO Chris Jackson of the Shire of Narembeen and carried 4/0 that:

1. Vernice is selected for the construction of 2 trenches, 60m x 12m x 5m = 7,200m<sup>3</sup>, including the construction of ramps at both ends of each trench (1 in 5 slope = 1,500m<sup>3</sup> trench), totalling \$46,783 including GST in accordance with the quotation provided;
2. Funding for the construction of the trenches and the previous test trenches to be allocated from the RoeROC budget 2015/16 with additional contributions from the Shire of Kulin being the required quarter portion of \$15,000 and contributed to the Shire of Corrigin by 29 February 2016;
3. Trenches to be constructed in Stage Area 1, with a requirement of the quote being prior to start of any works, a site meeting with RoeROC and contractors must be organised and the works to commence by 29 February 2016; and
4. Commencing from 2016/17 financial year the Shire of Kulin is to set aside \$5,000 each year to go to a reserve fund for operational costs for Bendering landfill site.

Carried 8/0

#### 6.4 Sale of RoeROC Weighbridge – Bendering Tip Site

**NAME OF APPLICANT:** CEO  
**RESPONSIBLE OFFICER:** CEO  
**FILE REFERENCE:** 31.07  
**AUTHOR:** CEO  
**DISCLOSURE OF INTEREST:** Nil

**SUMMARY:**

Council is requested to agree to sell the weighbridge located at the Regional Waste Site located in Bendering subject to S3.58 (3) of the *Local Government Act 1995*.

**BACKGROUND:**

Roe Regional Organisation of Councils (RoeROC) comprises the local governments of the Shires of Corrigin, Kondinin, Kulin and Narembeen. RoeROC was formally established in 2006 to help facilitate the implementation of regional arrangements for waste management, environmental health, building control, recreation services and primary health care.

The establishment of RoeROC is built on the long standing shared services arrangements in place between the four participating local governments. On this basis, RoeRoC has established a Regional Waste Site located in Bendering in the Shire of Kondinin but owned by all four RoeROC local governments. In 2010, members of RoeROC put forward the idea that to purchase a weighbridge for the regional waste site at Bendering at a cost of approximately \$200,000, which could be funded by the RoeROC CLGF allocation. RoeROC was successful in receiving additional funding of \$35,000 which reduced the financial exposure to \$165,000 for the cost of the weighbridge. At the time, RoeROC was required to make an initial payment of \$85,000 in 2009/10 financial year (\$21,250 each Shire) and a further payment of \$80,000 after 1 July 2010. This resulted in each Shire needing to contribute \$20,000 in their respective 2010/11 Budgets.

Since the weighbridge was commissioned some six years ago, the weighbridge has not been used and is now considered to be surplus to the needs of the Regional Waste Site and RoeROC members. On this basis, the sale of the weighbridge was first floated at the RoeROC meeting for discussion on the 25 June 2015.

**COMMENT:**

Each Shire is a tenant in common of the weighbridge with a 25% share in the weighbridge. Presently Avon Waste are able to provide weights for reporting purposes to the Waste Authority as their trucks have the ability to calculate weights for each rubbish load.

There is no present or future likelihood that we will accept municipal waste from outside of the RoeROC grouping of Shires due to Dept. of Environment Regulation compliance burdens and the limitation on the amount of waste the Bendinger landfill can accept each year as a 'Registration, which is up to 5,000 tonnes. At a RoeROC Executive Meeting held on Tuesday 19 January 2016 and attended by the CEO's of the RoeROC Shires, the issue of the weighbridge was discussed. The unanimous view of CEOs was that the weighbridge is mostly redundant and there is no legislative requirement to have one. Accordingly, the CEO's consider that the weighbridge should be offered for sale.

Each Shire would report to their respective Council to dispose of the weighbridge asset by private treaty rather than by tender. This would be subject to the provisions relating to giving public notification of the proposed disposition under S3.58 (3) of the *Local Government Act 1995*. Advertising would include notification in the West Australian Newspaper along with advertising in Farm Weekly and contacting any known organisations that could have an interest in a weighbridge.

**STATUTORY ENVIRONMENT:**

Local Government Act 1995

The statutory implications associated with disposing of property are contained within S3.58 Disposing of Property.

**POLICY IMPLICATIONS:**

There are no known policy implications in relation to this item.

**FINANCIAL IMPLICATIONS:**

Depending on the market for significant infrastructure items such as a weighbridge, it is possible that RoeROC will receive a financial loss on the sale. This will be addressed by representative Councils and RoeROC once the 'market' has been tested.

**COMMUNITY CONSULTATION:**

Nil

**WORKFORCE IMPLICATIONS:**

Nil

**OFFICER'S RECOMMENDATION :**

That Council:

1. Authorises the Chief Executive Officer to offer for sale the Shire of Kulin's 25% share of the weighbridge located at the Regional Waste Site located in Bendinger and to carry out the process of sale as required by Section 3.58 (3) of the Local Government Act 1995.
2. Requests the Chief Executive Officer to confer with the member local governments within the Roe Regional Organisation of Councils to ensure wide advertising of the weighbridge and to refer the matter back to Council at the conclusion of advertising the sale for consideration.

**VOTING REQUIREMENTS:**

Simple majority required.

12/0216

**Moved Cr McInnes Seconded Cr Robins that Council:**

1. **Authorises the Chief Executive Officer to offer for sale the Shire of Kulin's 25% share of the weighbridge located at the Regional Waste Site located in Bendinger and to carry out the process of sale as required by Section 3.58 (3) of the Local Government Act 1995.**
2. **Requests the Chief Executive Officer to confer with the member local governments within the Roe Regional Organisation of Councils to ensure wide advertising of the weighbridge and to refer the matter back to Council at the conclusion of advertising the sale for consideration.**

**Carried 8/0**

## 6.5 CEO's Resignation

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

### **SUMMARY:**

In November 2015 I tentatively advised Council that I would be submitting my resignation sometime during 2015.

### **BACKGROUND & COMMENT:**

Attached to the agenda is a copy of my official resignation which will be effective from 30 September 2016 although my last day of work will be Friday 1<sup>st</sup> July 2016. The period between July and September will in effect be my accrued Long Service Leave entitlement. I could bring back the retirement date by 6 ½ weeks if Council were to agree to paying the LSL at double rate. Regardless it's all pretty academic and the lessor LSL period will mean effectively the new CEOs position becomes "permanent" at an earlier date.

An advertisement was placed for my replacement and will close on Friday 19 February 2016. I have spoken to President Cr West and we will look at carrying out interviews as soon as possible after the closing date. This will allow an appointment to be made somewhere around mid-March which will enable the replacement CEO to start mid to late June 2016.

### **FINANCIAL IMPLICATIONS:**

Nil

### **STATUTORY AND TOWN PLANNING IMPLICATIONS:**

Advertisement and selection of replacement CEO to be carried out in accordance with the Local Government Act Sec 5.36.

### **POLICY IMPLICATIONS:**

Nil

### **COMMUNITY CONSULTATION:**

Nil

### **WORKFORCE IMPLICATIONS:**

Appointment of a CEO is mandatory under LG Act.

### **RECOMMENDATION:**

That Council note the above information and undertake the recruitment process as required under the Local Government Act Section 5.36 and the following persons be appointed to the initial interview panel: President, Deputy President, Cr O'Brien, Cr Robins and the CEO.

### **VOTING REQUIREMENTS:**

Simple majority required.

13/0216

Moved Cr Taylor Seconded Cr O'Brien that Council note the above information and undertake the recruitment process as required under the Local Government Act Section 5.36 and the following persons be appointed to the initial interview panel: President, Deputy President, Cr O'Brien, Cr Robins and the CEO.

Carried 8/0

Item 6.6 Loans funds – Office Relocation has been dealt with earlier in the meeting

## 6.7 Vehicle Tenders

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**NAME OF APPLICANT:** CEO  
**RESPONSIBLE OFFICER:** CEO  
**FILE REFERENCE:** 23.05  
**AUTHOR:** CEO  
**DISCLOSURE OF INTEREST:** Nil

### **SUMMARY:**

The following vehicles have been advertised for sale by tender:

Closing Friday 12 Feb 2016

- 1994 Hilux Utility
- 1999 Mitsubishi Utility
- 2015 Toyota Kluger SUV

Closing Wed 10am 17 Feb 2016

- 1996 Cat 12H Grader
- 1994 cat 12G Grader
- 2009 Isuzu Giga Prime Mover

### **BACKGROUND & COMMENT:**

Under the Local Government Act we are required to advertise the sale of property by tender subject to certain conditions. Although it is not a requirement for all of the above vehicles it was felt we may as well test the local market for any potential interest.

Details of tenders received will be provided on the meeting date.

### **FINANCIAL IMPLICATIONS:**

In accordance with the adopted 2015/16 budget.

### **STATUTORY AND TOWN PLANNING IMPLICATIONS:**

Tenders called in accordance with the Local Government (Functions and general) Regs.1996 section 3.58.

### **POLICY IMPLICATIONS:**

Nil

### **COMMUNITY CONSULTATION:**

Nil

### **WORKFORCE IMPLICATIONS:**

Nil

### **RECOMMENDATION:**

To be formulated following the closure of tenders.

### **VOTING REQUIREMENTS:**

Simple majority required.

14/0216

Moved Cr McInnes Seconded Cr O'Brien that Council accept the tender from WA Machinery Brokers to purchase the CAT 12G for \$40,000.

Carried 8/0

15/0216

Moved Cr Duckworth Seconded Cr Robins that Council accept the tender from FS & KM James to purchase the Isuzu Giga for \$35,000.

Carried 8/0

## 6.8 Yarloop Fire

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**NAME OF APPLICANT:** CEO  
**RESPONSIBLE OFFICER:** CEO  
**FILE REFERENCE:** 02.05  
**AUTHOR:** CEO  
**DISCLOSURE OF INTEREST:** Nil

**SUMMARY:**

As we are aware recent fires destroyed a large portion of the Yarloop townsite with many people left homeless.

**BACKGROUND & COMMENT:**

The Lord Mayors Appeal is still open to receive donations and I recommend that we donate an amount of \$2,000 to the appeal.

**FINANCIAL IMPLICATIONS:**

We have an amount of \$1,000 in the budget for donations however in view of the severity of the fires and destruction they caused I recommend that we donate \$2,000 in this instance. The extra \$1,000 will be insignificant on our overall budget.

**STATUTORY AND TOWN PLANNING IMPLICATIONS:**

Nil

**POLICY IMPLICATIONS:**

Nil

**COMMUNITY CONSULTATION:**

Nil

**WORKFORCE IMPLICATIONS:**

Nil

**RECOMMENDATION:**

That Council donate an amount of \$2,000 to the Lord Mayors Disaster Appeal to go towards those affected by the recent fires in Yarloop.

**VOTING REQUIREMENTS:**

Simple majority required.

16/0216

Moved Cr Bowey Seconded Cr Duckworth that Council donate an amount of \$2,000 to the Lord Mayors Disaster Appeal to go towards those affected by the recent fires in Yarloop.

Carried 8/0

## 6.9 RAV Network

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**NAME OF APPLICANT:** CEO  
**RESPONSIBLE OFFICER:** CEO  
**FILE REFERENCE:** 28.17  
**AUTHOR:** CEO  
**DISCLOSURE OF INTEREST:** Nil

**SUMMARY:**

I have been in discussions with CBH over the need to upgrade a number of our roads under the RAV network.

**BACKGROUND & COMMENT:**

It is my understanding that CBH have adopted a policy under their Duty of Care that they will not allow trucks to deliver wheat to their storage facilities should that vehicle use roads that do not have the appropriate RAV network rating.

I have instructed CBH and Main Roads that the Shire of Kulin has no objection to all roads in our Shire being upgraded to RAV Network 7 subject to the assessment of the road meeting the requirements.

I know Council has verbally supported this upper level previously and I seek endorsement to ensure that roads are upgraded where necessary.

**FINANCIAL IMPLICATIONS:**

Nil

**STATUTORY AND TOWN PLANNING IMPLICATIONS:**

Nil

**POLICY IMPLICATIONS:**

Nil

**COMMUNITY CONSULTATION:**

Nil

**WORKFORCE IMPLICATIONS:**

Nil

**RECOMMENDATION:**

That Council endorse the CEO's action in advising Main Roads and CBH that we have no objection to all roads in the Shire being upgraded to RAV Network 7 subject to them meeting the required road standard.

**VOTING REQUIREMENTS:**

Simple majority required.

17/0216

**Moved Cr O'Brien Seconded Cr Robins that Council endorse the CEO's action in advising Main Roads and CBH that we have no objection to all roads in the Shire being upgraded to RAV Network 7 subject to them meeting the required road standard.**

Carried 8/0

## 6.10 Building in Bush Fire Prone Areas

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**NAME OF APPLICANT:** CEO  
**RESPONSIBLE OFFICER:** CEO  
**FILE REFERENCE:** 07.02  
**AUTHOR:** CEO  
**DISCLOSURE OF INTEREST:** Nil

**SUMMARY:**

During 2015 the Dept. of Emergency Services (DFES) commenced the process of identifying areas in the State that needed to be classed as bush fire prone areas for the purposes of building control.

**BACKGROUND & COMMENT:**

DFES have now forwarded advice seeking input from Local Governments on the development of the next phase of the mapping project scheduled for release in May 2016.

I have previously sent an objection to some areas that were previously included in the bush fire prone areas and fortunately common sense has prevailed to some extent with these areas now deleted from the map. Attached to the agenda are copies of maps showing the proposed areas to enable further Council input if required. I have also attached a copy of the letter which details the effect on building standards for areas identified as bush fire prone. I have circled in red some areas that I have concerns about as in my view the bush is not overly thick and would not provide any significant increase in the fire risk. The areas identified cover the Kulin and Pingaring town sites. Unfortunately there is not a lot I can see can change for Dudinin, Holt Rock and Jitarning.

It is my understanding that once identified as a bush fire prone area any building constructed or renovated within 100 meters of that area will require additional building standards that will see anywhere from \$20,000 to \$80,000 added to the cost of construction.

**FINANCIAL IMPLICATIONS:**

Nil unless Council intend to construct a new building or renovate an existing building within the designated zone.

**STATUTORY AND TOWN PLANNING IMPLICATIONS:**

Planning and Development (Local Planning Schemes) Regulations 2015

**POLICY IMPLICATIONS:**

Nil

**COMMUNITY CONSULTATION:**

Nil

**WORKFORCE IMPLICATIONS:**

Nil

**RECOMMENDATION:**

That Council provide input on proposed areas to be identified as Bush Fire Prone Areas for the purposes of future planning and building requirements.

**VOTING REQUIREMENTS:**

Simple majority required.

18/0216

Moved Cr Robins Seconded Cr Bowey that Council study maps and provide input to the CEO by the end of February 2016 for the purpose of future planning and building requirements.

Carried 8/0

Item 6.11 rates – Sale of Land has been dealt with earlier in the meeting

## 7 COMPLIANCE

### 7.1 Purchasing Policy – Tender Threshold

**Name of Applicant:** CEO  
**Responsible Officer:** CEO  
**File Reference:** 13.02  
**Author:** CEO  
**Disclosure of Interest:** Nil

**SUMMARY:**

This report recommends an amendment to the Shire's Purchasing Policy to bring the policy in line with recent legislative changes to the tendering threshold.

**BACKGROUND & COMMENT:**

The State Government passed legislation with these changes being formally gazetted in September 2015. These legislative amendments dealing with the tendering process for good and services within Local Government saw changes to the Local Government (Functions & General) Regulations 1996. Basically the tender threshold increased from \$100,000 to \$150,000 and the purchasing policy has been amended to take these changes in account.

Amendments to the *Local Government (Functions and General) Regulations 1996* were published in the *Government Gazette* on 18 September 2015 and take effect from the 1<sup>st</sup> October 2015.

The Shire's Purchasing Policy deals with the purchasing of good and services and deals specifically with thresholds applied when conducting a tendering process. Previously any contractual arrangement where the value of the goods or services were known, or expected to exceed \$100,000 would need to comply with the tender regulations. This threshold has now been increased to \$150,000 and along with the other amendments mentioned above, these amendments need to be reflected in the Shire Purchasing Policy.

A few other amendments around the tender provisions include;

- The prescribed value of abandoned vehicle wrecks under regulation 29A(a) has been increased to \$500.
- The consideration under 30(3)(b) has been increased to \$75,000 in regards to the disposition of property. This provision has been reworked to clarify that if the entire consideration received for the sale of property is used to purchase new property, which is not worth more than \$75,000, it is an exempt disposition.

A copy of the new Purchasing Policy will be available for Councillors at the meeting.

**FINANCIAL IMPLICATIONS:**

Nil

**STATUTORY AND TOWN PLANNING IMPLICATIONS:**

Nil

**POLICY IMPLICATIONS:**

Amendments to the *Local Government (Functions and General) Regulations 1996* has resulted in a need to make some changes to the Shire's Purchasing Policy in accordance with the new tender threshold change.

**COMMUNITY CONSULTATION:**

Nil

**WORKFORCE IMPLICATIONS:**

Nil

**RECOMMENDATION:**

That Council adopt the amended Purchasing policy to reflect the change of the tender threshold from \$100,000 to \$150,000.

**VOTING REQUIREMENTS:**

Simple majority required.

19/0216

Moved Cr McInnes Seconded Cr Taylor that Council adopt the amended Purchasing Policy to reflect the change of the tender threshold from \$100,000 to \$150,000.

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

### 9.1 Kulin Kids Club – Request to Waiver FRC Kitchen Hire

**Name of Applicant:** CEO  
**Responsible Officer:** CEO  
**File Reference:** 05.05  
**Author:** CEO  
**Disclosure of Interest:** Nil

**BACKGROUND & COMMENT:**

The Kulin Kids Club assisted with the organisation of the Community Christmas Party at the Freebairn Recreation Centre last year. They advise that charges on the night were only to cover the costs of food and face painting, not to make a profit. The group consider the event a community event and did receive sponsorship from Kulin businesses and community groups. They write to request a waiver of the kitchen hire fee as a form of sponsorship from the Shire.

**FINANCIAL IMPLICATIONS:**

Loss of Income \$64.00

**STATUTORY AND TOWN PLANNING IMPLICATIONS:**

Nil

**POLICY IMPLICATIONS:**

Nil

**COMMUNITY CONSULTATION:**

Nil

**WORKFORCE IMPLICATIONS:**

Nil

**RECOMMENDATION:**

For Council consideration.

**VOTING REQUIREMENTS:**

Simple majority required.

**20/0216**

**Moved Cr McInnes Seconded Cr Robins that Council agree to waive the kitchen hire fee charged to Kulin Kids Club for the Community Christmas Tree held in December 2016. and it be suggested in future that they incorporate building hire fees into their catering expenses.**

**Carried 8/0**

*The CEO was advised to include a notation in the letter of reply of the need to apply for such fee waivers in advance prior to the event. If not approved the hire charge can then be incorporated in catering expenses.*

## **10. DATE AND TIME OF NEXT MEETING**

The next Ordinary Council meeting will be held on Wednesday 23 March 2016 at 9:00am.

## **11. CLOSURE OF MEETING**

There being no further business the meeting closed at 6.02pm.