

ORDER OF BUSINESS

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Minutes of an Ordinary Meeting of Council held in the Council Chambers on Wednesday 17 August 2016 commencing at 3.06pm

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Nil

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
R Bowey	Councillor	Town Ward
G Robins	Councillor	Town Ward
R O'Brien	Councillor	Central 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	
T Dupagne	Camp Kulin Manager	
T Scadding	Community Development Officer	

Apologies

Nil

3. PUBLIC QUESTION TIME

Nil

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

Resolved to bring Item 10.1 forward whilst Camp Kulin Manager, Tanya Dupagne was in attendance.

01/0816

Moved Cr Ledwith Seconded Cr Robins that Council close the meeting to the public under Section 5.23 (2)(a) of the Act – matters affecting employees.

Carried 9/0

02/0816

Moved Cr Robins Seconded Cr McInnes that Council adopt the Camp Kulin Dot Point Report Plan.

Carried 9/0

03/0816

Moved Cr Duckworth Seconded Cr McInnes that Council resume the meeting open to the public and that the items discussed by Council remain confidential until further notice.

Carried 9/0

Council adjourned for afternoon tea at 3.50pm

Council resumed from afternoon tea at 4.12pm without Tanya Dupagne or Taryn Scadding in attendance.

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Shire of Kulin Ordinary Meeting – 20 July 2016

04/0816

Moved Cr Bowey Seconded Cr O'Brien that the minutes of the Ordinary Council Meeting held on 20 July 2016 be confirmed as a true and correct record.

Carried 9/0

6 MATTERS REQUIRING COUNCIL DECISION

6.1 List of Accounts – July 2016

RESPONSIBLE OFFICER: DCEO

FILE REFERENCE: 12.06

AUTHOR: DCEO

STRATEGIC REFERENCE/S:

DISCLOSURE OF INTEREST: Nil

SUMMARY:

Attached are the list of accounts paid during the month of July 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 July payments being cheque No 341 - 342 (Trust Fund), 1866 - 1868 (Bush Races), 366618 - 36633 (Municipal), EFT No's 11635 - 1174, DD5844.1 - 5844.12 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$489,869.82 be passed for payment.

VOTING REQUIREMENTS:

Simple majority required.

05/0816

Moved Cr Bowey Seconded Cr O'Brien that July payments being cheque No 341 - 342 (Trust Fund), 1866 - 1868 (Bush Races), 366618 - 36633 (Municipal), EFT No's 11635 - 1174, DD5844.1 - 5844.12 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$489,869.82 be passed for payment.

Carried 9/0

6.2 Financial Reports – July 2016

RESPONSIBLE OFFICER: DCEO

FILE REFERENCE: 12.01

AUTHOR: DCEO

STRATEGIC REFERENCE/S:

DISCLOSURE OF INTEREST: Nil

SUMMARY:

Attached are the financial reports for the period ending 31 July 2016.

BACKGROUND & COMMENT:

Kulin Bush Races allocations yet to be completed, last update September 2015.
Bank Reconciliations to July have been completed.

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND PLANNING IMPLICATIONS:

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

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That Council endorse the monthly financial statements for the period ending 31 July 2016.

VOTING REQUIREMENTS:

Simple majority required.

06/0816

Moved Cr Duckworth Seconded Cr Robins that Council endorse the monthly financial statements for the period ending 31 July 2016.

Carried 9/0

6.3 2016/2017 Budget Adoption

NAME OF APPLICANT: DCEO
RESPONSIBLE OFFICER: DCEO
FILE REFERENCE: 12.04
AUTHOR: DCEO
DISCLOSURE OF INTEREST: Nil.

SUMMARY:

Councillors will be presented with a final draft copy of the 2016/2017 in AAS72 format at the meeting.

As part of the budget adoption and to enable rate notices to be finalised, the following needs to be endorsed:

- Rate in the \$ for GRV and UV properties (based on 4.0% increase)
- Minimum values for GRV and UV properties
- Discount on early payment of rates
- Interest on late payment of rates and administration charge for instalment options
- Payment options and instalment dates

Note: Changes to the Budget at this point would require deferment of adoption to allow changes to be incorporated.

COMMENT:

This budget incorporates a total operating expenditure in excess of \$7,500,000. This continued growth of expenditure is a result of the increase in Council activities and service provision relating to Camp Kulin, our Community Resource Centre, the local fuel facility and rural road maintenance. The major increase in capital expenditure is due to the increased demands required through growing community and infrastructure needs.

The Shire of Kulin has budgeted to receive grants in excess of \$2,000,000 to contribute towards projects within the Shire.

MINUTES OF ORDINARY MEETING HELD 17 AUGUST 2016

1. Capital Projects - the total budget for capital expenditure is expected to be around \$4,000,000. The Shire has included in the budget purchases of \$700,000 to increase staff housing, \$2,000,000 to expand and renew our road network \$660,000 for replacement of plant & equipment and around \$120,000 for further improvements to our water infrastructure.
2. Council has been able to contain the rate increase to an average of 4.0%. A 5.0% discount is offered to ratepayers who choose to pay their rates in full by the last day in September. With the increasing cost of materials, utilities, contractors and staff wages, this increase was unavoidable.
3. It anticipated that through this budget, Council will be able to further progress and increase facilities provided to the community and its wider users, and increase Council owned assets. These are very exciting times for the Kulin region, and the demand for increased infrastructure is very important to ensure that the region continues to prosper and develop at a rapid rate.

STATUTORY ENVIRONMENT:

As per the Recommendation

FINANCIAL IMPLICATIONS:

The budget sets the Council approved expenditure for the 2016/2017 financial year.

RECOMMENDATION:

That Council adopt the 2016/2017 Budget in accordance with the following items:

1. As per Section 6.32 (1) of the Local Government Act 1995, Rates and Minimum Rates to be levied on all rateable property be as follows:

Valuation	Rate (cents per dollar)	Minimum Rate
Residential Zoning – GRV	9.830	\$ 407.40
Industrial Zoning – GRV	9.830	\$ 407.40
Commercial Zoning – GRV	9.830	\$ 407.40
Rural Zoning – UV	1.0726	\$ 407.40
Mining Zoning – UV	1.0726	\$ 407.40
Rural Zoning - GRV	9.830	\$ 407.40

2. Section 6.35 (5) of the Local Government Act 1995 requires that the Minister for Local Government's approval be sought for the imposing of a minimum payment where the number of separately rated properties in the district on which a minimum payment is imposed is greater than 50%;
3. Section 6.46 of the Local Government Act allows a discount of 5.0% be allowed for payment of rates in full within 35 days of the date of issue of the rate notice;
4. Section 6.45 of the Local Government Act a 5.5% interest charge be levied on rates instalments, Deferred Pensioners Rates' excluded;
5. Section 6.45 of the Local Government Act an administration charge of \$7 be levied for the second and each of the subsequent rates instalments;
6. Section 6.51 of the Local Government Act an 11% interest charge be levied on all overdue rates outstanding, Deferred Pensioners' Rates excluded;
7. Section 6.32 (1) of the Local Government Act 1995 the Schedule of Rents, Leases and Charges as detailed in the budget document;
8. Section 64 (2) of the Local Government (Financial Management) Regulations 1996 that the due date for instalments be set as follows:
Two Instalment Option:
 - 1st Instalment not due before 30th September 2016
 - 2nd Instalment not due before 1st February 2017Four Instalment Option
 - 1st Instalment not due before 30th September 2016
 - 2nd Instalment not due before 1st December 2016
 - 3rd Instalment not due before 1st February 2017
 - 4th Instalment not due before 1st April 2017
9. Section 6.19 of the Local Government Act 1995 requires a local government to give local public notice of any fees or charges it wishes to impose after adoption of the annual budget; and;

10. Section 6.1 of the Local Government (Financial Management) Regulations 1996 requires that Council is required to adopt a percentage or value, to be used in statements of financial activity for reporting material variances against the adopted Budget.

VOTING REQUIREMENTS:

Absolute majority required.

07/0816

Moved Cr Robins Seconded Cr McInnes that Council adopt the 2016/2017 Budget in accordance with the following items:

1. As per Section 6.32 (1) of the Local Government Act 1995, Rates and Minimum Rates to be levied on all rateable property be as follows:

<u>Valuation</u>	<u>Rate (cents per dollar)</u>	<u>Minimum Rate</u>
Residential Zoning – GRV	9.830	\$ 407.40
Industrial Zoning – GRV	9.830	\$ 407.40
Commercial Zoning – GRV	9.830	\$ 407.40
Rural Zoning – UV	1.0726	\$ 407.40
Mining Zoning – UV	1.0726	\$ 407.40
Rural Zoning - GRV	9.830	\$ 407.40

2. Section 6.35 (5) of the Local Government Act 1995 requires that the Minister for Local Government’s approval be sought for the imposing of a minimum payment where the number of separately rated properties in the district on which a minimum payment is imposed is greater than 50%;
3. Section 6.46 of the Local Government Act allows a discount of 5.0% be allowed for payment of rates in full within 35 days of the date of issue of the rate notice;
4. Section 6.45 of the Local Government Act a 5.5% interest charge be levied on rates instalments, Deferred Pensioners Rates’ excluded;
5. Section 6.45 of the Local Government Act an administration charge of \$7 be levied for the second and each of the subsequent rates instalments;
6. Section 6.51 of the Local Government Act an 11% interest charge be levied on all overdue rates outstanding, Deferred Pensioners’ Rates excluded;
7. Section 6.32 (1) of the Local Government Act 1995 the Schedule of Rents, Leases and Charges as detailed in the budget document;
8. Section 64 (2) of the Local Government (Financial Management) Regulations 1996 that the due date for instalments be set as follows:
 Two Instalment Option:
 - 1st Instalment not due before 30th September 2016
 - 2nd Instalment not due before 1st February 2017
 Four Instalment Option
 - 1st Instalment not due before 30th September 2016
 - 2nd Instalment not due before 1st December 2016
 - 3rd Instalment not due before 1st February 2017
 - 4th Instalment not due before 1st April 2017
9. Section 6.19 of the Local Government Act 1995 requires a local government to give local public notice of any fees or charges it wishes to impose after adoption of the annual budget; and;
10. Section 6.1 of the Local Government (Financial Management) Regulations 1996 requires that Council is required to adopt a percentage or value, to be used in statements of financial activity for reporting material variances against the adopted endorse the monthly financial statements for the period ending 31 July 2016.

Carried 9/0

6.4 Greening Australia – Collection of Native Seed

NAME OF APPLICANT: Greening Australia
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 11.04
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Greening Australia write seeking permission to collect native seed from reserves vested in the Shire of Kulin for a further 12 month period commencing 1 July 2016.

BACKGROUND & COMMENT:

In the past Council has adopted the following resolution in relation to seed collection licenses:

“That Council give permission to Greening Australia to collect native seeds within reserves vested in the Shire of Kulin under the following terms and conditions:

- All persons collecting native seed are to be licensed according to the Wildlife Conservation Act 1950 and will abide by the conditions of this licence,
- Permission is for a 12 month period commencing 1 July 2016,
- Collection is to only be undertaken by Greening Australia staff members,
- Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds,
- All care to be taken to avoid the disturbance of fauna habitat, and
- All care to be taken to avoid any disturbance that may lead to soil degradation.
- 10 % of seed collected within the Shire of Kulin is to be retained by the Kulin Shire Council for the replanting of native flora areas in our region, failure to do so will see the cancellation of the licence.”

Requests for seed collection are made to Council from time to time, past history shows that Council regularly agree to provide permission to groups and individuals based on the same terms and conditions above. As such Council should consider the creation of a new policy to handle future requests at an administrative level when they arise.

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND PLANNING IMPLICATIONS:

Town Planning Scheme No2 and associated policies.

POLICY IMPLICATIONS:

As above.

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That Council agree to reissue a seed collection licence to Greening Australia for the 12 month period commencing 1 July 2016 under the normal terms and conditions as outlined above, and that a policy on Collection of Native Seeds be developed for consideration.

VOTING REQUIREMENTS

Simple majority required.

08/0816

Moved Cr Duckworth Seconded Cr O'Brien that Council agree to reissue a seed collection licence to Greening Australia for the 12 month period commencing 1 July 2016 under the normal terms and conditions as outlined above, and that a policy on Collection of Native Seeds be developed for consideration.

Carried 9/0

6.5 Dudinin Roosters

NAME OF APPLICANT: Mr B Powell & Mr D & Mrs T Harris of Dudinin
FILE REFERENCE: 24.06 Public Health Other
STRATEGIC REFERENCE/S: 2.1 'What we do'.
AUTHOR: Mr J Goldacre Environmental Health Officer (EHO).

SUMMARY:

Notwithstanding that a complaint about crowing roosters in the townsite of Dudinin has been received (an offence under the Health Local Laws 1998) an investigation by the EHO has revealed a commitment by the rooster owners to deal meritoriously with the rooster crowing to mitigate it and also a willingness by the complainant to allow a trial to do so.

BACKGROUND & COMMENT:

On the 27 June 2016 the Shire of Kulin Administration received a complaint from a resident in Dudinin townsite regarding roosters crowing at the early hours of the morning. The complainant said that the crowing was a result of people in the townsite owning roosters which was understood to be not allowed.

The EHO studied the current Health Local laws 1998 and found that unless Council permission had been granted, with or without conditions the keeping of rooster/s in a townsite was an offence (*Division 4—Keeping of Poultry and Pigeons, subclause 5.4.4 (1)*). The EHO contacted the complainant on the 30 June 2016 to gather details of the rooster situation to enable an effective investigation.

From the 1 July 2016 to the present the EHO undertook the investigation of two suspected rooster owner properties within the townsite of Dudinin. One property owned by a Mr and Mrs Harris explained to the EHO that they were in possession of a rooster used for breeding a specific breed of poultry. The rooster had been on the property for around two years and had started crowing at the early hours of the morning due to another property recently themselves acquiring roosters resulting in 'crow-offs'. It was explained to the owners of the rooster that for townsites the keeping of roosters was prohibited unless Council approval was requested and granted. The owners said they would like to apply to Council to keep the rooster and the EHO encouraged them to speak to their neighbours to see if they would be amenable to such activity in light that a complaint had been received. The EHO explained a method used by Aboriginal people who keep roosters as told by the Aboriginal Elder in Wyalkatchem where during the night and early mornings the rooster is kept in a low roofed cage to prevent the stretching of the neck and has proven most effective. The owners said they would consider such a method and would make application to keep the rooster. The EHO visited the second property and spoke to a Mr B Powell who admitted to keeping two roosters but would reduce to one. The EHO explained the low roof cage method and permission, if so granted to keep roosters would be required from Council by application.

On the 18 July the Shire Officer received a request to keep a rooster as well as three letters from residents supporting the keeping of roosters by Mr & Mrs Harris and Mr B Powell within the townsite of Dudinin. On the 1 August a request to Council to keep a rooster was received from Mr B Powell. In both applications there is a commitment to construct the low roof cage to prevent crowing. On the 8 August 2016 the EHO contacted the complainant to discuss that applications had been received with a commitment to construct low roofed cages to prevent crowing at night and if a trial period to keep a minimum number of roosters could be explored by Council. The complainant was most agreeable to the trial with the low roof cage method.

In light of the commitment and proactive approach by the rooster owners in the townsite of Dudinin to prevent rooster crowing and the complainant's willingness to encourage a trial for one month permission to keep roosters, with conditions, can be explored.

FINANCIAL IMPLICATIONS:

Nil.

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Shire of Kulin Health Local Laws 1998

Nil town planning.

RECOMMENDATION:

That Council resolves to permit the keeping of one rooster only by Mr D and Mrs T Harris on Lot 48 Johnston Street Dudinin and any appurtenant premises and also to permit the keeping of one rooster only by Mr B Powell on Lot 3 and 4 Forrest Street Dudinin and any appurtenant premises with the following conditions:

MINUTES OF ORDINARY MEETING HELD 17 AUGUST 2016

1. That all reasonable and practicable methods are undertaken in good faith to prevent and/or restrict the crowing of the roosters so as not to cause complaints of rooster crowing;
2. That the permission to keep a rooster is for an approved trial period of four weeks only from the date of receipt of the letter to the owners giving such permission to keep one rooster; and
3. Should Council be informed within the four week trial period that the keeping of the approved rooster by Mr D and Mrs T Harris on Lot 48 Johnston Street Dudinin and any appurtenant premises and/or the keeping of the approved one rooster only by Mr B Powell of Lot 3 and 4 Forrest Street Dudinin and any appurtenant premises is deemed to be causing a nuisance or is injurious, offensive or dangerous to health the approval will be rescinded.

And that the keeping of roosters by Mr D and Mrs T Harris on Lot 48 Johnston Street Dudinin and any appurtenant premises and Mr B Powell of Lot 3 and 4 Forrest Street Dudinin and any appurtenant premises is to be brought back to Council after the trial period to determine if the approval to keep roosters is to be continued with or without conditions or rescinded.

VOTING REQUIREMENTS:

Simple majority required.

09/0816

Moved Cr Bowey Seconded Cr Varone that Council resolves to permit the keeping of one rooster only by Mr D and Mrs T Harris on Lot 48 Johnston Street Dudinin and any appurtenant premises and also to permit the keeping of one rooster only by Mr B Powell on Lot 3 and 4 Forrest Street Dudinin and any appurtenant premises with the following conditions:

1. That all reasonable and practicable methods are undertaken in good faith to prevent and/or restrict the crowing of the roosters so as not to cause complaints of rooster crowing;
2. That the permission to keep a rooster is for an approved trial period of four weeks only from the date of receipt of the letter to the owners giving such permission to keep one rooster; and
3. Should Council be informed within the four week trial period that the keeping of the approved rooster by Mr D and Mrs T Harris on Lot 48 Johnston Street Dudinin and any appurtenant premises and/or the keeping of the approved one rooster only by Mr B Powell of Lot 3 and 4 Forrest Street Dudinin and any appurtenant premises is deemed to be causing a nuisance or is injurious, offensive or dangerous to health the approval will be rescinded.

And that the keeping of roosters by Mr D and Mrs T Harris on Lot 48 Johnston Street Dudinin and any appurtenant premises and Mr B Powell of Lot 3 and 4 Forrest Street Dudinin and any appurtenant premises is to be brought back to Council after the trial period to determine if the approval to keep roosters is to be continued with or without conditions or rescinded.

Carried 9/0

7 COMPLIANCE

Nil

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

DCEO Cassi Dee Vandenberg left the Council Chambers at 4.45pm.

10. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC

10/0816

Moved Cr McInnes Seconded Cr Robins that Council close the meeting to the public under Section 5.23 (b) of the Act – the personal affairs of a person.

Carried 9/0

11/0816

Moved Cr Taylor Seconded Cr O'Brien that Council adopt the Dot Point Report and recommended actions.

Carried 9/0

12/0816

Moved Cr Robins Seconded Cr Bowey that Council resume the meeting open to the public and that the items discussed by Council remain confidential until further notice.

Carried 9/0

11. DATE AND TIME OF MEETING

The next Ordinary Council meeting will be held on Wednesday 21 September 2016 at 1:00pm.

12. CLOSURE OF MEETING

There being no further business the meeting closed at 5.05pm.