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Minutes of an Ordinary Meeting of Council held in the Council Chambers on Wednesday 20 April 2016 commencing at 3:10pm

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Attendance

BD West	President	West Ward
RD Duckworth	Deputy President	West Ward
HT McInnes	Councillor	Town Ward
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
G Hadlow	Chief Executive Officer	
C Vandenberg	Deputy CEO	
N Thompson	ESO / Minutes	
L Hobson	Manager of Works	

Apologies

MJ Ledwith	Councillor	West Ward
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3. PUBLIC QUESTION TIME

Nil

4. APPLICATIONS FOR LEAVE OF ABSENCE

01/0416

Moved Cr Robins Seconded Cr O'Brien that a Leave of Absence be granted to Cr Ledwith for the May Council Meeting.

Carried 8/0

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Shire of Kulin Ordinary Meeting – 23 March 2016

02/0416

Moved Cr Duckworth Seconded Cr Robins that the minutes of the Ordinary Council Meeting held on 23 March 2016 be confirmed as a true and correct record.

Carried 8/0

Kulin Retirement Homes Inc. Committee Meeting – 24 March 2016

03/0416

Moved Cr O'Brien Seconded Cr Varone that the minutes of the Kulin Retirement Homes Inc. Committee Meeting held on 24 March 2016 be confirmed as a true and correct record.

Carried 8/0

Kulin Child Care Centre Management Committee Meeting – 5 April 2016

04/0416

Moved Cr Bowey Seconded Cr McInnes that the minutes of the Kulin Child Care Centre Management Committee Meeting held on 5 April 2016 be confirmed as a true and correct record.

Carried 8/0

Kulin Bush Races General Meeting – 12 April 2016

05/0416

Moved Cr Robins Seconded Cr O'Brien that the minutes of the Kulin Bush Races General Meeting held on 12 April 2016 be confirmed as a true and correct record.

Carried 8/0

Council adjourned for Afternoon Tea at 3.30pm

Council resumed from Afternoon Tea at 4:00pm

6 MATTERS REQUIRING COUNCIL DECISION

6.1 List of Accounts – March 2016

RESPONSIBLE OFFICER: DCEO

FILE REFERENCE: 12.06

AUTHOR: DCEO

DISCLOSURE OF INTEREST:

SUMMARY:

Attached are the list of accounts paid during the month of March 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 March payments being cheque No 332 - 333 (Trip) No 1845 - 1848 (Bush Races), (Trust Fund) 36551 – 36575 (Municipal), EFT No's 11042 - 11195 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$1,328,131.13 be passed for payment.

VOTING REQUIREMENTS:

Simple majority required.

06/0416

Moved Cr Robins Seconded Cr Bowey that March payments being cheque No 332 - 333 (Trip) No 1845 - 1848 (Bush Races), (Trust Fund) 36551 – 36575 (Municipal), EFT No's 11042 - 11195 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$1,328,131.13 be passed for payment.

Carried 8/0

6.2 Financial Reports – March 2016

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

SUMMARY:

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

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 period ending 31 March 2016.

VOTING REQUIREMENTS:

Simple majority required.

07/0416

Moved Cr O'Brien Seconded Cr Varone that Council endorse the monthly financial statements for the period ending 31 March 2016.

Carried 7/0

6.3 Home Occupation – 22 Bull Street Kulin

NAME OF APPLICANT: June Richards
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 18.05
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Council approved an application from June Richards last July to operate a home business from her residence at 21 Price St, Kulin. (copy attached)

BACKGROUND & COMMENT:

The applicant has now purchased the property at 22 Bull St, Kulin and has written to seek approval for the home occupation to operate from that premises. I recommend that Council approve the transfer of property approval subject to the same conditions as previously.

STATUTORY ENVIRONMENT:

Town Planning and Development Act 2005, Shire of Kulin Town Planning Scheme no 2.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That Council grant approval to June Richards to operate a Home occupation, namely a beauty therapy business from her property at 22 Bull St, Kulin subject to the following conditions and advice notes:

Conditions

1. The premises is to be inspected by the Shire of Kulin EHO prior to commencement of the business and thereafter annually.
2. The property shall be maintained in a neat and tidy condition at all times to the satisfaction of the Shire of Kulin.

Advice Notes

1. The development shall be substantially commenced within two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further planning approval of the Shire of Kulin having first been sought and obtained.
2. The proposed development is required to comply with the recommended Department of Health WA best practice guidelines and applicable Code of Practices and regulations.
3. Failure to comply with any of the conditions of this planning approval constitutes an offence under the provisions of the Planning and Development Act 2005 and the Shire of Kulin Town Planning Scheme No.2.

VOTING REQUIREMENTS:

Simple majority required.

08/0416

Moved Cr Duckworth Seconded Cr Taylor that Council grant approval to June Richards to operate a Home occupation, namely a beauty therapy business from her property at 22 Bull St, Kulin subject to the following conditions and advice notes:

Conditions

- 1. The premises is to be inspected by the Shire of Kulin EHO prior to commencement of the business and thereafter annually.**
- 2. The property shall be maintained in a neat and tidy condition at all times to the satisfaction of the Shire of Kulin.**

Advice Notes

- 1. The development shall be substantially commenced within two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further planning approval of the Shire of Kulin having first been sought and obtained.**
- 2. The proposed development is required to comply with the recommended Department of Health WA best practice guidelines and applicable Code of Practices and regulations.**
- 3. Failure to comply with any of the conditions of this planning approval constitutes an offence under the provisions of the Planning and Development Act 2005 and the Shire of Kulin Town Planning Scheme No.2.**

Carried 8/0

6.4 Old Shire Offices

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 05.17
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Council previously called for expressions of interest from persons/organisations who may be interested in leasing space in the old Shire Admin Centre.

BACKGROUND & COMMENT:

Council originally indicated that our preference was for a "commercial" arrangement to be agreed to however we have had no contact with this type of organisation. We have received written EOI's from (copies attached to agenda):

- The Kulin Wildflower Group & Herbarium,
- The Kulin Bush Races, and
- Sandra Murray to enable her to operate her arts practice from the premises.

I have also had some verbal interest expressed by the Blazing Swan group, Yvonne Bowey and Ben Whisson although these all need to be confirmed.

Council will need to consider the EOI's received and where to from here. Other matters that need to be addressed include:

- what level of financial contribution is required,
- the required repairs to the building, in particular the roof and toilet s,
- And the term and requirements of any lease document to be adopted.

The matter is quite complex and I recommend that a small committee be established to go through the above issues, including holding discussions with the interested parties, to arrive at a satisfactory outcome for all concerned.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Council will need to be mindful of the ongoing costs associated with the building and the need to get some sort of financial contribution from leases/users towards the annual upkeep of the premises.

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION

That a small Council committee be established to go through all matters in relation to the occupancy of the old admin centre, particularly focusing on, but not limited to, responsibilities in relation to rent to be charged, maintenance responsibilities, term and the type of lease to be prepared.

VOTING REQUIREMENTS:

Simple majority required.

09/0416

Moved Cr Robins Seconded Cr Taylor that a small Council committee consisting of Cr Varone, Cr McInnes and Cr Bowey together with the DCEO be established to go through all matters in relation to the occupancy of the old admin centre, particularly focusing on, but not limited to, responsibilities in relation to rent to be charged, maintenance responsibilities, term and the type of lease to be prepared.

Carried 8/0

6.5 Kulin Motor Museum

NAME OF APPLICANT: William Herwig, on behalf of the Museum Group
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 05.19
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Following the verbal advice received at the March meeting the Kulin Motor Museum have written to confirm that they are seeking some land from Council to enable them to store/display their exhibits.

BACKGROUND & COMMENT:

Mr. Herwig advises that Kulin Motor Museum have the mobile shearing stand which was used in the Des Cook Memorial Quick Shears Competition held at the Kulin hotel for several years. The shearing stand has been given to them to preserve and exhibit as a tourist attraction, due to its size (approximately 8m long & 3m high) we find it is too large to house in the motor museum. Some of our committee members have stated that they believe the Shire have some land which was offered before for such projects to the Museum on which the stand can be displayed. The land in question is opposite the fuel pumps and bunker tank in Johnston St. The committee are enquiring whether there is in fact any land available for the above purpose.

I have not spoken to Mr Herwig so am uncertain which land he and the committee are referring too. The matter has been discussed by Council before and at that time it was agreed that we did not want any museum exhibits housed on the vacant land on the corner of Stewart and Day Streets, mainly due to the fact that this land has been earmarked for future industrial/commercial development.

I have attached a map showing the area that I assume they are referring to which is classified as road reserve. Regardless of the classification I do not think the land area is large enough to accommodate what the museum require. All the other land to the east is leased by Brookfield Rail and it is unlikely that this will be available, if it is I suspect it would be at a ridiculous cost.

In my view the only option is for Council to change the decision in relation to the availability of the vacant land on the corner of Day & Stewart Streets.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That Council advise the Kulin Motor Museum group that there really is no land available in the immediate vicinity of the existing Museum building and that Council staff meet with the group to discuss other options.

VOTING REQUIREMENTS:

Simple majority required.

10/0416

Moved Cr Duckworth Seconded Cr O'Brien that we invite a deputation from the Museum Committee to attend the next Council Meeting to ascertain the future plans of the group should Council offer the block on the corner of Day and Stewart Street.

Carried 8/0

6.6 Application for Planning Consent - Preliminary

NAME OF APPLICANT: John Risborough
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 18.05
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

John Risborough visited the Shire office on Friday 15 April 2016 to enquire about available land for purchase. John indicated he wished to come back to Kulin to live at some point in the future. He expressed an interest in the two Crown Land blocks on Day St (at the rear of the shire Depot) as he wishes to build a 3 x 2 transportable house and a 20m x 8m x 5m shed adjacent to the house.

Obviously John will have to negotiate the purchase of the land with the Crown however I suggested he forward a letter to Council seeking preliminary/in principle support for the proposed use prior to proceeding down these lines.

While John will need to still submit a formal planning application I recommend the following:
That Council give in principal support to the proposal on the following conditions:

- that the structures will be subject to obtaining the necessary Shire buildings approval,
- that the shed must be constructed of colourbond cladding,
- that the shed be located on the most northern lot i.e. Lot 291, Day St so that it will adjoin existing industrial zoned land therefore having a minimal impact on other residential properties in the vicinity,
- that in a general sense the shed is to be used basically for "hobby" purposes and not for a business that may create excessive noise and inconvenience to neighbours, and
- That the proponent be made aware that at the time of formal application there may be other conditions apply such as the need for some screening, car parking, noise restraints, community advertising and other conditions to ensure the amenity of the area is not compromised.

I have attached a copy of the policy covering outbuildings on residential land for Council information. If approved with these conditions I do not want to alarm John however we need to ensure that the formal approval is given to cover any situation that may occur in the future, including the possibility of what happens with the property if it is sold.

STATUTORY ENVIRONMENT

Town Planning and Development Act 2005, Shire of Kulin Town Planning Scheme no 2

POLICY IMPLICATIONS

Shire of Kulin Town Planning Scheme No 2 Policies

FINANCIAL IMPLICATIONS

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION

That Council give in principal support for John Riseborough to construct a house and shed on lots 291 and 292 Day St, Kulin to the proposal on the following conditions:

- that a formal town planning application is submitted once the land has been acquired from the crown,
- that the structures will be subject to obtaining the necessary Shire buildings approval,
- that the shed must be constructed of colourbond cladding,
- that the shed be located on the most northern lot i.e. Lot 291, Day St so that it will adjoin existing industrial zoned land therefore having a minimal impact on other residential properties in the vicinity,
- that in a general sense the shed is to be used basically for "hobby" purposes and not for a business that may create excessive noise and inconvenience to neighbours, and
- That the proponent be made aware that at the time of formal application there may be other conditions apply such as the need for some screening, car parking, noise restraints, community advertising and other conditions to ensure the amenity of the area is not compromised.

VOTING REQUIREMENTS:

Simple majority required.

11/0416

Moved Cr Robins Seconded Cr Duckworth that Council give in principal support for John Riseborough to construct a house and shed on lots 291 and 292 Day St, Kulin to the proposal on the following conditions:

- that a formal town planning application is submitted once the land has been acquired from the crown,
- that the structures will be subject to obtaining the necessary Shire buildings approval,
- that the shed must be constructed of colourbond cladding,
- that the shed be located on the most northern lot i.e. Lot 291, Day St so that it will adjoin existing industrial zoned land therefore having a minimal impact on other residential properties in the vicinity,
- that in a general sense the shed is to be used basically for “hobby” purposes and not for a business that may create excessive noise and inconvenience to neighbours, and
- That the proponent be made aware that at the time of formal application there may be other conditions apply such as the need for some screening, car parking, noise restraints, community advertising and other conditions to ensure the amenity of the area is not compromised.

Carried 8/0

7 COMPLIANCE

7.1 Annual Report – Auditors Report

NAME OF APPLICANT: DCEO
RESPONSIBLE OFFICER: DCEO
FILE REFERENCE: 13.03
AUTHOR: DCEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

This report presents the 2014/2015 Independent Auditor’s Report. It should be noted that no issues of inaccuracy or non-compliance with the Shire’s Annual Financial Report for the year ended 30 June 2015 have been identified.

COMMENT:

Each year, as part of Council’s audit process, an Independent Audit is undertaken to assess Council’s Annual Financial Report and the legitimacy and accuracy of Council’s accounts. An Independent Audit Report is then produced by the Auditor and provided to the Chief Executive Officer, Mayor and the Minister / Department for Local Government. The Report is included in Council’s Annual Report. Any issues arising from the Independent Audit Report are to be investigated and action taken to resolve those issues. Council’s Auditor, Ms Leanne Oliver, will attend a teleconference to discuss the audit report and take questions from Committee members.

FINANCIAL IMPLICATIONS

Nil

STATUTORY AND TOWN PLANNING IMPLICATIONS

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That the Auditors Report covering the 2014/15 Annual Report be received.

VOTING REQUIREMENTS:

Simple majority required.

12/0416

Moved Cr Robins Seconded Cr McInnes that Council adopt the Annual Report incorporating the Auditors Report covering the 2014/15 financial year, as presented.

Carried 8/0

8. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

8.1 Doctors Service

NAME OF APPLICANT: Cr O'Brien
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 04.09
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

There is continued concern over the level of service being offered by Jupiter Medical Services in relation to the provision of doctors in the Kondinin Kulin health district. This has been recently highlighted following advice that the new Doctor does not have admitting rights to the hospital.

COMMENT:

In light of the contract with Jupiter Medical Services expiring in September this year, it would be worthwhile meeting with Kondinin Shire to discuss the future of our shared doctor service.

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That Council arrange to meet with Kondinin Shire to discuss the future of the provision of Doctor services to Kondinin Kulin Health district.

VOTING REQUIREMENTS

Simple majority required.

13/0416

Moved Cr O'Brien Seconded Cr Varone that, in the long term interests of the Kondinin and Kulin Health District, and due to the progressive and constructive work already undertaken by the Eastern Wheatbelt Primary Care group, that the Shires of Kondinin and Kulin meet to seriously discuss the option of operating under the umbrella of the First Health Medical Group for future doctor services.

Carried 8/0

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

9.1 Appointment of CEO

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

SUMMARY:

Following the closure of applications for the position of CEO on Friday 15 April 2016 the Shires CEO Selection committee met on Monday 18 April 2016 to discuss applications received.

COMMENT:

The Selection committee resolved that the President and current CEO reinterview applicant Noel Mason to clarify some points previously raised and to ensure that he is still a preferred candidate. The President and CEO can confirm that the interview went very well and they, along with the selection committee, are pleased to recommend that Noel Mason be appointed as CEO on an initial 3 year contract.

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That Council:

- appoint Mr Noel Mason to the position of Chief Executive Officer of the Shire of Kulin, effective 30th May 2016,
- is of the belief that Mr Mason is suitably qualified and experienced for the position of CEO, and
- is satisfied with the provisions of the proposed 3 year employment contract to be entered into with Mr Mason for the position of CEO.

That Council appoint Ms Cassi-Dee Vandenberg as Acting CEO for the period 30th April 2016 to 29 May 2016.

That Council accept with regret, the resignation of Mr Greg Hadlow as CEO of the Shire of Kulin, due to ill health, effective from 29 April 2016.

VOTING REQUIREMENTS:

Simple majority required.

14/0416

Moved Cr Robins Seconded Cr Varone that Council:

- appoint Mr Noel Mason to the position of Chief Executive Officer of the Shire of Kulin, effective 30th May 2016,
- is of the belief that Mr Mason is suitably qualified and experienced for the position of CEO, and
- is satisfied with the provisions of the proposed 3 year employment contract to be entered into with Mr Mason for the position of CEO.

Carried 8/0

15/0416

Moved Cr McInnes Seconded Cr Taylor that Council appoint Ms Cassi-Dee Vandenberg as Acting Chief Executive Officer for the period 30 April to 29 May 2016.

Carried 8/0

16/0416

Moved Cr Robins Seconded Cr O'Brien that Council accept with regret, the resignation of Mr Greg Hadlow as CEO of the Shire of Kulin, due to ill health, effective 29 April 2016.

Carried 8/0

Note: Mr Hadlow will still be an employee of council while he remains on sick leave with the organisation.

10. DATE AND TIME OF NEXT MEETING

The next Ordinary Council meeting will be held on Wednesday 18 May 2016 at 3:00pm.

11. CLOSURE OF MEETING

There being no further business the meeting closed at 5:14pm.