



ORDER OF BUSINESS

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Minutes of an Ordinary Meeting of Council held in the Freebairn Recreation Centre on Wednesday 15 July 2015 commencing at 4.10pm

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The President of the Shire welcomed all present and declared the meeting opened at 4.10pm

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Attendance

JM Sullivan	President	East Ward
BD West	Vice President	West Ward
RD Duckworth	Councillor (from 2:09pm)	West Ward
MJ Ledwith	Councillor	West Ward
BP Taylor	Councillor	Central Ward
G Robins	Councillor	Town Ward
HT McInnes	Councillor (left 3:30pm)	Town Ward
R O'Brien	Councillor	Central Ward
R Bowey	Councillor	Town Ward
G Hadlow	Chief Executive Officer	
C Vandenberg	Deputy CEO	
L Hobson	Manager of Works (from 4:03pm)	

Apologies

Nil

3. PUBLIC QUESTION TIME

As there were no members of the public present, there were no questions asked.

4. APPLICATIONS FOR LEAVE OF ABSENCE

01/0715

Moved Cr Duckworth Seconded Cr McInnes that a Leave of Absence be granted to Cr Bowey for the Draft Budget meeting scheduled for 4 August 2015 and the August Ordinary Meeting of Council.

Carried 9/0

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Shire of Kulin Ordinary Meeting – 17 June 2015

02/0715

Moved Cr Robins Seconded Cr Ledwith that the minutes of the Ordinary Council Meeting held on 17 June 2015 be confirmed as a true and correct record.

Carried 9/0

Kulin Bush Races Meeting – 10 June 2015

03/0715

Moved Cr Taylor Seconded Cr West that the minutes of the Kulin Bush Races Meeting held on 10 June 2015 be received.

Carried 9/0

RoeROC Meeting – 10 June 2015

04/0715

Moved Cr Robins Seconded Cr O'Brien that the minutes of the RoeROC meeting held on 10 June 2015 be received.

Carried 9/0

6 MATTERS REQUIRING COUNCIL DECISION

6.1 List of Accounts – June 2015

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

SUMMARY:

Attached is a list of accounts paid during the month of June 2015 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 June payments being cheque No 1692 - 1698 (Bush Races), 306 – 308 (Trust Fund) 36357 - 36385 (Municipal), EFT No's 9916 - 10040 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$887,691.40 be passed for payment.

VOTING REQUIREMENTS:

Simple majority required.

05/0715

Moved Cr West Seconded Cr Duckworth that June payments being cheque No 1692 - 1698 (Bush Races), 306 – 308 (Trust Fund) 36357 - 36385 (Municipal), EFT No's 9916 - 10040 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$887,691.40 be passed for payment.

Carried 9/0

6.2 Financial Reports June 2015

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

SUMMARY:

Attached are the financial reports for the periods ending 30 June 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 period ending 30 June 2015.

VOTING REQUIREMENTS:

Simple majority required.

06/0715

Moved Cr McInnes Seconded Cr Taylor that Council endorse the monthly financial statements for the period ending 30 June 2015.

Carried 9/0

6.3 Application for Planning Consent – Sea Container, Lot 238, Day St, Kulin

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

SUMMARY:

An application was submitted by Greg Wicks, at the June Ordinary meeting, to house a sea container at his property at Lot 238, Day St, Kulin. In accordance with TPS No2 and Town Planning Scheme Policy No 7 the proposal has been advertised for public comment with the advertising period closing on 10th July 2015. At the time of preparation of the agenda no public submissions had been received.

BACKGROUND & COMMENT

The resolution passed by Council at the June meeting was as follows:

“that Council:-

- request that the container be sheeted with colour bond to make it resemble a shed, to ensure it is aesthetically pleasing, as determined by the appropriate Shire authority,
- give notice of the proposed development to all owners and occupiers of land within close proximity to Lot 238, Day St, Kulin, stating that submissions may be made to the Council within 21 days of the service of such notice,
- the notice of the proposed development be published in a newspaper circulating in the scheme area stating that submissions may be made within 21 days of the publication thereof, and
- a sign be erected on the property advising of the proposed development for a period of 21 days from the publication of the notice referred to above.

At the expiration of the 21 days' notice period Council is to consider and determine the application taking into consideration any submissions received.”

As stated the appropriate advertising has been carried out with no response or submissions received from the public. Council is now in a position to approve or otherwise the application with conditions as seen appropriate within the guidelines of the TPS and relevant policy No 7.

As Council included in their resolution at the June meeting the requirement to require screening by color bond sheeting is permissible. However given that our current policy makes no mention of a “shed” the inclusion of the condition “to make it resemble a shed” is debateable. In addition I make the comment that it appears to me that Council are not happy with previous approvals and for that reason it is now felt appropriate that color bond material be used as the screening material to ensure the amenity of the area is not compromised.

My recommendation is that point one of the resolution be amended to;

“require that the sea container be sheeted with color bond material as the method to screen the container from public view.”

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Further to the above I would like to comment that regardless of what Council states in the approval resolution it is always going to be subjective on what "looks good" and what doesn't. I therefore suggest that Council review our TPS Policy No 7 and consider whether we should continue to allow sea containers to be located on land located within the Kulin townsite, in particular residential zoned land. If Council want sea containers to look like a shed why allow sea containers in the first place. In effect all we are doing is placing a condition on the approval that requires unnecessary follow up action. I have enclosed copies of a number of policies from other Local Governments dealing with sea containers located within townsites for information.

I also would like to concede that in the past similar applications have not really been dealt with in a thorough manner and I will be taking action to ensure that sea containers previously approved will be brought up to an appropriate standard, bearing in mind that the current administration are not adequately resourced to deal with such matters as expediently as may be desired.

FINANCIAL IMPLICATIONS

Nil

STATUTORY AND TOWN PLANNING IMPLICATIONS

Town Planning Scheme Policy No 7 "Use of sea containers and other similar transportable structures".

POLICY IMPLICATIONS:

In accordance with existing policy.

COMMUNITY CONSULTATION:

The appropriate advertising for the application has been carried out in accordance with TPS No 2.

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION

That Council approves the application from Greg Wicks to site a sea container at Lot 238, Day St, Kulin with the following conditions:

1. The use is limited to private storage only
2. The Shipping Container is to be in good condition (note this second component has been removed *"painted in a non garish colour of dark tone"*)
3. The Shipping container is to be completely screened from the street and public view by using color bond sheeting as the screening material
4. A bond of \$500 is paid refundable on completion of all works.
5. The height of the structure shall not exceed 3 metres.
6. The work is to generally comply with Town Planning Policy No. 7, and
7. A Building License is to be issued prior to work commencing; and;

That Council amend TPS Policy No 7 so that sea containers are no longer permitted to be located on residential zoned land in the Kulin Townsite.

(Note: If passed I will instruct our Town Planning consultant Joe Douglas to draft an appropriate policy for adoption at the August Council meeting.)

VOTING REQUIREMENTS

Simple majority required

07/0715

Moved Cr Robins Seconded Cr O'Brien That Council approves the application from Greg Wicks to site a sea container at Lot 238, Day St, Kulin with the following conditions:

- **The use is limited to private storage only**
- **The Shipping Container is to be in good condition**
- **The Shipping container is to be clad on all sides to completely screen the structure from the street and public view by using color bond sheeting as the screening material**
- **A bond of \$500 is paid refundable on completion of all works.**
- **The height of the structure shall not exceed 3 metres.**
- **The work is to generally comply with Town Planning Policy No. 7, and**
- **A Building License is to be issued prior to work commencing.**

Carried 9/0

Note: Council did not include the second part of the motion as they agreed sea containers should be permitted as per our adopted policy. Further the CEO was requested to present an agenda item to Council for the next meeting to amend the current policy by incorporating the requirement for sea containers “to be clad on all sides to completely screen the structure from the street and public view by using color bond sheeting as the screening material” into the document.

6.4 Financial Management Review

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 12.01
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

As advised at the June meeting the Financial Management Review, as required under Section 5 of the Local Government Financial Management Regulations 1996 (as below) has now been completed and is attached to the agenda.

5. *CEO’s duties as to financial management*

- (1) Efficient systems and procedures are to be established by the CEO of a local government —
 - (a) for the proper collection of all money owing to the local government; and
 - (b) for the safe custody and security of all money collected or held by the local government; and
 - (c) for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process); and
 - (d) to ensure proper accounting for municipal or trust —
 - (i) revenue received or receivable; and
 - (ii) expenses paid or payable; and
 - (iii) assets and liabilities;and
 - (e) to ensure proper authorisation for the incurring of liabilities and the making of payments; and
 - (f) for the maintenance of payroll, stock control and costing records; and
 - (g) to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.
- (2) The CEO is to —
 - (a) ensure that the resources of the local government are effectively and efficiently managed; and
 - (b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and
 - (c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.

BACKGROUND & COMMENT

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I employed Yvonne Bowey to carry out the review as an external person as required under the regulations. Following the completion of the review I have also spoken to both Yvonne and our Deputy CEO in relation to ongoing management of the strategies suggested in the review. Yvonne has agreed to act as a mentor for Cassi to ensure ongoing compliance with matters raised.

FINANCIAL IMPLICATIONS

There are some issues raised in the review that require ongoing work and practices have been put into place to ensure these are addressed.

STATUTORY AND TOWN PLANNING IMPLICATIONS

Local Government Financial Management Regulation 1996

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION

That Council accept the Financial Management Review Report, completed in June 2015, as presented by external contractor Yvonne Bowey Consultancy.

VOTING REQUIREMENTS

Simple majority required

08/0715

Moved Cr Taylor Seconded Cr Robins that Council accept the Financial Management Review Report, completed in June 2015, as presented by external contractor Yvonne Bowey Consultancy.

Carried 9/0

6.5 Freebairn Recreation Centre – Fundraising Event

NAME OF APPLICANT: Katelyn Ettridge
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 05.05
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Katelyn Ettridge has written to advise that she wishes to hold a fundraising event (Quiz night) to raise funds for Motor Neuron Disease.

BACKGROUND & COMMENT

The planned quiz night is to be held on a Saturday night in early August and is planned so as not to clash with any sporting events.

As the event is not for profit, with all proceeds going to Motor Neuron Disease research, Ms Ettridge has written to ask whether we would consider donating the venue or limiting the costs associated with using the Rec Centre facility.

For such an occasion normal charges would be as follows:

Phil Freebairn Room \$226
Kitchen Hire \$193

Plus an hourly rate for set up costs.

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In view of the fact that the event is a fundraiser it is recommended that Council agree to reduce the hire charges to the minimum kitchen hire fee of \$89. This charge allows the group use of the kitchen, which includes tea/coffee making facilities.

Should the group decide they do not need the kitchen then of course there would be no hire fee applicable.

FINANCIAL IMPLICATIONS

Minimum hire fee applied however minimal impact on our finances.

STATUTORY AND TOWN PLANNING IMPLICATIONS

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION

As the event is a fundraiser for Motor Neuron disease research Council agree to waive normal hire fees with, subject to the kitchen being required for the evening, a minimum kitchen hire fee of \$89 only to apply.

VOTING REQUIREMENTS

Simple majority required

09/0715

Moved Cr Robins Seconded Cr O'Brien that as the event is a fundraiser for Motor Neuron disease research Council agree to waive normal hire fees with, subject to the kitchen being required for the evening, a minimum kitchen hire fee of \$89 only to apply.

Carried 9/0

6.6 Schedule of Town Planning Fees 2015/16

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

SUMMARY:

Each year Council is required to adopt the schedule of fees and charges for Town Planning applications and related services.

BACKGROUND & COMMENT:

I have been advised by State Planning Commission that there is to be no increase in fees and charges that can be levied by local government for Town Planning applications for the 2015/16 financial year.

Previously Council has resolved as follows:

“that Council adopt the schedule of fees and charges for Town Planning Development applications, however the CEO is given delegated authority to reduce or waive these fees where:

- The development has a perceived benefit to the community, and
- The application is of such a nature that very little investigative work is required prior to the application being submitted to Council for consideration.”

FINANCIAL IMPLICATION:

Adoption required as part of our fees & charges schedule.

STATUTORY AND TOWN PLANNING IMPLICATIONS

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That Council adopt the 2015/16 schedule of fees and charges for Town Planning Development applications, as per existing fees and charges, however the CEO be given delegated authority to reduce or waive these fees where:

- The development has a perceived benefit to the community, and
- The application is of such a nature that very little investigative work is required prior to the application being submitted to Council for consideration.

VOTING REQUIREMENTS:

Simple majority required.

10/0715

Moved Cr Robins Seconded Cr O'Brien that Council adopt the 2015/16 schedule of fees and charges for Town Planning Development applications, as per existing fees and charges, however the CEO be given delegated authority to reduce or waive these fees where:

- The development has a perceived benefit to the community, and
- The application is of such a nature that very little investigative work is required prior to the application being submitted to Council for consideration.

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 AT THE MEETING

9.1 Home Occupation – Beauty Therapy Business

NAME OF APPLICANT: June Richards
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 18.04
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

An application for a home occupation approval has been received from June Richards to conduct a Beauty therapy business at 21 Price St, Kulin.

BACKGROUND & COMMENT:

June Richards has been operating this type of business in Wickepin and has recently relocated to Kulin and wishes to establish a similar business at her residence at 21 Price St, Kulin.

The zoning for the property is Residential and this type of home occupation is permitted under TPS No2. I have attached a copy of the Town Planning policy that applies to this type of activity.

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The owner of the property has given approval for the business to be operated from the premises and I see no other issues with the application.

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Kulin Town Planning Scheme No2 and associated policies.

POLICY IMPLICATIONS:

As above.

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That planning approval be granted to June Richards to conduct a home occupation for the purposes of a Beauty therapy business at 21 Price St, Kulin subject to the provisions of the Shire of Kulin Town Planning Scheme No 2 and Policy No 4 – Home Occupations under the following conditions:

- The Shire of Kulin EHO is to conduct an inspection to ensure the home occupation business complies with the Department of health WA best practice guidelines and applicable Code of Practice prior to commencement, and
- An annual inspection is to be conducted by the EHO to ensure the home occupation continues to comply with the above requirements.

VOTING REQUIREMENTS:

Simple majority required.

11/0715

Moved Cr West Seconded Cr O'Brien that planning approval be granted to June Richards to conduct a home occupation for the purposes of a Beauty therapy business at 21 Price St, Kulin subject to the provisions of the Shire of Kulin Town Planning Scheme No 2 and Policy No 4 – Home Occupations under the following conditions:

- **The Shire of Kulin EHO is to conduct an inspection to ensure the home occupation business complies with the Department of health WA best practice guidelines and applicable Code of Practice prior to commencement, and**
- **An annual inspection is to be conducted by the EHO to ensure the home occupation continues to comply with the above requirements.**

Carried 9/0

9.2 Shire of Kulin Ward Boundary Review

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 13.04
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Council is required to undergo a review of our Electoral Ward boundaries every 8 years. However due to an imbalance in the councillor/elector ratio the Local Government Advisory Board wrote to Council in June 2014 seeking a review of elected members and ward boundaries.

BACKGROUND & COMMENT:

As Council is aware we undertook a minor review to adjust the town boundaries to address the concerns of the Advisory Board however we have not really addressed a complete review as was resolved by Council in June 2014. I have included a copy of the minutes where this matter was discussed.

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I am now seeking an indication from Council on whether we in fact wish to proceed with a full review as resolved.

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Schedule 2.2 Local Government Act 1995

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

If we proceed to a full review a community consultation process will need to be undertaken.

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

For Council consideration.

VOTING REQUIREMENTS:

Simple majority required.

12/0715

Moved Cr Duckworth Seconded Cr Robins that at this point in time Council supports the status quo in relation to wards boundaries and councillor representation for the Shire of Kulin.

Carried 9/0

10. DATE AND TIME OF NEXT MEETING

Upcoming meetings for the Shire of Kulin:

Tuesday 4th August 2015 @ 9am - Draft Budget Meeting

Wednesday 19th August 2015 @1pm - August Ordinary Meeting

11. CLOSURE OF MEETING

There being no further business the meeting closed at 5.45pm