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Minutes of an Ordinary Meeting of Council held in the Freebairn Recreation Centre on Friday 18 December 2015 commencing at 4.14pm

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The President of the Shire welcomed all present and declared the meeting opened at 4:14pm

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
JM Sullivan	Councillor	East Ward
G Robins	Councillor	Town Ward
HT McInnes	Councillor	Town Ward
R Bowey	Councillor	Town Ward
R O'Brien	Councillor	Central Ward
G Hadlow	Chief Executive Officer	
N Thompson	Executive Support Officer/Minutes	
L Hobson	Manager of Works	

Apologies

BP Taylor	Councillor	Central Ward
C Vandenberg	Deputy CEO	

3. PUBLIC QUESTION TIME

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

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Shire of Kulin Ordinary Meeting – 18 November 2015

01/1215

Moved Cr Duckworth Seconded Cr Sullivan that the minutes of the Ordinary Council Meeting held on 18 November 2015 be confirmed as a true and correct record.

Carried 8/0

6 MATTERS REQUIRING COUNCIL DECISION

6.1 List of Accounts – November 2015

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

SUMMARY:

Attached is a list of accounts paid during the month of November 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 November payments being cheque No 319- 320 (Trip) No 1818 - 1829 (Bush Races), 318 - 321 (Trust Fund) 36480 – 36501 (Municipal), EFT No's 10538 - 10681 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$664,537.13 be passed for payment.

VOTING REQUIREMENTS:

Simple majority required.

02/1215

Moved Cr McInnes Seconded Cr Ledwith that November payments being cheque No 319- 320 (Trip) No 1818 - 1829 (Bush Races), 318 - 321 (Trust Fund) 36480 – 36501 (Municipal), EFT No's 10538 - 10681 (Municipal), credit card payments, creditor payments, and other vouchers from the Municipal Fund totalling \$664,537.13 be passed for payment.

Carried 8/0

6.2 Financial Reports November 2015

RESPONSIBLE OFFICER: DCEO

FILE REFERENCE: 12.01

AUTHOR: DCEO

DISCLOSURE OF INTEREST: Nil

SUMMARY:

Attached are the financial reports for the periods ending 30 November 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 November 2015.

VOTING REQUIREMENTS:

Simple majority required.

03/1215

Moved Cr Robins Seconded Cr O'Brien that Council endorse the monthly financial statements for the period ending 30 November 2015.

Carried 8/0

Cr Sullivan left the Council Meeting at 4.33pm

6.3 Roadwork's Priorities – Kulin Townsite and Surrounds

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 28.04
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Michael Chin, MRWA, visited Council during the October Council meeting to discuss future priorities for roadworks in and around the Kulin townsite. Following his visit I was requested to prepare an agenda item covering those road projects we see as most urgent.

BACKGROUND & COMMENT:

The following road issues have been raised in the past and obviously MRWA is keen to establish a Council priority list to enable them to plan for the future.

Intersection of Gorge Rock Lake Grace Rd & Jilakin St

Currently Council has an application for black spot funding for \$400,000 with the success or otherwise likely to be announced around March 2016. If this is successful then obviously the work can be completed without a great deal of Main Roads involvement, other than approval of design for their section of the intersection. To my mind Council certainly has raised this intersection as a major concern in the past and I suspect that this corner would rate as priority 1 due to the dangerous traffic hazard that exists at this intersection.

Pros

- Will remove a very dangerous traffic hazard at the intersection.
- Will improve access to a certain extent to the CBH facility.

Cons

- There is a likelihood that Council may have to contribute substantially towards the cost of the improvements, particularly if our Black Spot application is unsuccessful. There is no doubt that R2R funds can be used for this purpose if necessary.
- If not designed with a lot of thought in mind the new road may influence people to use Jilakin St as a "bypass" around the town.
- The suggestion to bring the Jilakin St eastern entry further west may be hindered by the existence of "rare" flora.

Reconstruction of Johnston St

The condition of the Johnston St road surface from Rankin St to Stewart St is very poor and minor reconstruction and a new seal is required in the near future. There are also a number of culvert pipes that appear to be in a poor state (with the road collapsing in various sections over the past 5 years or so). Any work will need to be designed by Main Roads to ensure it fits in with existing levels. As stated a number of new culverts will be required as I am of the understanding that there are at least two of the old wooden types still present.

In my view the roadwork's represent a priority mainly for aesthetic reasons and other than improvements required at the intersection of the Kulin Kondinin Rd/Gorge Rock Lake Grace Rd and the culvert upgrades are probably not as urgent as other proposals.

Pros

- The upgrade of this section of road will certainly be in line with the recent town centre improvements the Council has undertaken.
- Obviously the aesthetics of the area will be improved greatly.
- There is the opportunity to improve drainage at various points along the road.

Cons

- There will be a fairly considerable cost to Council as Main Roads are only responsible for 5 meters each side of the centre line. These costs would include new curbing, improving the footpaths and some minor drainage works. Again R2R funds can be used for this purpose.

Realignment of Johnston St and Kulin Kondinin Rd

My understanding is that Council is happy with the present road alignment and other than some improvements to the intersection by the pool it is considered satisfactory. The original proposal to extend

Johnston St further north, and immediately west of the caravan park, to cross the disused railway line and connect to the Kulin Kondinin Rd further north has been watered down somewhat to my knowledge. I guess this is due mainly to the development of Camp Kulin in the area and the possibility of extensions to the facility across the road and the desire to provide additional tourist accommodation on the existing reserve immediately north of the Caravan Park.

Pros

- There is a definite need to undertake some improvements to the intersection by the swimming pool to improve traffic mobility and safety. This includes the removal or redesign of the traffic island on the southern side of the intersection.

Cons

- Again there may be some cost to Council however this can also be paid for by using R2R funds.

Realignment and reconstruction of various road sections between Kulin and our Kondinin Boundary

The section of the Kulin Kondinin Rd between Kulin and the Kondinin Shire boundary has some particularly narrow and dangerous sections. There are also some sharp curves that require realignment. My thoughts are that we could stage the project over a number of years which may be more appealing to Main Roads from a budgetary sense.

Pros

- Will improve a very poor section of road that currently is very dangerous and hazardous for local traffic.
- Should Council be contracted to do the work then this will provide financial benefits to the organisation and our workforce in the reasonably short term.

Cons

- Additional contract work may detract from our own roadwork's program.

From the above information I suggest that in reality all projects have an almost equal priority however for the purposes of this exercise I recommend the following priorities:

1. Intersection of Gorge Rock Lake Grace Rd & Jilakin St – dangerous traffic hazard
2. Realignment and reconstruction of various road sections between Kulin and our Kondinin Boundary – dangerous traffic hazard
3. Reconstruction of Johnston St & upgrade of intersection at the swimming pool and some minor upgrading of the small section of Gorge Rock Lake Grace Rd (crossing the unused section of railway line).

FINANCIAL IMPLICATIONS:

There may be some requirement for Council to use our own funds for parts of the above projects however if the work is completed by or prior to the 2016/17 financial year then we will be able to access R2R funds for this purpose.

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

There may be some effect on our own works programs if we carry out the work on a contract basis for Main Roads.

RECOMMENDATION:

That Council forward the following list of priorities for roadwork's on Main Roads roads in and around the Kulin townsite.

1. Intersection of Gorge Rock Lake Grace Rd & Jilakin St – dangerous traffic hazard
2. Realignment and reconstruction of various road sections between Kulin and our Kondinin Boundary – dangerous traffic hazard
3. Reconstruction of Johnston St & upgrade of intersection at the swimming pool and some minor upgrading of the small section of Gorge Rock Lake grace Rd (crossing the unused section of railway line).

VOTING REQUIREMENTS:

Simple majority required.

04/1215

Moved Cr Bowey Seconded Cr McInnes that Council forward the following list of priorities for roadwork's on Main Roads roads in and around the Kulin townsite.

1. Intersection of Gorge Rock Lake Grace Rd & Jilakin St – dangerous traffic hazard
2. Realignment and reconstruction of various road sections between Kulin and our Kondinin boundary – dangerous traffic hazard
3. Reconstruction of Johnston St & upgrade of intersection at the swimming pool and some minor upgrading of the small section of Gorge Rock Lake grace Rd (crossing the unused section of railway line).

Carried 7/0

6.4 Kondinin Medical Service

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 24.07
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

John Reid, CEO, Shire of Kondinin, has forwarded the following information in regards to the future of the Kondinin Medical Centre.

BACKGROUND & COMMENT:

Dr Michael Gendy of Jupiter Health & Medical Services has confirmed that Dr Shukur will be leaving the practice at the end of January 2016, replaced by Dr Mackie (locum Doctor) until the new female Doctor Deborah arrives at the beginning of March, 2016.

Many Kondinin locals have expressed that they are sorry to hear that Dr Shukur is leaving. It is understood that him leaving has been prompted by the need for his wife, a medical Doctor who specialises in cancers and haematology to pursue her career in a metropolitan area hospital.

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

For Council information.

VOTING REQUIREMENTS:

Simple majority required.

Agreed that the information be received.

6.5 Preliminary Meeting – Proposed CEO House

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 05.11a
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

At our November meeting Council requested that a small committee investigate and make a recommendation to Council on the way forward for the construction of the proposed new CEO house.

BACKGROUND & COMMENT:

On Monday 7 December 2015 Crs West, Robins, O'Brien, Bowey and the CEO met to consider the options. Below is a summary of discussions and a recommendation from the group for consideration and endorsement by Council.

Preferred location

The committee resolved that the most suitable location is Lot 107, Rankin St, Kulin which is in the 1 hectare rural subdivision area. The committee felt that by constructing on one of the 1 hectare lots this gave us many more design options. Other reasons included:

- the addition of another house in this area may encourage additional dwellings to be constructed in the near future by locals.
- the Bowey Way/Ellson St area was not considered ideal due to the existence of a number of other Shire Houses in the area.
- The lots along Price St were considered too small for the size of house proposed. The option to build over two lots was discussed however this was considered to be a waste of funds already paid out on the lots for headwork's.

Design and Construction

The committee resolved along the following lines;

- That Gary Ramm, Ramm's Building design, be asked to prepare a design/s for the proposed residence incorporating:
 - a 4 x 2 residence with a small office, double lock up garage, kitchen/eating/living area, theatre room and pantry off garage entry,
 - ensure an adequate outdoor area is incorporated into the design e.g. recess for BBQ, outdoor sink and recess for refrigerator etc,
 - standard ceilings,
 - walk in entry showers,
 - air-conditioning with some rooms to have ceiling fans e.g. bedrooms, colorbond roof,
 - to be either double brick or brick veneer depending on costs.

It was further decided that the preferred option was to have full plans and specifications prepared to enable Council to either go to tender or build the residence in-house when the appropriate time comes.

FINANCIAL IMPLICATIONS:

Council will need to allocate some funds for the design phase of the project however this can be recouped from loan funds at a later date if considered necessary.

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That Council endorse the recommendations of the committee, as outlined above, to enable the construction of a new CEO house to commence as soon as possible, particularly the location of the residence i.e. Lot 107, Rankin St, Kulin and the appointment of Ramm's Building Design for the planning and design phase of the project..

VOTING REQUIREMENTS:

Simple majority required.

05/1215

Moved Cr McInnes Seconded Cr Duckworth that Council endorse the recommendations of the committee, as outlined above, to enable the construction of a new CEO house to commence as soon as possible, particularly the location of the residence i.e. Lot 107, Rankin St, Kulin and the appointment of Ramm's Building Design for the planning and design phase of the project.

Carried 7/0

6.6 Pingaring Community Water Supply Program

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 32.01
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Last year Council was successful with a CWSP grant application from the Department of Water for the construction of a community dam during dry seasons however as we are aware we were unable to proceed due to difficulties in finding a suitable location and consequently the funds were transferred to the Dudinin Community Dam project.

BACKGROUND & COMMENT:

Over the past month or so I have been working with Cr Taylor on the possibility of submitting a new application which would incorporate pumping water from the recently constructed evaporation dam on CBH property in Pingaring. Below is a summary of the process we have followed so far:

- Cr Taylor obtained preliminary verbal approval from CBH that we would be able to pump water from this dam to the community dam using a solar powered pump.
- In view of this I spoke to Alan Thompson and he agreed that we could have some of his land immediately to the east of the Pingaring oval for the siting of the dam.
- The area proposed (see attached photo) appears a suitable dam site following the digging of a number of test holes under the direction of Barry Smoker.
- An initial inspection has potentially revealed a fairly large area available for the construction of a roaded catchment and drains to utilise water runoff from the surrounding roads, rock outcrops and the golf course areas.
- Cutting into the pipeline from the concrete tank to the existing standpipe so we could drain one to two metres from the tank when it is full.

Unfortunately we have hit a bit of a snag in that the CBH dam does not appear to be able to hold water for long enough to enable us to make full use of a pumping system. In Barry Smokers opinion the dam has not been sealed and will drain very quickly following any substantial rain. He is also concerned that salt may be an issue given the clarity of the water in the dam and this needs to be further checked.

Obliviously in view of the above and due to the fact that a grant application needs to be submitted by 31 December 2015 we will not be proceeding with an application this year. The plan from here is to undertake a more extensive investigation on the above issues before looking at submitting an application for funding assistance next financial year.

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

RECOMMENDATION:

That the above information be received.

VOTING REQUIREMENTS:

Simple majority required.

Agreed that the information be received.

7 COMPLIANCE

7.1 Audit Regulation 17

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 13.02
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

BACKGROUND:

The first review of internal controls in line with Audit Regulation 17 was submitted to the Audit Committee on the 20 November 2014, in the form of a report from the CEO. The Audit Committee reviewed the report from the CEO, and reported on this matter to the Council (including a copy of the CEO's report).

This review followed the adoption by Council on the 18 June 2014:

1. Risk Management Framework
2. Risk Management Policy
3. Financial Internal Control Model
4. Audit and Risk Committee Terms of Reference
5. Internal Audit Framework 2014

At the Ordinary Meeting of Council 15 July 2015, Council accepted the Financial Management Review Report, completed in June 2015, as presented by external contractor Yvonne Bowey Consultancy. Following the completion of the review ongoing management of the strategies suggested in the review have continued to ensure ongoing compliance with matters raised. The following controls were implemented to ensure ongoing compliance is met:

1. Yvonne Bowey engaged to mentor and work with Deputy CEO
2. JT Professional Services been engaged to undertake internal audit function

The Audit & Risk Committee has continued to meet on a quarterly basis. At these meetings, risk management frameworks, draft Strategic and Operational Risks have been reviewed and discussed and progress made on the presentation of these reports to future meetings. There was also some discussion on the process that would be undertaken in order to produce reports for the CEO to appropriately monitor the effectiveness of various controls.

The following sets out the step by step process that was proposed to follow in order to review (or develop) the Shire's internal controls:

MINUTES OF ORDINARY MEETING HELD 18 DECEMBER 2015

- 1) Utilise the 2012 Better Practice Model – Financial Internal Control for South Australian Councils, developed by Deloitte as the base document for internal financial controls;
- 2) Identify problems and risks that have been raised by the external auditor, Audit Committee, Council staff etc. and which should be addressed by internal financial controls;
- 3) Consult with staff and Council Members regarding the objective of the review and provide an outline of the process - ensure that the senior management team is kept informed of progress;
- 4) Identify officers responsible for each business activity and arrange for them to participate in the review;
- 5) Undertake an internal financial controls review for each of the business activities to;
 - examine current procedures;
 - identify key risks threatening the achievement of Council’s objectives;
 - identify existing internal financial controls;
 - assess current controls for effectiveness;
 - identify any new controls needed as well as existing controls requiring adjustment;
 - identify relevant officers for each internal control.
- 6) The review should not be seen as an audit of past transactions. Its objective is to identify, evaluate and document existing internal financial controls and recommend changes and/or new internal controls where necessary;
- 7) Consistent with the 2012 BPM, establish a database of internal controls in accordance with an agreed hierarchy;
- 8) Propose the following detail should be recorded for each internal financial control:

Number:	Identification number of internal control for each risk
Description of Control:	Description of the internal financial control
Current Situation:	Current situation in regard to each internal control
Target Date:	Target date allocated to the implementation of the control
Responsible Officer:	Responsible officer for each internal control
Checking Officer:	Checking officer and/or if the internal control is included in the ‘Spot Check’ process (refer below in the Review Process)

- 9) For each risk identified an assessment of its likelihood and consequence should be undertaken according to the classifications included in Attachment 3 (Note: These measures need to be tailored to meet the needs of an individual Council);
- 10) The final inherent risk is determined by using the two ratings above and applying these to the Risk Level Matrix in the Risk Management Framework to identify overall risk as L (low); M (moderate); H (high); or E (extreme).

The assessment process should not be considered to be an exact science however there is value in allocating time to considering the likelihood and consequence of each risk. The strategy above was implemented by external consultants in close consultation with staff.

Attached to this report are minutes of the Audit Committee Meetings, and the reports presented at those meetings, for Council information.

COMMENT:

The Shire has established a set of Strategic and Operational Risks which has been endorsed by the Audit Committee to consider. A Risk Services Program has been established to encompass monitoring and reporting on activities as determined by the Chief Executive Officer on a monthly, quarterly and annual basis in accordance with the Framework established. This includes the management of the Strategic and Operational Risk Register’s. Financial and operational analysis will be undertaken if required to inform risk management decision making and to provide confidence and integrity of data and/or information.

Internal audit activity focuses on areas of risk including financial and non-financial systems and compliance with legislation, regulations, policies and best practice. Where required, action plans will be developed and agreed with management for audit recommendations and follow-ups conducted to ensure that they are implemented as agreed. The status of any internal audit recommendations will be reported to the Chief Executive Officer and the Audit Committee quarterly. Action plans, if required, will be developed following the monitoring and reviewing activities when improvements are identified. A section has also been included in the monthly Ordinary Council Meeting Agenda to enable Councillors to raise any risk, internal control or compliance issues. Any issues raised then form the basis of a report to the next deemed appropriate Ordinary Council Meeting.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET):

Allocation was made in the 2014/2015 annual budget for the internal audit and risk function.

POLICY IMPLICATIONS:

Risk Management Policy has been adopted and outlines the Shire's commitment and approach to managing risks that may impact on its day-to-day operations and threaten the achievement of its objectives.

STATUTORY IMPLICATIONS:

The Local Government (Audit) Regulations 1996 prescribe the requirements for local government authorities in relation to the engagement of auditors, the annual compliance audit return and the functions of the audit committee. The Department of Local Government released circulars in February 2013 detailing amendments to the Audit Regulations.

These amendments relate to extending regulation 16, functions of an audit committee, and inserting a new regulation 17, review of certain systems and procedures by a CEO. The amendments are detailed as follows:

Regulation 16 – Functions of Audit Committee

Regulations 16(a) and 16(b) in relation to the Audit Committee providing assistance to the local government remain unchanged. A new section 16(c) has been inserted and states as follows:

- 16 *Audit committee, functions of An audit committee –*
- (c) *is to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to –*
- (i) *report to the council the results of that review; and*
- (ii) *give a copy of the CEO's report to the council.*

Regulation 17 – CEO to review certain systems and procedures

A new regulation 17 has been inserted and states as follows:

- 17 *CEO to review certain systems and procedures*
- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to –*
- (a) *risk management; and*
- (b) *internal controls; and*
- (c) *legislative compliance*
- (2) *The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*
- (3) *The CEO is to report to the audit committee the results of that review.*

STRATEGIC IMPLICATIONS:

A Council's internal control environment includes the following components:

- Structure of the organisation
- Culture of the organisation
- Knowledge, skills and experience of employees
- Processes employed by the organisation to conduct business.

The Chief Executive Officer should play a key role in the establishment and development of an effective internal control environment, as it ultimately sets the operational tone of the Council, and should reflect the ethics, integrity and values espoused by the Council.

An effective and transparent internal control environment would focus on the following key areas:

- Integrity and ethical values
- Management's philosophy and operating style
- Organisation structure
- Performance measures
- Policies and procedures
- Human resources policy
- Internal Audit function
- The Audit Committee.

The role of the audit committee is to govern the integrity of the entity's financial information, systems of internal control, and the legal and ethical conduct of management and employees. The responsibility of the audit committee will differ depending upon the Council's size, scale of operations, and any specific requirements. The key role of internal audit is to provide assistance to the Council's audit committee in discharging its governance responsibilities. It does this by:

- Providing an objective assessment of existing risks and the internal control framework
- Performing reviews of the compliance framework and specific compliance issues
- Conducting regular analysis of business processes and associated controls.
- Performing ad hoc reviews for specific areas of concern, including unacceptable levels of risk

Reviewing the operational performance of the Council and providing recommendations for more effective and efficient use of resources

COMMUNITY CONSULTATION:

Nil

STAFF RECOMMENDATION:

That Council

1. Notes the Audit Committee received on the 20 November 2014 a review of internal controls, in the form of a report from the CEO. The Audit Committee reviewed the report from the CEO, and reported on this matter to the Council (including a copy of the CEO's report).
2. Notes the report contained therein served as the report from the Audit & Risk Committee to Council on the review of appropriateness and effectiveness of the controls of the Shire of Kulin's systems and procedures as per Audit Regulation 17
3. Request an update on the Shire's Strategic and Operational Risks be presented to the Audit Committee in February 2016.

VOTING REQUIREMENTS:

Simple majority required.

06/1215

Moved Cr Robins Seconded Cr Duckworth that Council

1. **Notes the Audit Committee received on the 20 November 2014 a review of internal controls, in the form of a report from the CEO. The Audit Committee reviewed the report from the CEO, and reported on this matter to the Council (including a copy of the CEO's report).**
2. **Notes the report contained therein served as the report from the Audit & Risk Committee to Council on the review of appropriateness and effectiveness of the controls of the Shire of Kulin's systems and procedures as per Audit Regulation 17**
3. **Request an update on the Shire's Strategic and Operational Risks be presented to the Audit Committee in February 2016.**

Carried 7/0

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

8.1 Shire of Kulin Local Health Law 2016

NAME OF APPLICANT: EHO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 19.03
AUTHOR: EHO
DISCLOSURE OF INTEREST: Nil

BACKGROUND:

The Environmental Health Officer (EHO) whilst conducting a review of current health local laws discovered that the Health Local Law for Kulin was gazetted in 1998. This makes the current local law 17 years old and has not been reviewed. Although there was a move to have the local laws looked at by a private contractor this process appears to have been discontinued.

The Local Government Act 1995 requires that the Council every eight years after adoption of any Local Law, or the last review, conduct a review of the Local Law to ensure that it still retains currency. Presently the Shires of Corrigin is already well down the process of preparing a new Health Local Law that has already gone through the lengthy review process. With the 'hard yards' done already it is most fortuitous to seize this opportunity to take the proposed draft Health Local Law and proceed to bring to Council in order to concurrently align with the same adoption process of Corrigin, Narembeen, Bruce Rock and Kondinin. In doing so the administration time and cost burden is dramatically reduced in no uncertain terms.

COMMENT:

The purpose of this report is to allow Council to resolve to prepare, with the specific local law making power of the *Health Act 1911* and pursuant to the processes for making local laws outlined in the *Local Government Act 1995*, the proposed Shire of Kulin Health Local Law 2016. Notice is to be publically given of the purpose and effect of the Shire of Kulin Health Local Law 2016 which are to be read out loud by the Shire President as written here:

PURPOSE:

The purpose of the proposed Shire of Kulin Health Local Law 2016 is to provide for the regulation, control and management of day to day public health matters within the Shire of Kulin.

EFFECT:

The effect of the proposed Shire of Kulin Health Local Law 2016 is to establish various health standards and requirements which people living and working within the Shire of Kulin must observe.

The Shire of Kulin Health Local Law 2016 shown in EHO Attachment 1 has been collated from the Shire of Corrigin Health Local Law 2015 as reviewed by the senior staff of Corrigin Shire, the Department of Local Government and Communities and the Department of Health Western Australia.

The attached Shire of Kulin Health Local Law 2016 is amended for application to the Shire of Kulin.

The proposed Shire of Kulin Health Local Law 2016 will require the following process to be initiated:

1. Give Statewide and local public notice of proposed Shire of Kulin Health Local Law 2016, summarising purpose and effect of proposed local law;
2. Send a copy of the Statewide public notice and proposed Shire of Kulin Health Local Law 2016 to the Honorable Minister for Local Government and the Executive Director of Public Health;
3. Consider any submissions received in regard to the proposed Shire of Kulin Health Local Law 2016 (a period of at least 6 weeks must have elapsed since date of publication in the newspaper, discounting public holidays; it is very good practice to allow a couple of extra weeks to accommodate any unforeseen delays); and
4. A copy of the proposed local law is to be made available at the Shire counter and provided to any person requesting a copy of the Shire of Kulin Health Local Law 2016.

MINUTES OF ORDINARY MEETING HELD 18 DECEMBER 2015

The proposed Shire of Kulin Health Local Law 2016 will again be presented to Council for consideration of submissions received and the decision made to endorse, or not, any changes to the proposed Shire of Kulin Health Local Law 2016.

Should all proceed to completion, and no 'significant changes' made (which could result in re-advertising) the Shire of Kulin Health Local Law 2016 will be signed and sealed by the Chief Executive Officer and Shire President and steps taken to proceed to gazettal. Once gazetted, copies are provided to the Executive Director of Public Health and the Joint Standing Committee on Delegated Legislation who will review the Shire of Kulin Health Local Law 2016 and make, or not, a determination on its validity and/or refusal of the Shire of Kulin Health Local Law 2016; this outcome is not anticipated based on the fact that other similar health local laws have already 'passed muster' or a more common political phrase recently 'past the sniff test'.

CONSULTATION:

Mr G Hadlow CEO

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

Mrs L Pitman EHO RoeHEALTH Scheme

STATUTORY ENVIRONMENT:

Health Act 1911

Local Government Act 1995

POLICY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

53 pages with an estimated price of \$100.35 per page is \$5,318 for a special gazette. Also to be added is the cost to advertise the Notice in the Western Australian newspaper which is around \$500. Administration costs locally are for the local paper advertising for 6 to 8 weeks as well as placing information on public Notice boards, all of which needs to be astutely documented. As this local law is been done concurrently with the Shire of Bruce Rock, Corrigin, Kondinin and Narembeen the Officers time will be dispersed over the full 5 Shires thus resulting in administrative cost and, more importantly, time savings.

VOTING REQUIREMENT:

Absolute majority

OFFICER'S RECOMMENDATION:

That Council pursuant to Section 3.12 of the Local Government Act 1995:

1. Adopts the proposed Shire of Kulin Health Local Law 2016 for advertising;
2. Gives Statewide public notice and stating that:
 - i. The Shire of Kulin propose to make the Shire of Kulin Health Local Law 2016;
 - ii. The purpose of the proposed Shire of Kulin Health Local Law 2016 is to provide for the regulation, control and management of day to day public health matters within the Shire of Kulin; and
 - iii. The effect of the proposed Shire of Kulin Health Local Law 2016 is to establish various health standards and requirements which people living and working within the Shire of Kulin must observe. A copy of the proposed local law may be inspected or obtained at any place specified in the notice; Submissions about the proposed local law may be made to the Shire before the day specified in the notice, being not less than 8 weeks after the notice is given;
3. Provides a copy of the proposed local law and notice to the Hon. Minister for Local Government and the Executive Director of Public Health; and
4. Directs the Chief Executive Officer to prepare a report to Council detailing submissions from the community at the first Council meeting following the closure of the designated submissions period.

07/1215

Moved Cr Duckworth Seconded Cr O'Brien that Council pursuant to Section 3.12 of the Local Government Act 1995:

1. Adopts the proposed Shire of Kulin Health Local Law 2016 for advertising;
 2. Gives Statewide public notice and stating that:
 - i. The Shire of Kulin propose to make the Shire of Kulin Health Local Law 2016;
 - ii. The purpose of the proposed Shire of Kulin Health Local Law 2016 is to provide for the regulation, control and management of day to day public health matters within the Shire of Kulin; and
 - iii. The effect of the proposed Shire of Kulin Health Local Law 2016 is to establish various health standards and requirements which people living and working within the Shire of Kulin must observe.
- A copy of the proposed local law may be inspected or obtained at any place specified in the notice;
- Submissions about the proposed local law may be made to the Shire before the day specified in the notice, being not less than 8 weeks after the notice is given;
3. Provides a copy of the proposed local law and notice to the Hon. Minister for Local Government and the Executive Director of Public Health; and
 4. Directs the Chief Executive Officer to prepare a report to Council detailing submissions from the community at the first Council meeting following the closure of the designated submissions period.

Carried 7/0

8.2 Proposed Animals, Environment and Nuisance Local Law 2016

NAME OF APPLICANT: EHO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 19.03
AUTHOR: EHO
DISCLOSURE OF INTEREST: Nil

BACKGROUND:

Presently the proposed Shire of Kulin Health Local Law 2016 has been tabled at the December 2015 Ordinary Meeting of Council for consideration. During the review of the aforementioned local law the EHO became aware that a local law pertaining to Animals, Environment and Nuisance under the *Local Government Act 1995* powers concurrent with the *Health Act 1911* was also available. A review of this local law called the 'Animals, Environment and Nuisance Local Law' shows that it has pertinent use for the Shire of Kulin in addressing particular public health aspects which could arise within the Shire of Kulin and have accordingly been presented for Council consideration.

COMMENT:

The purpose of this report is to allow Council to resolve to prepare, with the specific local law making power of the *Health Act 1911* and pursuant to the processes for making local laws and the enforcement of provisions outlined in the *Local Government Act 1995*, the proposed Shire of Kulin Animals, Environment and Nuisance Local Law 2016. Notice is to be publically given of the purpose and effect of the Shire of Kulin Animals, Environment and Nuisance Local Law 2016 which are to be read out loud by the Shire President as written here:

PURPOSE:

The purpose of the proposed Shire of Kulin Animals, Environment and Nuisance Local Law 2016 is to provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the Shire of Kulin.

EFFECT:

The effect of the proposed Shire of Kulin Animals, Environment and Nuisance Local Law 2016 is to establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance must comply.

MINUTES OF ORDINARY MEETING HELD 18 DECEMBER 2015

The Shire of Kulin Animals, Environment and Nuisance Local Law 2016 shown in **EHO Attachment 2** have been collated from the Shire of Corrigin Animals, Environment and Nuisance Local Law 2015 as reviewed by the senior staff of Corrigin Shire, the Department of Local Government and Communities and the Department of Health Western Australia. The attached Shire of Kulin Animals, Environment and Nuisance Local Law 2016 are amended for application to the Shire of Kulin.

The proposed Shire of Kulin Animals, Environment and Nuisance Local Law 2016 will require the following process to be initiated:

1. Give Statewide and local public notice of proposed Shire of Kulin Animals, Environment and Nuisance Local Law 2016, summarising purpose and effect of proposed local law;
2. Send a copy of the Statewide public notice and proposed Shire of Kulin Animals, Environment and Nuisance Local Law 2016 to the Honorable Minister for Local Government and the Executive Director of Public Health;
3. Consider any submissions received in regard to the proposed Shire of Kulin Animals, Environment and Nuisance Local Law 2016 (a period of at least 6 weeks must have elapsed since date of publication in the newspaper, discounting public holidays; it is very good practice to allow a couple of extra weeks to accommodate any unforeseen delays); and
4. A copy of the proposed local law is to be made available at the Shire counter and provided to any person requesting a copy of the Shire of Kulin Animals, Environment and Nuisance Local Law 2016.

The proposed Shire of Kulin Animals, Environment and Nuisance Local Law 2016 will again be presented to Council for consideration of submissions received and the decision made to endorse, or not, any changes to the proposed Shire of Kulin Animals, Environment and Nuisance Local Law 2016. Should all proceed to completion, and no 'significant changes' made (which could result in readvertising) the Shire of Kulin Animals, Environment and Nuisance Local Law 2016 will be signed and sealed by the Chief Executive Officer and Shire President and steps taken to proceed to gazettal. Once gazetted copies are provided to the Executive Director of Public Health and the Joint Standing Committee on Delegated Legislation who will review the Shire of Kulin Animals, Environment and Nuisance Local Law 2016 and make, or not, a determination on its validity and/or refusal of the Shire of Kulin Animals, Environment and Nuisance Local Law 2016; this outcome is not anticipated based on the fact, as reported previously, that other similar local laws have already 'passed muster' or a more common political phrase recently 'past the sniff test'.

CONSULTATION:

Mr G Hadlow CEO

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

Mrs L Pitman EHO RoeHEALTH Scheme

STATUTORY ENVIRONMENT:

Health Act 1911

Local Government Act 1995

POLICY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

30 pages with an estimated price of \$100.35 per page is \$3,010.50c for a special gazette. Also included is the cost to advertise the Notice in the Western Australian newspaper which is around \$500. Administration costs locally are for the local paper advertising for 6 to 8 weeks as well as placing information on public Notice boards, all of which needs to be astutely documented. As this local law is being done concurrently with the Shires of Bruce Rock, Corrigin, Kondinin and Narembeen the Officers time will be dispersed over the full 5 Shires thus resulting in administrative cost and, more importantly, time savings.

VOTING REQUIREMENT:

Absolute majority

OFFICER'S RECOMMENDATION:

That Council pursuant to Section 3.12 of the Local Government Act 1995:

1. Adopts the proposed Shire of Kulin Animals, Environment and Nuisance Local Law 2016 for advertising;
2. Gives Statewide public notice and stating that:
 - I. The Shire of Kulin propose to make the Shire of Kulin Animals, Environment and Nuisance Local Law 2016;

- II. The purpose of the proposed Shire of Kulin Animals, Environment and Nuisance Local Law 2016 is to provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the Shire of Kulin; and
- III. The effect of the proposed Shire of Kulin Animals, Environment and Nuisance Local Law 2016 is to establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance must comply.

A copy of the proposed local law may be inspected or obtained at any place specified in the notice; and

Submissions about the proposed local law may be made to the Shire before the day specified in the notice, being not less than 8 weeks after the notice is given.

3. Provides a copy of the proposed local law and notice to the Hon. Minister for Local Government and the Executive Director of Public Health; and
4. Directs the Chief Executive Officer to prepare a report to Council detailing submissions from the community at the first Council meeting following the closure of the designated submissions period.

08/1215

Moved Cr Duckworth Seconded Cr O'Brien that Council pursuant to Section 3.12 of the Local Government Act 1995:

1. **Adopts the proposed Shire of Kulin Animals, Environment and Nuisance Local Law 20166 for advertising;**
2. **Gives Statewide public notice and stating that:**
 - i. **The Shire of Kulin propose to make the Shire of Kulin Animals, Environment and Nuisance Local Law 2016;**
 - ii. **The purpose of the proposed Shire of Kulin Animals, Environment and Nuisance Local Law 2016 is to provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the Shire of Kulin; and**
 - iii. **The effect of the proposed Shire of Kulin Animals, Environment and Nuisance Local Law 2016 is to establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance must comply.**

A copy of the proposed local law may be inspected or obtained at any place specified in the notice; and;

Submissions about the proposed local law may be made to the Shire before the day specified in the notice, being not less than 8 weeks after the notice is given.

3. **Provides a copy of the proposed local law and notice to the Hon. Minister for Local Government and the Executive Director of Public Health; and**
4. **Directs the Chief Executive Officer to prepare a report to Council detailing submissions from the community at the first Council meeting following the closure of the designated submissions period.**

Carried 7/0

8.3 Proposed Demolition of House – 50 Bull Street Kulin

NAME OF APPLICANT: Cr Duckworth
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 24.01
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

BACKGROUND & COMMENT:

Following concern from ratepayers regarding the condition of the above property, Councillors Duckworth and O'Brien inspected the property and conveyed their concerns about the poor condition of the house and associated safety issues that may arise. The property is in the name of Stephen Bull who has been deceased for a number of years.

FINANCIAL IMPLICATIONS:

Rates continue to accrue on the property and currently an amount of \$4,841.74 is outstanding.

STATUTORY AND PLANNING IMPLICATIONS:

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That Council authorise the CEO & EHO to commence action to have the house demolished, or made fit for human occupation.

VOTING REQUIREMENTS:

Simple majority required.

09/1215

Moved Cr Duckworth Seconded Cr O'Brien that Council authorise the CEO & EHO to commence action to have the house demolished or made unfit for human occupation.

Carried 7/0

8.4. ICPA – Request for Financial Support

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 24.01
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

The Isolated Children's and Parents' Association have written to Council to advise of the upcoming State Conference being held in Perth in March 2016. This year the conference is being convened by the Lakes District zone, of which Kulin is a part.

BACKGROUND & COMMENT:

The ICPA is a voluntary group dedicated to representing rural people to ensure they have access to an equal and appropriate education. Many Kulin residents would have been, or will be beneficiaries of the work done by ICPA and due to this the group is asking for Council to consider supporting the 2016 conference. Sponsors will be well acknowledged before and during the conference.

FINANCIAL IMPLICATIONS:

No allocation has been made in the 2015/16 budget for a donation to ICPA.

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Nil

RECOMMENDATION:

For Council consideration.

VOTING REQUIREMENTS:

Simple majority required.

10/12515

Moved Cr Bowey Seconded Cr O'Brien that Council donate \$500 towards the ICPA State Conference.

Carried 7/0

8.5 Council Delegates

NAME OF APPLICANT: Cr West
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 24.01
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

BACKGROUND & COMMENT:

With Cr Sullivan stepping down as delegate, Cr West has requested that Council have two delegated representatives for attendance at WALGA Central Country Zone Meetings.

Following the review of portfolio's at the October Council Meeting, the Eastern Wheatbelt Biosecurity Group is currently represented by Cr Taylor. It is suggested that an additional representative be added.

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND TOWN PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

RECOMMENDATION:

For Council consideration.

VOTING REQUIREMENTS:

Simple majority required.

11/12515

Moved Cr Ledwith Seconded Cr McInnes that Council endorse the Shire President, Cr West and the Deputy President, Cr Duckworth as the delegated representatives for Central Country Zone Meetings, and that Cr Ledwith is appointed as a delegate to the EWB Committee.

Carried 7/0

8.6 Resignation – Cr Sullivan

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

BACKGROUND & COMMENT:

The CEO received a letter from Cr Sullivan submitting his resignation from Council effective from 6pm Friday 18 December 2015.

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND TOWN PLANNING IMPLICATIONS:

An extraordinary election will need to be called to fill the vacancy left by Cr Sullivan.

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

RECOMMENDATION:

For Council consideration.

VOTING REQUIREMENTS:

Simple majority required.

12/12515

Moved Cr Ledwith Seconded Cr Duckworth that Council;-

- **accept with regret Cr Sullivans resignation and that his contribution to Council as President, Deputy President and Councillor over a number of years be acknowledged;**
- **that the President and CEO meet to determine a date for the extraordinary election.**

Carried 7/0

Note: Cr Sullivan served as a Shire Councillor from 1988 – 2005 and Shire President from 2005 – 2015

10. DATE AND TIME OF NEXT MEETING

The next Ordinary Council meeting will be held on Wednesday 17 February 2016 commencing at 1:00pm.

11. CLOSURE OF MEETING

There being no further business the meeting closed at 5:25pm.