

# Minutes for May 2020



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# Minutes of an Ordinary Meeting of Council held in the Council Chambers on Wednesday 20 May 2020 commencing 3:02pm

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The President declared the meeting open at 3:02pm

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

### Attendance

BD West	President	West Ward
G Robins	Deputy President	Town Ward
R Bowey	Councillor	Town Ward
L Varone	Councillor	East Ward
BP Taylor	Councillor	Central Ward
B Smoker	Councillor	West Ward
MS Lucchesi	Councillor	Central Ward
JK Noble	Councillor	Town Ward
RD Duckworth (from 3.23pm)	Councillor	West Ward
G Yandle	Chief Executive Officer	
C Vandenberg	Deputy Chief Executive Officer	
J Hobson	Manager of Works	

### Apologies

N Thompson Executive Support Officer / Minutes

### Leave of Absence

Nil

## 3. PUBLIC QUESTION TIME

Nil

## 4. DECLARATIONS OF INTEREST BY MEMBERS

Nil

## 5. APPLICATIONS FOR APPROVED LEAVE OF ABSENCE

Nil

## 6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Shire of Kulin Ordinary Meeting – 15 April 2020

**01/0520**

Moved Cr Robins Seconded Cr Noble that the minutes of the Ordinary Council Meeting held on 15 April 2020 be confirmed as a true and correct record.

Carried 8/0

*Note: Audit & Risk Committee Meeting 1 April 2020 – meeting opening times to be corrected.*

Shire of Kulin Annual Electors Meeting – 15 April 2020

**02/0520**

Moved Cr Smoker Seconded Cr Robins that the minutes of the Annual Electors Meeting held on 15 April 2020 be confirmed as a true and correct record.

Carried 8/0

Shire of Kulin Audit & Risk Committee Meeting – 15 April 2020

**03/0520**

Moved Cr Taylor Seconded Cr Varone that the minutes of the Shire of Kulin Audit & Risk Committee Meeting held on 15 April 2020 be confirmed as a true and correct record.

Carried 8/0

**04/0520**

**Moved Cr Lucchesi Seconded Cr Noble that the minutes of the LEMC Meetings held on 8 & 22 April and 6 May 2020 be confirmed as a true and correct record.**

**Carried 8/0**

Cr Duckworth entered the Council Chambers at 3.23pm

## **7 MATTERS REQUIRING COUNCIL DECISION**

### **7.1 List of Accounts – April 2020**

**RESPONSIBLE OFFICER:** DCEO  
**FILE REFERENCE:** 12.06  
**AUTHOR:** DCEO  
**STRATEGIC REFERENCE/S:** 12.01  
**DISCLOSURE OF INTEREST:** Nil

**SUMMARY:**

Attached is the list of accounts paid during the month of April 2020, for Council's consideration.

**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 April payments being; cheque no's 257 (Trip), 435 - 440 (Trust), 37277 – 37230; EFT no's 16413 – 16494; DD7287.1 – DD7312.15 (Municipal), credit card payments, creditor payments, payroll and other vouchers from the Municipal Fund totalling \$655,089.47 be received.

**VOTING REQUIREMENTS:**

Simple majority required.

**05/0420**

**Moved Cr Smoker Seconded Cr Varone that April payments being; cheque no's 257 (Trip), 435 - 440 (Trust), 37277 – 37230; EFT no's 16413 – 16494; DD7287.1 – DD7312.15 (Municipal), credit card payments, creditor payments, payroll and other vouchers from the Municipal Fund totalling \$655,089.47 be received.**

**Carried 9/0**

## 7.2 Financial Reports – April 2020

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**RESPONSIBLE OFFICER:** DCEO  
**FILE REFERENCE:** 12.01  
**AUTHOR:** DCEO  
**STRATEGIC REFERENCE/S:** 12.01  
**DISCLOSURE OF INTEREST:** Nil

**SUMMARY:**

Financial reports for the period ending 30 April 2020 are attached.

**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 April 2020.

**VOTING REQUIREMENTS:**

Simple majority required.

**06/0520**

**Moved Cr Noble Seconded Cr Smoker that Council endorse the monthly financial statements for the period ending 30 April 2020.**

**Carried 9/0**

## 7.3 Disability Access and Inclusion Plan (DAIP) 2020 - 2025

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**RESPONSIBLE OFFICER:** CDO  
**FILE REFERENCE:** 02.13 Social Welfare  
**AUTHOR:** CDO  
**STRATEGIC REFERENCE/S:**  
**DISCLOSURE OF INTEREST:** Nil

**SUMMARY:**

Under the *Disability Services Act 1993* it is a requirement that the Shire of Kulin develops and implements a Disability Access and Inclusion Plan (DAIP) that outlines the ways in which it will ensure that people with disability have the same opportunities to access the Shire of Kulin's services, information and facilities.

Other legislation underpinning access and inclusion includes the *Western Australian Equal Opportunity Act 1984* and the Commonwealth *Disability Act 1992 (DDA)*, both of which make discrimination on the basis of a person's disability unlawful.

Shire of Kulin DAIP expired in 2019 and is due for review.

**BACKGROUND & COMMENT:**

The updated DAIP for 2020 – 2025 has been submitted to Richard Struik, Department of Communities for comment. Below is his response to the document:

*The Shire's DAIP is fully compliant with our interpretation of the Disability Services Act 1993 and the Shire has captured ongoing initiative and strategies in a clear and easy to read fashion.*

*As general comments should the Shire wish to consider any amendments:*

- *The DAIP implementation plan is a Shire operational document; it is not required to be published as part of the DAIP because it is subject to change at any time, whereas the DAIP itself should not be changed without public consultation.*
  
- *As the Shire, like most Local Governments has a long experience in planning for access and inclusion, the evolution of the DAIP strategies may be to focus on the higher strategies- making sure that inclusion is embedded in the highest organisational plans rather than a subsidiary plan such as the DAIP. The DAIP could then articulate this as its place in the Shire's planning and reporting agenda and be very concise. This can lead to better integration and administrative efficiency and ultimately leads to 'normalisation' of access and inclusion without needing a DAIP to drive action.*

**FINANCIAL IMPLICATIONS:**

Nil

**STATUTORY AND PLANNING IMPLICATIONS:**

Disability Services Act 1993  
Western Australian Equal Opportunity Act 1984  
Commonwealth Disability Act 1992

**POLICY IMPLICATIONS:**

Nil

**COMMUNITY CONSULTATION:**

Kulin Home and Community Care  
Shire of Kulin Staff

**WORKFORCE IMPLICATIONS:**

Nil

**OFFICER'S RECOMMENDATION:**

That Council endorse the Disability and Inclusion Plan, 2020 - 2025, as presented, and the document be submitted to the Department of Communities for endorsement. DAIP to be published and implemented once endorsement is received.

**VOTING REQUIREMENTS:**

Simple majority required.

**07/0520**

**Moved Cr Duckworth Seconded Cr Lucchesi that Council endorse the Disability and Inclusion Plan, 2020 - 2025, as presented, and the document be submitted to the Department of Communities for endorsement. DAIP to be published and implemented once endorsement is received.**

**Carried 9/0**

**7.4 Adoption of Fees and Charges 2020-2021**

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**RESPONSIBLE OFFICER:** DCEO  
**FILE REFERENCE:** 12.04  
**AUTHOR:** DCEO  
**STRATEGIC REFERENCE/S:**  
**DISCLOSURE OF INTEREST:** Nil

**SUMMARY:**

A schedule of proposed fees & charges for the 2020/21 financial year is attached to the agenda.

## BACKGROUND & COMMENT:

In accordance with Section 6.16 of the *Local Government Act 1995*, a Local Government may impose and recover a fee or charge for any goods or service it provides or proposes to provide. Fees and charges can be imposed or amended during the year, but only by an absolute majority decision of Council.

Explanation of any proposed changes to user fees & charges:

### General Purpose

#### **Rates – Imposition of interest charges**

The Shire of Kulin have imposed interest charges for rates which are paid after the due date or on an instalment plan in accordance with Section 6.51 of the *Local Government Act 1995*. The Local Government (Financial Management) Regulations 1996 prescribe the maximum rate of interest to be imposed on the late payment of rates and payment of rates by instalment plan as 11% and 5.5% respectively. Historically, the Shire of Kulin have charged the maximum allowable rate of 11% (and 5.5% for instalment payers) however, under Section 6.51 of the *Local Government Act 1995*, are able to consider an alternative (lower) rate.

Penalty interest and the early payment discount (current year discount is 5%) are the tools the Shire use to incentivise rate payers to pay on time and, in turn, allows staff to manage our cash flow. Cashflow requirements need to be taken in to account if considering to reduce either.

Total revenue for each interest type for this and previous financial year are presented in the table below:

Interest Type	2019/20	2018/19
Instalment Interest (5.5%)	1,219	1,253
Penalty Interest (11%)	5,343	7,411

#### Officer suggestion:

That penalty interest remains the same as previous years and for any rate payer who is suffering financial hardship in relation to the Covid-19 pandemic be offered a reduction of interest to 0% provided they enter in to a payment arrangement administered through Centrepay for an amount deemed appropriate by the CEO.

#### **Instalment Administration Charge**

Rate payers who formally choose to pay their rates by either two or four instalments are charged an administration fee of \$7 per instalment. For those paying by two instalments the charge is \$7 and those paying by four instalments are charged \$21. In addition to this, those paying by instalments are also offered a reduced interest rate of 5.5%.

Total revenue received for instalment administrative charges for this and previous financial year are presented in the table below:

Interest Type	2019/20	2018/19
Instalment Charge	658	658

#### Officer suggestion:

That the existing administration charge remain and for those who prove financial hardship and enter into a payment arrangement administered through Centrepay the charge will not be applicable.

\*Since preparation of this agenda item the government have made amendments to the act for the maximum interest rates which can be imposed. New legislation imposes penalty interest at a maximum allowable rate of 8% and instalment interest charges at 3%.

#### **Ownership enquiry fee**

The Shire of Kulin have previously charged one fee for information required for the settlement of property sales. The information required by settlement agents varies between properties and agents however often they require information on orders and requisitions. To get this information we send a form to our consultant town planner, environmental health officer and consultant building surveyor which is returned to us and forwarded on to the settlement agents. Both consultants then charge us for their time to complete the form. The fee charged in previous years has been \$105 and after some investigation we have discovered that our fee is relatively low compared to other local governments. The following table describes what other local governments charge Landgate for the information:

Local Government	Rates Info	Orders & Requisitions	Combined
Corrigin	60	70	135
Wickepin	110	60	170
Narrogen	76.50	137.70	214.20
Narembeen	66	66	132

Officer suggestion:

Based on the cost to provide the information it is proposed that we create the following charges:

Rates information	65
Orders & Requisitions	75
Combined	140

**Council Minutes & Agendas**

Removed charge as documents available online and can be printed for a charge (CRC Printing).

**Sale of history books**

Price remains the same and reflects cost. An additional charge for the new Tin Horse Highway books that the Shire have been selling on behalf of the Kulin Bush Races.

**Postage**

Slight increases to reflect an increase in cost.

**FOI Requests**

Slight increases to reflect an increase in cost.

**Law, Order & Public Safety & Health**

The charges in this schedule are prescribed by informing legislation and are not required to be set by Council. The charges in this schedule are current now however when the legislated charge increases the new fee will be charged.

**Housing**

**Staff Housing Rent**

It will be difficult for an increase in rates to be imposed if staff wages will not be increased. Wage increases for officer level staff are determined by Fair Work Australia and provided to Councils close to the end of the financial year. If any increase is prescribed a similar rate increase could be added to the cost of rent. The new charge will need to be advertised for four weeks prior to being charged.

**Non-Employee Housing Rent**

Proposed rental prices remain the same as 19/20.

**Bonds**

Remain the same

**Vehicle Contributions**

Staff who drive a vehicle provided by Council pay a contribution to reduce fringe benefits tax liability of Council.

**Community Amenities**

**Cemeteries**

Slight increase in the charge to dig a grave, all other charges remain the same.

**Town Planning**

These charges are set by legislation and not required to be set by Council. Each is referenced to the appropriate legislation.

**Refuse**

Avon Waste have an annual 3% increase included in their contract this increase has been passed on to users.

**Bendering Tip**

Shire of Corrigin don't set their user fees & charges until July so these cannot be set here.

**Recreation and Culture**

**Swimming Pool Charges**

Currently the prices are \$4 for an adult, \$2 for a child and \$9 for the slide. The last time these fees were increased was in the 2015/16 financial year when the charges went from \$3.30, \$1.60 and \$8 to the current charge of \$4, \$2 and \$9 respectively. Due to the low value of these fees they're not increased each year as a 3-5% increase is negligible. While the current pandemic might mean it is not appropriate to increase pool charges Council might consider increasing this fee in this or the next financial year.

### **Recreation Centre Membership**

These fees were set to increase from \$65 to \$70 in the 2020 calendar year however the membership notices were sent to members with the previous year's membership cost. I've included the cost of \$70 in this year's user fees & charges (for 2021 memberships) however Council may decide to keep it at the currently charged rate of \$65.

### **FRC Hire Charges**

There is no increase included in the FRC hire charges.

### **Economic Services**

#### **Standpipe Water**

State Government have advised that all utility costs will remain the same in the coming financial year. Proposed that charges remain at cost.

#### **Fuel Facility**

Actual staff hours, utilities, bank charges and maintenance costs work out to be \$36,000 annually. Based on an annual sales volume of 450,000L we require a minimum margin of \$0.08/L to cover costs. It is proposed that a further \$0.05/L be added to the price of fuel, which based on 450,000L sold amounts to \$22,500, to be transferred to the asset replacement reserve.

#### **Lease of Cropping Land**

This is as per new lease agreement endorsed by Council following advertising process in late 2019.

#### **Caravan Park**

Proposed to leave at the pay what you think scheme and existing cost for non-tourists.

#### **Hostel**

No change in price proposed.

#### **Building**

Charges set by legislation

#### **CRC Printing/Photocopying**

Slight increase to minor charges to cover the increase in cost to Shire. Removal of charges for services which are no longer offered.

### **Works**

#### **Private works**

Slight increases to rates based on the increased hourly plant allocation rates (which have been reviewed to more accurately reflect cost).

Charges which are no longer applicable have been removed and other minor changes have been made relating to rounding.

#### **FINANCIAL IMPLICATIONS:**

The schedule of fees and charges has been reviewed with the view of maintaining revenues at the required level to meet service needs and community expectations.

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

Section 6.16 of the Local Government Act 1995

#### **POLICY IMPLICATIONS:**

Nil

#### **COMMUNITY CONSULTATION:**

Advertising period is for a minimum of 4 weeks.

#### **WORKFORCE IMPLICATIONS:**

Nil

**OFFICER'S RECOMMENDATION:**

1. That Council adopt and incorporate the proposed schedule of fees and charges.
2. That the proposed fees and charges take effect 1 July 2020.

**VOTING REQUIREMENTS:**

Absolute majority required.

**08/0520**

**Moved Cr Duckworth Seconded Cr Varone that:**

1. Council adopt and incorporate the proposed schedule of fees and charges with changes to stand pipe charges to be on-charged at the same rate as charged by Water Corporation.
2. The proposed fees and charges take effect 1 July 2020.

**Carried 9/0**

**7.5 A14 Housing – Policy Amendment Adoption**

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**RESPONSIBLE OFFICER:** CEO  
**FILE REFERENCE:** 04.04 Shire of Kulin Policy  
**AUTHOR:** Cassi-Dee Vandenberg  
**STRATEGIC REFERENCE/S:** 1.4 SCP, Liveable and Safe Community, 1.4.1b CBP – Staff Housing  
**DISCLOSURE OF INTEREST:** Nil

**SUMMARY:**

In March 2018 Council agreed to increase the housing allowance from \$35 per week to \$70 per week to incentivise those who seek to purchase or rent their own residence. At the time of adoption, the policy was put in place for a two-year period which will expire 30 June 2020. A review needs to be conducted to determine if the additional allowance should continue to be paid and consider if the total payment of \$70 per week is suitable.

**BACKGROUND & COMMENT:**

The Shire of Kulin as an open market employer, constantly reviews the benefits and incentives provided to staff, so that it can remain an employer of choice. As part of this constant review, the Shire is aware of the growing imbalance between Shire staff who rent from the Council as opposed to Shire staff who own their own home in the community and the costs they individually incur.

The Council recognises that for every staff member who owns their own home, there are serious financial decisions/impacts to buy and ultimately sell when/if retiring or moving elsewhere to new employment. A decision by the employee to own their home provides a considerable saving to the Shire in relation to the supply of residential housing.

Whilst the Shire of Kulin evidence suggest that longevity of employment is achieved through home ownership (approx. 10 years), there has been a tendency by staff to move away from this option. Additionally, a staff home owner also has ongoing costs of rates, water rates and consumption (currently paid for staff in Shire houses) and maintenance costs, all which widen the financial gap when compared to staff who rent from Council.

Initially the policy was adopted to provide renter with this allowance for a two-year period. There are currently four staff members who are being paid the allowance who do not own their own home but have sought their own residences. It is proposed to make this allowance permanent to all staff who meet the eligibility criteria.

**FINANCIAL IMPLICATIONS:**

The cost to provide this allowance in contrast to the cost to provide Council owned housing to employees, including executive level staff in the current financial year (YTD) and 2018/2019 are presented below.

	Housing Allowance	Council Owned/ Rented Costs	Rental Reimbursements	Net Cost Council Residences
2018/2019	45,360	292,000	65,000	227,000
2019/2020 (part)	58,240	156,000	53,000	103,000

Based on the current number of employees who are receiving the allowance the cost to provide the allowance in to the future, at the current and various increased rates, is presented below

Allowance	Total Cost
\$140 (current rate)	\$61,880
\$145 (3.6% increase)	\$64,090
\$150 (7.1% increase)	\$66,300
\$155 (10.7% increase)	\$68,510

**STATUTORY AND PLANNING IMPLICATIONS:**

Nil

**POLICY IMPLICATIONS:**

If approved, the existing Policy, A14 Housing, will need to be amended.

**COMMUNITY CONSULTATION:**

Nil

**WORKFORCE IMPLICATIONS:**

A continued increase in the allowance for staff who currently receive the Housing Allowance.

Provided as a Housing Allowance, no additional tax liability is created, therefore the full value of the allowance ends in the employees' pay packet.

**OFFICER'S RECOMMENDATION:**

That the Shire of Kulin continue to pay the housing allowance at a rate of \$140 per fortnight to all staff who meet the eligibility criteria and extend the allowance to those who rent indefinitely.

**VOTING REQUIREMENTS:**

Simple majority required

09/0520

**Moved Cr Bowey Seconded Cr Lucchesi that the Shire of Kulin continue to pay the housing allowance at a rate of \$140 per fortnight to all staff who meet the eligibility criteria and extend the allowance to those who rent indefinitely.**

**Carried 9/0**

## 7.6 Review of Local Laws

**RESPONSIBLE OFFICER:** ESO  
**FILE REFERENCE:** 19.03  
**AUTHOR:** ESO  
**STRATEGIC REFERENCE/S:** 4.1.2  
**DISCLOSURE OF INTEREST:** Nil

**SUMMARY:**

The Shire of Kulin is due to carry out a review of local laws. Section 3.16 of the *Local Government Act 1995* requires periodic reviews to determine whether or not it considers if a local law should remain unchanged, be repealed or amended.

The Local Government Act 1995 enables Western Australian local governments to make local laws considered necessary for the good government of their districts. Laws can only be made when authorised by the Local Government Act 1995 (the Act) or other written laws, but cannot be inconsistent with any State or federal law.

Other accountability mechanisms affecting local laws are:

- the local community which, under the Act, must be consulted in relation to proposed local laws
- the Minister for Local Government who is responsible for administering the Department of Local Government, Sport and Cultural Industries (DLGSC) which monitors local law making
- the power of the minister to request the Governor to make local laws that repeal or amend local laws or prevent certain local laws being made
- the courts, which can rule on the validity of local laws.

## BACKGROUND & COMMENT:

The most recent information regarding a review of local laws review was in November 2013 when consultant James Trail commenced the process with Council agreeing to proceed with the review, it appears however that no further action was taken to progress the review process at that time, or since.

It is proposed that the Shire now conduct a review of its local laws with the guidance of Darrell Forrest Advisory Services. Darrell has recently completed an assessment of the Shires local laws and advised that the situation is “a little messy and the way forward somewhat complex and tedious” however he has been appointed in a consultancy capacity to:

1. Prepare up to date Repeal Local law
2. Prepare the following new Local Laws:
  - (i) Dogs
  - (ii) Cemetery
  - (iii) Standing Orders

The first part of the review has been to establish whether there are local laws that are considered obsolete and can be repealed (no replacement law required). If a local law is deemed to be no longer necessary, has a defunct purpose or has been superseded by other legislation it can be repealed.

*The Local Government Act 1995* Section 3.12 (3) (a) states:

### 3.12. Procedure for making local laws

- (3) The local government is to —
  - (a) give local public notice stating that —
    - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and
    - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
    - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
  - and
  - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
  - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

The Department of Local Government, Sport and Cultural Industries lists 33 local laws for the Shire of Kulin.

Name	Date (Gazetted)	Page (Gazette)	Action
Animals, Environment and Nuisance Local Law 2016	25-01-2017	961 - 979	
Health Local Law 2016	25-01-2017	926 - 960	
Health Local Laws	29-09-1998	5378/80	Repealed by Health Local Law 2016
Pest Plants	30-07-1982	3005/6	<a href="#">General Repeal Local Law 2020</a>
Hall	17-11-1978	4318	<a href="#">General Repeal Local Law 2020</a>
Reserve (17191) Control & Management of Kulin	17-11-1978	4319	
Swimming Pool	17-11-1978	4319	
Cemeteries Kulin & Dudinin	15-07-1977	2258/59	New law required
Dogs Control of	19-02-1976	505/6	New law required
Swimming Pool Control & Management of	06-12-1974	5269	
Cemeteries Kulin & Dudinin – Metric Conversion	21-12-1973	4700	
Sports Pavilion Control & Management of	09-11-1973	4200	
Hall	05-02-1971	372	<a href="#">General Repeal Local Law 2020</a>

Sick Leave	27-08-1969	2478	<a href="#">General Repeal Local Law 2020</a>
Swimming Pool Control of Kulin Memorial	17-12-1968	3874/5	
Refuse, Rubbish Removal of	07-12-1967	3367	<a href="#">General Repeal Local Law 2020</a>
Reserve & Equipment thereon – (Res 17191) Control of	09-08-1967	1990/1	
Swimming Pool War Memorial	16-12-1965	4176/9	
Petrol Pumps – Draft Model	29-05-1963	1440	<a href="#">General Repeal Local Law 2020</a>
Meeting Day	12-11-1954	1913	<a href="#">General Repeal Local Law 2020</a>
Long Service Leave	21-04-1950	910/1	<a href="#">General Repeal Local Law 2020</a>
Meeting Day	03-02-1950	211/2	<a href="#">General Repeal Local Law 2020</a>
Halls	03-02-1950	212	<a href="#">General Repeal Local Law 2020</a>
Water Supply of	02-03-1945	256	<a href="#">General Repeal Local Law 2020</a>
Hall Charges, Meeting Day	22-08-1941	1181	<a href="#">General Repeal Local Law 2020</a>
Hall Charges, Meeting Day	07-03-1941	311	<a href="#">General Repeal Local Law 2020</a>
Hall Charges	15-01-1937	52	<a href="#">General Repeal Local Law 2020</a>
Hawkers	16-08-1935	1577	<a href="#">General Repeal Local Law 2020</a>
Reserves	24-04-1931	1118/9	
Hall Charges	12-09-1930	2119	<a href="#">General Repeal Local Law 2020</a>
Dogs	21-01-1930	164	Repealed by Dogs Control of 19-02-1976
Buildings & General	13-07-1928	1656/64	<a href="#">General Repeal Local Law 2020</a>
Petrol Pumps – Draft Model By law No. 10	17-08-1906	2233	Data error – changed to <b>repealed</b> April 2020 (Steven Elliott, Senior Legislation Officer, DLGSC)

**FINANCIAL IMPLICATIONS:**

Darrell Forrest Advisory Services \$2600

Allocation required in 2020/21 budget for Gazettal and Advertising costs associated with review

**STATUTORY AND PLANNING IMPLICATIONS:**

*Local Government Act 1995* Section 3.16

**POLICY IMPLICATIONS:**

Nil

**COMMUNITY CONSULTATION:**

Local public notice required to advertise Councils intention to review its local laws. Once the review is advertised the community is invited to access the information and make comments or a submission. See attached notice.

**WORKFORCE IMPLICATIONS:**

Nil

**OFFICER'S RECOMMENDATION:**

That Council proceed with the review of the current local laws as per the Department of Local Government, Sport & Cultural Industries Local Law Register in accordance with Section 3.16 of the Local Government Act 1995.

**VOTING REQUIREMENTS:**

Simple majority required.

**10/0520**

**Moved Cr Noble Seconded Cr Bowey that Council proceed with the review of the current local laws as per the Department of Local Government, Sport & Cultural Industries Local Law Register in accordance with Section 3.16 of the Local Government Act 1995.**

**Carried 9/0**

## 7.7 General Repeal Local Law 2020

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**RESPONSIBLE OFFICER:** ESO  
**FILE REFERENCE:** 19.03  
**AUTHOR:** ESO  
**STRATEGIC REFERENCE/S:** 4.1.2  
**DISCLOSURE OF INTEREST:** Nil

### **SUMMARY:**

Local governments are required to review their local laws every eight (8) years to ensure they are still current and relevant. There has been a number of attempts to undertake this task over many years but the task has not been completed.

The Shire has now commenced a comprehensive review of all its local laws and this local law is the first of a number to come before Council, with the rest being progressed in the months ahead.

### **BACKGROUND & COMMENT:**

The General repeal Local Law intends to repeal a number of obsolete old By-laws dating back to 1928.

#### Comment on the local laws to be repealed

##### **1. Kulin Road Board General By-laws 1928**

These old By-laws (there are 156 of them) deal with subjects varying from 'Duties of the Secretary', 'Appointment of Officers', 'Standing Orders', 'Prevention and Abatement of Nuisances', 'Copulation of Stock', traffic matters, building by - laws and 'Management and Use of the Kulin Hall', among other things.

They are mostly superseded by the mass of legislation which has grown up since 1928. It is not worth picking through these to try to salvage little bits and pieces. It would be too costly.

##### **2. Kulin Road Board By-laws for the Registration and Licensing of Hawkers 1935**

These By-laws are so old that it is doubtful if they could now be enforced effectively.

##### **3. Kulin Road Board By-law for the supply and Distribution of Water 1945**

This By-law is now superseded by Regulation 5 of the *Uniform Local Provisions Regulations 1996*. Proposed new Local Government Property Local laws will include appropriate provisions for this matter.

##### **4. Kulin Road Board By-laws-Long Service Leave 1950**

This By-law has been superseded by the *Long service Leave Regulations 1977*

##### **5. Shire of Kulin Local Government Model By-laws (Petrol Pumps) No.10, 1963.**

Petrol pumps are now regulated by the Department of Minerals and Energy.

Local governments do have a continuing role in the location of petrol pumps and storage of inflammable liquids through their town planning schemes but it is not thought that local laws have any continuing application.

##### **6. Shire of Kulin By-laws Relating to Depositing and Removal of Refuse, Rubbish, Litter and Disused Materials 1967.**

This By-law is superseded by section 3.25 and Schedule 3.1 of the Local Government Act 1995.

The powers a local government needs exist in these provisions and the other provisions of Part 3, Division 3, Subdivision 2 of the Act, without resort to local laws.

##### **7. Shire of Kulin By-laws Relating to Sick Leave 1969.**

This Local Law is superseded by improved award conditions under the MEU Award.

##### **8. Shire of Kulin By-laws Relating to Pest Plants**

The existing By-law refers to the *Agriculture and Related Resources Protection Act 1976*, which has been repealed and replaced by the *Biosecurity and Agriculture Management Act 2007* (BAM).

The BAM Act provides greater control and enforcement powers with respect to pest plant matters and therefore renders the need for a local law obsolete. In view of this the existing local law should be repealed.

### **FINANCIAL IMPLICATIONS:**

Nil

## **STATUTORY AND PLANNING IMPLICATIONS:**

Section 3 of the *Local Government Act 1995* provides the process for making and amending local laws

## **POLICY IMPLICATIONS:**

Nil

## **COMMUNITY CONSULTATION:**

Community consultation is required to be undertaken as part of the process for a making a local law. Public submissions are to be sought for 42 days prior to the finalisation of the local law.

## **WORKFORCE IMPLICATIONS:**

Nil

## **OFFICER'S RECOMMENDATION**

That Council:

1. Gives local public notification that Council proposes to make a new local law, the Shire of Kulin General Repeal Local Law 2020 (Attachment 1).
2. Notes that:
  - a) the purpose of the proposed local law is to repeal a number of obsolete local laws; and
  - b) the effect of the proposed local law is that the obsolete local laws will be revoked and abrogated.

## **VOTING REQUIREMENTS:**

Simple majority required.

11/0520

**Moved Cr Duckworth Seconded Cr Smoker that Council:**

1. Gives local public notification that Council proposes to make a new local law, the Shire of Kulin General Repeal Local Law 2020.
2. Notes that:
  - a) the purpose of the proposed local law is to repeal a number of obsolete local laws; and
  - b) the effect of the proposed local law is that the obsolete local laws will be revoked and abrogated. proceed with the review of the current local laws as per the Department of Local Government, Sport & Cultural Industries Local Law Register in accordance with Section 3.16 of the Local Government Act 1995.

Carried 9/0

# **8 COMPLIANCE**

## **8.1 Compliance Reporting – General Compliance April 2020**

**NAME OF APPLICANT:** CEO  
**RESPONSIBLE OFFICER:** CEO  
**FILE REFERENCE:** 12.05 Compliance 12.06 – Accounting Compliance  
**STRATEGIC REFERENCE/S:** CBP 4.1 Civic Leadership, 4.1.8 Compliance methods  
**AUTHOR:** CEO  
**DISCLOSURE OF INTEREST:** Nil

### **SUMMARY:**

This report addresses General and Financial Compliance matters for April 2020. This process is not definitive, each month additional items and/or actions may be identified that are then added to the monthly checklist. Items not completed each month e.g. quarterly action - will be notations.

The report provides a guide to the compliance requirements being addressed as part of staff workloads and demonstrates the degree of internal audit being completed.

### **BACKGROUND & COMMENT:**

The Compliance team and works staff commence the monthly compliance effort immediately after the Shire meeting each month. At that time, the Executive Support Officer will email the assigned staff member their compliance requirements for the coming month. As the month progresses, staff in conjunction with their manager, the CEO or DCEO will determine the extent of work/action needed to complete items. During Agenda week, the Compliance Team again meets to ensure the monthly report/list is reviewed and that compliance items are completed. In preparing the Agenda report, the CEO or DCEO will sign off on completed items.

Prior month items not completed previously will be reported in the following month so Council remains aware.

Outstanding June 2019

Staff Performance Reviews & KRA's – *only 1 to be completed*

Outstanding July

Disability Access and Inclusion Plan Review - *completed*

LEMC Reporting

Outstanding October

Conduct Fire Training Day – *as per LEMC minutes*

Outstanding December

Review of Local Laws – *process commenced*

CEO Performance Review – *rescheduled for June*

Outstanding March

Bush Fire Brigade AGM – *postponed due to Covid-19 restrictions*

Annual Building Inspections - *postponed due to Covid-19 restrictions*

Flu Vaccines for Staff – *confirmed for Tuesday 26 May*

**FINANCIAL IMPLICATIONS:**

In terms of meeting compliance - normal administration expense. There may be items that require additional administrative effort to complete or require external assistance to resolve. In those cases, individual financial implications will be reported.

**STATUTORY AND PLANNING IMPLICATIONS:**

Nil

**POLICY IMPLICATIONS:**

Identified as necessary – this report Nil

**COMMUNITY CONSULTATION:**

Nil

**WORKFORCE IMPLICATIONS:**

Nil

**OFFICER'S RECOMMENDATION:**

That Council receive the General & Financial Compliance Report for April 2020 and note the matters of non-compliance.

**VOTING REQUIREMENTS:**

Simple majority required.

**12/0520**

**Moved Cr Duckworth Seconded Cr Robins that Council receive the General & Financial Compliance Report for April 2020 and note the matters of non-compliance.**

**Carried 9/0**

## **8.2 Compliance Reporting – Delegations Exercised – March 2020**

**NAME OF APPLICANT:** CEO  
**RESPONSIBLE OFFICER:** CEO  
**FILE REFERENCE:** 12.05 - Compliance  
**STRATEGIC REFERENCE/S:** CBP 4.1 Civic Leadership, 4.1.8 Compliance methods  
**AUTHOR:** CEO  
**DISCLOSURE OF INTEREST:** Nil

**SUMMARY:**

To report back to Council actions performed under delegated authority for the period ending 30 April 2020.

To provide a comprehensive report listing of the delegations able to be exercised following adoption of a more substantial array of delegations in June 2017.

**BACKGROUND & COMMENT:**

This report is prepared for Council detailing actions performed under delegated authority by the respective officers under each of the delegation headings:

## **ADMINISTRATION**

<b>Policy</b>	<b>Delegation</b>	<b>Officers</b>
A1	Acting Chief Executive Officer	(CEO)
A2	Agreements for Payments of Debts to Council	(CEO/DCEO)
A3	Casual Hirer's Liability	(CEO)
A4	Complaint Handling	(CEO)
A5	Fees & Charges – Discounts	(CEO/DCEO/MW/MLS/CRC)
A6	Investment of Surplus Funds	(CEO/DCEO)
A7	IT & Social Media – Use of	(CEO)
A8	Legal Advice, Representation & Cost Reimbursement	(CEO)
A9	Payments from Municipal and Trust Funds	(CEO-to numerous staff – purchase orders)
A10	Use of Common Seal	(CEO)
A11	Writing Off Debts	(CEO)
A12	Housing	(CEO)
A13	Procedure for Unpaid Rates Finance	(CEO)

## **GOVERNANCE**

G1	Applications for Planning Consent	(CEO)
G2	Building Licences and Swimming Pools	(EHO/Building Surveyor)
G3	Cemeteries Act 1986	(CEO)
G4	Health Act 1911 Provisions	(EHO)

## **HUMAN RESOURCES**

H1	Grievance Procedures	(CEO)
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## **COMMUNITY SERVICES**

CS1	Bushfire Control – Shire Plant for Use of	(CEO)
CS2	Bushfire Control – Plant Use for Adjoining Shires	(CEO)
CS3	Bushfire Prohibited / Restricted Burning Periods – Changes	(Shire President/CEO)
CS4	Bushfire Training Administration	(CEO)
CS5	Cat Ownership Limit – Cat Control	(CEO)
CS6	Dog Control – Attacks	(CEO)
CS7	Dog Ownership Limit – Dog Control	(CEO)
CS8	Sea Containers Use of – Town Planning	(CEO)
CS9	Second Hand Dwellings	(CEO)
CS10	Temporary Accommodation	(CEO)
CS11	Unauthorised Structures – Building Control	(CEO)
CS13	Freebairn Recreation Club Committee	(FRC Club Committee)
CS14	Kulin Child Care Centre Management Committee	(KCCC Mgmt. Committee)
CS15	General – Community Services Practices	(CEO)
CS20	Seed Collection	(CEO)

## **WORKS**

W1	Gravel Supplies	(MW) - various
W2	Roads – Clearing	(CEO)
W3	Roads – Damage to	(MW)
W4	Roads – Roadside Markers – Management of	(MW)
W5	Stormwater Drainage	(MW)
W6	Street Trees	(CEO)
W7	Streetscape – Improvements	(CEO)
W8	Roadside Burning	(MW)
W9	Temporary Road Closures	(MW)
W10	General – Works Practices Approvals	

## **COMMENT:**

The following details the delegations exercised within the Shire relative to the delegated authority for the month of April 2020 and are submitted to Council for information (excluding delegations under A9, Payments – refer to individual order and payment listed in Accounts paid).

**A6 Investment of Surplus Funds (DCEO) – Local Government Act 1995, section 6.14**

Municipal funds

Type	Investments made	Term	Rate
Term Deposit	\$400,000	4 months	1.55
Term Deposit	\$250,000	3 months	1.50
Term Deposit	\$165,314	3 months	1.50
On Call	\$200,000	At call	0.25
On Call	(\$950,000)	At call	0.25

**A12 Housing**

Recovery of Bond for 38 Day Street

**A13 Procedure for Unpaid Rates**

Approval of payment plan for A134

**CS6 Dog Control – Attacks**

Report and complaint submitted to Ranger

**CS7 Dog Ownership Limit – Dog Control**

Farmland property dog ownership approved for up to 6 dogs

**STATUTORY ENVIRONMENT:***Building Act 2011**Bushfires Act 1954**Cemeteries Act 1986**Health (Asbestos) Regulations 1992;**Health (Miscellaneous Provisions) Act 1911;**Local Government Act 1995**Public Health Act 2016**Shire of Kulin TPS2**Town Planning Development Act**Town Planning Scheme**Trustees Act, Part III,**Criminal Procedure Act 2004;***FINANCIAL IMPLICATIONS:**

Nil in terms of exercising delegation and reporting to Council though there may be financial implications in the case of each delegation exercised.

**STATUTORY AND PLANNING IMPLICATIONS:**

Sections 5.18 and 5.46 of the Local Government Act 1995

**POLICY IMPLICATIONS:**

There are no known policy implications relating to this report.

**COMMUNITY CONSULTATION:**

Nil

**WORKFORCE IMPLICATIONS:**

Nil

**OFFICER'S RECOMMENDATION:**

That Council receive the Delegation Exercised Report for April 2020.

**VOTING REQUIREMENTS:**

Simple majority required.

**13/0520**

**Moved Cr Smoker Seconded Cr Duckworth that Council receive the Delegation Exercised Report for April 2020.**

**Carried 9/0**

## 8.3 Register of Delegations – Review

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**RESPONSIBLE OFFICER:** CEO  
**FILE REFERENCE:** 04.04  
**AUTHOR:** CEO  
**DISCLOSURE OF INTEREST:** Nil

### **SUMMARY:**

Council is required to review the Delegations Register on an annual basis. This document was last reviewed in May 2019.

A copy of the proposed 2020 Delegation Register for adoption by Council is attached.

### **BACKGROUND & COMMENT:**

This Delegation Register June 2017 contained all the new delegations created as a result of the review of the Policy Manual and the development of the Administrative Procedures and Operational Guideline Manual (APOG).

Four changes have been identified by staff during this review, these relate to:-

- A9 Payments from Municipal and Trust Funds:-  
Condition No. 5. relating to two signatories required for cheques and online payments  
- add; *either the CEO or Deputy CEO, jointly with either the Executive Support Officer or Accounts Payable Officer* (both are registered signatories)  
-delete; *and/or any Councillor*  
-delete; *Senior Finance Officer \$00*

W8 Roadside Burning – rename to *Roadside Vegetation Management*

Each of the reviewed policies, practices or guidelines, details where the delegation is given and to whom.

### **FINANCIAL IMPLICATIONS:**

Nil

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

Sections 5.18 and 5.46 of the Local Government Act 1995  
Regulation 13 of the Local Government (Financial Management) Regulations 1996

### **POLICY IMPLICATIONS:**

Review of Delegations Register is required on an annual basis.

### **COMMUNITY CONSULTATION:**

Not applicable – Council function.

### **WORKFORCE IMPLICATIONS:**

Nil

### **OFFICER'S RECOMMENDATION:**

That the Delegations Register May 2020 be adopted with the changes as highlighted.

### **VOTING REQUIREMENTS:**

Absolute majority required.

**14/0520**

**Moved Cr Taylor Seconded Cr Duckworth that the Delegations Register May 2020 be adopted with the changes as highlighted.**

**Carried 9/0**

## 8.4 Review of APOG & Policy Manual

---

**NAME OF APPLICANT:** CEO  
**RESPONSIBLE OFFICER:** CEO  
**FILE REFERENCE:** 04.04 Corporate Management – Policy Adoption  
**AUTHOR:** CEO  
**STRATEGIC REFERENCE/S:**  
**DISCLOSURE OF INTEREST:** Nil

### **SUMMARY:**

Council is required to review the Policy Manual on an annual basis. The policy manual was last reviewed at the June 2019 Council Meeting.

An updated electronic copy of the Administrative Procedures and Operational Guidelines (APOG) Manual will be sent out separately (due to size), procedures that have been highlighted by staff as requiring review are attached individually, however if Councillors wish to raise any proposed changes from the APOG they are welcome to.

The full Policy Manual document is attached.

### **BACKGROUND & COMMENT:**

The Council adopted the renewed Policy Manual at the June 2019 meeting. It was decided in May 2017 to split the manual into pure "Policy items" and to separate out the Administrative Procedures and Operational Guidelines (APOG). The results of this change were significant but has been beneficial over time and is recommended to continue. Policy Manual now contains 24 pages of Policy, and the Administrative Procedures and Operational Guidelines (APOG) manual is up to 163 pages.

The change meant that the Policy Manual would hold the generally unchangeable fixed policy requirements of Council (requiring a direct report and a Council resolution to change) and the APOG would hold the more flexible operational instructions that could be amended by the CEO or Council as required. In the past year, most APOG changes have been the result of discussions at Council, though as can be seen below, many APOG items have been used.

Staff have undertaken an internal review of both the Policy Manual and APOG. For ease of Council review areas of proposed change have been highlighted in the following manner.

**Yellow** – change required – yellow strikethrough is for deletion

**Red** – recommended change in wording to reflect current practice

### **Policy Manual Review**

In this 2020 Review, the following Policy Manual changes are recommended;

A1 Code of Conduct

*2.4 Gifts and Bribery (b) amend reportable amount from \$200 to \$300 to meet new guidelines in the Local Government Legislation Amendment Act 2019*

A3 Corporate Credit Cards – Use

*Include requirement for staff to complete register of purchases.*

A4 Disability Access and Inclusion

*Update Head of Power to include dates of new DIAP*

A8 Primary Documents

*Delete Shire of Kulin Training and Development Practice – document does not exist*

A11 Procurement Purchasing and Tenders

*Policy Added – transferred from APOG into Policy Manual. Amendments made to increase tender threshold to \$250,000 due to change in Regulation 11A(1) related to Covid-19.*

*Amend requirement to obtain two tenders, to three for purchases \$20,000 - \$49,999*

*Add 'prequalified panel of suppliers' under Tender Exemptions*

### **APOG Review**

This document is reviewed on an ongoing basis, with staff referring to it regularly as a guide.

In this 2020 Review, the following changes to the APOG are recommended;

- A14 Housing – *see agenda item 7.5*
- A18 Mobile Phones – Use of

- A21 Procurement Purchasing and Tenders – *deleted from APOG now in Policy Manual*
- HR5 General – Human Resources Practices – *delete Shire of Kulin Training and Development Practice*
- HR10 Performance Management – Staff – *delete – manual and associated documents don't exist*
- HR20 Employee Funded Additional Leave – *new procedure to be added*
- HR21 Salary Packaging
- CS13 – *delete requirement for \$50 bond on receipt of bus key*

**FINANCIAL IMPLICATIONS:**

In the update of the Policy Manual and APOG - Nil.

**STATUTORY AND PLANNING IMPLICATIONS:**

Review of the Policy Manual is completed on an annual basis.

**POLICY IMPLICATIONS:**

Nil

**COMMUNITY CONSULTATION:**

Nil

**WORKFORCE IMPLICATIONS:**

Nil

**OFFICER'S RECOMMENDATION:**

That the Policy Manual and APOG Reviews for May 2020 as detailed be adopted.

**VOTING REQUIREMENTS:**

Absolute majority required.

**15/0520**

Moved Cr Duckworth Seconded Cr Lucchesi that the Policy Manual and APOG Reviews for May 2020 as detailed be adopted.

Carried 9/0

## **9 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

## **10 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

## **11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

**16/0520**

Moved Cr Smoker Seconded Cr Noble that Council agree to the inclusion of new business items:

- 11.1 Budget Amendment – Consultancy for Funding Submissions, and
- 11.2 Budget Amendment – Private Works 86 Gate Road Reinstatement

Carried 9/0

## 11.1 Budget Amendment – Consultancy Budget for Funding Submissions

---

**RESPONSIBLE OFFICER:** CEO

**FILE REFERENCE:**

**AUTHOR:** CEO

**STRATEGIC REFERENCE/S:**

**DISCLOSURE OF INTEREST:** Nil

### **SUMMARY:**

Budget amendments are sought for two separate consultancy contracts to assist with developing specific technical information for funding submissions, which will hopefully be included as part of the 2020/21 Capital Budget. These being:

1. Engineering Report for Heavy Vehicle Safety and Productivity Program (HVSP) application.
2. Masterplan for Youth Precinct and Aquatic Centre for Drought Community Program (DCP) Application.

### **BACKGROUND & COMMENT:**

Key details of each proposed project are summarised as follows.

1. Engineering Report for HVSP application.
  - a. Federal Government funding for HVSP application is due 29/05/2020. Funding is 50:50 for total project costs.
  - b. Proposed projects are Jilakin Street and CBH Access Road which both provide heavy vehicle access to Kulin CBH Site, with proposed works estimated to cost between \$500,000 and \$750,000. Works would include pavement reconstruction and widening of seal, drainage improvements and line marking, plus intersection upgrade Jilakin Street and Lake Grace-Gorge Rock Road.
    - i. Jilakin Street
      1. From Lake Grace Gorge-Rock Road intersection to Williams-Kondinin Road intersection.
        - a. Heavy vehicle access to Kulin CBH site.
        - b. Oversize vehicles bypass of Kulin townsite.
      2. Key Issues
        - a. Seal getting close to the end of its useful life.
        - b. Pavement failures
        - c. Inadequate seal width
        - d. Floodway and drainage issues
        - e. Vegetation encroachment of the cleared zone.
        - f. Intersection safety concerns with Lake Grace Gorge-Rock Road
      3. Scope of Works
        - a. Reconstruct from SLK 0.09 - 1.40.
        - b. Trim trees and maintain regrowth
        - c. Install new pipes and box culverts
        - d. Stabilise existing pavement and bitumen,
        - e. Widen pavement to 10.5m
        - f. New 8m wide double coat 14mm 7mm seal.
        - g. 40mm intersection Hotmix at CBH road.
        - h. Realignment of intersection as per advice from RSA.
        - i. Line marking and traffic calming devices near intersections to accommodate RAV7.
    - ii. CBH Access Road
      1. From Lake Grace Gorge-Rock Road intersection to CBH Entry
        - a. Heavy vehicle access to Kulin CBH site.
        - b. Access to local machinery dealer.
        - c. Traffic and pedestrian access to Aquatic Centre.
      2. Key Issues
        - a. Seal getting close to the end of its useful life.
        - b. Pavement failures.
        - c. Inadequate seal width.
        - d. Drainage issues
        - e. Intersection safety concerns with Lake Grace Gorge-Rock Road.
        - f. Western Power poles and traffic calming devices impeding swept path.
      3. Scope of Works
        - a. Reconstruct 440m from SLK 0.0 - .44.
        - b. Stabilise existing pavement and bitumen
        - c. Widen pavement to 11m and Import new material and
        - d. Seal to 9m width w2 coat 14mm 7 mm stone.

- e. Replace pipes at SLK 0.31.
  - f. 40mm intersection Hotmix Intersection swept path upgrade to accommodate RAV 7 access.
  - g. Relocate 2 Western Power poles.
  - h. Line marking and traffic calming devices near Aquatic Centre Entrance.
  - c. It requires an Independent Engineers Report and we have received a quote received from Porter Consulting Engineers for \$6,400 ex GST. This company is WALGA Preferred Supplier who are also undertaking design work for blackspot projects and drainage review of High Street.
2. Masterplan for Youth Precinct and Aquatic Centre for DCP Application.
- a. Federal Government funding for DCP was announced in February 2020 with Shire of Kulin eligible for \$500,000,
  - b. One potential “big ticket” project identified for DCP was a Youth Precinct. This was based upon feedback from KDHS students, as well as potential opportunities with Cultivating Kulin Inc. funding.
  - c. 2019/20 Budget included \$5,000 ex GST to investigate options for a Youth Precinct.
  - d. Recent Council feedback was to also include a Masterplan for Aquatic Centre into investigations and potentially include in DCP funding application.
  - e. A quote has been received from Emerge Landscape Architects for
    - i. Youth \$12,755 ex GST
      - 1. Develop Masterplan Concept for Youth Precinct (Aged 10 – 15 years) to fit either \$300K or \$500K budget.
      - 2. Review initial communication and documentation between Kulin Shire Council and Kulin District High School.
      - 3. Conduct Workshop with KDHS students, KSC staff and Cultivating Kulin Committee.
      - 4. Review and refine location options with recommendation.
      - 5. Refine options with prioritisation list to meet proposed budget.
      - 6. Investigate and determine suitable location based upon information from both KDHS and KSC.
      - 7. Deliverables
        - a. Masterplan Concept Drawing
        - b. Short Report
        - c. Indicative Budget via Element
        - d. Design Scope Requirements and Costs.
    - ii. Aquatic \$4,755 ex GST
      - 1. Develop Masterplan Concept for additional recreational amenities at Kulin Aquatic Centre.
      - 2. Conduct Workshop with KSC staff and Aquatic Centre Manager.
      - 3. Review potential or areas and potential options proposed by KSC staff and Aquatic Centre Manager.
      - 4. Refine options with prioritisation list.
      - 5. Outline potential itemised budget.
      - 6. Deliverables
        - a. Masterplan Concept Drawing
        - b. Short Report
        - c. Indicative Budget via Element
        - d. Design Scope Requirements and Costs.
    - iii. Total \$17,510 ex GST

#### **STATUTORY ENVIRONMENT:**

Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
- (b) is authorised in advance by resolution\*; or
- (c) is authorised in advance by the mayor or president in an emergency.

\* *Absolute majority required.*

Section 11 Local Government (Functions & General) Regulations 1996 – When tenders have to be publicly invited.

#### **POLICY IMPLICATIONS:**

APOG & Policy Manual

A5 – Budget Preparation

A22 – Procurement, Purchasing and Tenders

**FINANCIAL IMPLICATIONS:**

1. Engineering Report for HVSP application.
  - a. Independent Engineers Report quote from Porter Consulting Engineers for \$6,400 ex GST.
  - b. Budget amendment required for \$6,400 ex GST.
2. Masterplan for Youth Precinct and Aquatic Centre for DCP Application
  - a. 2019/20 Budget included \$5,000 ex GST for Youth Precinct planning.
  - b. Quote has been received from Emerge Landscape Architects for Total \$17,510 ex GST.
  - c. Budget amendment required for an additional \$12,510 ex GST.

**COMMUNITY CONSULTATION:**

1. Engineering Report for HVSP.
  - a. MRWA have provided verbal in principle support for the proposed submission and will provide a formal letter of support.
  - b. CBH have provided verbal in principle support for the proposed submission and will provide a formal letter of support.
2. Masterplan for Youth Precinct and Aquatic Centre for DCP Application.
  - a. KDHS provided initial ideas regarding Youth Precinct and improved Aquatic Centre amenities, a workshop is proposed with them as part of the consultancy process.
  - b. Cultivating Kulin Inc. have also been consulted regarding improve community infrastructure amenities during the past 12 months, it is also envisaged that their members will be engaged in a workshop as part of the consultancy process.

**WORKFORCE IMPLICATIONS:**

1. Engineering Report for HVSP.
  - a. Works Manager has developed the initial scope of work and cost estimate for proposed works and will be involved in delivering on-ground works should funding application be successful.
  - b. WM will assist CEO with developing funding application.
2. Masterplan for Youth Precinct and Aquatic Centre for DCP Application.
  - a. DCEO has provided details on remain consultancy budget.
  - b. CDM has been involved and will continue to play a lead role in community liaison with KDHS and Cultivating Kulin Inc. CDM will also be responsible for developing funding application.

**OFFICER'S RECOMMENDATION 1**

That Council approve a budget amendment of \$6,400 (ex. GST) for an Independent Engineers Report to accompany the Heavy Vehicle Safety and Productivity Program funding application quote from Porter Consulting Engineers for \$6,400 ex GST.

**OFFICER'S RECOMMENDATION 2**

That Council approve a budget amendment of an additional \$12,510 (ex. GST) towards a Masterplan for Youth Precinct and Aquatic Centre for Drought Community Program funding application.

**VOTING REQUIREMENTS:**

Absolute Majority.

**17/0520**

**Moved Cr Bowey Seconded Cr Duckworth that both items be moved as one motion:**

- 1. Council approve a budget amendment of \$6,400 (ex. GST) for an Independent Engineers Report to accompany the Heavy Vehicle Safety and Productivity Program funding application quote from Porter Consulting Engineers for \$6,400 ex GST.**
- 2. Council approve a budget amendment of an additional \$12,510 (ex. GST) towards a Masterplan for Youth Precinct and Aquatic Centre for Drought Community Program funding application.**

**Carried by Absolute Majority**

## 11.2 Budget Amendment – Private Works 86 Gate Road Reinstatement

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**RESPONSIBLE OFFICER:** WM  
**FILE REFERENCE:**  
**AUTHOR:** CEO  
**STRATEGIC REFERENCE/S:**  
**DISCLOSURE OF INTEREST:** Nil

### **SUMMARY:**

A budget amendment is sought to undertake a Private Works project on behalf of Water Corporation to undertake reinstatement works on 86 Gate Road in the form of a gravel re-sheet to rectify excessive wear and tear issues associated with Water Corporation's significant water carting requirements on this road over February and March 2020.

### **BACKGROUND & COMMENT:**

Over the course of February and March 2020, Water Corporation installed additional standpipes on their pipeline along 86 Gate Road to facilitate emergency water carting from this source to other areas within the region. This resulted in increased volumes of heavy vehicle along 86 Gate Road resulting in excessive wear and tear issues on the road asset to what would normally occur.

During these emergency works, an in-principle arrangement was made with Water Corporation whereby they would be responsible for any reinstatement works required to return the road asset to its original condition. Water Corporation have since requested the Shire to undertake the reinstatement works and have offered a nominal reimbursement of \$85,000 to undertaken these works.

### **STATUTORY ENVIRONMENT:**

Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
  - (b) is authorised in advance by resolution\*; or
  - © is authorised in advance by the mayor or president in an emergency.

\* *Absolute majority required.*

Section 11 Local Government (Functions & General) Regulations 1996 – When tenders have to be publicly invited.

### **POLICY IMPLICATIONS:**

APOG & Policy Manual  
A5 – Budget Preparation  
A22 – Procurement, Purchasing and Tenders

### **FINANCIAL IMPLICATIONS:**

Private works job to be created for specific works to renew 86 Gate Road for a budget amendment reflecting additional income of \$85,000 as well as expenditure associated with completing these works.

All schedule capital road projects for 2019/20 will have been completed, therefore no projects will need to be removed from the capital works budget.

### **COMMUNITY CONSULTATION:**

Water Corporation have provided details via email regarding their proposed rectification process and reimbursement figure. (See attachment). They have request works to be undertaken this financial year and for the provide an invoice prior to 10 June.

### **WORKFORCE IMPLICATIONS:**

Works Manager has developed scope and budget for private works associated with road asset renewal and has indicated works crew availability to undertake work before the end of the 2019/20 financial year. DCEO has been advised regarding likelihood of budget amendment.

### **OFFICER'S RECOMMENDATION**

That Council approve a budget amendment of \$85,000 (ex. GST) to undertake a Private Works project on behalf of Water Corporation to undertake reinstatement works on 86 Gate Road in the form of a gravel re-sheet to rectify excessive wear and tear issues associated with Water Corporation's significant water carting requirements on this road over February and March 2020.

## VOTING REQUIREMENTS:

Absolute Majority.

18/0520

Moved Cr Noble Seconded Cr Smoker that Council approve a budget amendment of \$85,000 (ex. GST) to undertake a Private Works project on behalf of Water Corporation to undertake reinstatement works on 86 Gate Road in the form of a gravel re-sheet to rectify excessive wear and tear issues associated with Water Corporation's significant water carting requirements on this road over February and March 2020.

Carried by Absolute Majority

## 12 MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC

19/0520

Moved Cr Smoker Seconded Cr Varone that the meeting be 'closed to the public' Under Section 5.23 of the *Local Government Act 1995*, to discuss the personal affairs of a person; and a contract to be entered into, or which may be entered into.

Carried 9/0

### 12.1 Confidential Item

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### 12.2 Confidential Item

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22/0520

Moved Cr Taylor Seconded Cr Smoker that Council open the meeting to the public and resume the ordinary meeting.

Carried 9/0

## 13 DATE AND TIME OF NEXT MEETING

Wednesday 17 June 2020 at 1.00pm

## 14 CLOSURE OF MEETING

There being no further business the President declared the meeting closed at 5:40pm.