

SHIRE OF CUBALLING

COUNCIL MEETING THURSDAY 20 MAY 2004

AGENDA

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ORDINARY COUNCIL MEETING MINUTES

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE SHIRE OF CUBALLING
HELD IN THE COUNCIL CHAMBERS, CAMPBELL STREET, CUBALLING ON THURSDAY
20 MAY 2004**

1. OPENING - ANNOUNCEMENT OF VISITORS

The Shire President welcomed Councillors and declared the meeting open at 2.00 pm.

2. RECORD OF ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

ATTENDANCE

Shire President Cr I L Watts	Cr J D Brown
Cr C R Hawksley	Cr C R McKenzie
Cr R J D Newman	Cr T H Wittwer
Chief Executive Officer P T Naylor	

APOLOGIES

Cr D S Bradford

3. PUBLIC QUESTION TIME

Nil

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5. MINUTES

5.1 CONFIRMATION OF 15 APRIL 2004 ORDINARY MEETING OF COUNCIL

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the minutes (as circulated) of the ordinary meeting of the Shire of Cuballing held in the Council Chambers on 15 April 2004 be confirmed.

COUNCIL ACTION

Moved Cr Hawksley, seconded Cr Brown that the Chief Executive Officers recommendation be adopted.

CARRIED 6/0

**5.2 SHIRE OF CUBALLING BUSH FIRE ADVISORY COMMITTEE MEETING
HELD ON TUESDAY 13 APRIL 2004**

Comment

There were a few issues raised at the meeting that required follow up action and one that needs to be put for Council consideration. Details of these issues follow:

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- 4.3 A letter has been written to the Shire of Narrogin and Department of Conservation and Land Management seeking formal approval for the use of their two way radio frequencies should the Cuballing repeater ever fail during an emergency situation.
- 5 Appointment of Office Bearers for the 2004/2005 fire season.
- 6.1 Motion from the Committee for Council to consider adopting a Policy to prohibit the issuing of a burning permit for Sundays and public holidays. This will be listed as a separate agenda item for deliberation at the Council meeting.
- 7.1 Letters have been forwarded to the neighbouring Shires of Narrogin, Wickopin, Pingelly, Wandering and Williams requesting their comments and feedback on the matter of appointed Dual Fire Control Officers issuing burning permits for properties in adjoining Shires.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Minutes of the meeting of the Shire of Cuballing Bush Fire Advisory Committee held on Tuesday 13 April 2004 be received, and the appointment of Office Bearers for the 2004/2005 fire season be endorsed.

COUNCIL ACTION

Moved Cr Hawksley, seconded Cr Wittwer that the Chief Executive Officers recommendation be adopted.

CARRIED 6/0

6 PETITIONS, DEPUTATIONS, PRESENTATIONS

Nil

7.1 REPORTS – FINANCE AND ADMINISTRATION

7.1.1 LIST OF ACCOUNTS SUBMITTED FOR COUNCIL APPROVAL AND PAYMENT – MAY 2004

V	NAME	PARTICULARS	MUNI	TRUST
T1882	MRS RITA STRACHAN	Refund of House Relocation Bond		1000.00
9431	SHIRE OF PINGELLY	Bus Hire - Councillors Road Inspection	247.00	
9432	WESTERN POWER	Power A/C	41.30	
9433	LANDMARK	Road Construction Materials	6310.17	
9355	PETTY CASH	Petty Cash Recoup	266.30	
9356	LR ARCHIBALD & CO	Box Culvert Construction - Williams Rd	36819.20	
9357	AUSTRALIAN SERVICES UNION	Deductions April 2004	31.00	
9358	WA LOCAL GOVT ASSOCIATION	Super Contributions April 2004	4679.77	
9359	SHIRE OF CUBALLING	Social Club Deductions April 2004	160.00	
T1883	TERRY STUBBS	Reimburse Bond Paid 270404*043		100.00
T1884	RA SPRIGG & CO	U/H Landscape Resilience Project		2211.30

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9480	TELSTRA CORPORATION	Phone & Mobile A/C's	1129.11
9481	SHIRE OF CUBALLING	New Registration OCN - Admin Vehicle	267.05
9360	VI BARHAM AWARD FOR EXCELLENCE	Donation to support the Vi Barham Award for Excellence for 2004	100.00
9486	ASPHALT SURFACES	Supply Coldmix	291.56
9487	BEAUREPAIRES	Cheque Cancelled - refer to chq 9531	
9488	BELVEDERE NURSERY	Shire House Garden Maintenance	294.38
9489	BILL & BENS HOT BREAD SHOP	Scones for Anzac Day Service	21.12
9490	BOISE CASCADE	Stationery	103.90
9491	BUTLER SETTINERI	Interim Audit and Review of Financial Management Systems	3575.00
9492	COLES	Council Shopping	150.15
9493	COVENTRYS	Parts & Repairs	28.33
9494	COURIER AUSTRALIA	Freight	68.42
9495	CUBALLING TAVERN	Cheque Cancelled - refer to chq 9532	
9496	CUBY ROADHOUSE	Refreshments	23.10
9497	R DEWS MINI EXCAVATIONS	Cheque Cancelled - refer to chq 9533	
9498	DUGALD FERGUSON MACHINERY	Materials	17.15
9499	EDWARDS MOTORS	Cheque Cancelled - refer to chq 9534	
9500	FUEL EQUIPMENT SERVICES	Smart-Fill fuel key (Parts & Repairs)	170.32
9501	GREAT SOUTHERN DINGO SERV.	Trenching & Backfilling - Skatepark	297.00
9502	GREAT SOUTHERN FUELS	Fuels & Oils	8222.83
9503	JASOL AUSTRALIA	Recreation Materials	176.78
9504	JR & A HERSEY	Depot Materials	255.75
9505	LANDMARK	Road Construction Materials	964.22
9506	LANDMARK ENGINEERING & DESIGN	Supply & Installation of Public Toilet at Skatepark	30573.40
9507	LR ARCHIBALD & CO	Materials - Cement	1089.00
9508	MAKIT NGN HARDWARE	Parts & Materials	39.60
9509	MCLEODS BARRISTERS & SOLICITORS	Legal Costs	372.90
9510	NGN AGRICULTURAL REPAIRS	Parts & Repairs	4.00
9511	NGN BEARING SERVICE	Parts & Repairs	171.55
9512	NGN FURNISHINGS	Supply & Lay Carpet - Popanyinning Hall	429.00
9513	PARRYS	Outside Staff Uniform	836.90
9514	PIE NETWORKS	Tele Access Point - Software License Fee	730.00
9515	PIONEER CREDIT MANAGEMENT SERVICES	Debt Collection Fees	2310.97
9516	REINFORCED CONCRETE PIPES	Materials - Pipes	11345.31
9517	ROCLA PIPELINE PRODUCTS	Materials - Pipes	1347.64
9518	SANITAIRE INDUSTRIAL HYGIENE	Recreation Sanitary Service - Materials	214.50
9519	SHIRE OF WANDERING	CLC Expenses April 2004	335.72
9520	SHIRE OF WICKEPIN	Reimbursement of Recycling Costs	330.00
9521	SOS BUNBURY	Photocopier Charges April 2004	63.84
9522	SOUTH WEST PRINTING & PUBL.	Advertisements - Anzac & PAP	229.34
9523	STAR TRACK EXPRESS	Freight - Signs & Parts & Repairs	275.67
9524	SUNNY SIGN COMPANY	Signs	728.20
9525	THE ENCHANTED FLORIST	Anzac Day Wreath	60.00
9526	THE PAPER COMPANY	Stationery - Paper	125.40
9527	RJ & PJ TOMBLESON	Recreation Materials - Gas	52.00
9528	VALUER GENERALS OFFICE	Rural UV Valuations	118.75
9529	WESTERN POWER	Power A/C	1734.74
9530	WESTRAC EQUIPMENT	Parts & Repairs	1548.92
9531	BEAUREPAIRES	Tyres	5336.94
9532	CUBALLING TAVERN	Council Luncheon & Refreshments	725.80
9533	R DEWS MINI EXCAVATIONS	Excavating of Pipes on Nebrikinning Rd	539.00

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9534	EDWARDS MOTORS	Parts & Repairs	510.55	
ELEC TSFR TRANSACATIONS				
200404	SALARIES & WAGES	Wages 07/04/04 - 20/04/04	15224.44	
040504	SALARIES & WAGES	Wages 21/04/04 - 04/05/04	15564.64	
CREDIT CARD TRANSACTIONS				
TOTAL			157,679.63	3,311.30

That payment of Accounts Vouchers T1882 - T1884, 9355 - 9360, 9431 - 9433, 9480 - 9481, 9486 - 9534, Electric Transfer/s 200404 and 050405, totalling \$160,990.93, as presented, be endorsed.

Creditors invoices processed and outstanding as at 20 May 2004 and not included in the cheque list presented to the Council meeting on 20 May 2004 total \$_____.

COUNCIL ACTION

Moved Cr McKenzie, seconded Cr Wittwer that payment of Accounts Vouchers T1882 - T1884, 9355 - 9360, 9431 - 9433, 9480 - 9481, 9486 - 9534, Electric Transfer/s 200404 and 050405, totalling \$160,990.93, as presented, be endorsed.

Creditors invoices processed and outstanding as at 20 May 2004 and not included in the cheque list presented to the Council meeting on 20 May 2004 total \$11641.01.

CARRIED 6/0

7.1.2 **SHIRE OF CUBALLING FINANCIAL REPORTS AS AT 30 APRIL 2004**

		Annual Budget 2003/04 \$	Actual YTD 2003/04 \$
OPERATING ACTIVITIES	Sch		
<u>Income</u>			
General Purpose Funding	3	5,070	523,140
Governance	4	10,420	5,899
Law, Order & Public Safety	5	24,550	41,334
Health	7	1,200	1,252
Education and Welfare	8	0	416
Housing	9	0	75
Community Amenities	10	2,900	2,809
Recreation and Culture	11	2,350	2,169
Transport	12	4,350	20,268
Economic Services	13	3,750	6,355
Other Property and Services	14	42,500	63,930
Total Operating Income		97,090	667,647
<u>Expenditure</u>			
General Purpose Funding	3	-19,870	-12,745
Governance	4	-188,440	-150,482
Law, Order & Public Safety	5	-27,980	-37,821
Health	7	-18,300	-11,540
Education and Welfare	8	-1,550	-2,318
Housing	9	-22,380	-9,477
Community Amenities	10	-104,720	-37,922
Recreation and Culture	11	-116,170	-137,249
Transport	12	-875,000	-577,162
Economic Services	13	-102,750	-56,061
Other Property and Services	14	-83,340	-77,704
Total Operating Expenditure		-1,560,500	-1,110,481
ADJUSTMENTS FOR CASH REPORTING REQUIREMENTS:			
Depreciation (Assets Register)		548,680	331,901
Profit/Loss on Sale of Assets		-4,100	-11,779
<u>Capital Expenditure & Income</u>			
Proceeds on Sale of Assets		65,000	46,903
Capital Grants and Subsidies		1,063,530	789,201
Land and Buildings		-271,900	-93,465
Infrastructure Assets - Roads		-543,490	-387,638
Plant and Equipment		-199,700	-160,479
Furniture and Equipment		-8,000	-5,620
Proceeds from New Loans		0	0
Loan Repayments		-16,000	-11,913
Transfer to Reserves		-123,000	-18,862
Reserves (Cash Backed)		180,700	0
Opening Funds		250,000	250,016
Less Closing Funds		0	-285,431
CLOSING POSITION		-521,690	0

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BANK RECONCILIATION

	<u>Municipal Fund</u>	<u>Trust Fund</u>	<u>Reserve Accts</u>
	\$	\$	\$
Opening balance	378,276.10	58,788.21	508,930.20
Income	57,594.39	539.53	6,453.81
	435,870.49	59,327.74	515,384.01
Expenditure	-147,412.99	-3,411.30	0.00
Closing balance	288,457.50	55,916.44	515,384.01
Bank account	293,392.75	46,427.52	701.06
Investments	0.00	11,845.53	514,682.95
	293,392.75	58,273.05	515,384.01
Plus O/S deposits	1,061.72	0.00	0.00
	294,454.47	58,273.05	515,384.01
Less O/S cheques	-4,789.77	-2,356.61	0.00
	289,664.70	55,916.44	515,384.01
Less O/S licensing	-1,178.60	0.00	0.00
	288,486.10	55,916.44	515,384.01
Adjustments	-28.60	0.00	0.00
Closing balance	288,457.50	55,916.44	515,384.01

RATING INFORMATION 2003/2004

	Budget 2003/04	Actual 2003/04
UV Rates Levied	\$407,360	\$411,616
GRV Rates Levied	\$44,380	\$44,108
UV Minimum Rates Levied	\$2,250	\$2,500
GRV Minimum Rates Levied	\$67,450	\$67,120
Interim Rates UV	\$0	-\$169
Interim Rates GRV	\$0	\$0
Mining Tenement	\$250	\$250
	\$521,690	\$525,425
Rates o/s from previous years (1 July)	\$10,630	\$10,631
Rates Written Off	\$0	\$0
Discount Allowed	-\$37,000	-\$38,596
Net Rates Receivable	\$495,320	\$497,460
Emergency Services Levy	\$17,850	\$17,790
Net Rates & ESL Receivable	\$513,170	\$515,250
Less Rates & ESL Paid		-\$498,926
RATES OUTSTANDING		\$16,324
Pensioner Deferred Rates		\$1,791
UV Rates as a % of total rates		79.0%
GRV Rates as a % of total rates		21.0%
Payment Discount as a % of total rates		7.3%
Rates Paid as a % of net rates receivable		96.8%
Rates Outstanding as a % of net rates		3.2%
Pensioner Deferred Rates as a % of O/S Rates		11.0%

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ROADS MAINTENANCE AND CONSTRUCTION

MAINTENANCE				
Details	Job No	Status	Budget \$	Actual YTD \$
Refuse Sites (Cuby & Popo)	1000.1/2		58,710	21,020
Parks and Reserves	1100.9		68,310	21,859
Road Maintenance General	1201.31		196,190	157,018
Tree Lopping/Mulching	1201.34		30,000	11,919
Tree Lopping (Contract)	1201.34		15,970	11,760
Town Maintenance - Cuballing	1201.35		10,000	14,721
Town Maintenance - Popanyinning	1201.36		5,000	13,065
Bitumen Patching	1201.37		20,000	9,639
Bridges & Culverts - General	1201.38		75,000	8,478
Grading Maintenance - Winter	1201.41		91,500	79,132
Grading Maintenance - Shoulder	1201.42		67,090	5,742
Grading Maintenance - Summer	1201.43		90,000	55,869
Storm Damage (Williams Road)	1201.44		90,000	61,896
Weed Control – Declared Plants	1300.1		12,060	8,712
Weed Control - Roadside	1300.3		12,060	2,340
Total Maintenance			841,890	483,170
CONSTRUCTION				
Cuballing East (RRG)	1200.30	Comp	91,260	95,910
Nebrikinning/Congelin (BS)	1200.42	IP	76,470	32,414
Popanyinning East (DG)	1200.50	Comp	60,250	86,940
Congelin (R2R)	1200.60	IP	63,300	0
Nebrikinning (R2R)	1200.63	IP	60,880	49,407
Springhill (R2R)	1200.64	Comp	64,540	72,251
Yornaning West (Own)	1200.71		60,340	0
Stratherne (Own) - Comp	1200.74	Comp	30,610	36,549
Town Streets (Own)	1200.72	IP	33,820	13,452
Total Construction			541,470	386,923
GRAND TOTAL			1,383,360	870,093

INVESTMENTS

Account Number	Maturity Date	Interest Rate	Fund/Account		
			Municipal	Trust	Reserve
652250053782	8 June 2004	5.09%			\$514,682.95
652250055120	8 June 2004	5.09%		\$11,845.53	
			\$0.00	\$11,845.53	\$514,682.95

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Financial Reports for the period ended 30 April 2004 be adopted by Council.

COUNCIL ACTION

Moved Cr Hawksley, seconded Cr Brown that the Chief Executive Officers recommendation be adopted.

CARRIED 6/0

7.1.3 SHIRE OF CUBALLING DOGS LOCAL LAW 2004

Background

Following the recent issues associated with control of dogs within the Shire it has become apparent that the current *Dog Act 1976* (the Act) and Dog Act Regulations (Regulations) do not contain sufficient powers for the control of dogs without the need for a Local Law.

Council at the November 2002 resolved to investigate a suitable Dogs Local Law for the Shire and it was reported to the April 2004 meeting of Council that the services of Mr Bruce Wittber had been obtained to help Council formulate and adopt a Dogs Local Law.

Comment

Within the Act and Regulations the following are some of the 'controls' :

- S.7 It is an offence not to register a dog over 3 months;
- S.16(1a) The applicant for a dog registration is to certify that the means exist on the premises for effectively confining the dog within the premises;
- S.16(3) A dog registration can be refused or cancelled on certain grounds;
- S.31 A dog in a public place is to be on a leash except in a dog exercise area and except where the public place is outside the metropolitan region or a townsite;
- S.32 A competent person is to be in reasonable proximity to the dog in a dog exercise area if the dog is off its leash;
- S.29 A dog in breach of ss.31 and 32 can be seized and impounded and fees can be charged for the seizure and impounding of the dog, the maintenance of the dog in detention, and the return of the dog;
- S.33E A local government may declare a dog to be a dangerous dog;
- S.34 A dog unlawfully in a paddock with livestock can be shot;
- S.38 A dog must not be a nuisance.

Regulation 13 of the Dog Regulations contains a table listing 27 offences for which infringement notices can be issued and modified penalties imposed. The amount of the modified penalty depends upon whether or not the dog concerned has been declared to be a dangerous dog under the Dog Act.

The two main reasons for making local laws are –

Section 26(2) provides that a local government may limit the number of dogs that may be kept by local laws;

Section 32(5) provides that a local government must specify under local laws, what the local government believes to be a sufficient number of suitable dog exercise areas.

The substantial local law making powers are contained in section 51 of the Act with other sections of the Act relevant to the local law making power being sections 49 and 50.

PROCESS FOR MAKING OF A LOCAL LAW

The procedure for the making local laws is as follows:

- At a council meeting the person presiding is to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed local law.
- The local government is to:
 - (a) give Statewide 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,
 - (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
 - (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 for Local Government; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- A notice is also to be published and exhibited as if it were a local public notice.
- After the last day for submissions, the local government is to consider any submissions made and may make the local law by absolute majority decision as proposed or make a local law that is not significantly different from what was proposed.
- After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister
- After the local law has been published in the *Gazette* the local government is to give Statewide public notice
 - (a) stating the title of the local law;
 - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that copies of the local law may be inspected or obtained from the local government's office.
- Submit the local law to the Joint Standing Committee on Delegated Legislation along with the necessary explanatory memorandum.

UNDERSTANDING THE DRAFT LOCAL LAW

Part 1 - Preliminary

This Part sets out the citation, repeal, definitions and application clauses.

Part 2 – Impounding of Dogs

This basically contains everything usually said in this component of the local law. Although much of it is advisory or procedural as distinct from regulatory, the breaking into or the rendering not dog-proof of a pound is an offence under clause 2.4.

Where damage occurs on the commission of an offence against clause 2.4, a local government may either prosecute the offender and seek a reparation order under Part 16 of the *Sentencing Act 1995* or commence an action in negligence for damages in a civil court.

Part 3 – Requirements and Limitations on the Keeping of Dogs

Clause 3.1 provides that dogs are to be fenced in. There is no such direct provision as this in the Act. The penalty for a breach of the clause varies depending on whether or not the dog concerned is a dangerous dog.

Clause 3.2 provides a qualified limitation on the numbers of dogs which may be kept in a townsite and outside a townsite. The number of dogs which may be kept under paragraphs (a) and (b) of subclause (2) can be increased to as many as 6 (not counting the young) at the discretion of the local government. In the metropolitan area, some local governments may want to prescribe a maximum of 2 dogs full stop, ie –

"An occupier or owner of premises within the district shall not keep or permit to be kept on those premises more than 2 dogs over the age of 3 months and the young of those dogs under that age."

An alternative approach is to vary the number of dogs allowed according to land zoning under your town planning scheme, but once more than 2 dogs are allowed in any area, it is appropriate that the controls of an approved kennel establishment apply.

Part 4 – Approved Kennel Establishments

This part should discourage the keeping of large numbers of dogs by persons who are not genuinely interested in the breeding of dogs, and will establish suitable standards where a kennel establishment is approved. Dog breeders will want to provide facilities at least to the standards contained in Schedule 2 – and for this reason the conditions are seen as minimum requirements – but there is flexibility to the local government to approve a lower standard should circumstances warrant.

There is no known ‘proof of competency to look after dogs’ which a local government can ask an applicant for a kennel licence to produce.

Part 5 – Dogs in Public Places

Clause 5.1 prescribes those places where dogs, other than a guide dog, are simply not allowed.

Clause 5.2 identifies the dog exercise areas. Councils are encouraged to nominate a sufficient number of suitable dog exercise areas, using the terms of section 32(5) of the Act. If you want to narrowly limit the dog exercise areas, the traditional approach follows -

Extensive controls with respect to dogs in places appear in sections 31, 32 and 33A of the Act.

Enforcement

Clause 7.2 and Schedule 3 identify the offences in respect of which an infringement notice may be issued.

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When read with section 45A of the Act, clauses 7.1 - 7.7 provide for the issue of infringement notices, their payment and withdrawal.

4. Fees and Charges

The following fees and charges can be imposed and determined under sections 6.16 - 6.19 of the *Local Government Act 1995*. These fees and charges will be included in the Shires Schedule of Fees and Charges and not form part of the Local Law, Council will be able to review them annually.

	\$
For the seizure and impounding of a dog	50
For the sustenance and maintenance of a dog in a pound per day or part thereof	10
Additional fee for release of a dog under clause 2.1 (b)	20
For the destruction of a dog	20
Approved kennel establishment licence application fee	50
Approved kennel establishment licence fee or licence renewal fee (per year)	100

Purpose and Effect

Purpose: To make provisions about the impounding of dogs, to control the number of dogs that can be kept on premises and the manner of keeping those dogs and to prescribe areas in which dogs are prohibited and dog exercise areas.

Effect: To extend the controls over dogs which exist under the *Dog Act 1976*.

(the Purpose and Effect are to be read aloud at the Council meeting by the Presiding Officer)

The Shire President read aloud to the Council meeting the Purpose and Effect of the proposed draft Dogs Local Law.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Draft Dogs Local Law 2004 as presented to the meeting be adopted for the Shire of Cuballing and advertised for public submissions in accordance with the provisions of the Local Government Act 1995.

COUNCIL ACTION

Moved Cr Wittwer, seconded Cr Newman that the Chief Executive Officers recommendation be adopted.

CARRIED 6/0

7.1.4 CODE OF CONDUCT REVIEW

Background

The Local Government Act 1995 (S 5.103) requires every local government to adopt a code of conduct to be observed by council members, committee members and employees. It is a requirement that the code be reviewed within 12 months after each ordinary election.

Comment

As Councillors are aware the model code of conduct is under review by the Department of Local Government and Regional Development Technical Working Group who are focussing on developing Rules of Conduct Regulations for inclusion within the new disciplinary framework legislation. The review of Council's Code of Conduct has been delayed whilst waiting for the new legislation, however this will not be until after May 2004 and therefore the review needs to be conducted as normal.

The general provisions contained within the Shire of Cuballing Code of Conduct are adequate at the present time, and certainly until the new legislation is introduced.

However the value of a token gift as included when Impartiality Interests were added in July 2000 needs to be reconsidered. In October 2000 Council resolved that the value of a token gift will be \$50, however this is no longer appropriate and needs to be increased to reflect current day values and it is suggested that amount of \$250 be considered. This will also require the inclusion of a new clause in the code of conduct.

A copy of the code of conduct, with new clause 2.4© for value of token gift, is circulated with the Council meeting agenda.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **The Shire of Cuballing Code of Conduct as circulated be confirmed with new clause 2.4© included for the value of token gift; and**
- **The value of token gift amount be increased from \$50 to \$250.**

COUNCIL ACTION

Moved Cr Brown, seconded Cr McKenzie that the Chief Executive Officers recommendation be adopted.

CARRIED 6/0

7.1.5 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – MEMBERSHIP AND SERVICES SUBSCRIPTIONS 2004/2005

Background

Letter and supporting documentation received from the WA Local Government Association (WALGA) inviting Council to renew its membership with WALGA and its various support services in 2004/2005.

Comment

Council has been a member of WALGA and the former WA Municipal Association for a number of years and they have been providing Council and staff with excellent service, support and advice over this time.

WALGA has provided an indicative figure of \$3,875 (+ GST) for Council to renew its membership for 2004/2005. This compares favourably with previous years subscriptions of \$4,317 (+ GST) in 2002/2003 and \$4,133 (+ GST) in 2003/2004.

In relation to the other services offered by WALGA and subscribed to by Council, Workplace Relations has increased by \$27 (2%) and the Tax Service has increased by \$27.50 (3%), the Local Laws service has not been increased.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Shire of Cuballing renews its membership with the Western Australian Local Government Association and other relevant subscriber based services for 2004/2005.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Newman that the Chief Executive Officers recommendation be adopted.

CARRIED 6/0

7.1.6 HOTHAM CATCHMENT COMMUNITY LANDCARE OFFICER

Background

This report contains two important matters in relation to the Hotham Catchment Landcare Officer project; ongoing funding of the CLC position and preparation of a new Memorandum of Understanding for the overall project.

The existing landcare arrangement (Natural Heritage Trust – NHT 1 & NHT 2 Interim) will conclude on 30 June 2004, with funding for the Hotham CLC expiring on 31 May 2004. Following 1 July 2004 funding is likely to be available however arrangements will be on a different basis. Future funding from the Natural Heritage Trust (NHT 2 - \$1b from December 2002 until June 2006) and the National Action Plan for Salinity and Water Quality (NAP - \$1.4b from September 2003 until June 2008) will be project based with specific outcomes. Funding is

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being distributed in Western Australia between six non-statutory Regional Catchment Councils – locally this will be by the South West and Avon Catchment Councils. Projects will need the endorsement of the parent bodies and show linkage to implementing regional priorities. The two Catchment Councils are developing Regional Strategies to accept accreditation under the Bilateral Agreement between the State and Federal Governments. The Regional Strategies will detail the natural assets, threatening processes and management responses.

Comment

If participation is to continue, then suitable projects will need to be agreed upon by the three local governments (Boddington, Cuballing & Wandering) together with the various landcare and farming bodies involved in the three local government areas. Projects will need to be presented in terms of their regional, not local, impacts – ie. as an aggregated set of activities, the sum of which is planned to give rise to measurable change at the landscape level to achieve regional targets.

The Memorandum of Understanding prepared in 1999 has now expired and a new agreement needs to be prepared, particularly in relation to funding sharing, voting rights, and the use of new terminology.

Included in meeting agenda is a copy of the existing Memorandum of Understanding together with proposed changes that have been prepared by the Shire of Wandering in consultation with the landcare officer and Hotham Catchment Management Committee. It appears that consideration also needs to be given to implementing a change to the Project Management clause to include the two community representatives.

In relation to voting rights on the management committee there are two voting representatives from each local government area (one local government and one farmer/landcare organization). In addition the Wandering Chief Executive Officer and Department of Agriculture have non-voting positions. Recently two community representatives were added to the committee with non-voting rights. Whilst both of the community representatives are from the Shire of Wandering the positions were advertised widely over the catchment area. Unfortunately only one person showed any interest and the other was co-opted onto the committee. The term of appointment is for period of three years and the appointees are eligible for re-appointment. At the recent Management Committee meeting held on Monday 3 May 2004 the committee requested that the two community representatives be granted voting rights. Whilst this may appear to currently provide an imbalance in the favour of the Wandering Shire, should a contentious issue arise, it would not always be the case as the community representation could change on a three yearly basis.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

Council direction please.

COUNCIL ACTION

Moved Cr Wittwer, seconded Cr Brown that the Shire of Cuballing supports the new Memorandum of Understanding prepared for the Hotham Catchment Management Committee, as presented to the meeting, which gives the two (2) community representatives the power to vote at meetings of the Committee.

CARRIED 6/0

7.1.7 WHEATBELT AREA CONSULTATIVE COMMITTEE INC – WHEATBELT YOUTH SERVICES

Background

Correspondence from the Wheatbelt Area Consultative Committee (WACC) in relation to, and seeking Council support for, the development of a region wide “Wheatbelt Youth Services” model to operate as an independent body with a management committee made up of the key stakeholders in the region (44 local governments).

Comment

The proposed service would have the ability to apply for government tenders, funding programs for projects and activities and seek operational funding for counselling, early intervention and prevention work.

The project would be over two years and funded by the 44 local government based on a population pro rata basis. The amount being requested from the Shire of Cuballing is \$4,950 (\$2,475 per year for two years).

The project certainly has some merit and could be advantageous for the whole of the region if it gains the necessary support. It is not viable and/or practicable for a Shire this size to employ a dedicated youth officer and a project such as this could help source funds for the future provision of youth facilities and initiatives. However should not all 44 local governments agree to support the proposal the final cost may prove prohibitive and it may be more worthwhile for Council to set aside funds annually for the future provision of youth projects, if considered necessary.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Shire of Cuballing agrees to support the Wheatbelt Area Consultative Committee “Wheatbelt Youth Services” model project and commit funding of \$4,950 payable over two year period, however should all 44 local government within the region not support and/or commit to the project the matter will have to be referred back to Council for further consideration.

COUNCIL ACTION

Moved Cr Wittwer, seconded Cr Newman that the Shire of Cuballing does not support or provide a financial contribution to the Wheatbelt Area Consultative Committees “Wheatbelt Youth Services” model project.

CARRIED 5/1

Council is of the opinion that the funds can be better utilised by being allocated directly towards local projects and initiatives.

7.1.8 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – DATE OF FUTURE LOCAL GOVERNMENT ELECTIONS

Background

Correspondence from the Western Australian Local Government Association (WALGA) seeking Council feedback on the possibility of changing the date of local government biennial elections from the first Saturday in May every two years to a date later in the year, possibly in September or October. The next election is due in May 2005.

Comment

The WALGA Zones have suggested that consideration be given to changing the date of local government biennial elections to allow newly elected members to be more involved with the budget process during their first term of appointment. Currently new Councillors are elected in May and many Councils have started setting the budget parameters. The proposed change will allow new Councillors some time to settle in and become accustomed to the functions and operations and therefore play a much greater role when the budgeting process commences for the following period.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Shire of Cuballing supports the proposal to change the local government biennial election date from the first Saturday in May every two years to a date later in the year, possibly in September or October.

COUNCIL ACTION

Moved Cr McKenzie, seconded Cr Brown that the Chief Executive Officers recommendation be adopted.

CARRIED 6/0

7.1.9 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – LOCAL GOVERNMENT ACT, PROPOSED AMENDMENTS TO ELECTORAL PROVISIONS

Background

The Department of Local Government and Regional Development (DLGRD) has recently been approached by the WA Electoral Commission (WAEC) seeking support for a number of amendments to the electoral provisions of the Local Government Act 1995 and associated Electoral Regulations. The WA Local Government Association has been requested to comment on the proposed changes and they in turn are seeking feedback from member Councils.

Comment

In broad terms the proposed changes are as follows:

- Regulation 20(1) be amended to provide for the inclusion of a postal address on the residents roll. Where a postal address is not provided by the elector, then the residential address would be included in lieu. The Department has indicated its support for this proposal.

The proposed amendment would in some cases assist Council staff if necessary to more easily contact persons on the residents roll. The amount of work required to fulfil this change would be minimal.

- Amending Form 13 of Schedule 1 of the Regulations, so that any questions from electors about the election could in the first instance be directed to the Electoral Commission, rather than the Returning Officer. This form, which relates only to postal voting instructions currently requires all questions about the postal voting package to be referred to the Returning Officer. The WAEC has indicated this change would enable them to establish a call centre to handle enquiries and allow one standard form to be printed saving cost on the printing process.

This proposal appears straight forward and it is certainly more sensible for persons with enquiries relating to postal voting packages to contact a central point rather than dealing with individual Returning Officers.

- The third change relates to planned amendments to the Electoral Act 1907 to deal with privacy in relation to the electoral roll. Apparently the State Government has agreed to amend the Electoral Act to make electoral rolls provided under that Act available for inspection only in a limited number of circumstances, which would remove the right for it to be sold or used for inappropriate purposes. As these electoral rolls form the basis of the residents roll that is passed to Local Government for the conduct of Local Government Elections, it is necessary to consider some restrictions on their access by the general public. S5.96 of the Local Government Act provides that if information can be inspected it can also be sold. The availability in this way would tend to contradict the desire to achieve some level of restriction on the use of the information.

If this amendment to the Electoral Act 1907 was to proceed it would in turn require a consequential amendment to the Local Government Act. However it should be urged that the residents roll still be available for public viewing by residents of the Shire. This would enable a person to view the roll but not purchase a copy thereof. This may be

pertinent if a person suspects that another person has been included on the roll in error or simply to question why someone has been included on the roll.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Shire of Cuballing:

- **Supports the proposed amendment to Regulation 20(1);**
- **Supports the proposed amendment to Form 13 of Schedule 1 of the Regulations; and**
- **Supports an amendment to the Electoral Act 1907 to prohibit the sale of the residents roll, however urges that the residents roll should be available for public inspection at the office of Council.**

COUNCIL ACTION

Moved Cr Newman, seconded Cr Wittwer that the Chief Executive Officers recommendation be adopted.

CARRIED 6/0

7.1.10 WESTERN AUSTRALIAN ELECTORAL COMMISSION – 2003 ELECTION COSTS

Background

This matter was last reported to the February 2004 ordinary meeting of Council. Council resolved to respond to the Western Australian Electoral Commission (WAEC) pointing out the agreement between the two parties, in accordance with clause 9(2) of the Local Government (Elections) Regulations 1997, for the Electoral Commission to run the 2003 elections based on the estimate of \$4,600 provided in May 2002, and that Council is prepared to accept a moderate increase on the estimate provided but not prepared to pay the total invoiced amount of \$8,848.33, which represents a 92% increase.

Comment

Following Councils resolution of February 2004, a letter was forwarded to the WAEC stating as above but also indicating that Council was prepared to negotiate a reasonable payment to the satisfaction of both parties.

Correspondence received back from the WAEC dated 8 March 2004, indicates that they are not prepared to budget on the amount invoiced claiming that the estimate provided in May 2002 could not be construed as being an agreement under clause 9(2) because it was an estimate only.

Following this letter the Chief Executive Officer has received a telephone call from Mr Gary Harrington, WAEC Manager Corporate Services. Mr Harrington stated that if the problem Council has with paying the total amount invoiced is because it hasn't been included on the current year budget then the WAEC could allow the amount to be paid in the next financial year, or over two years. It was pointed out to Mr Harrington that whilst Council has not budgeted in this financial year to pay the balance outstanding on the invoice, the amount in question is not

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the problem. Council believes it employed the services of the WAEC to undertake a postal election in May 2002 based on the estimate provided. Had the estimate at the time been \$8,848.33 then the election most probably would have been conducted in house by Council staff. However Mr Harrington requested that the question be put to Council if it will be willing to pay the outstanding balance of \$4,248.33 if the WAEC permits payment to be made in the 2004/2005 financial year?

It is interesting to note that the WAEC have recently provided an estimate of \$6,200 - \$6,700 to conduct a postal election in the Shire of Wandering in May 2005. It seems absurd that the WAEC is still using this term (or word) when it appears to be the cause of the existing problems between the WAEC and several Councils in relation to the May 2003 election costs.

Bruce Wittber, WALGA Policy Manager Governance, has arranged a meeting with representatives of the WAEC on Tuesday 18 May 2004, to discuss the costs associated with the 2003 postal elections and further information should be forthcoming for tabling at the Council meeting.

The Chief Executive Officer provided further background information to the meeting following advice from the Western Australian Local Government Association on the outcome of a meeting held on Wednesday 19 May 2004 between the Association and Western Australian Electoral Commission.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

Council direction please.

COUNCIL ACTION

Moved Cr Hawksley, seconded Cr Newman that the Shire of Cuballing defers making any further payment/s to the Western Australian Electoral Commission in relation to costs pertaining to the 2003 Local Government Elections until the Western Australian Local Government Association has finalised negotiations with the Commission on behalf of a number of local governments.

CARRIED 6/0

7.1.11 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – PROPOSED AMENDMENTS TO THE WALGA CONSTITUTION

Background

Letter from the WA Local Government Association (WALGA) advising that pursuant to clause 27 of the Constitution advice is given of proposals to amend the Association's Constitution at the WALGA Annual General Meeting scheduled for 8 August 2004.

Comment

The proposed amendments to the WALGA Constitution are as follows:

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- Amend Schedule 3 to:
 - Transfer the membership of the Shire of Wiluna from the Murchison Country Zone to the Esperance-Eastern Goldfields Country Zone; and
 - Change the name of the Esperance-Eastern Goldfields Country Zone to the 'Goldfields Esperance Country Zone'.
- Amend clauses 10 and 30 to increase the term of office for the third State Council from two (2) to three (3) years, commencing from the conclusion of the 2004 Annual Conference and extending to the conclusion of the 2007 Annual Conference.

Section 27 of the Constitution states that any alterations, additions or repeals of the WALGA Constitution require a resolution by a special majority of State Council. In addition, amendments must be supported by a resolution at an Annual or Special Conference of the Association, which is passed by a special majority of delegates from Member Councils. The Constitution requires 90 days notice of any proposed amendments to be provided to Member Councils.

The proposed amendments appear to be straight forward and will not have any impact on the operations or functions of this Council. The final amendment to bring the election of State Council into line with biennial local government elections is a sensible proposal and should be supported by Council.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Shire of Cuballing supports the proposed amendments to the Western Australian Local Government Association Constitution and will vote accordingly at the WALGA Annual General Meeting scheduled for 8 August 2004.

COUNCIL ACTION

Moved Cr Brown, seconded Cr McKenzie that the Chief Executive Officers recommendation be adopted.

CARRIED 6/0

7.1.12 BUTLER SETTINERI – REVIEW OF FINANCIAL MANAGEMENT SYSTEMS

Background

Clause 5(2)© of the Local Government (Financial Management) Regulations 1996 states that the CEO is to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every four financial years) and report to the local government the results of those reviews.

Comment

Council's auditors, Butler Settineri, whilst conducting an interim audit of the Shire on Thursday 29 April 2004, undertook a review of the financial management systems and procedures.

The full report produced by Butler Settineri is included in the meeting agenda.

The report is very positive and in most instances Council systems and procedures are adequate and meet the required standards. However in areas where improvement can be made staff will endeavour to implement necessary changes.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the report prepared by Butler Settineri on the financial management systems and procedures of the Shire of Cuballing be received and information and comments noted.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Newman that the Chief Executive Officers recommendation be adopted.

CARRIED 6/0

7.1.13 AGRICULTURE PROTECTION BOARD – ZONE CONTROL AUTHORITY (ZCA) MEMBERSHIPS, ANNUAL REVIEW

Background

Correspondence advising that the Shire of Cuballings current nomination to the Narrogin Zone Control Authority, Cr Roger Newman, expires on 1 August 2004.

Comment

Under the Agriculture and Related Resources Protection Act 1976, the terms of office of individual ZCA members are limited to three (3) years, although retiring members are eligible for re-appointment if they wish to continue beyond this time.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Councillor Roger Newman be nominated for re-appointment on the Narrogin Zone Control Authority.

COUNCIL ACTION

Moved Cr Wittwer, seconded Cr McKenzie that the Chief Executive Officers recommendation be adopted.

CARRIED 6/0

7.2 REPORTS – WORKS

7.2.1 WORKS SUPERVISORS REPORT

NEBRIKINNING/CONGELLIN ROADS BLACKSPOT

Works are progressing well. The Nebrikinning intersection was cut in prior to the Anzac Day long weekend and the new alignment is working well. Bitumen sealing of the intersection will be completed on Friday 14 May 2004.

NEBRIKINNING ROAD WIDENING

Works on this road have been delayed whilst the Nebrikinning/Congelin Blackspot project is being completed and the bitumen sealing of two kilometres of Congelin Road. Works to date are on budget and hopefully the road should be completed prior to the 30 June 2004.

CONGELLIN ROAD

Bitumen sealing of two kilometres of this road should be completed by the end of May 2004.

GENERAL MAINTENANCE

General maintenance is continuing throughout the Shire, although has been a bit slow due to the amount of construction works still being undertaken.

STORM DAMAGE

The storms on Sunday 9 May 2004 caused a lot of tree damage throughout the Shire. Employees were out until late in the evening to ensure roads were trafficable.

PLANT AND MACHINERY

All items of plant and machinery are being serviced and maintained as required, and all plant is in good working order.

PRIVATE WORKS

Various private works orders are being received and these are being completed as time permits. Unfortunately due to our current works program we haven't been able to commit to undertaking all the orders received.

Private works invoices for the month of April 2004, totaling \$8,416.55.

Reporting Officer

Alex Richardson, Works Supervisor

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Supervisors Report be received and information noted.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Newman that the Chief Executive Officers recommendation be adopted.

CARRIED 6/0

7.2.2 **SHIRE OF CUBALLING BUSH FIRE ADVISORY COMMITTEE – BURNING POLICY**

Background

At the meeting of the Shire of Cuballing Bush Fire Advisory Committee held on 13 April 2004, a motion was moved to request Council to formulate a Policy to prohibit the issuing of burning permits during the restricted burning period for the lighting of fires on Sundays and Public Holidays, and other days as considered appropriate by the Fire Control Officers.

Comment

This matter was raised because of the lack of personnel available on these particular days due to people having a day of rest or being away from the district taking advantage of a long weekend. The 'other days' issue has been raised with Easter Saturday a prime example. If a permit cannot be issued on Friday, Sunday and Monday over the Easter period then Saturday should also be an exclusion.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Shire of Cuballing adopts the following policy:

The issuing of a Burning Permit during the Restricted Burning Period for the lighting fires on Sundays and Public Holidays, and/or other days considered appropriate by a Fire Control Officer, be prohibited within the Shire of Cuballing.

COUNCIL ACTION

Moved Cr Hawksley, seconded Cr Brown that the Chief Executive Officers recommendation be adopted.

LOST 3/4

The vote was tied at 3 all and the Shire President exercised discretionary voting powers in accordance with section 5.21 (3) of the Local Government Act 1995.

Council is of the opinion that the Fire Control Officers have sufficient powers to not issue permits on Sundays, Public Holidays and/or any other day they may consider too dangerous to burn and therefore it is not necessary to adopt a Council Policy on the matter.

7.2.3 BUSH FIRE INCIDENT REPORTS

Background

Three (3) Bush Fire Incident Reports have been received for recent fires within the district.

Comment

Details of the fires are summarised hereunder:

- 24 April 2004, G Cardell, Lot 391 Alton Street, Cuballing
Control burn of grass and rubble on townsite lot out of control
- 28 April 2004, Railway/Water Reserve, Great Southern Highway
Water Corporation worker undertaking routine maintenance on the water pipeline and spark from angle grinder caused fire
- 9 May 2004, D Barber, Lot 289 Beeston/Brundell Streets, Cuballing
Strong winds caused smouldering tree and grasses from previous day burn to reignite and get out of control

All of the fires were quickly brought under control with the fast attention of local volunteers and fortunately minimal damage was caused. The fire on 9 May 2004 had the capacity to be very severe however some rainfall not long after fire units were alerted helped bring the fire under control.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Bush Fire Incident Reports be noted and information forwarded to the Fire and Emergency Services Authority.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Watts that the Chief Executive Officers recommendation be adopted.

CARRIED 6/0

7.2.4 SHIRE OF PINGELLY – DUAL FIRE CONTROL OFFICERS 2004/2005

Background

Letter from the Shire of Pingelly advising of their appointment of Rodney Shaddick, Neville Giles, Alan Parsons and Mark Watts as Dual Fire Control Officers with the Shire of Cuballing for the 2004/2005 Fire Season.

Comment

The appointments by the Shire of Pingelly are the same as for the 2003/2004 Fire Season.

At the Annual General Meeting of the Shire of Cuballing Bush Fire Advisory Committee held on 13 April 2004, the committee resolved to appoint Dean Watts and Duncan Patten as the Dual Fire Control Officers with the Shire of Pingelly for 2004/2005. In response to the Shire of Pingelly consent to these appointments will be requested.

Letters will also be forwarded to other neighbouring local governments for consent to the respective appointment of Dual Fire Control Officers with their Shires for the 2004/2005 Fire Season.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the appointments by the Shire of Pingelly of Rodney Shaddick, Neville Giles, Alan Parsons and Mark Watts as Dual Fire Control Officers with the Shire of Cuballing for the 2004/2005 Fire Season be endorsed.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Wittwer that the Chief Executive Officers recommendation be adopted.

CARRIED 6/0

7.3 REPORTS – BUILDING

7.3.1 BUILDING SURVEYORS REPORT

Summary:

There were three (3) building applications approved and licenses issued for the month of April 2004.

Listed below are the application details of the proposed structures.

Approval Date	Lic No	Name & Address of Owner	Structure	Registered Builder Or Owner Builder	Situation of Building Lot or Street No & Town or Suburb
8 April 04	25/03.04	Robin Sayles Lot 50 Derby Street Cuballing	Pool and fence	O/B	Lot 50 Derby Street Cuballing
13 April 04	26/03.04	Glenn & Debra Wells 234 Spencer Road Thornlie	House	Glenn Wells 234 Spencer Road Thornlie	Lot 76 King Street Popanyinning
13 April 04	27/03.04	John Robertson PO Box 117 Cuballing	Verandah	O/B	Lot 39 Beeston Street Cuballing

Comment: Nil

Consultation: Nil

Statutory Environment: Nil

Policy Implication: Nil

Financial Implications: Nil

Strategic Implications: Nil

Reporting Officer

Darryle Baxter, Building Surveyor

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Building Surveyors Report be received and information noted.

COUNCIL ACTION

Moved Cr Brown, seconded Cr McKenzie that the Chief Executive Officers recommendation be adopted.

CARRIED 6/0

7.4 REPORTS – HEALTH

7.4.1 ENVIRONMENTAL HEALTH OFFICERS REPORT

PURPOSE

To advise Council of Environmental Health inspections that have been carried out in the District.

REPORT

The following inspections have been carried out during the month of April 2004.

Rubbish Tips

- (i) Cuballing Rubbish Tip
Site found to be operating within legislative requirements..
- (ii) Popanyinning Rubbish Tip
Wind blown litter around site.
*Action required – 1. Pick up windblown litter in bush around site.
2. Rubbish on tip face needs to be covered.*

The rubbish tips should be inspected monthly by the local Fire Control Officer to assess compliance with bushfire safety requirements.

On-site Effluent Disposal

- (i) Loc 9916 Turton Road, Popanyinning
Inspection of proposed on-site effluent disposal system.
- (ii) Lot 397 Beeston Street, Cuballing
Inspection of proposed on-site effluent disposal system.

COMPLAINT

Location 5035 Pauley Road, Cuballing
Alleged odour nuisance emanating from neighbouring piggery.
Complaint referred to Council via Department of Environmental Protection.
Premises inspected – complaint not justified at time of inspection.
Department of Environmental Protection advised of outcome.

CORPORATE PLAN/POLICY IMPLICATIONS

Nil.

FINANCIAL/BUDGET IMPLICATIONS

None anticipated.

Reporting Officer

Maurice Walsh, Environmental Health Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Environmental Health Officers Report be received and information noted.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Newman that the Chief Executive Officers recommendation be adopted.

CARRIED 6/0

7.4.2 DEPARTMENT OF INDUSTRY AND RESOURCES – APPLICATION TO STORE DANGEROUS GOODS

Background

The Department of Industry and Resources is in receipt of an application for the installation of 2200 litre Liquefied Petroleum Gas storage facility at the Lions Dryandra Woodland Village.

Comment

The proposal is for the large gas storage container to provide gas to the various accommodation units at Dryandra for heating, cooking and hot water by reticulated supply in place of individual gas bottles at each of the units.

The Department of Conservation and Land Management advise they have investigated the proposal and support the application.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Shire of Cuballing supports the application for the installation of a 2200 litre Liquefied Petroleum Gas storage facility at the Lions Dryandra Woodlands Village for purpose of providing gas to the various accommodation units for heating, cooking and hot water by reticulated supply.

COUNCIL ACTION

Moved Cr Wittwer, seconded Cr Newman that the Chief Executive Officers recommendation be adopted.

CARRIED 6/0

7.4.3 J R GOULD – COMPLAINT IN RELATION TO USE OF MOTOR BIKE IN GRAVEL RESERVE

Background

Letter of complaint received from Mr J R Gould in relation to the recent operation of a motorbike in Gravel Reserve #32463 (Williams Location 15626). The letter follows several verbal complaints by Mr Gould and Mr Graham Maddison to Councillor Watts, Councillor Newman, the Chief Executive Officer, and Department of Conservation and Land Management (CALM), from Saturday 15 May 2004 to Monday 17 May 2004.

Comment

On receipt of a complaint from Mr Maddison on Saturday 15 May, the Chief Executive Officer (CEO) visited the site and the alleged offender was in the process of vacating the area. He advised that he had been in the area for about two (2) hours. In that time he had been visited by the complainant. He further advised that he utilised this particular site because the area was not as pebbly as other gravel pits and this provided the opportunity and safer conditions for him to give his children a ride. As he was leaving the site no further action was taken.

Whilst no further complaints were made to the CEO over the weekend, telephone calls were made to Councillors Watts and Newman, and CALM, in relation to further motorbike activities at the site.

On Monday 17 May 2004 the Department of Planning and Infrastructure (DPI) advised that Gravel Reserve #32463 is an unmanaged reserve and its control and responsibility rests with the Crown (ie DPI).

On Tuesday 18 May 2004 CALM Ranger, Des Plumb, visited the area as he was concerned that the motorbike activities may have been taking place in CALM Reserve #20802 to the south of the gravel reserve. This was not the case.

Activities of this nature come under the control of The Control of Vehicles (Off-road Areas) Act 1978 (the Act). The Act prohibits the use of vehicles in certain places, makes provision as to the use of vehicles otherwise than on a road, provides for areas where the use of off-road vehicles shall be permitted, for the registration of off-road vehicles, and for related purposes. Further to this it is the duty of a local government to administer and enforce the provisions of this Act within its district. Therefore when a complaint of this nature is received it is not a matter of referring the incident to the DPI to deal with as the owners or controlling body of the land.

In general terms the operation of an off-road vehicle is not permitted unless the vehicle is registered as such and is being operated within a designated permitted area or on private land with the consent of the owner.

A local government may identify areas of land, other than private land, for use of off-road vehicles to be permitted or prohibited, however this needs to be submitted to an Advisory Committee for consideration and consent by the Minister and Governor prior to gazettal. Until this process is worked through all areas are considered to be non-permitted.

The owner of any private land may in writing authorise the Minister to declare that land to be a permitted area for the purpose of the Act.

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The operation of off-road vehicles within the Shire of Cuballing has not been a major problem or caused this type of complaint in the past, and there seems minimal demand for a specified area to be established for this activity within the region. However if considered necessary perhaps Council could investigate further.

The Chief Executive Officer provided further information to the meeting in relation to the complaints received and actions taken to resolve the matter.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

For Council information, discussion and direction please.

COUNCIL ACTION

Moved Cr Newman, seconded Cr Wittwer that:

- **The Chief Executive prepare a suitable response to the correspondence received from Mr J R Gould; and**
- **The Shire of Cuballing does not take any formal process for the designation of areas within the district for off-road vehicles.**

CARRIED 6/0

7.5 REPORTS – TOWN PLANNING

7.5.1 TOTAL FARMING SERVICES (J & M HASSELL) – APPLICATION FOR APPROVAL TO OPERATE FARM CHEMICAL STORAGE FACILITY

Background

Correspondence from Total Farming Services seeking Council approval for the operation of a Farm Chemical Storage facility on their property at Williams Location 4052 Hassell Road, Popanyinning East.

The request is for a temporary licence (12 months maximum) only for the 2004 crop growing season as they have purchased adjoining property in the Pingelly Shire with a free standing shed that they plan to transfer the operations to in future years.

Comment

Total Farming Services have acquired a United Farmers Agency and the proposal is for chemicals to be stored on the property for collection or delivery once ordered by an individual through United Farmers. United Farmers will accept orders and then these will be delivered in bulk to Hassell's property.

Storage facilities on general agricultural properties is not covered in the Shire of Cuballing Town Planning Scheme (TPS) #1, however is a discretionary use in draft TPS #2. Section 3.2.5 of TPS #1 allows Council to grant discretionary planning approval for a proposed use if that use

is not specifically mentioned in the Zoning Table of the TPS and cannot reasonably be determined as falling within the interpretation of one of the use categories.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That in accordance with section 3.2.5 of the Shire of Cuballing Town Planning Scheme #1, Council grants discretionary planning approval for the issue of a temporary licence to Total Farming Service for the storage of farm chemicals on Williams Location 4052 Hassell Road, Popanyinning East. Temporary Licence is valid for 12 months only will expire on 30 April 2005.

COUNCIL ACTION

Moved Cr Wittwer, seconded Cr Brown that the Chief Executive Officers recommendation be adopted.

CARRIED 6/0

8 ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

9 OTHER URGENT BUSINESS

9.1 ITEMS OF LATE CORRESPONDENCE

The Shire President informed the meeting of two items of late correspondence received from Mrs J Dean (Cuballing Kids Club) and G & J Dean.

The matters have been referred to the Chief Executive Officer for investigation and presentation for 2004/2005 Budget deliberations.

9.2 CHIEF EXECUTIVE OFFICER SALARY NEGOTIATIONS

Moved Cr Hawksley, seconded Cr Wittwer that following successful performance review and assessment for the past twelve month period the Chief Executive Officers salary conditions be increased to \$87,400 effective from 1 July 2004.

CARRIED 6/0

9.3 JUNE 2004 ORDINARY MEETING OF COUNCIL

Cr Hawksley commented that Cr Bradford will be in the eastern states on business in his capacity as Chairman of the WA Meat Marketing Corporation when the June 2004 meeting of Council is scheduled to be held and suggested Council consider rescheduling the meeting.

Moved Cr Hawksley, seconded Cr Brown that the June 2004 Ordinary Meeting of Council be rescheduled from Thursday 17 June 2004 to Thursday 24 June 2004, to enable Cr Bradford to attend the meeting. Meeting commencement time to remain at 2.00 pm.

CARRIED 6/0

10 **MEETING CLOSURE**

There being no further business the Shire President declared the meeting closed at 4.20 pm.

CONFIRMED AS A TRUE RECORD OF PROCEEDINGS ON _____

PRESIDENT