



SHIRE OF CUBALLING

**ORDINARY COUNCIL MEETING
HELD ON THURSDAY 19 MAY 2005**

MINUTES

CHIEF PRESIDENT

DATE

SHIRE OF CUBALLING

ORDINARY COUNCIL MEETING
THURSDAY 19 MAY 2005

MINUTES

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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
19 MAY 2005**

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

President welcomed Councillors, declared meeting open 3.02 pm.

2. RECORD OF ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

ATTENDANCE

Shire President Cr I L Watts	Deputy President Cr T H Wittwer
Cr J D Brown	Cr C R Hawksley
Cr C R McKenzie	Cr R J D Newman
Cr D S Bradford	
Chief Executive Officer P T Naylor	
Matthew Dean (from 4.20 pm to 4.38 pm)	

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

3. ELECTION OF SHIRE PRESIDENT AND DEPUTY SHIRE PRESIDENT

The swearing in of new Councillors and election of Shire President and Deputy Shire President was preformed at a Special Meeting of Council prior to the commencement of the Ordinary Council Meeting.

Cr Watts was elected unopposed to the position of Shire President for the two year period 2005 to 2007 and Cr Wittwer was elected unopposed to the position of Deputy Shire President for the same period.

4. PUBLIC QUESTION TIME

Nil

5. APPLICATION FOR LEAVE OF ABSENCE

Nil

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6. **MINUTES**

6.1 **CONFIRMATION OF 21 APRIL 2005 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 21 April 2005 be confirmed.

COUNCIL ACTION

Moved Cr Bradford, seconded Cr Newman that the Chief Executive Officers Recommendation be adopted.

CARRIED 7/0

7. **PETITIONS, DEPUTATIONS, PRESENTATIONS**

Matthew Dean addressed the meeting at 4.20 pm.

8. **REPORTS OF OFFICERS**

8.1 **CHIEF EXECUTIVE OFFICER**

V	NAME	PARTICULARS	MUNI	TRUST
10124	PETTY CASH	Petty Cash Recoup 18/04/05	224.30	
10125	ATO	March 2005 BAS	14482.00	
10166	SELWYN JONES	Purchase of 2 Civic Building Paintings	1200.00	
10167	BUILDER'S REGO BOARD OF WA	April 2005 Building Dispute Fees	24.50	
10168	PETTY CASH	Petty Cash Recoup 04/05/05	233.00	
10169	BELINDA WILCOX	Council Shopping	42.93	
10170	MCDOUGALL WELDMENTS	Shade Extension to Clubroom – Rec.	2666.99	
10171	WESTERN POWER	Power A/C	32.35	
10172	WATER CORPORATION	Water A/C	2846.15	
10173	TELSTRA	Mobile A/C	10.75	
10174	WESTNET	Internet Services	1230.00	
10175	AUSTRALIAN SERVICES UNION	ASU Deductions April 2005	31.80	
10176	WA LOCAL GOVT ASSOCIATION	Super Contributions April 2005	4415.79	
10177	SHIRE OF CUBALLING	Social Club Deductions April 2005	130.00	
10178	HNE P/L	Computer Software Maintenance	7172.00	
10179	WEL-QUIP	New 2005 Veneri Front End Loader	203314.10	
10180	SHIRE OF PINGELLY	Portion of Healthways grant for series of Free Community Concerts 2005	2333.00	
10181	SHIRE OF WICKEPIN	Portion of Healthways grant for series of Free Community Concerts 2005	2333.00	
10191	BEAUREPAIRES	Tyres	3173.24	
10192	RD & RA BETTELEY	Clearing – Popo West Rd	2112.00	
10193	BILL & BENS HOT BREAD SHOP	Anzac Day Ceremony – Scones	21.12	
10194	BOISE CASCADE	Stationery	917.26	
10195	COURIER AUSTRALIA	Freight on Stationery	27.26	
10196	CUBY ROADHOUSE	Refreshments & Gas	145.50	

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10197	E & MJ ROSHER P/L	Parts & Repairs	176.60	
10198	GREAT SOUTHERN FUELS	Fuels & Oils	10108.22	
10199	HANCOCK & SONS	Materials – Depot	99.00	
10200	JAY-AY SERVICES	Ranger Services – Lowe	74.20	
10201	JOHN ROBERTSON	Council Tender Box	473.00	
10202	LANDVISION	Planning Consultancy April 2005	137.50	
10203	LR ARCHIBALD & CO P/L	Private Works – Carting of Gravel	2150.50	
10204	MAJOR MOTORS	Parts & Repairs	45.19	
10205	MAKIT NGN HARDWARE	Materials – Signs	182.00	
10206	MCDOUGALL WELDMENTS	Hire & Final Purchase of Roller & Materials	2264.36	
10207	MCLEODS BARRISTERS	Legal Consultancy Fees – Lowe	735.40	
10208	NGN AG REPAIRS	Materials	257.20	
10209	PERTH AUTO ALLIANCE	Parts & Repairs	225.72	
10210	PIONEER CREDIT MANAGEMENT SERVICES	Debt Recovery Expenses	5.50	
10211	PIONEER ROAD SERVICES	Materials – Granite	20645.15	
10212	REINFORCED CONCRETE PIPES	Materials	332.64	
10213	RNR CONTRACTING P/L	Materials – Bitumen	4361.57	
10214	SHERIDAN'S FOR BADGES	Councillor Desk Name Plates	344.30	
10215	SHIRE OF NARROGIN	Grading Maintenance – Cuby West Rd	874.50	
10216	SOS OFFICE CHOICE	Photocopier Charges April 2005	129.57	
10217	SOUTH WEST PRINT. & PUBLISH.	Advertising	176.00	
10218	STAR TRACK EXPRESS	Freight – Parts	67.06	
10219	SUNNY SIGN COMPANY P/L	Signs	105.60	
10220	THE ENCHANTED FLORIST	Anzac Day Ceremony – Wreath	65.00	
10221	VALUER GENERALS OFFICE	Valuations	3611.14	
10222	VI BARHAM AWARD FOR EXCELLENCE	Donation to 2005 Vi Barham Award for Excellence	100.00	
10223	WA LOCAL GOVT ASSOCIATION	Website Service Fees & LG Election Advertising	3316.14	
10224	WESTERN POWER	Power A/C	2098.05	
10225	WESTRAC EQUIPMENT	Parts & Repairs	311.78	
10226	TELSTRA	Phone A/C	919.88	
T1928	B.C.I.T.F.	B.C.I.T.F. April 2005		270.25
	ELECT TSFR TRANSACTIONS			
180405	ALLAN RAMSAY	EHO/BS Travel Allowance Mar 2005	86.15	
190405	SALARIES & WAGES	Salaries & Wages 060405 – 190405	16111.31	
030505	SALARIES & WAGES	Salaries & Wages 200405 – 030505	15444.48	
120505	ALLAN RAMSAY	EHO/BS Travel Allowance April 2005	86.76	
	CREDIT CARD TRANSACTIONS			
090405	ED HARRY MENSWEAR	Staff Clothing	69.95	
		TOTALS \$	335,310.46	270.25

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That payment of Accounts Vouchers 10124 - 10125, 10166 - 10181, 10191 - 10226, T1928, Electric Transfer/s 180405 - 120505, and Credit Card Transaction/s 090405, totalling \$335,580.71, as presented, be endorsed.

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COUNCIL ACTION

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

CARRIED 7/0

8.1.2 SHIRE OF CUBALLING FINANCIAL REPORTS AS AT 30 APRIL 2005

ROADS MAINTENANCE AND CONSTRUCTION

MAINTENANCE				
Details	Job No	Status	Budget 2004/05 \$	Actual YTD \$
Refuse Sites (Cuby & Popo)	1000.1/2		72,670	36,919
Parks and Reserves	1100.9		48,700	37,045
Road Maintenance General	1201.31		301,350	161,714
Tree Lopping/Mulching	1201.34		47,600	12,609
Tree Lopping (Contract)	1201.34		25,000	0
Town Maintenance - Cuballing	1201.35		18,380	6,345
Town Maintenance - Popanyinning	1201.36		18,380	19,195
Bitumen Patching	1201.37		23,050	16,552
Bridges & Culverts - General	1201.38		9,810	4,809
Grading Maintenance - Winter	1201.41		93,070	64,937
Grading Maintenance - Shoulder	1201.42		34,560	13,800
Grading Maintenance - Summer	1201.43		116,450	76,676
Storm Damage	1201.44		5,150	3,286
Weed Control – Declared Plants	1300.1		14,160	4,522
Weed Control - Roadside	1300.3		14,150	5,476
Total Maintenance			842,480	463,885
CONSTRUCTION				
Cuballing East (RRG)	1200.30	IP	47,870	31,143
Cuballing West (RRG)	1200.31	Comp	37,570	37,885
Popanyinning East (DG)	1200.50	IP	60,600	13,725
Congellin (R2R & Own)	1200.60	Comp	99,570	117,802
Bunmulling (Own)	1200.70	IP	20,080	4,628
Yornaning West (Own)	1200.71	Comp	40,520	51,242
Town Streets (Own)	1200.72	IP	49,980	18,264
Popanyinning West (Own)	1200.76	Comp	72,380	54,415
Springhill (Own)	1200.77	Comp	29,880	9,243
Total Construction			458,450	338,347
GRAND TOTAL			1,300,930	802,232

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		Annual Budget 2004/05 \$	Actual YTD 2004/05 \$
OPERATING ACTIVITIES	Sch		
<u>Income</u>			
General Purpose Funding	3	3,100	560,933
Governance	4	11,310	2,777
Law, Order & Public Safety	5	40,750	38,225
Health	7	1,200	2,286
Education and Welfare	8	750	693
Housing	9	0	0
Community Amenities	10	2,000	4,041
Recreation and Culture	11	2,410	4,469
Transport	12	11,400	5,346
Economic Services	13	5,800	16,430
Other Property and Services	14	61,990	47,609
Total Operating Income		140,710	682,809
<u>Expenditure</u>			
General Purpose Funding	3	-39,440	-51,480
Governance	4	-236,270	-216,513
Law, Order & Public Safety	5	-55,650	-44,897
Health	7	-14,750	-15,560
Education and Welfare	8	-3,000	-915
Housing	9	-18,990	-15,548
Community Amenities	10	-96,000	-43,517
Recreation and Culture	11	-96,220	-79,478
Transport	12	-961,110	-522,960
Economic Services	13	-85,350	-33,480
Other Property and Services	14	-35,300	-159,249
Total Operating Expenditure		-1,642,080	-1,183,597
ADJUSTMENTS FOR CASH REPORTING REQUIREMENTS:			
Depreciation (Assets Register)		568,650	424,397
Profit/Loss on Sale of Assets		-9,860	1,958
<u>Capital Expenditure & Income</u>			
Proceeds on Sale of Assets		159,000	150,552
Capital Grants and Subsidies		898,940	665,086
Land and Buildings		-132,690	-68,259
Infrastructure Assets - Roads		-480,450	-383,954
Plant and Equipment		-465,000	-87,300
Furniture and Equipment		-11,000	-10,557
Proceeds from New Loans		0	0
Loan Repayments		-16,990	-12,647
Transfer to Reserves		-131,000	-15,040
Reserves (Cash Backed)		302,190	0
Opening Funds		278,750	278,750
Less Closing Funds		0	-442,198
CLOSING POSITION		-541,330	0

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BANK RECONCILIATION

	Municipal Fund	Trust Fund	Reserve Accts
	\$	\$	\$
Opening balance	561,856.26	49,236.88	492,194.13
Income	16,512.60	270.25	6,179.05
	578,368.86	49,507.13	498,373.18
Expenditure	-192,913.57	-300.74	0.00
Closing balance	385,455.29	49,206.39	498,373.18
Bank account	407,714.54	36,720.85	2,738.29
Investments	0.00	12,365.60	495,635.05
	407,714.54	49,086.45	498,373.18
Plus O/S deposits	459.34	270.25	0.00
	408,173.88	49,356.70	498,373.18
Less O/S cheques	-20,069.98	-150.31	0.00
	388,103.90	49,206.39	498,373.18
Less O/S licensing	-2,772.25	0.00	0.00
Less Adjustments	123.64	0.00	0.00
Closing balance	385,455.29	49,206.39	498,373.18

RATING INFORMATION

	Budget 2004/05	Actual 2004/05
UV Rates Levied	\$424,510	\$418,612
GRV Rates Levied	\$44,930	\$47,504
UV Minimum Rates Levied	\$2,860	\$2,600
GRV Minimum Rates Levied	\$69,030	\$67,370
Interim Rates UV	\$0	\$3,541
Interim Rates GRV	\$0	\$422
Mining Tenement	\$0	\$0
	\$541,330	\$540,049
Rates o/s from previous years (1 July)	\$7,619	\$7,619
Rates Written Off	\$0	\$0
Discount Allowed	-\$38,000	-\$38,028
Net Rates Receivable	\$510,949	\$509,640
Emergency Services Levy	\$18,000	\$17,820
Net Rates & ESL Receivable	\$528,949	\$527,460
Less Rates & ESL Paid		-\$515,414
RATES OUTSTANDING		\$12,046
Pensioner Deferred Rates		\$2,000
UV Rates as a % of total rates		78.7%
GRV Rates as a % of total rates		21.3%
Payment Discount as a % of total rates		7.0%
Rates Paid as a % of net rates receivable		97.7%
Rates Outstanding as a % of net rates		2.3%
Pensioner Deferred Rates as a % of O/S Rates		16.6%

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INVESTMENTS

Account	Maturity	Interest	Fund/Account		
Number	Date	Rate	Municipal	Trust	Reserves
652250055120	8 July 2005	5.29%		\$12,365.60	
652250055147	14 June 2005	5.45%			\$495,635.05
			\$0.00	\$12,365.60	\$495,635.05

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Financial Reports for the period ended 30 April 2005 be adopted by Council.

COUNCIL ACTION

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

CARRIED 7/0

8.1.3 WATERING AUSTRALIA FOUNDATION – REQUEST FOR FINANCIAL SUPPORT

Background

Correspondence requesting Council to consider providing financial support (\$500) to the Watering Australia Foundation's operations.

Comment

The Foundation has for a number of years been promoting the need for a Kimberley Pipeline Project to support the diminishing water supply in the Perth Metropolitan Area. The State Government through recent studies is now growing in support of the concept, however they are also looking at various other alternatives.

In 2003 the Foundation wrote to Council seeking financial assistance and Council on that occasion resolved not to make a contribution. Council was of the opinion that this type of project is the responsibility of the State and Federal Governments, and possibly nothing has changed in this regard.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Shire of Cuballing does not make a financial contribution to the Watering Australia Foundation.

COUNCIL ACTION

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

CARRIED 7/0

8.1.4 SHIRE OF CUBALLING COMMITTEES AND COUNCILLOR DELEGATES TO COMMUNITY COMMITTEES AND/OR SERVICES

Background

In previous years following the Local Government Elections, Council has elected representation to various Council Committees, namely Finance, Halls, Works and Housing, and elected a Councillor to a particular Portfolio in accordance with the Local Government Program titles.

Comment

In addition to the Committee representation Council has elected in previous years, recent amendments to the Local Government Act 1995, and associated Regulations, require Council to elect an Audit Committee. New regulation 16 of the Local Government (Audit) Regulations provides for the functions of the audit committee.

Regulation 16 states:

“An audit committee –

(a) is to provide guidance and assistance to the local government –

- (i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and*
- (ii) as to the development of a process to be used to select and appoint a person to be an auditor;*

and

(b) may provide guidance and assistance to the local government as to –

- (i) matters to be audited;*
- (ii) the scope of audits;*
- (iii) its functions under Part 6 of the Act; and*
- (iv) the carrying out of its functions relating to other audits and other matters related to financial management.*

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Further to this, new section 7.1A of the Local Government Act states that the Audit Committee is to be of three or more persons, including elected members and other persons, and that employees and the CEO can not be members of the Committee, however they can be observers.

Listed hereunder are details of Committee representation and Councillor portfolios adopted in May 2003.

- **Finance Committee**

All Councillors appointed to this Committee

- **Works Committee**

All Councillors appointed to this Committee

- **Plant/Machinery Committee**

Councillors Bradford, Newman and Wittwer

- **Halls Committee**

Cuballing Hall: Councillors Brown, Hawksley and Newman

*Yornaning Hall: Councillors Bradford and Wittwer

Popanyinning Hall: Councillors McKenzie and Watts

- With the sale and removal of this Hall representation is no longer required.

Committee/Service	Delegate	Proxy Delegate
Agriculture WA	Cr Newman	Cr Wittwer
Bush Fire Advisory	Cr Hawksley	CR McKenzie
Dryandra Woodlands	Cr Bradford	Cr Hawksley
Education (School Awards, etc)	Cr Brown	Cr Bradford
Emergency Management	Cr Brown	Cr Hawksley
Essential Government Services	Cr Hawksley	Cr McKenzie
Landcare (LCDC)	Cr Wittwer	Cr Newman
Popanyinning Progress Association	Cr McKenzie	Cr Watts
RoadWise	Cr Watts	Cr Hawksley
Tourism	Cr Brown	Cr McKenzie
Townscape	Cr Newman	Cr's Brown & Watts
Yornaning Dam	Cr Wittwer	Cr Newman

Given that there has been no change to Council representation following the May 2005 Local Government Elections, if Councillors are happy with their current appointments the above Committees and Portfolios could remain as si with the deletion of the Yornaning Hall Committee and the inclusion of an Audit Committee.

It is recommended that all Councillors be appointed to the Audit Committee.

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Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

1. Council appoints Committee representation and Councillor Portfolios for the two year period 2005 to 2007, as follows:

- Audit Committee

All Councillors be appointed to this Committee

- Finance Committee

All Councillors be appointed to this Committee

- Works Committee

All Councillors be appointed to this Committee

- Plant/Machinery Committee

Councillors Bradford, Newman and Wittwer

- Halls Committee

Cuballing Hall: Councillors Brown, Hawksley and Newman

Popanyinning Hall: Councillors McKenzie and Watts

Committee/Service	Delegate	Proxy Delegate
Agriculture WA	Cr Newman	Cr Wittwer
Bush Fire Advisory	Cr Hawksley	CR McKenzie
Dryandra Woodlands	Cr Bradford	Cr Hawksley
Education (School Awards, etc)	Cr Brown	Cr Bradford
Emergency Management	Cr Brown	Cr Hawksley
Essential Government Services	Cr Hawksley	Cr McKenzie
Landcare (LCDC)	Cr Wittwer	Cr Newman
Popanyinning Progress Association	Cr McKenzie	Cr Watts
RoadWise	Cr Watts	Cr Hawksley
Tourism	Cr Brown	Cr McKenzie
Townscape	Cr Newman	Cr's Brown & Watts
Yornaning Dam	Cr Wittwer	Cr Newman

And

2. The Yornaning Hall Committee be disbanded.

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COUNCIL ACTION

Moved Cr Bradford, seconded Cr Wittwer that:

1. Council appoints Committee representation and Councillor Portfolios for the two year period 2005 to 2007, as follows:

- **Audit Committee**

The Shire of Cuballing audit Committee comprise of Crs Bradford, Watts and Wittwer. Crs Brown, Hawksley, McKenzie and Newman to be the reserve members of the Audit Committee.

- **Finance Committee**

All Councillors be appointed to this Committee

- **Works Committee**

All Councillors be appointed to this Committee

- **Plant/Machinery Committee**

Councillors Bradford, Newman and Wittwer

- **Halls Committee**

Cuballing Hall: Councillors Brown, Hawksley and Newman
 Popanyinning Hall: Councillors McKenzie and Watts

Committee/Service	Delegate	Proxy Delegate
Agriculture WA	Cr Newman	Cr Wittwer
Bush Fire Advisory	Cr Hawksley	CR McKenzie
Dryandra Woodlands	Cr Bradford	Cr Hawksley
Education (School Awards, etc)	Cr Brown	Cr Bradford
Emergency Management	Cr Brown	Cr Hawksley
Essential Government Services	Cr Hawksley	Cr McKenzie
Landcare (LCDC)	Cr Wittwer	Cr Newman
Popanyinning Association	Cr McKenzie	Cr Watts
RoadWise	Cr Watts	Cr Hawksley
Tourism	Cr Brown	Cr McKenzie
Townscape	Cr Newman	Cr's Brown & Watts
Yornaning Dam	Cr Wittwer	Cr Newman

And

2. **The Yornaning Hall Committee be disbanded.**

CARRIED 7/0

8.1.5 **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

The model code of conduct, which was adopted by Council for Councillors and Staff of the Shire of Cuballing some time ago and has been part of previous reviews, 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 a proposed new disciplinary framework legislation. From discussions with staff from the Department this process has been delayed and will not be completed in the near future.

Therefore it is proposed that Council consider the current Code with a view to introducing a more formalised document for Members and Staff. As part of this process the City of Cockburn were recognised as having very good Code of Conduct documents. They have separate Codes for Elected Members and Staff and this enables certain relevant information to be included rather than having a combined Code, which contains a lot of generic type of information.

Separate Draft Codes of Conduct for Elected Members and Staff have been prepared and circulated with the Council meeting agenda for perusal. Also circulated is a copy of the current Code of Conduct, which as last reviewed by Council in May 2004.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the separate Draft Codes of Conduct for Elected Members and Staff as circulated and presented to Council be adopted for the Shire of Cuballing.

COUNCIL ACTION

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

CARRIED 7/0

8.1.6 **WALGA CENTRAL COUNTRY ZONE (CCZ) - LOCAL GOVERNMENT AND REFORM**

Background

Resulting from discussions on Local Government Reform at the last CCZ meeting in Williams, it was resolved to survey Councils within the Zone to help the Zone and WALGA adopt a position on Reform.

Comment

Niel Mitchell, the CCZ Executive Officer, has prepared a survey and explanatory paper to be presented to Councils within the Zone to enable independent comment to be provided.

The survey and accompanying notes will be tabled at the Council meeting for completion.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

Council direction.

COUNCIL ACTION

Moved Cr Wittwer, seconded Cr Newman that the Chief Executive Officer complete the Local Government and Reform Survey in accordance with meeting direction and return the to WALGA Central Country Zone.

CARRIED 7/0

4.05 pm Meeting adjourned to inspect new Venieri Front End Loader.

4.20 pm Matthew Dean arrived.

4.22 pm Meeting resumed.

Shire President welcomed Matthew Dean and invited him to speak to Council on his recent visit to Gallipoli for the Anzac Service.

Matthew explained how he was successful in winning the trip, what was involved throughout the whole process, and he further elaborated on the various places they visited whilst in Turkey.

4.38 pm Matthew Dean left the meeting.

8.2 **REPORTS – WORKS**

8.2.1 **WORKS SUPERVISORS REPORT**

POPANYINING EAST ROAD

Reconstruction and drainage works has been completed to Shaddicks Road. It is planned to investigate the opportunity to implement a mulching program for widening of the road to the Neamutin Road intersection.

CUBALLING WEST ROAD

Widening the seal width to 7 metres, with drainage improved on this section of road, from junction with the Wandering Narrogin Road to Knights Lane has been completed. The reseal of this road will take place next financial year in conjunction with other widening works.

REFUSE SITES

Wind blown litter has been picked out of the bush surrounding both refuse sites. Extra fill material is being stockpiled at the site to allow better coverage of the waste at both sites. Both sites are being covered on a weekly basis.

PLANT AND EQUIPMENT

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

The new Venieri 9015 Front End Loader was delivered to Cuballing on Thursday 12 May 2005. We will endeavour to have it in the Works Depot or working close to town on Council meeting day.

PRIVATE WORKS

Various private works requests are being received and these are being done as time permits.

Private works invoices for the month of April 2005, totaling \$3,852.

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 Bradford that the Chief Executive Officers recommendation be adopted.

CARRIED 7/0

8.2.2 **CHIEF EXECUTIVE OFFICER MOTOR VEHICLE**

Background

In recent years the Chief Executive Officers (CEO) vehicle, Holden Berlina Station Sedan, has been traded at 15,000 km at nil cost changeover, except when there is a change of model and the trade vehicle becomes a superseded model.

Comment

The CEO vehicle is currently due for replacement and quotes have been received from Edwards Motors in Narrogin and City Motors, Perth. Edwards Motors have provided the cheapest changeover price of \$3,400, with City Motors being \$5,456.50. The reason stated for changeover cost being incurred is because the second hand car market is currently flooded with Holden Berlina type vehicles.

Further to the above Edwards Motors have provided a quotation of \$10,900 to upgrade the CEO vehicle to a Statesman Sedan. Edwards Motors advise that the Shires that have a Statesman vehicle are still being quoted zero changeovers for their vehicles at 15,000 km and it is the most economical option at this stage. In addition to this the Holden Calais vehicle has similar new car price (within \$100) to the Statesman and if the market starts to become saturated with Statesman then alternative option can apply to try and keep the trade value within the desired price range. Whilst the price to upgrade to a Statesman/Calais may seem a bit extravagant, if the changeover price for the Berlina's does not improve in the next couple of vehicles it would take only three vehicle trades to pick up the initial cost. Should Council consider this a viable option then a budget amendment can occur from funds of \$10,000 allocated for works to be undertaken at the Works Depot which will not proceed due to construction of new fire station in Cuballing.

A further option for Council to consider is holding onto the existing Berlina sedan for a longer period and perhaps changing it on an annual basis rather than looking for the optimal period to suit the market.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

Council discussion is invited.

COUNCIL ACTION

Moved Cr Wittwer, seconded Cr Newman that CEO vehicle be upgraded to Statesman/Calais type vehicle at changeover cost of \$10,900.00.

CARRIED 7/0

8.2.3 **BUSH FIRE INCIDENT REPORTS**

Background

Two Bush Fire Incident Reports have been received for recent fires in the Popanyinning area.

Comment

Particulars relating to the two fires are as follows:

- 27 April 2005, property of J & C Clayton, being Lot 8 Popanyinning East Road. The fire apparently started from a spark from the chimney and was quickly brought under control. There was minimal damage caused and the reporting FCO, Steve Cunningham, indicates that Mr Clayton has fitted a new spark arrester to the chimney.
- 17 April 2005, property of D Nicholls, being Williams Location 1450 Bunmulling Road. It appears from the Incident Report that Mr Nicholls was burning off during the open burning period, allegedly without adequate equipment and persons in attendance and also that he may have left the fire unattended, and the fire escaped into a neighbouring property (location 1449 owned by G & J Parker) causing severe damage to a number of Sandalwood and host Trees.

Under the provisions of the Bush Fires Act 1954 it appears there is no action that Council can take against Mr Nicholls as the Act generally refers to fires during the Restricted and Prohibited Burning Periods and has no reference at all outside of these periods (ie during the open burning season).

It is understood that a review of the Bush Fires Act is currently in process and the FESA personnel in Narrogin have been requested to raise this anomaly. The Act should at least have provision to ensure that when a fire is lit, regardless of the time of year, certain restrictions or control should be in place to ensure safety and for the fire to be contained.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **The two Bush Fire Reports be noted and forwarded to the Bush Fires Service;**
- **A letter be forwarded to Mr D Nicholls expressing Councils disappointment at the fire and requesting in future, regardless of the time of year, he ensures satisfactory precautions are in place to enable a safe burn; and**
- **A letter be forwarded to the Fire and Emergency Services Authority requesting that consideration be given, during the review of the Bush Fires Act 1954, to inserting a clause in the Act to ensure that when a fire is lit, regardless of the time of year, certain restrictions or control should be in place to ensure safety and for the fire to be contained.**

COUNCIL ACTION

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

CARRIED 7/0

8.3 REPORTS – BUILDING

8.3.1 BUILDING SURVEYORS REPORT

Summary

There were two (2) building applications approved and licenses issued for the month of April 2005.

Listed below is a summarized breakdown of the applications and proposed structures:

Approval Date	License No	Name & Address of Owner	Registered Builder (RB) or Owner Builder (OB)	Structure	Situation of Building Lot or Street No & Town
19/04/05	33/04.05	W & S Young	RB – Fleetwood	Transportable House	Lot 268 Turner Road Cuballing
26/04/05	34/04.05	R C & C J McDougall	RB – Lindsay Sims	Storage Shed	Lot 362 Russell Street Cuballing

Reporting Officer

Allan Ramsay, Building Surveyor

CHIEF EXECUTIVE OFFICER’S RECOMMENDATION

That the Building Surveyor’s Report be received and information noted

COUNCIL ACTION

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

CARRIED 7/0

8.4 **REPORTS – HEALTH**

8.4.1 **ENVIRONMENTAL HEALTH OFFICERS REPORT**

Purpose

To advise Council of Environmental Health inspections that has been carried out in the district during the month of February

Public Buildings – Accommodation Certificate & Building Classification

Building plans were approved to construct an addition to the function room at the Cuballing Hotel in July 2002. Following construction, the function room has been used as a public building without issuing a Building Classification Certificate under the provisions of the Building Regulations and an Accommodation Certificate giving the specific number of patrons that it can legally accommodate under the Section 178 of the Health Act. It is a requirement under Section 178 of the Health Act that all buildings used for functions, etc, are issued with a certificate of approval.

During a recent inspection of the function room several anomalies were noted with the timber roof structure, beams and timber posts. The roof structure has to comply with the Australian Standard AS 1684.4-1999 as amended. Furthermore, the ceiling height reduces to 2100mm at the extremities of the two roof pitches. The Building Code of Australia stipulates a ceiling height of no less than 2400mm for this type of building. However, the building plans were approved in July 2002 showing the reduced height.

After discussions with the owner of the hotel Mr Graeme Cardell it was agreed to call in an Engineer to carry out design work and subsequently make it structurally sound without resorting to the costly alternative of removing the roof structure.

Mr Cardell was more than co-operative in this matter and consequently the required work is now complete and a Building Classification Certificate and a Certificate of Approval allowing an accommodation number of 175 persons has been issued.

Health Local Laws

Currently the Shire of Cuballing does not have any Health Local Laws.

Historically, all Councils throughout the state used the Model By- Laws Series A. These By - Laws date back to 1915 and consequently a lot of the legislation they refer to is out of date and they do not cover any current practices, expectations of ratepayers and individual needs of specific local authorities.

It is an expectation by the Department of Health and the Department of Local Government and Regional Development that Councils modernize their legislation to current standards and practices. Only some 24 local authorities throughout the state are yet to adopt their own Health Local Laws.

The following points may assist Council in justification to adopt their own Health Local Laws:

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1. Protect Public Health
2. Facilitate the discharge of Council's responsibility under the Health Act 1911 (as amended)
3. Introducing provisions of:
 - Sanitary convenience;
 - Control of keeping birds, animals and poultry;
 - Proper maintenance of housing;
 - Proper collection of refuse and waste;
 - Prevention of nuisances;
 - Control of pests that may cause disease or harm to humans;
 - Prevention of spread of infectious diseases; and
 - Control of premises defined lodging houses under the health Act.

It is a requirement to have the Health Local Laws advertised in the Government Gazette and state wide in a newspaper after approval from the Department of Health.

Estimated Cost

It costs \$75.25 per page to advertise in the Government Gazette and there are approximately 60 pages in the Health Local Laws (\$4,515.00). This would be for a full reprint. A cheaper option is using another Shire's Health Local Laws as reference and only advertises the schedule of modifications in the Government Gazette. This option would require only about five pages to be advertised at a cost of \$376.25. The downside of this option makes it more difficult for Council's Environmental Health Officer to administer the Local Laws when amendments are made and on the rare occasion in the event of a Court Case.

The Health Local Laws will also take time to prepare and liaise with the Department of Health. This work can be undertaken by the Environmental Health Officer and may require some visits to the Department of Health in Perth.

The state wide notice in a newspaper costs approximately \$1,000.00.

Total cost using, cheaper option of advertising in the Government Gazette, would be approximately \$1,376.00.

Reporting Officer

Allan Ramsay, Environmental Health Officer
Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **Environmental Health Officers Report be received and information noted; and**
- **The EHO/BS be requested to investigate the preparation of suitable Health Local Laws for the Shire of Cuballing and adequate funding be allocated on the 2005/2006 Budget to cover the associated costs.**

SHIRE PRESIDENT

DATE

COUNCIL ACTION

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

CARRIED 7/0

8.5 REPORTS – TOWN PLANNING

8.5.1 WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) – PLANNING APPLICATION 128073, BUNMULLING ROAD, POPANYINNING

Background

Correspondence from the WAPC requesting Council consideration and comment for the above planning application.

Comment

The application relates to realigning boundaries of two existing lots, being Williams locations 3914 and 1450, and is not looking to create additional Certificates of Title.

The locations were once part of farming property owned by the Browne family and when sold the individual locations were sold separately. This created a nuisance for these two locations as the house and sheds have been constructed very close to the adjoining boundaries. The proposed boundary alignment will place the buildings on a single location and at the same time sort out related problems concerning connection of service utilities, ie power and water, and provide road frontage for location 1450.

Council has in the past supported this type of application where no additional titles are created, and there appears no reason why this application should not be endorsed.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICER RECOMMENDATION

That Planning Application 128073 be supported by the Shire of Cuballing.

COUNCIL

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

CARRIED 7/0

8.5.2 **WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) – SHIRE OF CUBALLING TOWN PLANNING SCHEME No 2**

Background

Correspondence from the WAPC advising that the Minister for Planning and Infrastructure has granted final approval to the Shire of Cuballing Town Planning Scheme No 2.

Comment

The WAPC has made arrangements for the text of the scheme to be published in the Government Gazette on Friday 20 May 2005.

Council is required, in accordance with regulations 23(2) & (2a) of the Town Planning Regulations 1967, to publish a copy of a notice of the Ministers approval once in a newspaper circulating in the district where the land subject to the Scheme is situated, and also notify each person/company who made a submission in relation to the Scheme of its final approval and of any modifications made to the original draft that was advertised.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the information be noted and Council fulfil its obligations in accordance with regulations 23 (2) & (2a) of the Town Planning Regulations 1967.

COUNCIL ACTION

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

CARRIED 7/0

9 ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10 OTHER URGENT BUSINESS

10.1 CHIEF EXECUTIVE OFFICER SALARY NEGOTIATION

Peter Naylor, Chief Executive Officer, declared an interest in this item.

5.10 pm Peter Naylor left the meeting.

Moved Cr Wittwer, seconded Cr Newman that the Chief Executive Officers base salary of \$87,400.00 be increased by 3.5% effective from 1 July 2005.

CARRIED 7/0

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5.20 Peter Naylor re-entered the meeting.

10.2 SALE OF LOT 136 BRUNDELL STREET, CUBALLING

Peter Naylor, Chief Executive Officer, declared an interest in this item.

Moved Cr Bradford, seconded Cr Newman that Council advertises, in accordance with the provisions of the Local Government Act 1995, the proposal to dispose of Lot 136 Brundell Street, Cuballing, to Peter and Heather Naylor for amount of \$10,000.00 as per the valuation provided by the Valuer General's Office on 21 March 2005.

CARRIED 7/0

11 MEETING CLOSURE

There being no further business the Shire President declared the meeting closed at 5.30 pm.

CONFIRMED AS A TRUE RECORD OF PROCEEDINGS ON _____

PRESIDENT

SHIRE PRESIDENT

DATE