

SHIRE OF CUBALLING

COUNCIL MEETING THURSDAY 23 OCTOBER 2008

MINUTES

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ORDINARY COUNCIL MEETING MINUTES

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE
CUBALLING SHIRE, HELD IN THE COUNCIL CHAMBERS, CAMPBELL
STREET, CUBALLING ON THURSDAY 23 OCTOBER 2008**

1. OPENING – ANNOUNCEMENT OF VISITORS

The Shire President welcomed Councillors and visitors and declared the meeting open at 3:01pm.

2. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

ATTENDANCE

Shire President, Cr T H Wittwer	Deputy President, Cr J D Brown
Cr D S Bradford	Cr C Hawksley
Cr J R A Meharry	Cr R D Newman
Chief Executive Officer, Mr P T Naylor	

Mr G Baylis (3:01pm to 3:08pm)
Mrs T Perfect, Manager Dryandra Country Visitor Centre (3:08pm to 4:03pm)

APOLOGIES

Cr T P Haslam

LEAVE OF ABSENCE

Nil

3. PUBLIC QUESTION TIME

Mr George Baylis sought an explanation from Council in relation to recent correspondence for the future subdivision of his property within the Cuballing Townsite.

The Shire President and Chief Executive Officer explained that applications for subdivision are lodged with the Western Australian Planning Commission (WAPC) and that agency makes the deliberation on the application. The Shire of Cuballing would be consulted on the application, as would a number of key State Government agencies, however the final decision is made by the WAPC.

The Shire of Cuballing Town Planning Scheme No 2 does not categorically state that subdivision of land within the Rural Residential

areas of the townsite cannot be approved, however Council has recently prepared an addendum to its Local Planning Strategy and this is currently before the WA Planning Commission (WAPC) for approval. The addendum has identified areas for future subdivision within the townsite and Mr Baylis' property is not within the identified area and as such Council is unlikely to support an application for subdivision for the property.

Mr Baylis further sought information pertaining to recent road works on Beeston Street, Cuballing.

The Chief Executive Officer explained that the road was supposed to have been resealed in 2007/2008 Financial Year to complete the works, however due to delay in contractors arriving on site and early break to the 2007 winter the works could not be completed. It is anticipated that the reseal works will be carried out within the next two months.

3:08pm Mr G Baylis departed the Council Meeting

3:08pm Mrs T Perfect entered the Council Meeting

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5. MINUTES

5.1 CONFIRMATION OF 18 SEPTEMBER 2008 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 18 September 2008 be confirmed.

COUNCIL ACTION

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

CARRIED 6/0

5.2 SHIRE OF CUBALLING BUSH FIRE ADVISORY COMMITTEE

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Bush Fires Act 1954
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	Bush Fire Control 1
Voting Requirements:	Simple Majority

Background

Minutes of the Shire of Cuballing Bush Fire Advisory Committee Meeting held on Thursday 25 September 2008.

Comment

The minutes are for Council information, there are no recommendations/resolutions within the minutes that require Council consideration and/or endorsement.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the minutes of the Shire of Cuballing Bush Fire Advisory Committee Meeting held on Thursday 25 September 2008, be received.

COUNCIL ACTION

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

CARRIED 6/0

6. PETITIONS, DEPUTATIONS, PRESENTATIONS & DECLARATIONS

6.1 GREAT SOUTHERN POLICE DISTRICT SUPERINTENDENT ROSS TOMASINI

Unfortunately due to urgent Police business arising in Albany District Superintendent Tomasini tendered an apology and will make alternative arrangements in the future to visit Council.

6.2 DRYANDRA COUNTRY VISITOR CENTRE, NARROGIN

Mrs Thelma Perfect, Manager of the Visitor Centre, addressed Council and the activities of the Centre and tourism in general;

- Income streams; Local Governments and business type activities undertaken by the Centre to initiate income
- New website: www.dryandratourism.org.au
- Wheatbelt South Membership, and importance of Councils to support this organization
- Advertising arrangements with various tourism publications
- Visitors and visitor numbers to the Visitor Centre
- Future projects and initiatives

4:03pm Mrs T Perfect departed the Council Meeting

7. DISCLOSURES OF INTEREST

Councillors' and Employees' Disclosures of Interest.

7.1 DISCLOSURE OF FINANCIAL INTEREST AND PROXIMITY INTEREST

Members must disclose the nature of their interest in matters to be discussed at the meeting.

Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting.

Nil

7.2 DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the Member or employee has given or will give advice.

Nil

8.1 REPORTS – FINANCE AND ADMINISTRATION

8.1.1 LIST OF ACCOUNTS SUBMITTED FOR COUNCIL APPROVAL AND PAYMENT – OCTOBER 2008

Submission to: Ordinary Meeting of Council
Location/Address: Not applicable
Reporting Officer: Belinda Furphy, Administration Officer (Finance)
Enabling Legislation: Local Government (Financial Management) Regulations 1996
Council Policy: Register Delegated Authority
Budget Implications: Nil
File Reference: CMR 7
Voting Requirements: Simple Majority

Background

Council is supplied with a list of payments for consideration.

Comment

A copy of the list of payments made from each of Councils bank accounts is attached to this item.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council:

- **Approve for payment the list of Creditors paid from the Municipal fund, as detailed below, totalling \$90,755.14:**

Vouchers 12560-12603	\$53,120.38
Electronic fund transfers	\$37,514.06
Credit Card	\$ 120.70

- **Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$100.00:**

Voucher T2048	\$ 100.00
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COUNCIL ACTION

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

CARRIED 6/0

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Type	Num	Date	Name	Memo	Muni	Trust
Bill Pmt -Cheque	12560	10/3/2008	BIRD'S SILOS & SHELTERS	Battery Charger	23.81	
Bill Pmt -Cheque	12561	10/3/2008	COMMANDER AUSTRALIA LTD	Contract Charges - August 2008	152.74	
Bill Pmt -Cheque	12562	10/3/2008	CUBALLING TAVERN	Council Meeting Refreshments	530.00	
Bill Pmt -Cheque	12563	10/3/2008	Directions	Wages - P.Clark	3,046.38	
Bill Pmt -Cheque	12564	10/3/2008	DRYANDRA COUNTRY VISITOR CENTRE INC.	Advertising	85.00	
Bill Pmt -Cheque	12565	10/3/2008	EDWARDS MOTORS PTY LTD	Plant parts & repairs	255.60	
Bill Pmt -Cheque	12566	10/3/2008	Filthy Bush-Surfwear Australia	Shire Polo Shirts	808.50	
Bill Pmt -Cheque	12567	10/3/2008	Fire and Emergency Services	2008/09 ESL - Local Government properties	440.00	
Bill Pmt -Cheque	12568	10/3/2008	Fuji Xerox	Photocopier Charges August 2008	68.65	
Bill Pmt -Cheque	12569	10/3/2008	Great Southern Communications	Hire of PA System - Farewell Dinner Nov 07	88.00	
Bill Pmt -Cheque	12570	10/3/2008	NARROGIN PACKAGING	Toilet Rolls & Paper	305.82	
Bill Pmt -Cheque	12571	10/3/2008	Rhino Water Tanks & Liners Pty Ltd	Supply & Install Water Tank	10,750.00	
Bill Pmt -Cheque	12572	10/3/2008	RJ & CJ McDougall	Trenching Popanyinning Oval	431.25	
Bill Pmt -Cheque	12573	10/3/2008	Synergy	Electricity Account	22.80	
Bill Pmt -Cheque	12574	10/3/2008	TELSTRA	Landline & Mobile Phone Account August 2008	801.36	
Bill Pmt -Cheque	12575	10/3/2008	WATER CORPORATION	Water Consumption June - September 2008	436.90	
Bill Pmt -Cheque	12576	10/3/2008	WHITFORD FERTILISERS - NARROGIN	Fertiliser	638.00	
Bill Pmt -Cheque	12577	10/13/2008	AUSTRALIA POST	Postage	275.50	
Bill Pmt -Cheque	12578	10/13/2008	BEAUREPAIRES	Plant parts & repairs	985.70	
Bill Pmt -Cheque	12579	10/13/2008	CENTRAL COUNTRY ZONE WALGA	Annual Subscription 2008/09	2,200.00	
Bill Pmt -Cheque	12580	10/13/2008	CUBY ROADHOUSE	Roadhouse supplies September 2008	642.50	
Bill Pmt -Cheque	12581	10/13/2008	Directions	P.Clark Wages 20.09.08 to 03.10.08	1,422.03	
Bill Pmt -Cheque	12582	10/13/2008	FARMWORKS AUSTRALIA PTY LTD	Weed Control	396.55	
Bill Pmt -Cheque	12583	10/13/2008	Fast Finishing Services	Binding of Minute Books	297.00	
Bill Pmt -Cheque	12584	10/13/2008	Filters Plus	Plant parts & repairs	197.01	
Bill Pmt -Cheque	12585	10/13/2008	Forpark Australia	Swing Seats Cuballing Skatepark	112.20	
Bill Pmt -Cheque	12586	10/13/2008	Frigmac Pty Ltd	Water Cooler for Cuballing Tennis Club	1,314.50	
Bill Pmt -Cheque	12587	10/13/2008	Geoff Perkins Farm Machinery Centre	Plant parts & repairs	125.17	
Bill Pmt -Cheque	12588	10/13/2008	Great Southern Waste Disposal	Refuse Site Management	2,750.00	

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Bill Pmt -Cheque	12589	10/13/2008	GREAT SOUTHERN FUEL SUPPLIES	Fuel Charges September 2008	11,533.50	
Bill Pmt -Cheque	12590	10/13/2008	Great Southern Ranger Services	Ranger Services 23.09.08	259.60	
Bill Pmt -Cheque	12591	10/13/2008	HANSON CONSTRUCTION MATERIALS	Granite	4,028.27	
Bill Pmt -Cheque	12592	10/13/2008	LOCAL HEALTH AUTHORITIES ANALYTICAL	Analytical Services - 2008/2009	367.95	
Bill Pmt -Cheque	12593	10/13/2008	MAKIT NARROGIN HARDWARE	Hardware Supplies September 2008	26.00	
Bill Pmt -Cheque	12594	10/13/2008	MCDUGALL WELDMENTS	Plant parts & repairs	139.12	
Bill Pmt -Cheque	12595	10/13/2008	Narrogin Pumps Sales & Service	Parts for Fire Trailer	478.89	
Bill Pmt -Cheque	12596	10/13/2008	NARROGIN TOYOTA	Plant parts & repairs	631.25	
Bill Pmt -Cheque	12597	10/13/2008	PETTY CASH	Petty Cash Recoup Sept 2008	400.00	
Bill Pmt -Cheque	12598	10/13/2008	Replas Repeat Plastics	Posts for Popanyinning Trail Project	3,530.40	
Bill Pmt -Cheque	12599	10/13/2008	Synergy	Electricity Account - Streetlights	272.45	
Bill Pmt -Cheque	12600	10/13/2008	TIMES PRINT	Stationery	1,244.00	
Bill Pmt -Cheque	12601	10/13/2008	WESTRAC EQUIPMENT	Plant parts & repairs	408.08	
Bill Pmt -Cheque	12602	10/13/2008	Courier Australia	Freight	170.15	
Bill Pmt -Cheque	12603	10/13/2008	Popanyinning General Store	Fuel - Popanyinning Fire Truck	27.75	
Direct	F809166115315	9/16/2008	Shire of Cuballing	Shire Wages	18,542.95	
Direct	F809306529056	9/30/2008	Shire of Cuballing	Shire Wages	18,232.71	
Direct	F810086701228	10/8/2008	Flood, Neil F	Travel Reimbursement August & September 2008	738.40	
Trust	T2048	9/24/2008	Narrogin Baptist Church	Bond Refund		100.00
Credit Card	300808	8/30/2008	BP Dongara	Unleaded Fuel - OCN	70.70	
Credit Card	80908	9/8/2008	Janina Florist	Flowers - Ian Watts	50.00	
					90,755.14	100.00

8.1.2 STATEMENT OF FINANCIAL ACTIVITY

Submission to: Ordinary Meeting of Council
Location/Address: Not applicable
Reporting Officer: Clare Thomson, Accountant
Enabling Legislation: Local Government (Financial Management) Regulations 1996
Council Policy: Nil
Budget Implications: Nil
File Reference: CMR 7
Voting Requirements: Simple majority

Background

Local Government (Financial Management) Regulations 1996, section 34, provides for monthly financial reporting requirements for local government.

Comment

A Statement of Financial Activity has been prepared for period ending 30 September 2008 in accordance with the abovementioned legislation and circulated with the Council Meeting Agenda.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Statement of Financial Position, as circulated, for the Shire of Cuballing for period ending 30 September 2008, be received.

COUNCIL ACTION

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

CARRIED 6/0

8.1.3 BUTLER SETTINERI (AUDIT) PTY LTD – AUDIT REPORT 2007/2008 FINANCIAL YEAR

Submission to: Ordinary Meeting of Council
Location/Address: Not applicable
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Local Government Act 1995
Local Government (Audit) Regulations 1996
Local Government (Financial Management) Regulations 1996
Council Policy: Nil
Budget Implications: Nil
File Reference: Finance 6
Voting Requirements: Simple majority

Background

Butler Settineri (Audit) Pty Ltd completed their on-site Audit of Council's functions and operations for the 2007/2008 Financial Year on Friday 12

September 2008. However they still have some work to complete at their offices prior to finalising the audit process.

Comment

The Audit has been conducted in accordance with the Australian Audit Standards to ensure that during the reporting period the Shire of Cuballing complied with all statutory requirements, including the Local Government Act 1995 and associated Regulations.

At the time of preparing this report the Audit Report has not been received, however it is anticipated that the Report will be available for tabling at the Council meeting.

Due to time constraints the Auditor, Mr Paul Chabrel, requested not to meet with the Shire of Cuballing Audit Committee at the time of audit and that a telephone conference be arranged at a later date. This is similar to the process undertaken in 2005/2006 & 2006/2007, and which worked out satisfactorily for the Audit Committee and Auditors.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

COUNCIL ACTION

Moved Cr Meharry, seconded Cr Bradford that:

- **The Auditors Report be received; and**
- **Commendation be passed onto the Chief Executive Officer and Administration Staff for high level of work and achieving excellent audit report.**

CARRIED 6/0

8.1.4 SHIRE OF CUBALLING ANNUAL REPORT 2007/2008 FINANCIAL YEAR AND ANNUAL GENERAL MEETING OF ELECTORS

Submission to:	Ordinary Meeting of Council
Location/Address:	Nil
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Local Government Act 1995 Local Government (Financial Management) Regulations 1996
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	Finance 2 & Finance 3
Voting Requirements:	Simple Majority

Background

Sections 5.53 and 5.54 of the Local Government Act 1995, requires local governments to prepare an Annual Report in each financial year, the Report is to be received by the local government by the 31 December. The Report is to

be prepared in accordance with the provisions of the Act and the Local Government (Financial Management) Regulations 1996.

Comment

A copy of the draft Annual Report prepared for the Shire of Cuballing for the 2007/2008 Financial Year has been circulated with the Council meeting agenda for comment and/or amendment as considered necessary. As mentioned previously in item 8.1.3 the Audit Report is not yet available and therefore has not been included in the draft Annual Report but will be tabled at the Council meeting.

Section 5.26 of the Local Government Act 1995 requires that a General Electors meeting be held within 56 days of Council receiving the annual report. Section 5.29 of the Act requires public notice of 14 days of the meeting. Therefore it is proposed that the General Electors meeting for the Shire of Cuballing be held immediately following the November 20, 2008, meeting of Council, commencing at 7.30pm.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **Pursuant to section 5.54 of the Local Government Act 1995, the draft Annual Report for the Shire of Cuballing for the 2007/2008 Financial Year, as circulated and presented to the Council meeting, and with the inclusion of the 2007/2008 Audit Report, be received and accepted; and**
- **The General Electors meeting be held in the Shire of Cuballing Council Chambers on Thursday 20 November 2008, commencing at 7.30pm.**

COUNCIL ACTION

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

CARRIED 6/0

8.1.5 DEPARTMENT OF SPORT AND RECREATION COMMUNITY SPORTING AND RECREATION FACILITIES FUND

Submission to:	Ordinary Meeting of Council
Location/Address:	Reserve 16269, Cuballing Recreation Grounds
Reporting Officer:	Sarah Silvester, Community Development Officer
Enabling Legislation:	Nil
Council Policy:	Nil
Budget Implications:	Provision included in 2008/2009 Budget
File Reference:	Grants 5
Voting Requirements:	Simple Majority

Background

Each year the Department of Sport and Recreation (DSR) invites local governments and community sporting organisations to submit applications for funding under its Community Sporting and Recreation Facilities Fund (CSRFF).

Comment

A grant application has been prepared requesting funding assistance to upgrade the following at the Cuballing Recreation Centre:

- Upgrade of existing cricket wickets
- Additional lighting at the Cuballing Recreation Centre, to be located near the cricket wickets

The Cuballing Cricket Club approached the Shire, outlining the need to upgrade the cricket wickets which are currently in a poor condition. The installation of additional lighting at the centre will provide the club with an opportunity to train at later times and therefore, possible attract more players. The lighting will also provide an increased level of security for the facility and amenities in the area.

A copy of the grant application has been circulated with the Council meeting agenda.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The grant application, as presented, be endorsed and submitted to the Department of Sport and Recreation Community Sporting and Recreation Facilities Fund for consideration.

COUNCIL ACTION

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

CARRIED 6/0

8.2 REPORTS – WORKS

8.2.1 WORKS MANAGERS REPORT

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Alex Richardson, Works Manager Peter Naylor, Chief Executive Officer
Enabling Legislation:	Local Government Act 1995
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	CMR 10
Voting Requirements:	Simple majority

GRADING/MAINTENANCE

Graders (2) are proceeding with general grading throughout the Shire as time and personnel resources permit.

CUBALLING EAST ROAD

Contract mulching works has been completed. Top soil has been carted off site and commenced carting gravel in. Culvert pipes have been extended and headwalls to be installed.

ROADSIDE MULCHING

Contract mulching has been completed or is being carried out on the following roads in accordance with the 2008/09 Budget allocation of \$35,000:

Cuballing East Road; between Harris and Falls property.

Strahans Road; Cuballing East Rd junction to Hesford house.

Turners Road; full length of road.

Contine Siding Road; from Turners Rd to Fowler property.

Stratherne Road; section of road north of Gaths Rd intersection (if funding permits).

CUBALLING RECREATION GROUNDS

Rhino Tank has been installed to be utilised as water storage and to assist with reticulation of oval over summer months.

Oval has been fertilised and reticulation system has been initiated.

PLANT AND EQUIPMENT

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

Isuzu Truck CN047: Has developed oil leak in front gearbox seal.

GENERAL

Works Manager has been busy preparing traffic management plans for various events to be held in Cuballing and Narrogin over next month. The plans prepared for Narrogin are done on private works basis.

STAFF

Alex Richardson attended fifth module for Diploma of Public Works.

Graham Maddison has cleared 5 days of accrued annual leave entitlements.

Paul Doyle completed assessment with Earthworks Training and Assessment Services as part of the Certificates II & III in Civil Construction course he is enrolled in.

Darryl Stanton has been employed in a temporary capacity, commencing on Tuesday 7 October 2008, for the duration of the construction works program with Wandering Shire.

Brian Hare and Darryl Stanton attended a Traffic Control Accreditation Course in Narrogin on Thursday 9 October 2008.

PRIVATE WORKS

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

Construction works with the Wandering Shire commenced on Wednesday 8 October 2008; with two trucks and front-end loader.

Private works invoices for the month of September 2008, total \$80.05. Year to date \$6,457.65.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Managers 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

8.2.2 SHIRE OF CUBALLING TENDER 1-08/09 SUPPLY OF BITUMINOUS SEALING WORKS

Submission to: Ordinary Meeting of Council
Location/Address: Various Roads (as detailed in report)
Reporting Officer: Peter Naylor, Chief Executive Officer
 Alex Richardson, Works Manager
Enabling Legislation: Local Government Act 1995
 Local Government (Functions and General) Regulations 1996
Council Policy: Delegated Authority Register
Budget Implications: Provision in 2008/2009 Budget
File Reference: Tenders & Contracts 2
Voting Requirements: Simple majority

Background

Tender 1-08/09 was advertised in the West Australian Newspaper on Saturday 6 September 2008, for supply of Bituminous Sealing Works for the Shire of Cuballing Capital Resealing Program for 2008/2009.

Comment

At the close of tenders on Wednesday 8 October 2008, tenders were received from RNR Contracting Pty Ltd and Boral Asphalt, with all tender specifications being met by each company. Pioneer Road Services did not submit tender as they are allocating their resources to the new Perth-Bunbury Highway.

Road		RNR	Boral (Conform)	Boral (Alternate)
Cuballing West	Appl Rate	1.80	tbc	tbc
	\$/m2	\$4.00	\$3.75	\$3.51
	Cost (GST ex)	\$42,000	\$39,375	\$36,855
Cuballing East	Appl Rate	1.80	tbc	tbc
	\$/m2	\$4.00	\$3.75	\$3.51
	Cost (GST ex)	\$75,040	\$70,350	\$65,848
Popanyinning West	Appl Rate	1.80	tbc	tbc
	\$/m2	\$4.00	\$3.75	\$3.51
	Cost (GST ex)	\$131,312	\$123,105	\$114,867
Pauley	Appl Rate	1.80	tbc	tbc
	\$/m2	\$4.00	\$3.75	\$3.51
	Cost (GST ex)	\$69,600	\$65,250	\$61,074
Town Streets	Appl Rate	1.80	tbc	tbc
	\$/m2	\$4.00	\$3.75	\$3.51
	Cost (GST ex)	\$48,000	\$45,000	\$42,120
Cost (GST ex)		\$365,952	\$343,080	\$320,764

All of the tenders indicate the aggregate type to be used will be 10mm granite.

RNR have indicated the proposed application rate to be 1.80, whereas Boral have indicated that this is to be confirmed as they will assess the conditions on the day of work. Generally the application rates can vary on the day of reseal depending upon the road surface texture, weather conditions and road surface temperature, however this will not have an affect on the tendered prices.

Boral have submitted an alternate tender which is 24 cents per square metre cheaper than their tender which conforms with the tender specifications. In the conforming tender they have locked in amount of \$3.75 as a fixed price contract as they are prepared to take the risk of the rise and fall of bitumen prices over the duration of the works program. With the alternate tender the price, as shown in the tender, is based on the current bitumen price however would be subject to the rise and fall price over the duration of the works and this is a risk that Council would then have to take, for example the price may start out at \$3.51 (currently) but could fluctuate to \$4.00 (or higher) by the end of the works and Council would then have to pay that price at that time. Given the current world economic climate it is not being proposed that Council accepts the alternate tender.

All tenders are within budget parameters for 2008/2009, however the conforming tender submitted by Boral when compared to RNR does allow for some additional flexibility within the budget allocation.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the tender submitted by Boral Asphalt (conforming tender) for supply of bituminous sealing works within the Shire of Cuballing for the 2008/2009 Financial Year be accepted.

COUNCIL ACTION

Moved Cr Meharry, seconded Cr Wittwer that the Chief Executive Officers Recommendation be adopted.

CARRIED 4/3

With the vote being tied at 3/3, the Presiding Officer cast a second vote in accordance with the provisions of Section 5.21(3) of the Local Government Act 1995.

8.3 REPORTS – HEALTH AND BUILDING

8.3.1 ENVIRONMENTAL HEALTH OFFICER/BUILDING SURVEYORS REPORT

Submission to: Ordinary Meeting of Council
Location/Address: Whole of Shire
Reporting Officer: Neil Flood, Environmental Health Officer/Building Surveyor
Enabling Legislation: Local Government (Miscellaneous Provisions) Act 1960
 Building Code of Australia
 Building Regulations 1989
 Builders’ Registration Act 1939
 Environmental Protection (Noise) Regulations 1997
Council Policy: Register Delegated Authority
 Shire of Cuballing Health Local Law 2007
 Shire of Cuballing Town Planning Scheme No 2
Budget Implications: Nil
File Reference: CMR 2
Voting Requirements: Simple majority

Summary

There were three (3) applications approved and licenses issued for the month of September 2008.

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

Approval License No	Name of Owner	Registered Builder (RB) or Owner Builder (OB)	Structure	Location of Building
20-2008/09	C Van Zijl	Owner Builder	S/F Zincalume Shed	Loc 4377 Williams Rd Popanyinning
21-2008/09	K Sankey	Owner Builder	S/F Fibro Dwelling	Lot 237 Forrest St Popanyinning
22-2008/09	P Mihaljevich	Great Southern Sheds, Wagin	S/F Colourbond Shed	Loc 359 Popanyinning East Rd Popanyinning

Water Samples

Samples of Water were taken at the Dryandra Village and forwarded to PathWest (State Water Examination Laboratory) for analysis. The test results have indicated that there are no problems with the on site water sources.

Noise Complaint

A Sound Monitoring Meter was recently placed at complainants residence in Popanyinning in relation to noise complaint for the Popanyinning Kennels.

The monitor was in place for 14 days, from 19 September to 2 October 2008, and has now been returned to the Department of Environment and Conservation for assessment. To date no further information has been received.

Building Licence 12-2006/2007, Lot 105 Alexander Street, Popanyinning

A Building Licence was issued to the owner of Lot 105 Alexander Street, Popanyinning, Mr Robert Stonehill, on 31 August 2006, to build a relocatable house on the property. Inspection of the property on 19 September 2008 revealed that the dwelling has not been completed or even substantially commenced. A letter was forwarded to Mr Stonehill on 22 September 2008 (copy included in agenda document), requesting he contact Council's Environmental Health Officer/Building Surveyor within 14 days to advise of his intentions. To date no contact has been received from Mr Stonehill.

The Local Government (Miscellaneous Provisions) Act 1960, Part XV – Buildings, Division 12 – Neglected, Dilapidated & Uncompleted Buildings, Section 409A Uncompleted Buildings, states as follows:

409A Uncompleted Buildings

- (1) Where the erection of a building has been commenced but not completed within the time prescribed by the local laws, if any, made under section 433(39), that are applicable to the building, the local government may, by notice served on the owner of the building, require him to show cause, within 60 days of the service of the notice, why the building should not be demolished or removed.*
- (2) Where an owner on whom a notice has been served pursuant to subsection (1) fails, within 60 days of the service of the notice, or within such further time as the local government allows for the purpose, to satisfy the local government that there are good and sufficient reasons for the failure to complete the erection of the building within the time referred to in subsection (1), the local government may-*
 - (a) by order served on the owner require him to have the building demolished and removed within such reasonable time as the local government specifies in the order; and*
 - (b) subject to subsection (3), where the owner fails to comply with the terms of the order referred to in paragraph (a), demolish and remove the building, and recover the costs incurred on account of the demolition and removal as a debt due to it.*
- (3) An owner on whom an order is served pursuant to subsection (2)(a) may, within 15 days of the service upon him of the order, apply to the State Administrative Tribunal for a review of the order.*

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **The Environmental Health Officer/Building Surveyors Report be received and information noted; and**
- **A notice be served on the owner of Lot 105 Alexander Street, Popanyinning, Mr Robert Stonehill, in accordance with the provisions of Section 409A of the Local Government (Miscellaneous Provisions) Act 1960.**

COUNCIL ACTION

Moved Cr Brown, seconded Cr Meharry that the Chief Executive Officers Recommendation be adopted.

CARRIED 6/0

8.3.2 STRATEGIC WASTE MANAGEMENT PLAN – WAGIN GROUP

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Waste Avoidance and Resource Recovery Act 2007
Council Policy:	Nil
Budget Implications:	Nil (funded by Department of Environment and Conservation)
File Reference:	Health 4a
Voting Requirements:	Simple majority

Background

As Council is aware, the Shire of Cuballing joined with the Shires of Dumbleyung, Lake Grace, Narrogin, Pingelly, Wagin, Wandering, West Arthur, Wickopin, Williams & Woodanilling, and the Town of Narrogin, to form the Wagin Group for purposes of preparing a Strategic Waste Management Plan in accordance with the provisions of the Waste Avoidance and Resource Recovery Legislation.

The Group appointed Mr Bruce Bowman of Bowman & Associates Pty Ltd to progress the plan.

Comment

Following two previous draft plans, Bowman & Associates have now prepared draft three of the Strategic Waste Management Plan (SWMP), which incorporates various amendments as identified by the participating local governments.

It is now a requirement for each of the 12 participating local governments to adopt draft 3 of the SWMP and approve for release for community consultation for a period of 30 days.

A copy of draft 3 of SWMP was forwarded to Councillors via email transmission on Thursday 25 September 2008.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **The Shire of Cuballing adopts draft 3 of the Strategic Waste Management Plan prepared for the Wagin Group by Bowman & Associates; and**
- **The Shire of Cuballing approves for the release of draft 3 of the Strategic Waste Management Plan for community consultation for period of 30 days.**

COUNCIL ACTION

Moved Cr Brown, seconded Cr Meharry that the Chief Executive Officers Recommendation be adopted.

CARRIED 6/0

8.4 REPORTS – TOWN PLANNING

Nil

9. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10. OTHER URGENT BUSINESS

Nil

11. CLOSURE OF MEETING

There being no further business the Shire President declared the meeting closed at 4:53pm.