

**SHIRE OF CUBALLING**

**COUNCIL MEETING THURSDAY 9 FEBRUARY 2012**

**MINUTES**

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1. **OPENING - ANNOUNCEMENT OF VISITORS**

Cr Tom Wittwer	President
Cr Roger Newman	Deputy President
Cr Chad Hawksley	
Cr Tim Haslam	
Cr Carol McDougall	
Cr Mark Conley	
Mrs Eva Haydon	Chief Executive Officer

2. **ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE**

Nil

3. **PUBLIC QUESTION TIME**

Nil

4. **STANDING ORDERS**

**OFFICER RECOMMENDATION**

**That Standing Orders be suspended for the duration of the meeting to allow for greater debate on items.**

**Moved: Cr Newman**

**Seconded: Cr Hawksley**

*Carried 6/0*

5. **LEAVE OF ABSENCE:**

Nil

6. **MINUTES**

**6.1 CONFIRMATION OF 16 DECEMBER 2011 ORDINARY MEETING OF COUNCIL**

**OFFICER RECOMMENDATION**

**That the minutes (as circulated) of the ordinary meeting of the Shire of Cuballing held in the Council Chambers on 16 December 2011 be confirmed.**

**Moved: Cr Haslam**

**Seconded: Cr McDougall**

*Carried: 6/0*

7. **PETITIONS, DEPUTATIONS, PRESENTATIONS & DECLARATIONS**

NIL

8. **DISCLOSURES OF INTEREST**

Councillors' and Employees' Disclosures of Interest.

**8.1 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.

**8.2 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.

## 9.1 REPORTS – FINANCE AND ADMINISTRATION

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### 9.1.1 LIST OF ACCOUNTS SUBMITTED FOR COUNCIL APPROVAL AND PAYMENT – DECEMBER & JANUARY 2012

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<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Not applicable
<b>Reporting Officer:</b>	Nikole Brennan, Administration Officer
<b>Enabling Legislation:</b>	Local Government (Financial Management) Regulations 1996
<b>Council Policy:</b>	Register Delegated Authority
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	CMR 7
<b>Voting Requirements:</b>	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 Council's bank accounts is attached to this item.

#### OFFICER RECOMMENDATION:

That Council:

**Approve for payment the list of Creditors paid from the Municipal fund, as detailed below (December), totalling: \$322,615.70**

<b>Vouchers 14155-141165</b>	<b>\$18,307.90</b>
<b>Electronic Fund Transfers</b>	<b>\$303,255.64</b>
<b>Credit Card</b>	<b>\$1052.16</b>

**Approve for payment the list of Creditors paid from the Municipal fund, as detailed below (January), totalling: \$111,134.37**

<b>Vouchers 14166 - 14171</b>	<b>\$6,999.60</b>
<b>Electronic Fund Transfers</b>	<b>\$104,305.01</b>
<b>Credit Card</b>	<b>\$170.24</b>

**Moved: Cr Conley**

**Seconded: Cr Haslam**

*Carried 6/0*

## 9.1.2 STATEMENT OF FINANCIAL ACTIVITY

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

### **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 31 January 2012 in accordance with the abovementioned legislation and circulated with the Council Meeting Agenda.

### **OFFICERS RECOMMENDATION:**

**That the Statement of Financial Activity, as circulated, for the Shire of Cuballing for period ending 31 January 2012, be received.**

**Moved Cr Haslam**

**Seconded Cr Conley**

*Carried 6/0*

### 9.2.1. CUBALLING COMMUNITY PROGRESS ASSOCIATION

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**Location/Address:** Whole of shire  
**Reporting Officer:** Eva Haydon – Chief Executive Officer  
**Enabling Legislation:** Local Government Act 1995  
**Council Policy:** Nil  
**Budget Implications:** Nil  
**File Reference:**  
**Voting Requirements:** **Simple Majority**  
**Attachment:** December 2011 Minutes

#### **Background**

Council appointed the Cuballing Community Progress Association to provide recommendations regarding the beautification and facilities for the town of Cuballing and surrounds.

Minutes of the last two meetings are attached.

#### **Comment**

Nil

#### **OFFICER RECOMMENDATION:**

**That the minutes of the Cuballing Community Progress Association for the meeting held in December 2011 be received.**

**Moved: Cr Haslam**

**Seconded: Cr Newman**

*Carried 6/0*

**CUBALLING COMMUNITY PROGRESS ASSOCIATION  
MINUTES OF MEETING HELD 14<sup>TH</sup> DECEMBER AT CUBALLING RECREATION  
CENTRE**

Meeting commenced: 7.35pm

**PRESENT:**

Carol McDougall, Helen Elliott, Helen Grainger, Eva Haydon, Win & Lock Burges,  
Deb Clark, Rob Flegg

**APOLOGIES:** None received

**MINUTES FROM PREVIOUS MEETING:**

**CORRECTIONS:** Eva Haydon left the meeting at 7.50pm not 7.20pm

**MOVED AS CORRECT:** Helen Grainger   **SECONDED:** Deb Clark

**CORRESPONDENCE:** Nil

**FINANCIAL REPORT:** No change

**BUSINESS ARISING from Minutes 9<sup>th</sup> November 2011**

- Feedback from the Cuballing Country Festival was not able to be presented.
- The balance of the Dry Seasons Assistance Scheme Funds is to be used for a Youth Event in Cuballing in January 2012.
- The Cuballing Agricultural Hall gutters have been cleaned.
- The request for power at the memorial site could be costly as it would have to be put underground.
- The forms asking for proposed improvements around the Shire to be prioritised are to be submitted to council on Friday. The number of returned forms was 13.

**NEW BUSINESS:**

- Eva reported that the Town of Narrogin has received a grant of \$500,000 plus which is to be used in the region to promote an active lifestyle and healthy initiatives.
  
- Lock expressed concern re: the entry statements being lost against the bush background. General discussion ensued.  
He then went on to give a report on The Men's Shed.  
They have collected and sold 2 woolpacks of crushed cans (value \$75).  
They are now oiling the machinery around town.  
They have had a welder and lathe donated.  
The Blitz Wagon is progressing and will be ready for Anzac Day 2012.  
The concrete slabs have been sold and there are a few sleepers left.  
Every week a different member takes home a Men's Mental Health Book & 2 CDs and discussion takes place when it is brought back. It has been well received and found to be an effective tool.

- There is to be a community movie night for Cuballing 4<sup>th</sup> February 2012.
- Helen Grainger requested funds of \$25-\$30 for prizes for the Australia Day event at Yornaning Dam 2012.

She also requested removal of pulled out vegetation from the intersection gardens.

- Helen Elliott requested the removal of 2 dead Hakeas between the railway and old Post Office.
- Rob Flegg requested that the recycling component at the tip be culled.

- Eva brought up the subject of the Cuballing Road East petition and discussion ensued.

She also put forward the suggestion that the 'horse' component of the entry statements be made from horseshoes. Tim (ploughman creator) thought it would be within his capabilities to build. The notion was well received by the committee. The bridge/walkway through to Collins road has recently become a hazard and the suggestion was put forward to relocate it.

Eva also let the committee know that funding for future projects will not be available until next financial year.

- Carol thanked the committee for their support in 2011.  
She also suggested a busy bee take place in Bow Street in February 2012.

**MEETING CLOSED:** 8.40pm

**NEXT MEETING:** February 8<sup>th</sup> 2012



## 9.2.2 AUDIT COMMITTEE RESPONSIBILITIES

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<b>Location/Address:</b>	Whole of shire
<b>Reporting Officer:</b>	Eva Haydon – Chief Executive Officer
<b>Enabling Legislation:</b>	Local Government Act and Local Government Audit Regulations
<b>Council Policy:</b>	Nil
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	
<b>Voting Requirements:</b>	Simple Majority

### Background

Part 7.1A of the Local Government Act requires that an audit committee of 3 or more persons be established to exercise the powers and discharge the duties conferred on it.

Currently the audit committee has been delegated the requirement to meet with the auditor annually.

On 28 December 2011, the Minister for Local Government issued a media statement advising that there were “Further cuts to local government red tape” as a result of reductions in the size of the Compliance Audit Return. This statement could be seen as a slight anomaly as the Minister goes on to say that “Greater responsibility is given to each council’s audit committee to ensure the council complies with its statutory obligation.”

The Minister also said “the cut to local government red tape was another step in the reform process, giving local governments more time and resources to benefit other community activities.”

### Comment

There have not as yet been any Act amendments to require a Council to delegate compliance oversight to the Audit Committee, however Local Government Operational Guidelines Number 09 Section 6 (revised March 2006) details the following:

- a) Provide guidance and assistance to Council as to the carrying out the functions of the local government in relation to audits;
- b) Develop and recommend to Council an appropriate process for the selection and appointment of a person as the local government’s auditor;
- c) Develop and recommend to Council-

- A list of those matters to be audited; and
  - The scope of the audit to be undertaken;
- d) Recommend to Council the person or persons to be appointed as auditor;
- e) Develop and recommend to Council a written agreement for the appointment of the auditor. The agreement is to include –
- The objectives of the audit;
  - The scope of the audit;
  - A plan of the audit;
  - Details of the remuneration and expenses to be paid to the auditor; and
  - The method to be used by the local government to communicate with, and supply information to, the auditor;
- f) Meet with the auditor once in each year and provide a report to Council on the matters discussed and outcome of those discussions;
- g) Liaise with the CEO to ensure that the local government does everything in its power to –
- Assist the auditor to conduct the audit and carry out his or her other duties under the Local Government Act 1995; and
  - Ensure that audits are conducted successfully and expeditiously;
- h) Examine the reports of the auditor after receiving a report from the CEO on the matters and –
- Determine if any matters raised require action to be taken by the local government; and
  - Ensure that appropriate action is taken in respect of those matters;
- i) Review the report prepared by the CEO on any actions taken in respect of any matters raised in the report of the auditor and presenting the report to Council for adoption prior to the end of the next financial year or 6 months after the last report prepared by the auditor is received, whichever is the latest in time;
- j) Review the scope of the audit plan and program and its effectiveness;
- k) Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or the CEO;
- l) Review the level of resources allocated to internal audit and the scope of its authority;
- m) Review reports of internal audits and by monitoring the implementation of recommendations made by the audit and reviewing the extent to which Council and management reacts to matters raised;

- n) Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programs;
- o) Review the local government's draft annual financial report, focusing on –
- Accounting policies and practices;
  - Changes to accounting policies and practices;
  - The process used in making significant accounting estimates;
  - Significant adjustments to the financial report (if any) arising from the audit process;
  - Compliance with accounting standards and other reporting requirements;
  - Significant variances from prior years;
- p) Consider and recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation but before the annual financial report is signed;
- q) Address issues brought to the attention of the committee, including responding to requests from Council for advice that are within the parameters of the committee's terms of reference;
- r) Seek information or obtain expert advice through the CEO on matters of concern within the scope of the committee's terms of reference following authorisation from the Council; and
- s) Review the Statutory Compliance Return and make a recommendation on its adoption to Council.

The guidelines also suggest that the Committee shall meet at least quarterly and provide a report annually to Council, summarising its activities during the previous financial year

**OFFICER RECOMMENDATION:**

**For Council consideration**

**COUNCIL DECISION:**

**That the Audit committee be delegated**

- 1. Meeting with Councils Auditor as required; and**
- 2. Reviewing the Annual Compliance Audit Return and reporting to Council**

**Moved: Cr Hawksley**

**Seconded: Cr Newman**

*Carried 6/0*

### 9.2.3 AUDIT COMMITTEE MINUTES

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<b>Location/Address:</b>	Whole of shire
<b>Reporting Officer:</b>	Eva Haydon – Chief Executive Officer
<b>Enabling Legislation:</b>	Local Government Act 1995as amended
<b>Council Policy:</b>	Nil
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	
<b>Voting Requirements:</b>	<b>Absolute</b> Majority

#### **Background**

The Local Government Audit Regulations require the following:

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
  - (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
    - (3A) The local government’s audit committee is to review the compliance audit return and is to report to the council the results of that review.
      - (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
        - (a) presented to the council at a meeting of the council; and
        - (b) adopted by the council; and
        - (c) recorded in the minutes of the meeting at which it is adopted.

#### **Comment**

Nil

#### **OFFICER RECOMMENDATION:**

**That:**

- 1 Council receive the Audit Committee Minutes of 9 February 2012 and adopt the recommendations within; and**
- 2 Council adopt the Compliance Audit Return for the period ended 31 December 2011.**

**Moved: Cr Haslam Seconded: Cr Newman**

***Carried By Absolute Majority 6/0***

#### 9.2.4. REDUCTION IN NUMBER OF COUNCILLORS

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<b>Location/Address:</b>	Whole of shire
<b>Reporting Officer:</b>	Eva Haydon – Chief Executive Officer
<b>Enabling Legislation:</b>	Local Government Act 1995
<b>Council Policy:</b>	Nil
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	
<b>Voting Requirements:</b>	<b>Absolute</b> Majority

#### **Background**

Council resolved at its last meeting to write to the Electoral Commissioner to approve the reduction of the number of offices of Council to six members.

Section 4.17 of the Local Government Act appears to cover that action, however apparently this section only provides for the vacancy to remain unfilled until the next election. In order for the number of Councillors to be reduced an application must be made to the Advisory Board following an absolute majority decision of Council

There are two options for the application, with the first (a review of wards and representation) not being applicable. The second option is to propose to the Board that it deal with the reduction as a minor matter in accordance with clause 5 (b) of Schedule 2.2 of the Act.

The Electoral Commissioner has now given approval to leave the vacancy unfilled pending the Local Government Advisory Board determination.

#### **Comment**

Nil

#### **OFFICER RECOMMENDATION:**

**That:**

- 1 The Shire of Cuballing propose the reduction of the number of offices of Councillor from seven to six; and**
- 2 A submission be made to the Local Government Advisory Board requesting that the proposal is one of a minor nature and not one about which public submissions need be invited due to the fact that the ward system was discontinued in 2010.**

**Moved: Cr Hawksley**

**Seconded: Cr McDougall**

***Carried by Absolute Majority 6/0***

Yes!

You have to make an application to the Electoral Commissioner for his approval to allow the vacancy to remain unfilled (see 4.17(3)).

Regards

**Vern McKay**

Principal Project Officer

Advice and Support

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**From:** CEO - Cuballing Shire [mailto:ceo@cuballing.wa.gov.au]

**Sent:** Thursday, 1 December 2011 7:20 AM

**To:** Vern McKay

**Subject:** RE: Extraordinary Vacancy

Hi Vern

We don't have Wards as of 2010 and 85.72% of the offices of member of council will still be filled so we should be OK???

Regards

Eva

*Eva Haydon*

*Chief Executive Officer*

*Shire of Cuballing*

*PO Box 13*

*Cuballing WA 6311*

*Phone: 08 9383 6031 Mobile: 0427836031*

**From:** Vern McKay [mailto:vern.mckay@dlg.wa.gov.au]  
**Sent:** Thursday, 1 December 2011 7:10 AM  
**To:** ceo@cuballing.wa.gov.au  
**Subject:** Extraordinary Vacancy

Eva  
Section 4.17 of the Act applies to your vacancy.

Subsections (1) and (2) don't apply.

You would be able to leave the vacancy unfilled under subsection (3) and subsection (4A) if you did not have Wards and at least 80% of the offices of member of council are still filled, or if you the Ward in which the vacancy exists has 5 offices and 4 of those are still filled.

I understand that you have 2 Wards with 3 and 4 offices of member of council - so ... the bad news is you have to have an Extraordinary election.

Regards

**Vern McKay**

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#### 4.17. Cases in which vacant offices can remain unfilled

- (1) If a member's office becomes vacant under section 2.32 on or after the third Saturday in July in the election year in which the term of the office would have ended under the Table to section 2.28, the vacancy is to remain unfilled and the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.
- (2) If a member's office becomes vacant under section 2.32 —
  - (a) after the third Saturday in January in the election year in which the term of the office would have ended under the Table to section 2.28; but
  - (b) before the third Saturday in July in that election year,the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.
- (3) If a councillor's office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow\* the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.

*\* Absolute majority required.*

- (4A) Subsection (3) applies —
  - (a) if —
    - (i) the office is for a district that has no wards; and
    - (ii) at least 80% of the number of offices of member of the council in the district are still filled;or
  - (b) if —
    - (i) the office is for a ward for which there are 5 or more offices of councillor; and
    - (ii) at least 80% of the number of offices of councillor for the ward are still filled.
- (4) If an ordinary or an extraordinary election is to be held in a district then an election to fill any vacancy in the office of councillor in that district that was allowed to remain unfilled under subsection (3) is to be held on the same election day and Division 9 applies to those elections as if they were one election to fill all the offices of councillor for the district or ward that need to be filled.



## 9.2.5 DELEGATES TO COUNCIL & COMMUNITY COMMITTEES

<b>Location/Address:</b>	Whole of shire
<b>Reporting Officer:</b>	Eva Haydon – Chief Executive Officer
<b>Enabling Legislation:</b>	Local Government Act 1995 as amended
<b>Council Policy:</b>	Nil
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	
<b>Voting Requirements:</b>	<b>Absolute</b> Majority

### Background

The following Councillors were appointed as Council Delegates and Proxy Delegates to the listed organisations/committees at the October 2011 Council Meeting

Committee/Service	Delegate	Proxy /Delegate
Bush Fire Advisory	Cr Hawksley	Cr Wittwer
Dryandra Voluntary Regional Organisation of Councils (DVROC)	Cr Wittwer (D)	Cr Newman (D)
Education (School Awards, etc)	Cr McDougall	Cr Meharry
Emergency Management	Cr Conley	Cr Hawksley
Landcare (LCDC)	Cr Conley	Cr Haslam
Popanyinning Progress Association	Cr Meharry	Cr Haslam
Regional Road Group	Cr Wittwer	Cr Newman
Regional Waste Management	Cr Wittwer	Cr Newman
RoadWise	Cr Hawksley	Cr Haslam
Tourism	Cr Meharry	Cr McDougall
Grain Freight	Cr McDougall	
Development Assessment Panel	Cr T Wittwer	Cr T Haslam
	Cr R Newman	Cr M Conley
Regional Transition Group	Cr T Wittwer	Cr R Newman (D)
		Cr J Meharry
Central Country Zone of WALGA	Cr T Wittwer	Cr R Newman ( D) CEO Proxy
Audit Committee	All Councillors	
Cuballing Community Progress Assoc. Committee	Cr C McDougall and All current members	
Dryandra Regional Equestrian Park Management Committee	Cr T Haslam Cr C McDougall Cr R Newman (Proxy) 2 Members of Dryandra Equestrian Association 2 Members of Narogin Pony & Riding Club Shire of Cuballing CEO	

## Comment

Due to the resignation of Councillor Meharry, it is necessary to review the delegates for some of the committees/associations.

### OFFICER RECOMMENDATION:

**For Council consideration**

### COUNCIL DECISION:

Committee/Service	Delegate	Proxy /Delegate
Bush Fire Advisory	Cr Hawksley	Cr Wittwer
Dryandra Voluntary Regional Organisation of Councils (DVROC)	Cr Wittwer (D)	Cr Newman (D)
Education (School Awards, etc)	Cr McDougall	E Haydon (CEO)
Emergency Management	Cr Conley	Cr Hawksley
Landcare (LCDC)	Cr Conley	Cr Haslam
Popanyinning Progress Association	Cr Haslam	E Haydon (CEO)
Regional Road Group	Cr Wittwer	Cr Newman
Regional Waste Management	Cr Wittwer	Cr Newman
RoadWise	Cr Hawksley	Cr Haslam
Tourism	Cr McDougall	Eva Haydon (CEO)
Grain Freight	Cr McDougall	
Development Assessment Panel	Cr T Wittwer	Cr T Haslam
	Cr R Newman	Cr M Conley
Regional Transition Group	Cr T Wittwer	Cr R Newman (D)
		Cr Conley
Central Country Zone of WALGA	Cr T Wittwer	Cr R Newman ( D) CEO Proxy
Audit Committee	All Councillors	
Cuballing Community Progress Assoc. Committee	Cr C McDougall and All current members	Cr Roger Newman
Dryandra Regional Equestrian Park Management Committee	Cr T Haslam Cr C McDougall Cr R Newman (Proxy) 2 Members of Dryandra Equestrian Association 2 Members of Narogin Pony & Riding Club Shire of Cuballing CEO	

**Moved: Cr Newman**

**Seconded: Cr Conley**

***Carried by Absolute Majority 6/0***

## **9.2.6 AUTHORISATION OF OFFICERS – DOG ACT 1976**

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<b>Location/Address:</b>	Whole of shire
<b>Reporting Officer:</b>	Eva Haydon – Chief Executive Officer
<b>Enabling Legislation:</b>	<b>Dog Act 1976</b>
<b>Council Policy:</b>	Nil
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	
<b>Voting Requirements:</b>	Simple Majority

### **Background**

Section 9 of the Dog Act 1976 states that it is the duty of a local government within its district to administer and enforce the provisions of the Act (and subsequently regulations relating to that act).

During the past three months, dog complaints have become almost a daily occurrence.

Most complaints are as follows:

- Dogs attacking sheep
- Dogs wandering
- Dogs not confined running out at residents walking/riding bicycles past the property
- Dogs interfering with other dogs
- Dogs causing other dogs to bark excessively
- Residents keeping dogs without appropriate fencing/gates to ensure the dog is confined
- Residents with more than two dogs

### **Comment**

There have been notices placed in the newsletter for the past three months regarding dog problems and also advising residents that staff would be inspecting properties with dogs and noting properties with unregistered dogs.

In order for staff to carry out these inspections the Dog Act requires that they are formally authorised by Council to do so. Registration officers must also be formally appointed as well as staff who impound dogs and issue infringements.

**OFFICER RECOMMENDATION:**

**That the following persons be authorised:**

**1. Registration Officers for the Shire of Cuballing**

**Nicole Renee Gould  
Nikole Jayne Brennan  
Monique Mary D'Alton**

**2. Ranger/Pound Keeper for the Shire of Cuballing**

**Eva Haydon  
Timothy Bradford  
John Kenneth Ramage**

**Clinton Graeme Renfrey  
Bruce Brennan**

**Moved: Cr Conley**

**Seconded: Cr Newman**

*Carried 6/0*

## **9.2.6 INTEGRATED PLANNING AND REPORTING ADVISORY STANDARDS**

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<b>Location/Address:</b>	Whole of shire
<b>Reporting Officer:</b>	Eva Haydon – Chief Executive Officer
<b>Enabling Legislation:</b>	Local Government Act 1995as amended
<b>Council Policy:</b>	Nil
<b>Budget Implications:</b>	Nil at this stage
<b>File Reference:</b>	
<b>Voting Requirements:</b>	<b>Simple Majority</b>

### **Background**

All local governments are currently required to produce a plan for the future under S5.56 (1) of the Local Government Act 1995. The Department intends that regulations will be made under S5.56 (2) of the Act to briefly outline the minimum requirements to achieve this.

The Integrated Strategic Planning Framework provides the basics for improving the practice of strategic planning in local government. It addresses the **minimum** requirements to meet the intent of the Act and outlines processes and activities to achieve an integrated strategic plan at the individual local government level.

There are three major parties to the development of an integrated strategic plan:

- The Community – participates in a community planning process to determine major vision or intended big picture directions and also participates in regular reviews of those directions;
- The Council – signs off the Strategic Community Plan resulting from the community planning process, the four year reviews updating that plan, and the annual budget;
- The local government administration – supports delivery of the Strategic Community Plan, the four yearly reviews, and annual budget through its corporate business planning.

The minimum requirement to meet the intent of the plan for the future is the development of:

- A Strategic Community Plan – 10 + year time frame which provides the long term view informed by community aspirations and reviewed every 4 years
- A Corporate Business Plan which activates the Strategic Community Plan, integrates other plans for specific outcomes and sets out the resource strategies – reviewed annually to deliver the annual budget.

The key principle of the planning process is to provide both the future aspirations for the local government and a path to achieve them. Specific strategies address issues such as community safety or disability plans and place or local area plans. Strategic outcomes are supported by the identification and planning of all financial, human resource, asset and infrastructure requirements and income opportunities over the longer term.

## Comment

The Integrated Planning and Reporting (IPR) Implementation Schedule 2011-13 requires that Council adopts the IPR Framework implementation process as follows:

15 October 2011 – 30 June 2013

Expiring Plans for the Future extended to 30 June 2013 by Council resolution (or modified) OR new Plans for the Future meeting new regulations are adopted at expiry of old plans.

15 October 2011 – 31 March 2012

Develop baseline Asset Management, Long Term Financial Planning and Workforce Plans. Review other strategies as necessary.

1 January 2012 – 30 June 2012

Community Engagement for Strategic Community Plan  
Development of Strategic Community Plan

May 2012 – May 2013

Development of Corporate Business Plan  
Alignment of Asset Management, Long Term Financial Planning and Workforce Plans with Corporate Business Plan

1 July 2013

Annual Budget – “slice” of Corporate Business Plan

The Annual Financial Report for the year ending 30 June 2013 is to incorporate the new ratios, which are as follows:

**Operating Surplus ratio** – Net operating surplus divided by own source operating revenue, expressed as a percentage.

This is an indicator of the extent to which revenues raised cover operational expenses only or available for capital funding purposes.

The standard is not met if the operating surplus ratio is 0% (or lower, the author presumes)

The basic standard is met if the operating surplus ratio is between 0% and 15%.

**Current Ratio or working capital ratio** – Current assets divided by current liabilities, expressed as 1:X, percentage or decimal figure.

This is a modified commercial ratio designed to focus on the liquidity position of a local government that has arisen from past year's transaction.

The standard is not met if this ratio is any value lower than 1 : 1

Basic standard is met if the ratio is equal to an expression of 1:1 or greater (e.g. 100% or 1.0).

**Debt service cover ratio** – Annual operating surplus before interest and depreciation divided by annual debt service payments (both principal and interest)

This is also known as 'debt coverage ratio' and is the ratio of cash available for debt servicing to interest, principal and lease payments.

The standard is not met if this ratio is lower than 2

Basic standard is met if this ratio is greater than or equal to 2

**Asset consumption ratio** – Depreciated replacement cost of assets (written down value) divided by current replacement costs of depreciable assets expressed as a percentage.

This shows the written down current value of a local government's depreciable assets relative to their 'as new' value in up to date prices. The ratio highlights the aged condition of the local government's stock of physical assets.

The standard is not met if the ratio data cannot be identified or the ratio is less than 50%.

Basic standard is met if ratio data can be identified and ratio is 50% or greater.

**Asset sustainability ratio** – Capital expenditure on replacement or renewal of assets divided by the depreciation expense expressed as a percentage.

This measures the extent to which assets managed by the local government are being replaced as they reach the end of their useful lives.

The standard is not met if ratio data cannot be identified or is less than 90%

Basic standard is met if ratio data can be calculated and ratio is 90% or greater.

**Asset renewal funding ratio** - Net present value of planned capital expenditure based on current Departmental guidance on renewals over ten years divided by the net present value of the required capital expenditures on renewals over the same period expressed as a percentage.

This indicates whether the local government has the financial capacity to fund asset renewal as required, and can continue to provide existing levels of services in the future without:

- \*additional operating income; or
- \*reductions in operating expenses

Or

- \*an increase in net financial liabilities above that currently projected.

The standard is not met if ratio data cannot be identified or ratio is less than 75%

Basic standard is met if ratio data can be identified and ratio is between 75% and 95%

**Workforce Plan –**

Council must have a current workforce plan which identifies the following:

- Current workforce profile and organisational structure
- Gaps between the current profile and organisational requirements
- Organisational activities to foster and develop workforce.

The Workforce Plan is budgeted for in the Corporate Business Plan and Long Term Financial Plan.

**A standard is also required to be met regarding what is to be included in the Annual Report and Plan for the future (until 30 June 2013) which then flows onto the new integrated reporting requirements**

**OFFICER RECOMMENDATION:**

**That Council adopt the Integrated Planning and Reporting Implementation Schedule 2011 – 2013 as listed below:**

15 October 2011 – 30 June 2013

Expiring Plans for the Future extended to 30 June 2013 by Council resolution (or modified) OR new Plans for the Future meeting new regulations are adopted at expiry of old plans.

15 October 2011 – 31 March 2012



Develop baseline Asset Management, Long Term Financial Planning and Workforce Plans. Review other strategies as necessary.

1 January 2012 – 30 June 2012

Community Engagement for Strategic Community Plan  
Development of Strategic Community Plan

May 2012 – May 2013

Development of Corporate Business Plan  
Alignment of Asset Management, Long Term Financial Planning and Workforce Plans with Corporate Business Plan

1 July 2013

Annual Budget – “slice” of Corporate Business Plan

**Moved: Cr Haslam**

**Seconded: Cr Hawksley**

*Carried 6/0*

**9.2.1. DRYANDRA REGIONAL EQUESTRIAN PARK MANAGEMENT  
COMMITTEE**

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**Location/Address:** Whole of shire  
**Reporting Officer:** Eva Haydon – Chief Executive Officer  
**Enabling Legislation:** Local Government Act 1995  
**Council Policy:** Nil  
**Budget Implications:** Nil  
**File Reference:**  
**Voting Requirements:** Absolute Majority  
**Attachment:** December 2011 Minutes

### **Background**

Council appointed the Dryandra Regional Equestrian Park Management Committee to provide recommendations regarding the Dryandra Regional Equestrian Centre.

Minutes of the last meeting is attached.

### **Comment**

Nil

### **OFFICER RECOMMENDATION:**

**That the minutes of the Dryandra Regional Equestrian Park Management Committee for the meeting held in December 2011 be received and recommendations adopted.**

**Moved: Cr McDougall**

**Seconded: Cr Haslam**

*Carried 6/0*

*held at the*  
**SHIRE OF CUBALLING ADMINISTRATION OFFICE**  
*on 15 December 2011 at 7.30pm*

**OPENING AND ANNOUNCEMENT OF VISITORS**

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No Visitors present

**ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE**

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Cr T Haslam	Shire of Cuballing (Chair)
Cr C McDougall	Shire of Cuballing
J Early	Dryandra Regional Equestrian Association
C Eales	Dryandra Regional Equestrian Association
M Clark	Narrogin Pony & Riding Club
E Haydon	Shire of Cuballing

Apology	C Perkins	Narrogin Pony & Riding Club
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**PUBLIC QUESTION TIME**

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Nil

**CONFIRMATION OF MINUTES**

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That the Minutes of the Dryandra Regional Equestrian Park Management Committee held on 26 October 2011, be confirmed as a true and correct record of proceedings.

**Moved** J Early

**Seconded** C Eales

**BUSINESS ARISING FROM THE MINUTES**

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Nil

**PETITIONS, DEPUTATIONS, PRESENTATIONS & DECLARATIONS**

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Nil

**MATTERS FOR DISCUSSION**

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### **CLUBHOUSE**

E Haydon advised that due to changes in the application process for the Country Local Government Fund, it is unlikely that there will be any progress on the Clubhouse until next financial year.

### **LEASE OF DRYANDRA REGIONAL EQUESTRIAN PARK**

M Clark had arranged for the preparation of a draft lease which will be reviewed at the end of January/early February

### **RUBBISH COLLECTION**

E Haydon advised that there is still rubbish being left at the equestrian park for a considerable period of time. Equestrian representatives would ensure that it was removed in a timely manner.

### **FENCING OF ARENA**

There was some discussion regarding voluntary labour to erect the fencing , however due to the fact that it is a public building, it was resolved to have a contractor erect the fence.

### **COMMITTEE DECISION:**

That a contractor be engaged to erect the cattle rail fencing around the equestrian arena

**Moved:** M Clark

**Seconded:** J Early

### **OTHER GENERAL BUSINESS**

The equestrian groups will arrange for the purchase, freight, erection and connection to septic system of the second hand toilet block.

The warm up area will be flattened out prior to placement of the surface

### **NEXT MEETING**

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Thursday 2 February at 7.30pm

### **CLOSURE OF MEETING**

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There being no further business, the meeting closed at 9.15pm



## **WORKS MANAGERS REPORT Up to 1<sup>st</sup> February 2012.**

### **SUMMER GRADING**

Summer maintenance grading is ongoing. We have somewhat lost our proactivity with the Christmas Break and the number of staff taking some leave. This was particularly obvious when the maintenance grader operator was on leave until the 23<sup>rd</sup> Jan. We are now getting back on to a reasonable schedule and should be able to maintain it for some time.

### **STORM DAMAGE**

Storm Damage cleans-up is ongoing. Bims Contracting are currently on Lol Gray Soak road after having completed Penny's and Forestry Roads. After Lol Gray Soak Rd it is intended to undertake Stevens Road and then to Brands and across to Williams rd.

### **STORM DAMAGE. SEVERE WEATHER EVENTS IN DECEMBER 2011.**

Contractors (GS Hobbs and BIMS) have been organised to commence remedial works on two of our storm affected areas. Hobbs will be doing the Narrogin Wandering/Yornaning West section and BIMS will commence works on the Popanyinning East Nyamutin Rd area.

### **CONSTRUCTION WORK**

Works on the Wandering Narrogin Rd have now been completed. Western Stabilisers were onsite as scheduled for the 24<sup>th</sup> January. We cement stabilised the widening works and into the existing seal, We then undertook the primer sealing works on Friday 27th Jan. We hired spreader trucks and additional rollers to complete these works.

Excess metal was swept from the surface and all guide posts installed on Monday 30th January.

## **POPANYINNING WEST ROAD**

Works commenced on this Roads To Recovery project on the 4<sup>th</sup> January. Clearing of some trees where required has been completed. We have started to windrow and cart to spoil the topsoil and overburden. Culvert works have been completed and it is hoped to have this job completed on schedule for the 16<sup>th</sup> March.

Bitumen has already been ordered for the 14<sup>th</sup> March. We have been fortunate in reducing our construction delays that occurred due to the wet weather and are currently only about nine days behind. This is a great effort from the works staff and contractors that we have used.

## **CULVERT INSTALLATIONS.**

The additional culvert for Springhill Rd dam works has been installed. Headwalls have been placed and drainage cut to suit. We are still to grade the cut spoil from the drain to an internal bank.

## **STANDPIPE CONTROLLERS**

Both Standpipe controllers are continuing to operate correctly.

## **RETICULATION DAM**

Additional works at the reticulation dam are continuing.

Three hose reels have been fitted to the Arena and will be supplied from the storage tank.

Most of the works to deliver water to the Equestrian Arena has been completed. We will have ability to measure supply and be able to control delivery as needed.

## **REFUSE SITES**

Both the Cuballing and Popanyinning refuse sites have been pushed/cleared on a regular basis. Gates have been installed on Daylesford Road to limit access to the Popanyinning refuse site. These gates have now been locked though will be opened on a regular basis as advertised.

## **BRIDGE MAINTENANCE**

Our 2011 bridge maintenance works program has been completed.

## **PLANT AND EQUIPMENT**

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

Isuzu truck CN272 is having some problems in relation to the air conditioning. It does give out some cool air initially though it soon gets warmer. It appears that the problem may be in the evaporator and the electric/electronic controls for it. We have been advised of a possible cost of \$3000.00 to repair. A decision has been made to leave as is at this time.

## **STAFF**

All staff members generally appear to be working well with each other and enjoying their varied tasks. John Ramage will be returning to work on light duties in the week of the 13<sup>th</sup> Feb. John will be limited in the type of work he is able to undertake.

## **PRIVATE WORKS**

Only works such as sand and gravel deliveries has been undertaken since the last report.

## **EQUESTRIAN CENTRE**

Cuballing Concrete has completed work on the retaining walls at the undercover arena. In addition to this the fencing has been constructed and installed by Rick McDougall. The additional metal dust require to complete the arena surface has been carted. This material is still to be spread to a uniform level. The Outside spectator footings have not yet been placed. A pump and spraying system is being installed to enable the equestrian clubs to keep their surface moisture to a suitable level.

## **ROADSIDE SPRAYING**

Design of a more suitable roadside spraying setup is continuing. The system should allow for a spray width of up to five meters when required. It is intended to utilise the three tonne truck next year for our roadside spraying tasks. It has the capacity to carry a substantial amount of water/chemical mix which will eliminate the additional travel times involved in refilling.

## **GRAIN FREIGHT ROUTE**

An agenda item for council to consider the calling of tenders for the Grain Freight works is current for the February Shire of Cuballing council meeting.

Mr Dan Turner has been engaged to assist in the tender scope of works.

Discussion is required on whether we employ Dan Turner to oversee the works as a superintendants representative should a tender be awarded.

Council has cleared trees and installed culverts where required through the length of the works. This should give us a better value for money pricing within received tenders.

## **FOOTPATH WORKS**

The old slabs at the Alton St footpath works have been removed.

Some earthworks were undertaken and a new kerb has been placed.

5 Tree planter liners have now been inserted at regular intervals to allow the growing of some mature trees without effect on the path in the future. The townscape committee have asked that the replacement trees be Flowering Plums.

I have only been able to source 2 locally at this time that I believe are mature enough.

We may ask the committee to reconsider the choice for the remaining trees.

## **BLACKSPOT FUNDING**

Council has been indirectly informed that we have been successful for Blackspot Funding for works on the Wandering Narrogin Rd. We originally submitted applications for two sites. I am not yet sure which application or whether both for that matter have been approved.

## **POPANYINNING DRAINAGE**

Works have been undertaken (not yet finished) to improve the drainage in the Forrest st Howard st area. We have deepened some drains to ensure that the storm water runoff flows adequately. We have also cleared debris from the invert and obvert of the large culvert that allows the stormwater to flow under the Gt Southern Hwy.

## **PLANT REQUIREMENTS**

There is a requirement for additional plant to enable the works crews to fulfill their tasks both effectively and economically.

In my opinion the most pressing is the need for an additional tractor to allow us to have a method of sweeping the debris and excess materials from the roads as the works are currently being performed.



We have been laboring under the fact that we have only the one tractor to undertake all works including parks and gardens, oval mowing, spraying and slashing along with the general town street works such as cleaning and leveling with the front bucket.

The other option than an additional tractor is some type of effective sweeper that is compliant with Worksafe rules.

As council is well aware there are many culverts that need cleaning and clearing. Culverts are required to be cleaned to work effectively. It can be noticed that many culverts suffered during the December storms through heavy flows and topsoil carry.

I have become aware of the following that is available at Allied Plant in Midland.

2011 Caterpillar 432E Premium Backhoe  
Low Hours, Excellent condition.  
4WD, A/C Cab, Flip over forks, Ready to work.  
Available Now.  
Price: \$115,000 + GST

This is a brand new machine that Allied have purchased ex factory. In my conversation with Allied they say that the lowest price is \$110000.00 Plus GST.

I would suggest that we could forgo the Float and the Water Tank which are in this years plant replacement program in lieu of obtaining the backhoe if at all possible. To install culverts now we generally have to use a contractor or dig a very large trench with the loader. Not a good solution when we only need to install a single barrel culvert across a road.

.....

Bob Walker

Works Manager.

### 9.3.1 TENDER : WORKS ON CUBALLING EAST ROAD

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<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Cuballing East Road
<b>Reporting Officer:</b>	Bob Walker, Works Manager
<b>Enabling Legislation:</b>	Local Government Act 1995
<b>Council Policy:</b>	Nil
<b>Budget Implications:</b>	Nil. Will require external funding by Main Roads/Grain Freight
<b>File Reference:</b>	<b>Voting Requirements:</b>

#### Background

Council has been approached by MAIN ROADS to deliver upgrade works of the Cuballing East Road to allow for a substantial increase in Grain Freight delivery vehicles to be able to use this road safely. Council has had several meetings with project staff from within MRWA, whereas MRWA have developed a scope of works which they believe will satisfy the requirements and needs for increased heavy vehicle movements on the Cuballing East Road. MRWA have budgeted for this work in their original and also an adjusted estimate. Some discussion was held at the last forum with an agreement to organise the calling of tenders for the required works

#### Comment

Council has since engaged Mr Dan Turner (A Qualified Engineer) to assist with the tender and the scope of works required for the upgrade works. In addition we have had the realignment section near Wardering Road surveyed. A design for this particular section has been received, The widening will be marked on the existing seal prior to the tender release.

Dan Turner and myself have completed a basic scope of works at this time. It is expected that all documentation and the upgraded scope of works would be completed by mid February 2012.

Whilst council would be calling the tender and therefore responsible for the awarding of same it should be remembered that the works will need to be fully funded by Main Roads.

If Council resolve to call this tender it should be remembered that council has the right to reject any and all tender submissions, this is particularly relevant should Main Roads not agree to cover any additional costs.

There is a possibility that submissions received will exceed the amount of funding that Main Roads have currently set aside for these works. Council though could approach MRWA for any likely shortfall.

**OFFICER RECOMMENDATION:**

- 1. That Council calls tenders for the upgrade works on the Cuballing East Rd.**
- 2. Advertise the tender in Late February and the first week of March 2012**
- 3. Tender Submission Closure first week of April 2012.**
- 4. Council approve Mr Bob Walker and a Mr Dan Turner as Superintendent Representatives.**
- 5. Council consider the tender submissions at the April 2012 meeting.**

**Council Decision**

- 1 That Council calls tenders for the upgrade works on the Cuballing East Rd.**
- 2 Advertise the tender in Late February and the first week of March 2012**
- 3 Tender Submission Closure first week of April 2012.**
- 4 Council approve Mr Bob Walker and Civil Engineer as Superintendent Representatives.**
- 5 Council consider the tender submissions at the April 2012 meeting.**

**Moved: Cr Conley**

**Seconded: Cr Newman**

*Carried 6/0*

**The Officer Recommendation was amended to allow for quotations to be received from other Civil Engineers**

#### **9.4.1 DWELLING HOUSE UNFIT FOR HABITATION**

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<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Lot 5 House Number 126 Francis Street, Popanyinning
<b>Reporting Officer:</b>	Allan Ramsay, Environmental Health Officer/Building Surveyor
<b>Enabling Legislation:</b>	Health Act 1911- As Amended Health Local Laws Building Code of Australia Building Regulations 1989
<b>Policy Implications:</b>	Nil
<b>Budget Implications:</b>	None if the owner undertakes the required work. If the owner defaults in carrying out the required work then the local government will need to take further action which will be an expense.
<b>File Reference:</b>	Health 6
<b>Voting Requirements:</b>	Simple majority

#### **Summary**

Following an incident at Lot 5 house number 126 Francis Street, Popanyinning on Christmas Eve 2011 the owner Mr Swanson was taken from the property and currently in the care of authorities.

The unoccupied house was inspected on 5 January 2012 following concerns of the condition it was in. During the inspection the author of this report noted that the house was in a deplorable state, with putrid odours and an accumulation of rubbish scattered throughout.

This property is considered to be a nuisance under Section 181 of the Health Act, and as such Council may order that the dwelling be disinfected under Section 260 of the Health Act.

The plumbing to the house requires maintenance and the laundry is set up in the kitchen both of which contravene the provisions of Council's "Health Local Laws 2007": Clause 3.1.1(i) & Clause 2.2.3 (a) & (b) respectively.

Photos are tabled.

Section 135 of the Health Act 1911 (as amended)

135. Dwellings unfit for habitation

- (1) *Any local government may, of its own motion, and shall, when required by order of the Executive Director, Public Health by notice in writing, declare that any house, or any specified part thereof, is unfit for human habitation.*
- (2) *The notice may direct that such house or part thereof shall not, after a time to be specified in the notice, be inhabited or occupied by any person.*
- (3) *The notice shall be affixed to some conspicuous part of the house, and a copy of such notice shall be served upon the owner or occupier thereof.*

*[Section 135 amended by No. 28 of 1984 s. 45; No. 14 of 1996 s. 4.]*

136. Such house not to be let or occupied

*Any person who, after the expiration of the specified time, inhabits or occupies, or suffers to be inhabited or occupied, such house or part thereof, commits an offence.*

*[Section 136 amended by No. 113 of 1965 s. 8(1); No. 80 of 1987 s. 31.]*

137. Condemned building to be amended or removed

*A notice may be served by the local government upon the owner of such house directing him, within a time limited by such notice, either to amend the same in some specified manner or take down and remove the same.*

*Provided that —*

- (i) the notice may direct the owner to take down and remove the house, without giving him the alternative of amending the same; and*
- (ii) any person aggrieved by any notice under this section may apply to the State Administrative Tribunal for a review of the decision.*

*[Section 137 amended by No. 30 of 1932 s. 21; No. 14 of 1996 s. 4; No. 55 of 2004 s. 483.]*

138. Land to be cleaned up after removal of house or building therefrom

*Any person who dismantles any house, building, or other structure, whether in pursuance of a notice from the local government or not, shall forthwith clean the land to the satisfaction of the local government, and remove all rubbish to a place appointed by the local government.*

*[Section 138 inserted by No. 30 of 1932 s. 22; amended by No. 14 of 1996 s. 4.]*

139. Owner may be required to clean or repair house

*In addition to the powers contained in the preceding sections of this Part, a local government may, if in its opinion any house is unfit for human habitation by reason of uncleanness or want of repair, require the owner of such house by a notice served on such owner to render clean or to repair such house within the time and in the manner specified in such notice.*

*[Section 139 inserted by No. 32 of 1937 s. 6; amended by No. 14 of 1996 s. 4.]*

260. Power to require cleansing and disinfecting of building etc.

*Whenever the local government is of opinion that the cleansing or disinfecting of any house or building, or of any articles therein, or of any outbuilding, yard, drain, sewer, sanitary convenience, or other appurtenance belonging to or connected therewith, would tend to prevent or check infectious disease, the following provisions shall apply:*

- (1) It may, by requisition to the owner and occupier of the house or building, require them to do whatever works are necessary in order*

*that the house, building, articles, or appurtenances may be effectually cleansed and disinfected in the manner and within the time specified in the requisition.*

- (2) The owner and occupier are hereby jointly and severally empowered and required to do whatever works are necessary in order to duly comply with the requisition.*
- (3) If default is made in duly complying with the requisition within the time specified therein, then the owner and occupier each commits an offence.*
- (4) If such default occurs or the abatement of the nuisance is, in the opinion of the local government of immediate necessity, the local government may cause the requisite works to be done at the expense in all things of the owner and occupier, who shall be jointly and severally liable therefore.*
- (5) All such expenses shall be recoverable by the local government from the owner and occupier in a summary way, and until paid shall, by force of this Act, be deemed to be a charge on the house and building and also on the land on which the same is built or to which it appertains.*
- (6) When the owner or occupier of any such house or part thereof is from poverty or otherwise unable, in the opinion of the local government, effectually to carry out the requirements of this section, the local government may cleanse or disinfect such house or part thereof or articles, and itself defray the expenses of so doing.*
- (7) The local government shall enforce the provisions of this section in every case in which the death from the disease known as tuberculosis occurs.*

**COMMENT:**

The structure of the dwelling is in a poor to reasonable state bordering on the need of demolition. However, it is cluttered with vast volumes of clothing, toys, and general rubbish. The stench is overpowering, and the dwelling once cleaned up must be disinfected.

The Health Act gives the Council the power to clean up the property and to levy a charge against the title if the owner fails to comply with the order. However, this should only be done as a very last resort.

**OFFICER RECOMMENDATION:**

That:

1. Council resolve to declare the dwelling at Lot 5 house number 126 Francis Street, Popanyinning Unfit for Human Habitation under section 135 of the Health Act;
2. The dwelling not be occupied after 15 February 2012 under section 135 (2) of the Health Act;
3. The dwelling to be cleaned within 90 days from the date the notice is served under section 139 of the Health Act; and
4. The dwelling be disinfected within 14 days of being cleaned under section 260 (1) of the Health Act, further, Council authorise the Environmental Health Officer/Building Surveyor to issue the orders to the owner of Lot 5 house number 126 Francis Street;

Moved:

Seconded:

**COUNCIL DECISION:**

That;

1. Now that the owner is available and in a position to clean the house at Lot 5, 126 Francis Street Popanyinning recommendations 1-4 be put on hold till 15 March 2012;
2. In the event that the premises is not cleaned to the satisfaction of the Environmental Health Officer by the 15 March 2012 then Council:
  1. *Council resolve to declare the dwelling at Lot 5 house number 126 Francis Street, Popanyinning Unfit for Human Habitation under section 135 of the Health Act;*
  2. *The dwelling not be occupied after 15 March 2012 under section 135 (2) of the Health Act;*
  3. *The dwelling to be cleaned within 90 days from the date the notice is served under section 139 of the Health Act; and*
  4. *The dwelling be disinfected within 14 days of being cleaned under section 260 (1) of the Health Act, further, Council authorise the Environmental Health Officer/Building Surveyor to issue the orders to the owner of Lot 5 house number 126 Francis Street;*

Moved: Cr Hawksley

Seconded: Cr Newman

*Carried 6/0*