
INDEX

0408.01	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	3
0408.02	RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE	3
0408.03	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	3
0408.04	PUBLIC QUESTION TIME	3
0408.05	APPLICATIONS FOR LEAVE OF ABSENCE	4
0408.06	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	4
0408.07	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION.....	4
0408.08	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	4
0408.09	REPORTS OF COMMITTEES/MEMBERS	4
0408.10	REPORTS OF OFFICERS	4
	10.2 HEALTH, BUILDING AND TOWN PLANNING.....	4
	10.2.1 Submission On The Draft Public Health Bill 2008	4
	10.2.2 Tobacco Products Control Act 2006 And Tobacco Products Control Regulations – Extending The Smoking Ban To Alfresco Dining And Public Beaches	10
	10.2.3 House Unfit For Habitation – Lot 119 No. 30 Burgess Street, Mullewa	12
	10.2.4 House Unfit For Habitation – Lot 143 No. 47 Jose Street, Mullewa.....	16
	10.2.5 House Unfit For Habitation – Lot 39 No. 1 O'brien Street, Mullewa	20
	10.2.6 House Unfit For Habitation – Lot 188 No. 6 Molster Street, Mullewa –	23
	10.2.7 House Unfit For Habitation – Lot 10 No. 12 Dalgety Street, Mullewa –	27
	10.4 FINANCE AND GENERAL PURPOSE	31
	10.4.1 Budget – Review As At 1 st March 2008	32
	10.4.2 Performance Review – Chief Executive Officer	33
	10.4.3 Differential Rating	34
	10.4.4 Statement Of Financial Activity.....	36
	10.4.5 Finance Report 31 st March 2008	36
	10.4.6 Accounts For Payment	37
	10.4.7 Waiving Fees – Recreation Centre.....	38
	10.4.8 Waiving Fees – Mullewa Town Hall.....	40
	10.5 CHIEF EXECUTIVE OFFICERS REPORT	42
	10.5.1 Code Of Conduct.....	42
	10.5.2 Ruvidini Rail Terminal	43
	10.5.3 Mid West Regional Council	44
	10.5.4 Community Code Of Behaviour – Choose Respect	45
	10.5.5 Mid West Regional Council – Dry Season Community Working Group.....	47
	10.5.6 Mid West Regional Council – Staff Rationalisation Policy & Strategic Plan Amendment	48

0408.11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	49
0408.12	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	49
0408.13	DELEGATED AUTHORITY	49
	13.1 Municipal Seal – Exercising Delegated Authority To Affix	49
0408.14	CLOSURE OF MEETING.....	50

MINUTES OF THE ORDINARY MEETING OF THE SHIRE OF MULLEWA HELD IN THE COUNCIL CHAMBERS ON WEDNESDAY, 16 APRIL 2008.**0408.01 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

1:02pm The President declared the meeting open.

0408.02 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE**PRESENT:**

Councillor A J (Nino) Messina – President	(West Ward)
Councillor B I N (Barbara) Thomas – Deputy President	(East Ward)
Councillor M (Mike) Kerkmans	(East Ward)
Councillor J L (Julie) Freeman	(Central Ward)
Councillor M D (Mick) Tierney	(Central Ward)
Councillor K P (Kim) Keeffe	(South Ward)
Councillor A J (Andrew) Messina	(South Ward)

OFFICERS:

Mr TA (Tom) Hartman - Chief Executive Officer
Ms NJ (Noelene) Holmes – Deputy Chief Executive Officer

APOLOGIES:

Councillor A J (Tony) Crudeli (Central Ward)

LEAVE OF ABSENCE:

Councillor L J (Linda) Wainwright (Central Ward)

VISITORS**0408.03 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

0408.04 PUBLIC QUESTION TIME

Nil

0408.05 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

0408.06 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**Moved:** *B I N Thomas* **Seconded:** *Andrew J Messina***COUNCIL DECISION:** **THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 26 MARCH 2008, AS PRINTED BE CONFIRMED.****CARRIED 7/0****0408.07 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

Nil

0408.08 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

0408.09 REPORTS OF COMMITTEES/MEMBERS

Nil

0408.10 REPORTS OF OFFICERS**10.2 HEALTH, BUILDING AND TOWN PLANNING****10.2.1 SUBMISSION ON THE DRAFT PUBLIC HEALTH BILL 2008**DATE OF MEETING: 16th April 2008

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: -

PREVIOUS MINUTE/S & -
REFERENCE:

DATE AND AUTHOR: 8 April 2008, Rod Bayliss - Environmental Health Officer/Building Surveyor - Shire of Northampton

DISCLOSURE OF INTEREST: OF Author has no disclosure of interest.

SUMMARY Report submits a submission on the Draft Public Health Bill for consideration.

BACKGROUND: The core public health provisions in the existing *Health Act 1911* ("the Health Act") –

1. were developed to deal with public health issues in the early 20th Century with reactive rather than preventive strategies for intervention,
2. do not have the flexibility to deal with emerging public health issues such as bio-terrorism, new industries and epidemic chronic disease,
3. deal with issues which have since been captured by other legislation including the *Occupational Safety and Health Act 1984* and the *Environmental Protection Act 1986*,
4. do not provide for accountability in relation to the setting of public health standards,
5. do not provide a definition of 'public health',
6. do not provide a framework for dealing with public health emergencies,
7. do not provide a balance between coercive powers and rights of individuals, and
8. are ineffective in tackling Aboriginal environmental health issues.

On 12 June 2005 Cabinet approved the release of a discussion paper proposing the replacement of the core public health provisions of the Health Act with a risk based approach to the protection and promotion of public health to be administered by the State Government and local government.

Consultation on the Discussion Paper occurred throughout Western Australia and on 14 August 2006 Cabinet approved drafting of a Public Health Bill (Exposure Draft). On 21 January 2008 Cabinet approved three months public consultation on this Draft Bill.

The purpose of the Bill is to provide the legislative tools that will advance the public health objective of protecting and promoting the health of communities in the State and reduce the incidence of preventable disease. The Draft Bill constitutes the primary legislation that will provide the powers, functions and foundations for a risk management approach to public health risks.

A copy of the explanatory paper is attached at **APPENDIX A**.

COMMENT:

The EHO/Building Surveyor has reviewed the proposed Bill and provides the following comments. *Note that where the term CEO is used it refers to the CEO of Public Health.*

1. Are the Draft Principles and Objectives appropriate?

On reading the proposed legislation it must be concluded that the answer to this question is "yes". These appear to combine sound public health

principles with fair and accountable governance and attain the goals and objectives as provided for the reasons in drafting of the Bill. They also appear to adequately address the shortcomings in the current legislation.

2. Will public health policies provide an effective framework for detailing requirements and standards relating to the objects of the Act and effectively protecting and promoting the health of Western Australians?

For the reasons detailed below and subject to inclusion of the additional improvements the answer is “yes”.

One of the really good things about this new Act is that it binds the Crown and other jurisdictions. This has long been an area of contention.

The maintenance of good public health within the community is a fundamental responsibility of government and as such needs to be enforced by strong penalties and fines for breaches of the Public Health Bill and subsidiary legislation (includes rules, regulations, instructions, local laws and by-laws). This needs to be linked between the seriousness of the offence with respect to the potential health impact and, the willfulness of the offender in committing the offence.

It is interesting to note that an offender may use the defense of due diligence with respect to any offence they may commit.

The CEO of the Department will have the ability to direct Local Governments with respect to measures that the CEO considers necessary to prevent control or abate a risk of significant harm to public health. However, unlike now the Local Government may request a review of that decision by the State Administrative Tribunal.

It should be noted that the CEO of the Department will have the power to undertake works where the Local Government fails to do so. This will become a debt owed by the Local Government to the State.

The CEO of the Department will also be able to undertake urgent works without seeking Local Government agreement. In this instance the costs will not be recoverable by the State.

The Bill also provides for the mandatory reporting of Local Governments and its authorized persons on the performance of their functions under the Act.

Additional Improvements.

To further strengthen the Bill it is believed important that the Department of Health, under the direction of the CEO develop a “**Draft Health Local Laws**” as was the case with its previous “Model Health By-laws” and by constructing a “**Draft Local Health Plan**” for adoption by Local Governments. The premise for this is the fact that, with rare exception. Local Governments are confronted with similar health issues.

It is also important that allowance be made for the incorporation of the

series of **“Health Impact Assessments”** together with appropriate **guidelines** with respect to development proposals at both State and Local Government levels.

There should also be a provision that key stakeholders be included in the development of Public Health Policies and State Public Health Plans as per the Department of Health and WALGA agreement on public health roles and responsibilities.

3. *Is the scheme for Registration and Licensing adequate for effective identification and control of activities that pose a risk to public health?*

“Yes” the Registration and Licensing provisions of the Bill are adequate. It should be clarified however that these aspects need to be implemented.

Giving cognizance to the Department of Health and WALGA agreement on public health roles and responsibilities.

4. *Does the part relating to Notifiable Diseases provide sufficient balance in protecting public health and protecting individual rights?*

“Yes”.

5. *Do the provisions provide the necessary legislative tools to effectively plan against and respond to public health emergencies?*

“Yes” the Serious Public Health Incident Powers and Public Health Emergencies provisions adequately meet these needs.

6. *Do these provisions provide a fair process for compensation and insurance?*

“Yes”.

7. *Do these provisions an effective framework for public health assessment on identified proposals?*

“Yes”.

8. *Are the powers of authorized officers adequate for protecting public health bearing in mind the principles to be applied to be applied at the beginning of the Bill (such as the principle of proportionality)?*

“Yes” with qualification.

Whilst the powers of entry, inspection and seizure are of themselves quite clear the definition of “authorized Officer under Part 2 Division 4 are too loose.

The enforcement of the Health Act 1911 and subsidiary legislation in the State is for the most part undertaken by Environmental Health Officers. The Public Health Bill 2008 however fails to recognize Environmental

Health Officers as Authorized Officers.

Further to this the Bill fails to provide for the development and implementation of **rigorous, mandatory and enforceable guidelines** with the suitability of a person's qualifications and experience or their ability to perform the functions of an Authorized Officer.

In this age of attainment of appropriate qualifications (eg current upgrading of the Building Surveyors qualifications and prohibiting the appointment of inadequately qualified persons) and the employment of appropriately Tertiary qualified people as Engineers and Town Planners it seems a retrograde step to remove that currently existing protection from the new Act. It will also cause a conflict between the new Act and the proposed Food Bill where Environmental Health Officers will be identified as Authorized Officers and it is therefore important that there be parity between both of these.

9. Does the proposed scheme of improvement notices and enforcement orders provide effective mechanisms to prevent and mitigate risk to public health?

“Yes” with qualification.

Whilst the Bill provides for these the way it is written and the tasks involved in issuing them is verbose, onerous and overly legalistic. There is also some overkill in that a further Notice of Non-compliance has to be issued in the event that the person served the notice doesn't meet their obligations.

In the first instance it is believed that one of the ideas of legislation is that it be easily understood, another is that it be able to be implemented without having to be referred to or drafted by a Lawyer or without fear of any adverse repercussions. This appears not to be the case with this section of the Bill

The requirement to issue a second notice if the first is not obeyed is seen as nonsensical and against the norm. The first issued notice would have only been issued because the person was breaching the Act. Their failure to comply with this notice would in my opinion only be weakened by issuing a further notice rather than proceeding to Court or where deemed necessary dependant on the seriousness of the breach undertaking action at a State or Local Government level to remedy the public health problem.

Another area of weakness in this Part of the Bill is the lack of reference to any penalties for breaching an Improvement Notice.

It is therefore believed that this area of the Bill needs to be revisited and penalties need to be included.

10. Do these provisions provide an adequate framework for the administration of the Bill?

“Yes” with qualification.

In the main the Bill ensures the powers of the CEO of Public Health.

However the protection of Environmental Health Officers and other Authorized Officers, as previously mentioned needs to be enshrined in the legislation. As far as the EHO is concerned this needs to protect his/her remuneration or removal from office without the CEO of Public Health's approval as in the current legislation. With this regard it is also important that new Bill include the power contained in the current Act for the CEO of Public Health to appoint an Authorized Officer where a local government fails or refuses to appoint one.

Another aspect that needs to be included relates to the fact that under Section 195 of the Bill the only persons allowed to undertake proceedings for an offence is the CEO of Public Health and an Authorized Officer appointed by him. This would of course prohibit Local Authorities and other Enforcement Agencies performing a necessary duty provided for in the current legislation and in my opinion would result in chaos.

11. Do the inquiry powers provide effective investigation and reporting arrangements in relation to matters that might be the basis for a public health inquiry?

“Yes” with qualification.

There are however perceived to be shortcomings associated with regard to the absence of the CEO having powers to hold an inquiry with regard to a Local Authority as well as other State and government agencies and instrumentalities in relating to public health. These powers are in the current Act and in my opinion have ensured the proper and consistent application of health standards throughout the State.

The Bill therefore needs to be changed to provide for Enforcement Agencies such as Local Governments to undertake proceedings for an offence under the Act.

12. Does the Bill provide the appropriate tools to prevent risk to public health?

“Yes.”

CONSULTATION:

STATUTORY

There are no known statutory implications at this time.

ENVIRONMENT:

POLICY

There are no known policy implications at this time.

IMPLICATIONS:

FINANCIAL

There are no known financial implications at this time.

IMPLICATIONS:

STRATEGIC

There are no known strategic implications at this time.

IMPLICATIONS:

VOTING REQUIREMENT:

Simple majority

OFFICER

RECOMMENDATION

THAT COUNCIL CONFIRM ITS SUPPORT FOR THE DRAFT PUBLIC HEALTH BILL 2008 AND SUBMIT ITS RESPONSE AS DETAILED IN THE COMMENTS TO THIS REPORT.

Moved: J L Freeman **Seconded:** M D Tierney

COUNCIL DECISION: THAT COUNCIL CONFIRM ITS SUPPORT FOR THE DRAFT PUBLIC HEALTH BILL 2008 AND SUBMIT ITS RESPONSE AS DETAILED IN THE COMMENTS TO THIS REPORT.

CARRIED 7/0

<p>10.2.2 TOBACCO PRODUCTS CONTROL ACT 2006 AND TOBACCO PRODUCTS CONTROL REGULATIONS – EXTENDING THE SMOKING BAN TO ALFRESCO DINING AND PUBLIC BEACHES</p>

DATE OF MEETING: 16th April 2008

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: -

PREVIOUS MINUTE/S & REFERENCE: -

DATE AND AUTHOR: 8 April 2008, Rod Bayliss - Environmental Health Officer/Building Surveyor - Shire of Northampton

DISCLOSURE OF INTEREST: OF Author has no disclosure of interest.
SUMMARY

BACKGROUND: The Tobacco Products Control Act 2006 and the Tobacco Products Control Regulations 2006 are designed to control the sale of tobacco products and includes control of areas where smoking is prohibited.

COMMENT: Attached at **APPENDIX B** is a copy of a letter from the Department of Health regarding the extension of the Smoking Ban to Alfresco Dining Areas and Public Beaches.

Whilst it may be believed that the regulations do not specifically apply to this Shire it will be bound by any amendments to the Act and Regulations and it is therefore believed that Council's opinion should be heard.

In answer to the questions raised in the letter:

(a) Scope and meaning of "Alfresco Dining Area."

The Town Planning Scheme gives no clear definition of an Alfresco Dining Area it may be defined as in street areas located immediately adjacent to an existing food premise where food is served and consumed. Although there is again no clear statement it is assumed that this would include all food premises including Takeaways where seating is provided outside.

It is believed that a total banning of smoking within these areas should be supported.

(b) Other Public Areas where food may be consumed.

The letter raises several points for clarification one of which is the

inclusion of areas where outdoor concerts and other events are conducted and food is consumed.

In the instance of this Shire it could be extended to Beer Gardens and other currently approved areas in Hotels and at areas where agricultural shows are held. The EHO/Building surveyor confirms having received several complaints from patrons of Hotels in this regard and is of the opinion that a total ban of smoking at Hotels should be included in any proposed amendments.

It is believed that the banning of smoking in areas such as where and when concerts and other public events are held, and from pavilions, tents and other buildings within Show grounds should be supported. The total banning of smoking at Hotels, including within Beer Gardens should also be included.

(c) *Beaches.*

The banning of smoking at Public Swimming Pools is supported and it is believed this should be expanded to include Pools within Motels, Caravan Parks, Resorts and other similar premises.

The banning of smoking on Beaches on the other hand is seen as drawing a long bow and in the EHO/Building Surveyor's opinion, would require the employment of full time Beach Inspectors in order to be implemented.

Council already has banned smoking at its Public swimming pool.

(d) *Phase – ins (Alfresco Dining Areas).*

It is believed that Council should indicate their support for a phase in of three months for the legislation in regard to Alfresco Dining Areas.

(e) *Buffer Zones (Alfresco Dining Areas).*

In the EHO/Building Surveyor's opinion this would be difficult to police as it involves people not taking part in the dining.

It is believed the Council should indicate its lack of support for Buffer Zones.

(f) *Enforcement.*

It is believed that Council should propose that the onus for ensuring the implementation of the legislation should, in the initial instant, be placed upon the Business Proprietor Hotel Licensee or Function or Event Organisor/s. Local Government should only be involved to the extent of ensuring the Business Proprietor, Hotel Licensee or Function or Event Organisor/s meet their obligations under the legislation or where they are the Function or Event Organisor.

(g) *Application.*

Whilst this is not specifically covered in the letter it is suggested that, excepting in the instances of Alfresco Dining Areas, Swimming Pools and Hotels, the regulations should not be applied as a blanket cover to all Local Governments throughout the State (e.g. All Beaches) but that it should be left to them to determine the areas within their boundaries where this should apply. To this end the Act should include a licence of the type provided for under Section 39 of the Liquor Act.

It is believed that Council should propose that, excepting in the instances of where the legislation applies to Alfresco Dining Areas, Swimming Pools and Hotels, the regulations should provide that the Local Government should determine the areas of application and accordingly be required to issue licenses.

CONSULTATION:

STATUTORY

There are no known statutory implications at this time.

ENVIRONMENT:

POLICY

There are no known policy implications at this time.

IMPLICATIONS:

FINANCIAL

There are no known financial implications at this time.

IMPLICATIONS:

STRATEGIC

There are no known strategic implications at this time.

IMPLICATIONS:

VOTING REQUIREMENT:

Simple majority

OFFICER

RECOMMENDATION

THAT COUNCIL INDICATE ITS SUPPORT OR OTHERWISE, WHERE RELEVANT, AS INDICATED IN THIS REPORT TO THE DEPARTMENT OF HEALTH.

Moved:

M D Tierney

Seconded:

Andrew J Messina

COUNCIL DECISION:

THAT COUNCIL INDICATE ITS SUPPORT AS INDICATED IN THIS REPORT TO THE DEPARTMENT OF HEALTH.

CARRIED 7/0

10.2.3 HOUSE UNFIT FOR HABITATION – LOT 119 No. 30 BURGESS STREET, MULLEWA

DATE OF MEETING:

16th April 2008

LOCATION/ADDRESS:

-

NAME OF APPLICANT:

-

FILE REFERENCE:

302.07

PREVIOUS MINUTE/S &

-

REFERENCE:

DATE AND AUTHOR:

8 April 2008, Rod Bayliss - Environmental Health Officer/Building Surveyor - Shire of Northampton

DISCLOSURE

OF

Author has no disclosure of interest.

INTEREST:

BACKGROUND:

On Tuesday 1 April 2008 the EHO/Building Surveyor conducted an inspection of the above dwelling house. At this inspection it was noted that the building consists of a Lounge, Kitchen, 5 Bedrooms, Dining Area, a Family Room, Bathroom, WC, Laundry, Front Porch and Rear

Patio. There are also two sheds and a collection of bird cages on the property.

INSPECTION:

As a result of the inspection it was ascertained that the following works are needed in order for the dwelling house to be made fit for human habitation:

1. The roof appears to be leaking so all rusted, holed or otherwise unsound roofing iron, flashings and valleys and any unsound roofing timbers need to be replaced.
2. The floor is unsound and uneven in some areas and any broken, decayed or termite eaten timbers including sole plates, stumps, joists, bearers and floor boards together with any unsound antcaps to all floor areas including the front porch need to be replaced.
3. Several areas of the external wall cladding are damaged or otherwise unsound and need to be replaced. Where this cladding is or contains asbestos it is to be removed and disposed of in an approved manner.
4. Gutters and down pipes are unsound and need to be replaced.
5. The ceilings in several of the rooms including the kitchen, lounge, bathroom and passage are showing signs of water damage are covered in flaking paint and are filthy and along with their associated cornices need to be replaced.
6. The majority of the internal walls are damaged uneven and filthy dirty and together with any unsound wall timbers including skirting boards need to be replaced.
7. The majority of the doors and associated door furnishings are damaged and filthy and together with any architraves and other associated timbers need to be repaired to a standard where they are in good working order and weatherproof or replaced.
8. Several of the windows have no glazing and do not open or close properly. They therefore need to be re-glazed and repaired to a standard were they are in good working order and weatherproof or replaced and those designed to be openable need to have their hinges and latches replaced where necessary.
9. Several of the light fittings and power points are damaged or non-functioning and need to be replaced and the electric wiring needs to be brought up to the requirements of Energy Safety.
10. The plumbing in the kitchen, bathroom, W.C. and Laundry including all pipes, fittings and fixtures connected with the water supply, sewerage and drainage including the Septic System needs to be brought up to the standards required by the associated legislation.
11. All floor coverings are unsound or damaged and need to be removed.

12. All damaged missing or unsound wall and floor tiling in the kitchen, bathroom, W.C. and Laundry needs to be replaced and where required all floors need to be properly graded to a floor waste discharging to the external of the building.
13. The cupboards in the kitchen and the bathroom vanity need to be replaced.
14. The kitchen stove is damaged beyond repair and needs to be replaced.
15. The exhaust fan in the kitchen is damaged and needs to be replaced.
16. In addition the unsound timber structure in the front yard needs to be taken down, the unsound bird cages need to be dismantled and together with the 6 cars/car bodies in the backyard need to be removed and disposed of at the Shire Refuse Site

COMMENT:

In discussions with the Acting Sergeant of Police and the CEO it was ascertained that this building is used as a halfway house between Geraldton and the Pia Wadjari Community situated on the Pia Aboriginal Reserve in the Murchison Shire which is located approximately 150 kilometers from Mullewa.

At the time of my inspection there were two aboriginal women and two children in the house. However I was advised that there sometimes upwards of twenty people in residence which places a strain not only on the house and its facilities but in particular the toilet and bathroom facilities.

It is my opinion that the house in its current state is totally unfit for human habitation. I am also doubtful that it could be brought up to standard and as such should be taken down and removed. However, should the owner decide to completely renovate the dwelling, immediate notification must be given to the Shire, the work commenced immediately, and be concluded by a date which is agreed to by the Shire.

CONSULTATION:

CEO
Acting Sergeant of Police

STATUTORY
ENVIRONMENT:
POLICY
IMPLICATIONS:
FINANCIAL
IMPLICATIONS:
STRATEGIC
IMPLICATIONS:

Health Act- Section 135, 137 & 138

There are no known policy implications at this time.

There are no known financial implications at this time.

There are no known strategic implications at this time.

VOTING REQUIREMENT:

Simple majority

OFFICER
RECOMMENDATION

1. THAT, IN ACCORDANCE WITH SECTION 135 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME THE DWELLING LOCATED AT LOT 119 NUMBER 30 BURGESS STREET, MULLEWA BE DECLARED UNFIT FOR HUMAN HABITATION AND SHALL NOT BE INHABITED OR OCCUPIED AFTER SEVEN DAYS

OF THE FIXING OF A NOTICE TO THE HOUSE.

2. THAT IN ACCORDANCE WITH SECTION 137 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, A NOTICE BE SERVED BY THE CHIEF EXECUTIVE OFFICER ON BEHALF OF THE COUNCIL OF THE SHIRE OF MULLEWA UPON THE OWNERS OF SUCH HOUSE DIRECTING THAT THEY TAKE DOWN AND REMOVE THE HOUSE AND ITS ASSOCIATED OUTBUILDINGS WITHIN THIRTY DAYS OF THE DATE OF THE NOTICE.
3. THAT IN ACCORDANCE WITH SECTION 138 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, THE OWNERS CLEAN THE LAND OF ALL RUBBISH AND OTHER WASTES INCLUDING CAR BODIES TO THE SATISFACTION OF THE LOCAL GOVERNMENT AND REMOVE ALL RUBBISH TO A PLACE APPOINTED BY THE LOCAL GOVERNMENT WHICH IN THIS INSTANCE IS THE REFUSE DISPOSAL SITE BEING RESERVE NUMBER 12107 OFF THE MULLEWA – CARNARVON ROAD, MULLEWA.
4. THAT IN THE EVENT THAT THE OWNERS FAIL TO COMPLY WITH THE NOTICE WITHIN THE TIME SPECIFIED IN THAT NOTICE THEN THE SHIRE OF MULLEWA AS THE LOCAL GOVERNMENT IN AND FOR THE MEANING OF THE ACT AND IN ACCORDANCE WITH SECTION 140 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, CARRY OUT THE TERMS OF THE NOTICE.
5. THAT IN ACCORDANCE WITH SECTION 137(II) OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME THE OWNERS BE ADVISED THAT, IN THE INSTANCE THAT THEY ARE AGGRIEVED BY THE NOTICE, THEY MAY APPLY TO THE STATE ADMINISTRATIVE TRIBUNAL FOR A REVIEW OF THE DECISION.

Moved:

B I N Thomas

Seconded:

M D Tierney

COUNCIL DECISION:

1. **THAT, IN ACCORDANCE WITH SECTION 135 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME THE DWELLING LOCATED AT LOT 119 NUMBER 30 BURGESS STREET, MULLEWA BE DECLARED UNFIT FOR HUMAN HABITATION AND SHALL NOT BE INHABITED OR OCCUPIED AFTER SEVEN DAYS OF THE FIXING OF A NOTICE TO THE HOUSE.**
2. **THAT IN ACCORDANCE WITH SECTION 137 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, A NOTICE BE SERVED BY THE CHIEF EXECUTIVE OFFICER ON BEHALF OF THE COUNCIL OF THE SHIRE OF MULLEWA UPON THE OWNERS OF SUCH HOUSE DIRECTING THAT THEY AMEND OR BRING THE HOUSE UP TO A HABITABLE STANDARD WITHIN THIRTY DAYS OF THE DATE OF THE NOTICE.**
3. **THAT IN ACCORDANCE WITH SECTION 137 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, IN THE EVENT THAT THE OWNERS FAIL TO AMEND OR BRING THE HOUSE UP TO A STANDARD WHERE IT IS FIT FOR HUMAN**

HABITATION THEN THEY BE DIRECTED TO TAKE DOWN AND REMOVE THE HOUSE AND ITS ASSOCIATED OUTBUILDINGS WITHIN THIRTY DAYS.

- 4. THAT IN ACCORDANCE WITH SECTION 138 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, THE OWNERS CLEAN THE LAND OF ALL RUBBISH AND OTHER WASTES INCLUDING CAR BODIES TO THE SATISFACTION OF THE LOCAL GOVERNMENT AND REMOVE ALL RUBBISH TO A PLACE APPOINTED BY THE LOCAL GOVERNMENT WHICH IN THIS INSTANCE IS THE REFUSE DISPOSAL SITE BEING RESERVE NUMBER 12107 OFF THE MULLEWA – CARNARVON ROAD, MULLEWA.**
- 5. THAT IN THE EVENT THAT THE OWNERS FAIL TO COMPLY WITH THE NOTICE WITHIN THE TIME SPECIFIED IN THAT NOTICE THEN THE SHIRE OF MULLEWA AS THE LOCAL GOVERNMENT IN AND FOR THE MEANING OF THE ACT AND IN ACCORDANCE WITH SECTION 140 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, CARRY OUT THE TERMS OF THE NOTICE.**
- 6. THAT IN ACCORDANCE WITH SECTION 137(II) OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME THE OWNERS BE ADVISED THAT, IN THE INSTANCE THAT THEY ARE AGGRIEVED BY THE NOTICE, THEY MAY APPLY TO THE STATE ADMINISTRATIVE TRIBUNAL FOR A REVIEW OF THE DECISION.**

CARRIED 7/0

10.2.4 HOUSE UNFIT FOR HABITATION – LOT 143 No. 47 JOSE STREET, MULLEWA
--

DATE OF MEETING: 16th April 2008

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: 302.07

PREVIOUS MINUTE/S & REFERENCE: -

DATE AND AUTHOR: 8 April 2008, Rod Bayliss - Environmental Health Officer/Building Surveyor - Shire of Northampton

DISCLOSURE OF INTEREST: OF Author has no disclosure of interest.

BACKGROUND: On Tuesday 1 April 2008 the EHO/Building Surveyor conducted an inspection of the above dwelling house. At this inspection it was noted that the building consists of a Lounge, 3 Bedrooms, Kitchen, Dining Area, Bathroom, WC, Laundry, Front Porch, an Enclosed Back Verandah and a Carport. There are also two sheds on the property.

INSPECTION: As a result of the inspection it was ascertained that the following works are needed in order for the dwelling house to be made fit for human habitation:

1. The roof appears to be leaking so all rusted, holed or otherwise unsound roofing iron, flashings and valleys and any unsound roofing timbers need to be replaced.
2. The floor is unsound and uneven in some areas and any broken, decayed or termite eaten timbers including sole plates, stumps, joists, bearers and floor boards together with any unsound antcaps to all floor areas including the front porch need to be replaced.
3. Several areas of the external wall cladding are damaged or otherwise unsound and need to be replaced. Where this cladding is or contains asbestos it is to be removed and disposed of in an approved manner.
4. Gutters and down pipes are unsound and need to be replaced.
5. The ceilings in several of the rooms including the kitchen, lounge, bathroom and passage are showing signs of water damage are covered in flaking paint and are filthy and along with their associated cornices need to be replaced.
6. The majority of the internal walls are damaged uneven and filthy dirty and together with any unsound wall timbers including skirting boards need to be replaced.
7. The majority of the doors and associated door furnishings are damaged and together with any architraves and other associated timbers need to be repaired to a standard where they are in good working order and weatherproof or replaced.
8. Several of the windows have no glazing and do not open or close properly. They therefore need to be re-glazed and repaired to a standard where they are in good working order and weatherproof or replaced and those designed to be openable need to have their hinges and latches replaced where necessary.
9. Several of the light fittings and power points are damaged or non-functioning and need to be replaced and the electric wiring needs to be brought up to the requirements of Energy Safety.
10. The plumbing in the kitchen, bathroom, W.C. and Laundry including all pipes, fittings and fixtures connected with the water supply, sewerage and drainage including the Septic System needs to be brought up to the standards required by the associated legislation.
11. All floor coverings are unsound or damaged and need to be removed.
12. All damaged missing or unsound wall and floor tiling in the kitchen, bathroom, W.C. and Laundry needs to be replaced and where required all floors need to be properly graded to a floor waste discharging to the external of the building.

13. The cupboards in the kitchen and the bathroom vanity need to be replaced.

14. The kitchen stove is damaged beyond repair and needs to be replaced.

COMMENT:

It appears that this house has been the subject of persistent vandalism over a prolonged period of time.

At the time of my inspection the front door was only secured with a piece of wire which offered little security.

It is my opinion that the house in its current state is totally unfit for human habitation. I am also doubtful that it could be brought up to standard and as such should be taken down and removed.

However, should the owner decide to completely renovate the dwelling, immediate notification must be given to the Shire, the work commenced immediately, and be concluded by a date which is agreed to by the Shire.

CONSULTATION:

CEO
Acting Sergeant of Police

STATUTORY
ENVIRONMENT:
POLICY

There are no known statutory implications at this time.

IMPLICATIONS:

There are no known policy implications at this time.

FINANCIAL

IMPLICATIONS:

There are no known financial implications at this time.

STRATEGIC

IMPLICATIONS:

There are no known strategic implications at this time.

VOTING REQUIREMENT:

Simple majority

OFFICER
RECOMMENDATION

1. THAT, IN ACCORDANCE WITH SECTION 135 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME THE DWELLING LOCATED AT LOT 143 NUMBER 47 JOSE STREET, MULLEWA BE DECLARED UNFIT FOR HUMAN HABITATION AND SHALL NOT BE INHABITED OR OCCUPIED AFTER SEVEN DAYS OF THE FIXING OF A NOTICE TO THE HOUSE.
2. THAT IN ACCORDANCE WITH SECTION 137 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, A NOTICE BE SERVED BY THE CHIEF EXECUTIVE OFFICER ON BEHALF OF THE COUNCIL OF THE SHIRE OF MULLEWA UPON THE OWNERS OF SUCH HOUSE DIRECTING THAT THEY TAKE DOWN AND REMOVE THE HOUSE AND ITS ASSOCIATED OUTBUILDINGS WITHIN THIRTY DAYS OF THE DATE OF THE NOTICE.
3. THAT IN ACCORDANCE WITH SECTION 138 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, THE OWNERS CLEAN THE LAND OF ALL RUBBISH AND OTHER WASTES TO THE SATISFACTION OF THE LOCAL GOVERNMENT AND REMOVE ALL RUBBISH TO A PLACE APPOINTED BY THE LOCAL GOVERNMENT WHICH IN THIS INSTANCE IS THE

REFUSE DISPOSAL SITE BEING RESERVE NUMBER 12107 OFF THE MULLEWA – CARNARVON ROAD, MULLEWA.

4. THAT IN THE EVENT THAT THE OWNERS FAIL TO COMPLY WITH THE NOTICE WITHIN THE TIME SPECIFIED IN THAT NOTICE THEN THE SHIRE OF MULLEWA AS THE LOCAL GOVERNMENT IN AND FOR THE MEANING OF THE ACT AND IN ACCORDANCE WITH SECTION 140 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, CARRY OUT THE TERMS OF THE NOTICE.
5. THAT IN ACCORDANCE WITH SECTION 137(II) OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME THE OWNERS BE ADVISED THAT, IN THE INSTANCE THAT THEY ARE AGGRIEVED BY THE NOTICE, THEY MAY APPLY TO THE STATE ADMINISTRATIVE TRIBUNAL FOR A REVIEW OF THE DECISION.

Moved:

M Kerkmans

Seconded:

J L Freeman

COUNCIL DECISION:

1. **THAT, IN ACCORDANCE WITH SECTION 135 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME THE DWELLING LOCATED AT LOT 143 NUMBER 47 JOSE STREET, MULLEWA BE DECLARED UNFIT FOR HUMAN HABITATION AND SHALL NOT BE INHABITED OR OCCUPIED AFTER SEVEN DAYS OF THE FIXING OF A NOTICE TO THE HOUSE.**
2. **THAT IN ACCORDANCE WITH SECTION 137 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, A NOTICE BE SERVED BY THE CHIEF EXECUTIVE OFFICER ON BEHALF OF THE COUNCIL OF THE SHIRE OF MULLEWA UPON THE OWNERS OF SUCH HOUSE DIRECTING THAT THEY AMEND OR BRING THE HOUSE UP TO A HABITABLE STANDARD WITHIN THIRTY DAYS OF THE DATE OF THE NOTICE.**
3. **THAT IN ACCORDANCE WITH SECTION 137 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, IN THE EVENT THAT THE OWNERS FAIL TO AMEND OR BRING THE HOUSE UP TO A STANDARD WHERE IT IS FIT FOR HUMAN HABITATION THEN THEY BE DIRECTED TO TAKE DOWN AND REMOVE THE HOUSE AND ITS ASSOCIATED OUTBUILDINGS WITHIN THIRTY DAYS.**
4. **THAT IN ACCORDANCE WITH SECTION 138 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, THE OWNERS CLEAN THE LAND OF ALL RUBBISH AND OTHER WASTES TO THE SATISFACTION OF THE LOCAL GOVERNMENT AND REMOVE ALL RUBBISH TO A PLACE APPOINTED BY THE LOCAL GOVERNMENT WHICH IN THIS INSTANCE IS THE REFUSE DISPOSAL SITE BEING RESERVE NUMBER 12107 OFF THE MULLEWA – CARNARVON ROAD, MULLEWA.**
5. **THAT IN THE EVENT THAT THE OWNERS FAIL TO COMPLY WITH THE NOTICE WITHIN THE TIME SPECIFIED IN THAT**

NOTICE THEN THE SHIRE OF MULLEWA AS THE LOCAL GOVERNMENT IN AND FOR THE MEANING OF THE ACT AND IN ACCORDANCE WITH SECTION 140 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, CARRY OUT THE TERMS OF THE NOTICE.

- 6. THAT IN ACCORDANCE WITH SECTION 137(II) OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME THE OWNERS BE ADVISED THAT, IN THE INSTANCE THAT THEY ARE AGGRIEVED BY THE NOTICE, THEY MAY APPLY TO THE STATE ADMINISTRATIVE TRIBUNAL FOR A REVIEW OF THE DECISION.**

CARRIED 7/0

10.2.5 HOUSE UNFIT FOR HABITATION – LOT 39 No. 1 O'BRIEN STREET, MULLEWA

DATE OF MEETING: 16th April 2008

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: 302.07

PREVIOUS MINUTE/S & REFERENCE: -

DATE AND AUTHOR: 8 April 2008, Rod Bayliss - Environmental Health Officer/Building Surveyor - Shire of Northampton

DISCLOSURE OF INTEREST: Author has no disclosure of interest.

BACKGROUND: On Tuesday 1 April 2008 the EHO/Building Surveyor conducted an inspection of the above dwelling house. At this inspection it was noted that the building consists of a Lounge, 2 Bedrooms, Kitchen/ Dining Area, Bathroom, WC, Laundry, and a Front Porch.

INSPECTION: As a result of the inspection it was ascertained that the following works are needed in order for the dwelling house to be made fit for human habitation:

1. Several areas of the external wall cladding are damaged or otherwise unsound and need to be replaced. Where this cladding is or contains asbestos it is to be removed and disposed of in an approved manner.
2. Gutters and down pipes are unsound and need to be replaced.
3. The ceilings in several of the rooms including the kitchen, lounge, are damaged and with their associated cornices need to be replaced.
4. The majority of the internal walls are damaged and together with any unsound wall timbers including skirting boards need to be replaced.
5. Several of the doors and associated door furnishings are damaged and together with any architraves and other associated timbers need to be repaired to a standard where they are in good working order and weatherproof or replaced.

6. Several of the windows have no glazing and do not open or close properly. They therefore need to be re-glazed and repaired to a standard were they are in good working order and weatherproof or replaced and those designed to be openable need to have their hinges and latches replaced where necessary.
7. Several of the light fittings and power points are damaged or non-functioning and need to be replaced and the electric wiring needs to be brought up to the requirements of Energy Safety.
8. The plumbing in the kitchen, bathroom, W.C. and Laundry including all pipes, fittings and fixtures connected with the water supply, sewerage and drainage including the Septic System needs to be brought up to the standards required by the associated legislation.
9. Several of the floor coverings are unsound or damaged and need to be removed and or replaced.
10. All damaged missing or unsound wall and floor tiling in the kitchen, bathroom, W.C. and Laundry needs to be replaced and where required all floors need to be properly graded to a floor waste discharging to the external of the building.
11. The cupboards in the kitchen have been damaged and need to be replaced.
12. The kitchen stove is damaged beyond repair and needs to be replaced.
13. Several of the fly screens have been damaged and are in need of replacement.

COMMENT:

It appears that this house has been the subject of vandalism over recent times.

The owners appear to have tried to secure the house but to no avail.

It is my opinion that the house in its current state is totally unfit for human habitation. I am also doubtful that it could be economically brought up to standard but in this instance am of the opinion that the owners should be given the opportunity to do so. However in the instance that they choose to do otherwise they should be required to take down and remove the house.

CONSULTATION:

CEO
Acting Sergeant of Police

STATUTORY
ENVIRONMENT:
POLICY
IMPLICATIONS:
FINANCIAL
IMPLICATIONS:
STRATEGIC
IMPLICATIONS:

There are no known statutory implications at this time.
There are no known policy implications at this time.
There are no known financial implications at this time.
There are no known strategic implications at this time.

VOTING REQUIREMENT: Simple majority

OFFICER
RECOMMENDATION

1. THAT, IN ACCORDANCE WITH SECTION 135 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME THE DWELLING LOCATED AT LOT 39 NUMBER 1 O'BRIEN STREET, MULLEWA BE DECLARED UNFIT FOR HUMAN HABITATION AND SHALL NOT BE INHABITED OR OCCUPIED AFTER SEVEN DAYS OF THE FIXING OF A NOTICE TO THE HOUSE.
2. THAT IN ACCORDANCE WITH SECTION 137 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, A NOTICE BE SERVED BY THE CHIEF EXECUTIVE OFFICER ON BEHALF OF THE COUNCIL OF THE SHIRE OF MULLEWA UPON THE OWNERS OF SUCH HOUSE DIRECTING THAT THEY AMEND OR BRING THE HOUSE UP TO A HABITABLE STANDARD WITHIN THIRTY DAYS OF THE DATE OF THE NOTICE.
3. THAT IN ACCORDANCE WITH SECTION 137 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, IN THE EVENT THAT THE OWNERS FAIL TO AMEND OR BRING THE HOUSE UP TO A STANDARD WHERE IT IS FIT FOR HUMAN HABITATION THEN THEY BE DIRECTED TO TAKE DOWN AND REMOVE THE HOUSE AND ITS ASSOCIATED OUTBUILDINGS WITHIN THIRTY DAYS.
4. THAT IN ACCORDANCE WITH SECTION 138 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, THE OWNERS CLEAN THE LAND OF ALL RUBBISH AND OTHER WASTES TO THE SATISFACTION OF THE LOCAL GOVERNMENT AND REMOVE ALL RUBBISH TO A PLACE APPOINTED BY THE LOCAL GOVERNMENT WHICH IN THIS INSTANCE IS THE REFUSE DISPOSAL SITE BEING RESERVE NUMBER 12107 OFF THE MULLEWA – CARNARVON ROAD, MULLEWA.
5. THAT IN THE EVENT THAT THE OWNERS FAIL TO COMPLY WITH THE NOTICE WITHIN THE TIME SPECIFIED IN THAT NOTICE THEN THE SHIRE OF MULLEWA AS THE LOCAL GOVERNMENT IN AND FOR THE MEANING OF THE ACT AND IN ACCORDANCE WITH SECTION 140 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, CARRY OUT THE TERMS OF THE NOTICE.
6. THAT IN ACCORDANCE WITH SECTION 137(II) OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME THE OWNERS BE ADVISED THAT, IN THE INSTANCE THAT THEY ARE AGGRIEVED BY THE NOTICE, THEY MAY APPLY TO THE STATE ADMINISTRATIVE TRIBUNAL FOR A REVIEW OF THE DECISION.

Moved: *M Kerkmans* **Seconded:** *Andrew J Messina*

COUNCIL DECISION: 1. **THAT, IN ACCORDANCE WITH SECTION 135 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME THE DWELLING**

LOCATED AT LOT 39 NUMBER 1 O'BRIEN STREET, MULLEWA BE DECLARED UNFIT FOR HUMAN HABITATION AND SHALL NOT BE INHABITED OR OCCUPIED AFTER SEVEN DAYS OF THE FIXING OF A NOTICE TO THE HOUSE.

- 2. THAT IN ACCORDANCE WITH SECTION 137 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, A NOTICE BE SERVED BY THE CHIEF EXECUTIVE OFFICER ON BEHALF OF THE COUNCIL OF THE SHIRE OF MULLEWA UPON THE OWNERS OF SUCH HOUSE DIRECTING THAT THEY AMEND OR BRING THE HOUSE UP TO A HABITABLE STANDARD WITHIN THIRTY DAYS OF THE DATE OF THE NOTICE.**
- 3. THAT IN ACCORDANCE WITH SECTION 137 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, IN THE EVENT THAT THE OWNERS FAIL TO AMEND OR BRING THE HOUSE UP TO A STANDARD WHERE IT IS FIT FOR HUMAN HABITATION THEN THEY BE DIRECTED TO TAKE DOWN AND REMOVE THE HOUSE AND ITS ASSOCIATED OUTBUILDINGS WITHIN THIRTY DAYS.**
- 4. THAT IN ACCORDANCE WITH SECTION 138 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, THE OWNERS CLEAN THE LAND OF ALL RUBBISH AND OTHER WASTES TO THE SATISFACTION OF THE LOCAL GOVERNMENT AND REMOVE ALL RUBBISH TO A PLACE APPOINTED BY THE LOCAL GOVERNMENT WHICH IN THIS INSTANCE IS THE REFUSE DISPOSAL SITE BEING RESERVE NUMBER 12107 OFF THE MULLEWA – CARNARVON ROAD, MULLEWA.**
- 5. THAT IN THE EVENT THAT THE OWNERS FAIL TO COMPLY WITH THE NOTICE WITHIN THE TIME SPECIFIED IN THAT NOTICE THEN THE SHIRE OF MULLEWA AS THE LOCAL GOVERNMENT IN AND FOR THE MEANING OF THE ACT AND IN ACCORDANCE WITH SECTION 140 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, CARRY OUT THE TERMS OF THE NOTICE.**
- 6. THAT IN ACCORDANCE WITH SECTION 137(II) OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME THE OWNERS BE ADVISED THAT, IN THE INSTANCE THAT THEY ARE AGGRIEVED BY THE NOTICE, THEY MAY APPLY TO THE STATE ADMINISTRATIVE TRIBUNAL FOR A REVIEW OF THE DECISION.**

CARRIED 7/0

1.42pm – Deputy CEO, Noelene Holmes left the meeting

10.2.6 HOUSE UNFIT FOR HABITATION – LOT 188 No. 6 MOLSTER STREET, MULLEWA
--

DATE OF MEETING: 16th April 2008

LOCATION/ADDRESS: -

NAME OF APPLICANT: -
FILE REFERENCE: 302.07
PREVIOUS MINUTE/S & REFERENCE: -
DATE AND AUTHOR: 8 April 2008, Rod Bayliss - Environmental Health Officer/Building Surveyor - Shire of Northampton

DISCLOSURE OF INTEREST: OF Author has no disclosure of interest.

BACKGROUND: On Tuesday 1 April 2008 the EHO/Building Surveyor conducted an inspection of the above dwelling house. At this inspection it was noted that the building consists of a Lounge, 2 Bedrooms, Kitchen, Dining Area, Bathroom, WC, Laundry, Front Porch, and Back Verandah

INSPECTION: As a result of the inspection it was ascertained that the following works are needed in order for the dwelling house to be made fit for human habitation:

1. The roof appears to be leaking so all rusted, holed or otherwise unsound roofing iron, flashings and valleys and any unsound roofing timbers need to be replaced.
2. The floor is unsound and uneven in some areas and any broken, decayed or termite eaten timbers including sole plates, stumps, joists, bearers and floor boards together with any unsound antcaps to all floor areas including the front porch need to be replaced.
3. Several areas of the external wall cladding are damaged or otherwise unsound and need to be replaced. Where this cladding is or contains asbestos it is to be removed and disposed of in an approved manner.
4. Gutters and down pipes are unsound and need to be replaced.
5. The ceilings in several of the rooms including the kitchen, lounge, bathroom and passage are unsound and covered in flaking paint and are filthy and along with their associated cornices need to be replaced.
6. The majority of the internal walls are damaged uneven and together with any unsound wall timbers including skirting boards need to be replaced.
7. Several of the doors and associated door furnishings are damaged and together with any architraves and other associated timbers need to be repaired to a standard where they are in good working order and weatherproof or replaced.
8. Several of the windows have no glazing and do not open or close properly. They therefore need to be re-glazed and repaired to a standard where they are in good working order and weatherproof or replaced and those designed to be openable need to have their hinges and latches replaced where necessary.
9. Several of the light fittings and power points are damaged or non-

functioning and need to be replaced and the electric wiring needs to be brought up to the requirements of Energy Safety.

10. The plumbing in the kitchen, bathroom, W.C. and Laundry including all pipes, fittings and fixtures connected with the water supply, sewerage and drainage including the Septic System needs to be brought up to the standards required by the associated legislation.
11. All floor coverings are unsound or damaged and need to be removed.
12. All damaged missing or unsound wall and floor tiling in the kitchen, bathroom, W.C. and Laundry needs to be replaced and where required all floors need to be properly graded to a floor waste discharging to the external of the building.
13. The cupboards in the kitchen and the bathroom vanity need to be replaced.
14. The kitchen stove needs to be replaced.

COMMENT: This house is currently vacant and on the market with Elders Real Estate.

It is my opinion that the house in its current state is totally unfit for human habitation. I am also doubtful that it could be brought up to standard and as such should be taken down and removed.

However, should the owner decide to completely renovate the dwelling, immediate notification must be given to the Shire, the work commenced immediately, and be concluded by a date which is agreed to by the Shire.

CONSULTATION: CEO
Acting Sergeant of Police

STATUTORY ENVIRONMENT: There are no known statutory implications at this time.

POLICY IMPLICATIONS: There are no known policy implications at this time.

FINANCIAL IMPLICATIONS: There are no known financial implications at this time.

STRATEGIC IMPLICATIONS: There are no known strategic implications at this time.

VOTING REQUIREMENT: Simple majority

**OFFICER
RECOMMENDATION**

1. THAT, IN ACCORDANCE WITH SECTION 135 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME THE DWELLING LOCATED AT LOT 188 NUMBER 6 MOLSTER STREET, MULLEWA BE DECLARED UNFIT FOR HUMAN HABITATION AND SHALL NOT BE INHABITED OR OCCUPIED AFTER SEVEN DAYS OF THE FIXING OF A NOTICE TO THE HOUSE.
2. THAT IN ACCORDANCE WITH SECTION 137 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, A NOTICE BE

SERVED BY THE CHIEF EXECUTIVE OFFICER ON BEHALF OF THE COUNCIL OF THE SHIRE OF MULLEWA UPON THE OWNERS OF SUCH HOUSE DIRECTING THAT THEY TAKE DOWN AND REMOVE THE HOUSE AND ITS ASSOCIATED OUTBUILDINGS WITHIN THIRTY DAYS OF THE DATE OF THE NOTICE.

3. THAT IN ACCORDANCE WITH SECTION 138 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, THE OWNERS CLEAN THE LAND OF ALL RUBBISH AND OTHER WASTES TO THE SATISFACTION OF THE LOCAL GOVERNMENT AND REMOVE ALL RUBBISH TO A PLACE APPOINTED BY THE LOCAL GOVERNMENT WHICH IN THIS INSTANCE IS THE REFUSE DISPOSAL SITE BEING RESERVE NUMBER 12107 OFF THE MULLEWA – CARNARVON ROAD, MULLEWA.
4. THAT IN THE EVENT THAT THE OWNERS FAIL TO COMPLY WITH THE NOTICE WITHIN THE TIME SPECIFIED IN THAT NOTICE THEN THE SHIRE OF MULLEWA AS THE LOCAL GOVERNMENT IN AND FOR THE MEANING OF THE ACT AND IN ACCORDANCE WITH SECTION 140 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, CARRY OUT THE TERMS OF THE NOTICE.
5. THAT IN ACCORDANCE WITH SECTION 137(II) OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME THE OWNERS BE ADVISED THAT, IN THE INSTANCE THAT THEY ARE AGGRIEVED BY THE NOTICE, THEY MAY APPLY TO THE STATE ADMINISTRATIVE TRIBUNAL FOR A REVIEW OF THE DECISION.

Moved:

B I N Thomas

Seconded:

M Kerkmans

COUNCIL DECISION:

1. **THAT, IN ACCORDANCE WITH SECTION 135 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME THE DWELLING LOCATED AT LOT 188 NUMBER 6 MOLSTER STREET, MULLEWA BE DECLARED UNFIT FOR HUMAN HABITATION AND SHALL NOT BE INHABITED OR OCCUPIED AFTER SEVEN DAYS OF THE FIXING OF A NOTICE TO THE HOUSE.**
2. **THAT IN ACCORDANCE WITH SECTION 137 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, A NOTICE BE SERVED BY THE CHIEF EXECUTIVE OFFICER ON BEHALF OF THE COUNCIL OF THE SHIRE OF MULLEWA UPON THE OWNERS OF SUCH HOUSE DIRECTING THAT THEY AMEND OR BRING THE HOUSE UP TO A HABITABLE STANDARD WITHIN THIRTY DAYS OF THE DATE OF THE NOTICE.**
3. **THAT IN ACCORDANCE WITH SECTION 137 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, IN THE EVENT THAT THE OWNERS FAIL TO AMEND OR BRING THE HOUSE UP TO A STANDARD WHERE IT IS FIT FOR HUMAN HABITATION THEN THEY BE DIRECTED TO TAKE DOWN AND REMOVE THE HOUSE AND ITS ASSOCIATED OUTBUILDINGS**

WITHIN THIRTY DAYS.

4. THAT IN ACCORDANCE WITH SECTION 138 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, THE OWNERS CLEAN THE LAND OF ALL RUBBISH AND OTHER WASTES TO THE SATISFACTION OF THE LOCAL GOVERNMENT AND REMOVE ALL RUBBISH TO A PLACE APPOINTED BY THE LOCAL GOVERNMENT WHICH IN THIS INSTANCE IS THE REFUSE DISPOSAL SITE BEING RESERVE NUMBER 12107 OFF THE MULLEWA – CARNARVON ROAD, MULLEWA.
5. THAT IN THE EVENT THAT THE OWNERS FAIL TO COMPLY WITH THE NOTICE WITHIN THE TIME SPECIFIED IN THAT NOTICE THEN THE SHIRE OF MULLEWA AS THE LOCAL GOVERNMENT IN AND FOR THE MEANING OF THE ACT AND IN ACCORDANCE WITH SECTION 140 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, CARRY OUT THE TERMS OF THE NOTICE.
6. THAT IN ACCORDANCE WITH SECTION 137(II) OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME THE OWNERS BE ADVISED THAT, IN THE INSTANCE THAT THEY ARE AGGRIEVED BY THE NOTICE, THEY MAY APPLY TO THE STATE ADMINISTRATIVE TRIBUNAL FOR A REVIEW OF THE DECISION.

CARRIED 7/0

10.2.7 HOUSE UNFIT FOR HABITATION – LOT 10 No. 12 DALGETY STREET, MULLEWA

DATE OF MEETING: 16th April 2008

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: 302.07

PREVIOUS MINUTE/S & REFERENCE: -

DATE AND AUTHOR: 8 April 2008, Rod Bayliss - Environmental Health Officer/Building Surveyor - Shire of Northampton

DISCLOSURE OF INTEREST: OF Author has no disclosure of interest.

BACKGROUND: On Tuesday 1 April 2008 the EHO/Building Surveyor conducted an inspection of the above dwelling house. At this inspection it was noted that the building consists of a Lounge, 2 Bedrooms, Kitchen/Dining Area, Bathroom, WC, Laundry, Front Verandah, Sleep-out and Back Verandah.

INSPECTION: As a result of the inspection it was ascertained that the following works are needed in order for the dwelling house to be made fit for human habitation:

1. The roof appears to be leaking so all rusted, holed or otherwise unsound roofing iron, flashings and valleys and any unsound

roofing timbers need to be replaced.

2. The floor is unsound and uneven in some areas and any unsound or damaged concrete and any broken, decayed or termite eaten timbers including sole plates, stumps, joists, bearers and floor boards together with any unsound antcaps to all floor areas including the front and rear verandahs need to be replaced.
3. The external walls are primarily constructed of "home made" concrete blocks many of which are fretting, cracked or otherwise unsound and need to be repaired or replaced. Where any cladding is or contains asbestos it needs to be removed and disposed of in an approved manner.
4. Gutters and down pipes are unsound and need to be replaced.
5. The ceilings in several of the rooms including the kitchen, lounge, bathroom and passage are unsound and covered in flaking paint and are filthy and along with their associated cornices need to be replaced.
6. The majority of the internal walls are damaged uneven, filthy and otherwise unsound and together with any unsound wall timbers including skirting boards, or damaged concrete block work need to be replaced.
7. Several of the doors and associated door furnishings are damaged or off their hinges and together with any architraves and other associated timbers need to be repaired to a standard where they are in good working order and weatherproof or replaced.
8. Several of the windows do not open or close properly. They therefore need to be re-glazed and repaired to a standard where they are in good working order and weatherproof or replaced and those designed to be openable need to have their hinges and latches replaced where necessary.
9. Several of the light fittings and power points are damaged or non-functioning and need to be replaced and the electric wiring needs to be brought up to the requirements of Energy Safety.
10. At the time of inspection the drains were blocked and effluent was flooding the bathroom floor. The plumbing in the kitchen, bathroom, W.C. and Laundry including all pipes, fittings and fixtures connected with the water supply, sewerage and drainage therefore needs to be brought up to the standards required by the associated legislation.
11. All floor coverings are unsound or damaged and need to be removed.
12. All damaged missing or unsound wall and floor tiling in the kitchen, bathroom, W.C. and Laundry needs to be replaced and where required all floors need to be properly graded to a floor waste discharging to the external of the building.

13. The cupboards in the kitchen and the bathroom need to be replaced.
14. The kitchen stove appears to be in an unsound and unsafe condition and needs to be replaced.
15. The Effluent Disposal System, appears to consist of one tank and an inadequately short leach drain (?) and is obviously overflowing. This therefore needs to be brought up to the requirements of the legislation by installation of a second septic tank and 18 metres of leach drain.
16. The house is infested with cockroaches and therefore needs to be treated by a Licensed Pest Control Operator.

COMMENT:

The owner/occupier has lived in the house for approximately 25 years in initially with her husband who has since passed away and now primarily upon her own. The conditions under which is living are appalling to say the least and I believe that it is imperative that she be visited as a matter of urgency by the local Community Health Sister with a view to having her relocated into accommodation where her health is not continued to be put at risk.

At the time of my inspection her son and daughter in law from Broome were residing with her and she indicated that it was her intention to sign the property over to him once she found suitable Aged Persons Accommodation in Geraldton. Whilst I am not confident that the son will have the necessary funds or ability to bring the house up to the required standards at least the owner/occupier will be better housed cared for if she is no longer living there.

Another positive in her not being in the house is that she wont be around to see what has been her home, with all its associated memories taken down and removed because it is my opinion that the house in its current state is totally unfit for human habitation. I further am of the belief that it could neither physically or economically be brought up to standard.

CONSULTATION:

CEO
Acting Sergeant of Police

STATUTORY
ENVIRONMENT:
POLICY
IMPLICATIONS:
FINANCIAL
IMPLICATIONS:
STRATEGIC
IMPLICATIONS:

There are no known statutory implications at this time.

There are no known policy implications at this time.

There are no known financial implications at this time.

There are no known strategic implications at this time.

VOTING REQUIREMENT:

Simple majority

OFFICER
RECOMMENDATION

1. THAT COUNCIL CONTACT THE COMMUNITY HEALTH SISTER AND ANY OTHER RELEVANT GOVERNMENT AUTHORITY IN ORDER TO HAVE THE LADY RELOCATED TO SUITABLE AGED CARE ACCOMMODATION SUPPORTING THEIR VIEW OF ITS URGENCY BY VIRTUE OF THE FACT THAT HER CURRENT

SITUATION IS UNTENABLE AND HER DWELLING IS TOTALLY UNFIT FOR HUMAN HABITATION.

2. THAT UPON THE LADY VACATING THE DWELLING HOUSE, IN ACCORDANCE WITH SECTION 135 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME THE DWELLING LOCATED AT LOT 10, NUMBER 12 DALGETY STREET, MULLEWA BE DECLARED UNFIT FOR HUMAN HABITATION AND NOT BE INHABITED OR OCCUPIED AFTER SEVEN DAYS OF THE FIXING OF A NOTICE TO THE HOUSE.
3. THAT IN ACCORDANCE WITH SECTION 137 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, A NOTICE BE SERVED BY THE CHIEF EXECUTIVE OFFICER ON BEHALF OF THE COUNCIL OF THE SHIRE OF MULLEWA UPON THE OWNERS OF SUCH HOUSE DIRECTING THAT THEY TAKE DOWN AND REMOVE THE HOUSE AND ITS ASSOCIATED OUTBUILDINGS WITHIN THIRTY DAYS OF THE DATE OF THE NOTICE.
4. THAT IN ACCORDANCE WITH SECTION 138 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, THE OWNERS CLEAN THE LAND OF ALL RUBBISH AND OTHER WASTES TO THE SATISFACTION OF THE LOCAL GOVERNMENT AND REMOVE ALL RUBBISH TO A PLACE APPOINTED BY THE LOCAL GOVERNMENT WHICH IN THIS INSTANCE IS THE REFUSE DISPOSAL SITE BEING RESERVE NUMBER 12107 OFF THE MULLEWA – CARNARVON ROAD, MULLEWA.
5. THAT IN THE EVENT THAT THE OWNERS FAIL TO COMPLY WITH THE NOTICE WITHIN THE TIME SPECIFIED IN THAT NOTICE THEN THE SHIRE OF MULLEWA AS THE LOCAL GOVERNMENT IN AND FOR THE MEANING OF THE ACT AND IN ACCORDANCE WITH SECTION 140 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, CARRY OUT THE TERMS OF THE NOTICE.
6. THAT IN ACCORDANCE WITH SECTION 137(II) OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME THE OWNERS BE ADVISED THAT, IN THE INSTANCE THAT THEY ARE AGGRIEVED BY THE NOTICE, THEY MAY APPLY TO THE STATE ADMINISTRATIVE TRIBUNAL FOR A REVIEW OF THE DECISION.

Moved:

M Kerkmans

Seconded:

B I N Thomas

COUNCIL DECISION:

1. **THAT COUNCIL CONTACT THE COMMUNITY HEALTH SISTER AND ANY OTHER RELEVANT GOVERNMENT AUTHORITY IN ORDER TO HAVE THE LADY RELOCATED TO SUITABLE AGED CARE ACCOMMODATION SUPPORTING THEIR VIEW OF ITS URGENCY BY VIRTUE OF THE FACT THAT HER CURRENT SITUATION IS UNTENABLE AND HER DWELLING IS TOTALLY UNFIT FOR HUMAN HABITATION.**

2. THAT UPON THE LADY VACATING THE DWELLING HOUSE, IN ACCORDANCE WITH SECTION 135 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME THE DWELLING LOCATED AT LOT 10, NUMBER 12 DALGETY STREET, MULLEWA BE DECLARED UNFIT FOR HUMAN HABITATION AND NOT BE INHABITED OR OCCUPIED AFTER SEVEN DAYS OF THE FIXING OF A NOTICE TO THE HOUSE.
3. THAT IN ACCORDANCE WITH SECTION 137 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, A NOTICE BE SERVED BY THE CHIEF EXECUTIVE OFFICER ON BEHALF OF THE COUNCIL OF THE SHIRE OF MULLEWA UPON THE OWNERS OF SUCH HOUSE DIRECTING THAT THEY AMEND OR BRING THE HOUSE UP TO A HABITABLE STANDARD WITHIN THIRTY DAYS OF THE DATE OF THE NOTICE.
4. THAT IN ACCORDANCE WITH SECTION 137 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, IN THE EVENT THAT THE OWNERS FAIL TO AMEND OR BRING THE HOUSE UP TO A STANDARD WHERE IT IS FIT FOR HUMAN HABITATION THEN THEY BE DIRECTED TO TAKE DOWN AND REMOVE THE HOUSE AND ITS ASSOCIATED OUTBUILDINGS WITHIN THIRTY DAYS.
5. THAT IN ACCORDANCE WITH SECTION 138 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, THE OWNERS CLEAN THE LAND OF ALL RUBBISH AND OTHER WASTES TO THE SATISFACTION OF THE LOCAL GOVERNMENT AND REMOVE ALL RUBBISH TO A PLACE APPOINTED BY THE LOCAL GOVERNMENT WHICH IN THIS INSTANCE IS THE REFUSE DISPOSAL SITE BEING RESERVE NUMBER 12107 OFF THE MULLEWA – CARNARVON ROAD, MULLEWA.
6. THAT IN THE EVENT THAT THE OWNERS FAIL TO COMPLY WITH THE NOTICE WITHIN THE TIME SPECIFIED IN THAT NOTICE THEN THE SHIRE OF MULLEWA AS THE LOCAL GOVERNMENT IN AND FOR THE MEANING OF THE ACT AND IN ACCORDANCE WITH SECTION 140 OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME, CARRY OUT THE TERMS OF THE NOTICE.
7. THAT IN ACCORDANCE WITH SECTION 137(II) OF THE HEALTH ACT 1911 AS AMENDED FROM TIME TO TIME THE OWNERS BE ADVISED THAT, IN THE INSTANCE THAT THEY ARE AGGRIEVED BY THE NOTICE, THEY MAY APPLY TO THE STATE ADMINISTRATIVE TRIBUNAL FOR A REVIEW OF THE DECISION.

CARRIED 7/0

10.4 FINANCE AND GENERAL PURPOSE

10.4.1 BUDGET – REVIEW AS AT 1ST MARCH 2008

DATE OF MEETING:	16 th April 2008
FILE REFERENCE:	206
REPORTING OFFICER:	Noelene Holmes – Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Author has no disclosure of interest
DATE OF REPORT:	31 st March 2008.
PREVIOUS MINUTE/REFERENCE:	
SUMMARY:	Report addresses requirement to conduct a budget review
BACKGROUND:	Local Governments are required to conduct a budget review between 1 January and 31 March each financial year. This is a requirement covered by Regulation 33A of the Local Government (Financial Management) Regulations 1996. The intention of the legislation is to ensure local governments conduct at least one review between six and nine months into a financial year.
COMMENT:	<p>A review has been conducted as at the beginning of March 2008 and is presented in the 'Schedule' format with a total at the end of each program. The capital items are included on the last page of the attachment. Any anomaly is highlighted by a comment on the left side of the page, but should members require further explanation on any item, please contact the Deputy CEO prior to the meeting day.</p> <p>The budget as reviewed does not warrant any change to the current budget at this stage.</p> <p>Regulation 33A(2) and (3) of the Regulations require that the result of the budget review to be submitted to Council within 30 days of the review. Council is then to consider the review and determine whether or not to adopt the review, any part of the review or any recommendations made in the review. Regulation 33A(4) states that within 30 days after the Council has made a determination, a copy of the review and determination is to be provided to the Department of Local Government and Regional Development.</p>
CONSULTATION: STATUTORY ENVIRONMENT:	Local Government Act Financial Management Regulations
POLICY IMPLICATIONS: FINANCIAL IMPLICATIONS: STRATEGIC IMPLICATIONS:	There are no known policy implications at this time. There are no known financial implications at this time. There are no known strategic implications at this time.
VOTING REQUIREMENT:	Absolute Majority
OFFICER RECOMMENDATION	THAT THE BUDGET REVIEW CARRIED OUT AS AT THE 1 ST MARCH 2008 AND AS PRESENTED BE RECEIVED; AND THAT THE DEPARTMENT OF LOCAL GOVERNMENT AND

REGIONAL DEVELOPMENT BE ADVISED IN ACCORDANCE WITH THE REQUIREMENTS OF THE FINANCIAL MANAGEMENT REGULATIONS.

Moved: J L Freeman **Seconded:** B I N Thomas

COUNCIL DECISION: THAT THE BUDGET REVIEW CARRIED OUT AS AT THE 1ST MARCH 2008 AND AS PRESENTED BE RECEIVED; AND THAT THE DEPARTMENT OF LOCAL GOVERNMENT AND REGIONAL DEVELOPMENT BE ADVISED IN ACCORDANCE WITH THE REQUIREMENTS OF THE FINANCIAL MANAGEMENT REGULATIONS.

CARRIED 7/0

10.4.2 PERFORMANCE REVIEW – CHIEF EXECUTIVE OFFICER

DATE OF MEETING: 16th April 2008
 LOCATION/ADDRESS: -
 NAME OF APPLICANT: -
 FILE REFERENCE:
 PREVIOUS MINUTE/S & REFERENCE: 26th March 2008
 DATE AND AUTHOR: Noelene Holmes, Deputy Chief Executive Officer

DISCLOSURE OF INTEREST: OF Author has no disclosure of interest.
 SUMMARY: Report advises of Chief Executive Officers review as conducted by the CEO Review Panel

BACKGROUND: A Performance Review Panel was formed at the March 2008 meeting for the purpose of conducting a performance review of the Chief Executive Officer and making recommendations to Council. The panel selected consisted of Crs: N Messina, Thomas, Kerkmans and Freeman.

Clause 8 of the CEO's contract states:

Clause 8 Performance Reviews

- Council will ensure that a review of the CEO's performance is conducted annually or more frequently if the Council or the CEO perceives there is a need to do so.
- The Council shall give the CEO a minimum of ten working days notice in writing that a performance review is to be conducted to enable the CEO sufficient time to prepare.
- Where an external facilitator is to be used, both parties must agree to the nominated facilitator.
- The CEO will prepare and submit to the Council and/or facilitator an assessment of his/her own performance prior to the assessment by council.
-

The final report on the performance of the CEO is to be forwarded to Council for consideration to either accept or reject the report.

COMMENT: The Performance Review Panel met on the 8th April 2008 and a report and associated documents are attached at **APPENDIX A**.

CONSULTATION:

STATUTORY ENVIRONMENT: There are no known statutory implications at this time.
 POLICY: Local Government Act.
 IMPLICATIONS: FINANCIAL: There is allowance in the 2007/08 Budget for salary increase.
 IMPLICATIONS: STRATEGIC: There are no known strategic implications at this time.
 IMPLICATIONS:
 VOTING REQUIREMENT: Simple majority

OFFICER RECOMMENDATION

THAT THE RECOMMENDATION OF THE PERFORMANCE REVIEW PANEL FOR THE ANNUAL SALARY OF THE CHIEF EXECUTIVE OFFICER TO BE INCREASED BY 5% BE ACCEPTED AND THAT THE PERFORMANCE OF THE CEO BE RECORDED AS SATISFACTORY.

Moved:*B I N Thomas***Seconded:***M Kerkmans*

COUNCIL DECISION:

THAT THE RECOMMENDATION OF THE PERFORMANCE REVIEW PANEL FOR THE ANNUAL SALARY OF THE CHIEF EXECUTIVE OFFICER TO BE INCREASED BY 5% BE ACCEPTED AND THAT THE PERFORMANCE OF THE CEO BE RECORDED AS SATISFACTORY.

CARRIED 7/0

1.49pm – Deputy CEO, Noelene Holmes returned to the meeting

10.4.3 DIFFERENTIAL RATING

DATE OF MEETING: 16TH April 2008
 LOCATION/ADDRESS: -
 NAME OF APPLICANT: -
 FILE REFERENCE: 201.09
 PREVIOUS MINUTE/S & REFERENCE: April 2006 Item 10.4.12, March 2004 Item 10.4.1, July 2004 Item 0704.31, February 2007 Item 10.4.13, May 2008 Item 10.4.10

DATE AND AUTHOR: Noelene Holmes, Deputy Chief Executive Officer

DISCLOSURE OF INTEREST: Author has no disclosure of interest.

BACKGROUND: Differential rating schemes adopted in Western Australian range from simple schemes used in pastoral/mining areas where a single differential rate is used, to those in more populated areas where many differentials may be used. The Shire of Mullewa resolved to impose a differential rate on mining properties from 2006/2007.

Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.

The notice is to contain such information as details of each rate or minimum payment the local government intends to impose; an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related

matters within 21 days (or such longer period as is specified in the notice) of the notice; and any further information in relation to the matters specified which may be prescribed; and is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.

After the specified time the local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.

COMMENT: A differential rating model is attached as **APPENDIX B** for Council to determine. Once Council determines the proposed differential rate the proposal is required to be advertised, for 21 days for public comment, indicating the objects of and reasons for the differential rate. If the highest differential rate is more than twice the lowest differential rate, the Ministers approval needs to be obtained.

CONSULTATION: CEO, Shire of Yalgoo, Shire of Morawa, Shire of Perenjori, Shire of Mt Magnet.

STATUTORY ENVIRONMENT: Sections 6.33 to 6.36 of LGA

POLICY IMPLICATIONS: There are no known policy implications at this time.

FINANCIAL IMPLICATIONS: The process is integral to the final formulation of the 08/09 budget.

STRATEGIC IMPLICATIONS: There are no known strategic implications at this time.

VOTING REQUIREMENT: Absolute majority.

OFFICER RECOMMENDATION

1. THAT THE MINIMUM RATE AND DIFFERENTIAL RATE MODEL AS SHOWN IN THE ATTACHED OPTION 1/2/3/4 (DELETE AS APPROPRIATE), BE ADOPTED FOR THE PURPOSE OF FORMULATING THE 2008/09 BUDGET.
2. THAT THE PROPOSED DIFFERENTIAL RATING SCHEME BE ADVERTISED FOR PUBLIC COMMENT.
3. THAT THE CEO REQUEST APPROVAL OF THE MINISTER FOR THE ADOPTION OF THE PROPOSED UV DIFFERENTIAL RATES, IF AT THE EXPIRY OF THE PUBLIC NOTICE PERIOD, NO SUBMISSIONS HAVE BEEN RECEIVED.

Moved: *J L Freeman* **Seconded:** *M D Tierney*

COUNCIL DECISION:

1. **THAT THE MINIMUM RATE AND DIFFERENTIAL RATE MODEL AS SHOWN IN THE ATTACHED OPTION 4 BE ADOPTED FOR THE PURPOSE OF FORMULATING THE 2008/09 BUDGET.**
2. **THAT THE PROPOSED DIFFERENTIAL RATING SCHEME BE ADVERTISED FOR PUBLIC COMMENT.**
3. **THAT THE CEO REQUEST APPROVAL OF THE MINISTER FOR THE ADOPTION OF THE PROPOSED UV DIFFERENTIAL**

**RATES, IF AT THE EXPIRY OF THE PUBLIC NOTICE PERIOD,
NO SUBMISSIONS HAVE BEEN RECEIVED.**

CARRIED BY ABSOLUTE MAJORITY 7/0

10.4.4 STATEMENT OF FINANCIAL ACTIVITY

DATE OF MEETING:	16 th April 2008
LOCATION/ADDRESS:	-
NAME OF APPLICANT:	-
FILE REFERENCE:	-
PREVIOUS MINUTE/S & REFERENCE:	-
DATE AND AUTHOR:	Noelene Holmes, Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Author has no disclosure of interest.
SUMMARY	
BACKGROUND:	Financial Management Regulation 34 requires a local government to prepare a 'Statement of Financial Activity' reporting on the sources and applications of funds on a monthly basis.
COMMENT:	Attached at APPENDIX C is the Statement of Financial Activity for March 2008.
CONSULTATION:	
STATUTORY ENVIRONMENT:	There are no known statutory implications at this time.
POLICY IMPLICATIONS:	There are no known policy implications at this time.
FINANCIAL IMPLICATIONS:	There are no known financial implications at this time.
STRATEGIC IMPLICATIONS:	There are no known strategic implications at this time.
VOTING REQUIREMENT:	Simple majority
OFFICER RECOMMENDATION	THAT THE STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTH OF MARCH 2008 BE RECEIVED.
Moved:	<i>J L Freeman</i>
Seconded:	<i>B I N Thomas</i>
COUNCIL DECISION:	THAT THE STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTH OF MARCH 2008 BE RECEIVED.

CARRIED 7/0

10.4.5 FINANCE REPORT 31ST MARCH 2008

DATE OF MEETING:	16 th April 2008
LOCATION/ADDRESS:	-
NAME OF APPLICANT:	-
FILE REFERENCE:	-
PREVIOUS MINUTE/S & REFERENCE:	-
DATE AND AUTHOR:	Noelene Holmes, Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Author has no disclosure of interest.

INTEREST:
SUMMARY

BACKGROUND:

COMMENT:

BANK RECONCILIATION

The Bank Reconciliation for the month of February 2008 is listed below at **APPENDIX D**. The CDA account is a Cash Deposit Account where excess Municipal funds are transferred to obtain maximum interest. This account attracts an interest rate of 6.75%.

CONSULTATION:

STATUTORY
ENVIRONMENT:
POLICY

There are no known statutory implications at this time.

IMPLICATIONS:

FINANCIAL

There are no known policy implications at this time.

IMPLICATIONS:

STRATEGIC

There are no known financial implications at this time.

IMPLICATIONS:

VOTING REQUIREMENT:

Simple majority

**OFFICER
RECOMMENDATION**

**THAT THE FINANCE REPORT FOR THE PERIOD ENDED 31st
MARCH 2008 BE RECEIVED.**

Moved:

J L Freeman

Seconded:

M Kerkmans

COUNCIL DECISION:

**THAT THE FINANCE REPORT FOR THE PERIOD ENDED 31st
MARCH 2008 BE RECEIVED.**

CARRIED 7/0

10.4.6 ACCOUNTS FOR PAYMENT

DATE OF MEETING: 16 April 2008

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: -

PREVIOUS MINUTE/S & -

REFERENCE:

DATE AND AUTHOR: Noelene Holmes, Deputy Chief Executive Officer

DISCLOSURE OF INTEREST: Author has no disclosure of interest.

SUMMARY

The purpose of this report is to provide details of cheques drawn and direct debit entries made to Council's bank account during the month, to be passed for payment by Council.

BACKGROUND:

Clause 11 of the Local Government (Financial Management) Regulations provides that a Local Government shall develop procedures for the authorisation of payments. Clause 12 of the Regulations requires a schedule of cheques drawn to be presented at the next Ordinary Meeting following preparations of the list.

COMMENT:

Attached to this report is a list detailing all cheques drawn and direct debits since the last Council meeting.

The summary of the schedule of accounts to be passed for payment

totalling \$ 282,026.80 covers the following:

<u>Municipal Account</u>		
Cheque No.	9787 – 9814	\$ 95,812.90
Electronic Fund Trans	4012 – 4087	\$ 157,707.77
Payroll & Fees	VARIOUS	\$ 28,402.16
<u>Trust Account</u>		
Cheque No.	339 - 340	\$ 37.00
	Total:	\$ 282,026.80

CONSULTATION:

Nil

STATUTORY
ENVIRONMENT:

Local Government Act and Regulations

POLICY

There are no known policy implications at this time.

IMPLICATIONS:

FINANCIAL

There are no known financial implications at this time.

IMPLICATIONS:

STRATEGIC

There are no known strategic implications at this time.

IMPLICATIONS:

VOTING REQUIREMENT:

Simple majority

OFFICER

RECOMMENDATION

THAT THE ACCOUNTS FOR PAYMENT LISTED ON THE SCHEDULE AS PRESENTED BE PASSED FOR PAYMENT.

<u>Municipal Account</u>		
Cheque No.	9787 – 9814	\$ 95,812.90
Electronic Fund Trans	4012 – 4087	\$ 157,707.77
Payroll & Fees	VARIOUS	\$ 28,402.16
<u>Trust Account</u>		
Cheque No.	339 - 340	\$ 37.00
	Total:	\$ 282,026.80

Moved:

M Kerkmans

Seconded:

J L Freeman

OFFICER
RECOMMENDATION

THAT THE ACCOUNTS FOR PAYMENT LISTED ON THE SCHEDULE AS PRESENTED BE PASSED FOR PAYMENT.

<u>Municipal Account</u>		
Cheque No.	9787 – 9814	\$ 95,812.90
Electronic Fund Trans	4012 – 4087	\$ 157,707.77
Payroll & Fees	VARIOUS	\$ 28,402.16
<u>Trust Account</u>		
Cheque No.	339 - 340	\$ 37.00
	Total:	\$ 282,026.80

CARRIED 7/0

10.4.7 WAIVING FEES – RECREATION CENTRE

DATE OF MEETING:

16th April 2008

LOCATION/ADDRESS:

-

NAME OF APPLICANT:

Donna Anderson – Dept for Child Protection

FILE REFERENCE:

608

PREVIOUS MINUTE/S &
REFERENCE:

DATE AND AUTHOR:	Noelene Holmes, Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Author has no disclosure of interest.
SUMMARY	Report request waiver of Recreation Centre Fees
BACKGROUND:	Correspondence has been received from Donna Anderson, Project Officer, Department of Child Protection requesting the fee for use of the Recreation Centre be waived.
COMMENT:	<p>The applicant advises that the Department for Child Protection and Rural Unit for Children's Services Network are planning a Mullewa Mega Fun Day to be held at the Recreation Centre on 14th May 2008. The day is focused on children, parents, caregivers and schools, specifically targeting ages of 0-7. There will be participation from agencies to promote their services that are available in the Mid West and in recent years this has attracted up to 500 people. The Recreation centre will be required from Tuesday 13/05/08 for setup purposes and Wednesday 14/05/08 for the event.</p> <p>The fee for use of the centre for a community event is \$40.</p> <p>Free use of the recreation centre would be subject to the following conditions:</p> <ul style="list-style-type: none">• The use is limited to the purpose and times stated in the application – as above.• The area is left clean and tidy at the conclusion of use, paying particular attention to removing all traces of footprints on the floor. The supply of cleaning materials to be the responsibility of the user.• All rubbish is removed from the area and disposed of at a suitable location.• The Council is indemnified in writing for any accident or injury arising from this undertaking. Any accident/incident is to be reported immediately to the Shire office.• The contribution of the Council to this undertaking is promoted. <p>At the June 2007 meeting of Council it was resolved that provision be made for offsetting costs of free Council facility hire from the interest earned from Mullewa Community Trust Funds. The value would be limited to that of the interest earned in any one year. Each application is to be judged on its merits and be limited to those that will have a direct benefit to Mullewa residents.</p>
CONSULTATION:	Nil
STATUTORY ENVIRONMENT:	There are no known statutory implications at this time.
POLICY IMPLICATIONS:	There are no known policy implications at this time.
FINANCIAL IMPLICATIONS:	The hire rate applicable to an event of this nature is \$40.00 per hire.
STRATEGIC IMPLICATIONS:	There are no known strategic implications at this time.
VOTING REQUIREMENT:	Simple majority

OFFICER
RECOMMENDATION

THAT THE DEPARTMENT FOR CHILD PROTECTION BE GRANTED FREE USAGE OF THE RECREATION CENTRE FOR A MEGA FUN DAY EVENT ON THE 14TH MAY 2008 - SUBJECT TO THE FOLLOWING:

- THE USE IS LIMITED TO THE PURPOSE AND TIMES STATED IN THE APPLICATION – AS ABOVE.
- THE AREA IS LEFT CLEAN AND TIDY AT THE CONCLUSION OF USE, PAYING PARTICULAR ATTENTION TO REMOVING ALL TRACES OF FOOTPRINTS ON THE FLOOR. THE SUPPLY OF CLEANING MATERIALS TO BE THE RESPONSIBILITY OF THE USER.
- ALL RUBBISH IS REMOVED FROM THE AREA AND DISPOSED OF AT A SUITABLE LOCATION.
- THE COUNCIL IS INDEMNIFIED IN WRITING FOR ANY ACCIDENT OR INJURY ARISING FROM THIS UNDERTAKING. ANY ACCIDENT/INCIDENT IS TO BE REPORTED IMMEDIATELY TO THE SHIRE OFFICE.
- THE CONTRIBUTION OF THE COUNCIL TO THIS UNDERTAKING IS PROMOTED.

THAT THE COST OF HIRE BE OFFSET AGAINST INCOME FROM INTEREST EARNED FROM THE MULLEWA COMMUNITY TRUST FUNDS.

Moved:*J L Freeman***Seconded:***Andrew J Messina*

COUNCIL DECISION:

THAT THE DEPARTMENT FOR CHILD PROTECTION BE GRANTED FREE USAGE OF THE RECREATION CENTRE FOR A MEGA FUN DAY EVENT ON THE 14TH MAY 2008 - SUBJECT TO THE FOLLOWING:

- **THE USE IS LIMITED TO THE PURPOSE AND TIMES STATED IN THE APPLICATION – AS ABOVE.**
- **THE AREA IS LEFT CLEAN AND TIDY AT THE CONCLUSION OF USE, PAYING PARTICULAR ATTENTION TO REMOVING ALL TRACES OF FOOTPRINTS ON THE FLOOR. THE SUPPLY OF CLEANING MATERIALS TO BE THE RESPONSIBILITY OF THE USER.**
- **ALL RUBBISH IS REMOVED FROM THE AREA AND DISPOSED OF AT A SUITABLE LOCATION.**
- **THE COUNCIL IS INDEMNIFIED IN WRITING FOR ANY ACCIDENT OR INJURY ARISING FROM THIS UNDERTAKING. ANY ACCIDENT/INCIDENT IS TO BE REPORTED IMMEDIATELY TO THE SHIRE OFFICE.**
- **THE CONTRIBUTION OF THE COUNCIL TO THIS UNDERTAKING IS PROMOTED.**

THAT THE COST OF HIRE BE OFFSET AGAINST INCOME FROM INTEREST EARNED FROM THE MULLEWA COMMUNITY TRUST FUNDS.

CARRIED 6/1**10.4.8 WAIVING FEES – MULLEWA TOWN HALL**

DATE OF MEETING: 16th April 2008
LOCATION/ADDRESS: Mullewa Town Hall

NAME OF APPLICANT: 'The Wizard of Oz Show'

FILE REFERENCE: 603

PREVIOUS MINUTE/S & REFERENCE: September 2005.
DATE AND AUTHOR: 8th April 2008. Noelene Holmes, Deputy Chief Executive Officer

DISCLOSURE OF INTEREST: Author has no disclosure of interest.
SUMMARY: Report request hall hire fee waiver.

BACKGROUND: Correspondence has been received from the program co-ordinator of the 'Wizard of Oz Show' in which it advises that it will be visiting Mullewa on Monday 14th April 2008 to present what they describe as a highly interactive, vibrant event.

A booking has been made for the Mullewa Town Hall and they request a waiver on the Hall Hire as they are attempting to keep ticket prices at a reasonable level of \$9.90 so that a large cross section of the local community can afford to attend.

The Wizard of Oz show visited Mullewa in 2005 and a request to waive hall hire charges was refused.

COMMENT: This production has been categorised as a travelling show and as such attracts a hall hire fee of \$215.00 for the venue. The hall hire fee does not seem to be unreasonable in view of the circumstances and as such would be reflected in the ticketing and viability on its visit to Mullewa.

CONSULTATION: STATUTORY ENVIRONMENT: There are no known statutory implications at this time.
POLICY IMPLICATIONS: There are no known policy implications at this time.
FINANCIAL IMPLICATIONS: Travel show hall hire rate is \$215.00 with an amount of \$430 as bond.
STRATEGIC IMPLICATIONS: There are no known strategic implications at this time.
VOTING REQUIREMENT: Simple majority

OFFICER RECOMMENDATION: **THAT THE APPLICATION BY THE 'THE WIZARD OF OZ SHOW' TO OBTAIN A WAIVER OF HALL HIRE COSTS FOR THEIR PERFORMANCE IN MULLEWA ON MONDAY 14TH APRIL 2008 BE REJECTED.**

Moved: J L Freeman **Seconded:** Andrew J Messina

COUNCIL DECISION: **THAT THE APPLICATION BY THE 'THE WIZARD OF OZ SHOW' TO OBTAIN A WAIVER OF HALL HIRE COSTS FOR THEIR PERFORMANCE IN MULLEWA ON MONDAY 14TH APRIL 2008 BE REJECTED.**

CARRIED 7/0

10.5 CHIEF EXECUTIVE OFFICERS REPORT

10.5.1 CODE OF CONDUCT

DATE OF MEETING:	16 th April 2008
LOCATION/ADDRESS:	-
NAME OF APPLICANT:	-
FILE REFERENCE:	101
PREVIOUS MINUTE/S & REFERENCE:	-
DATE AND AUTHOR:	8 th April 2008, Tom Hartman, Chief Executive Officer
DISCLOSURE OF INTEREST:	Author has no disclosure of interest.
SUMMARY:	Report submits "model" Code of Conduct and recommends adoption.
BACKGROUND:	Recent amendments to the Local Government Act 1995 and Regulations led to a requirement to amend the existing Model Code of Conduct. WALGA has updated the Model Code of Conduct to reflect these statutory requirements. Attached at APPENDIX A is the updated version of the Model Code of Conduct.
COMMENT:	<p>This Model is prepared to assist local governments meet their statutory obligations however, local governments have the option to enhance the Code to include additional information to incorporate guidelines for professional conduct, personal integrity, ethical behaviour, accountability and transparency and inform the community of the organisation's vision and mission, to augment the Code's statutory requirements.</p> <p>Attention is drawn to the fact that the requirement to review the Code of Conduct (S 103.(2) of the Local Government Act 1995) was repealed as part of the Act amendments. Previously under the provision of the Local Government Act a Council was required to prepare and adopt a Code of Conduct and to review the Code of Conduct within 12 months after each ordinary election day.</p> <p>If there are matters in the code that Council wish to add, amend or delete, these should be raised, discussed and resolved.</p>
CONSULTATION:	
STATUTORY ENVIRONMENT:	Local Government Act Section 5.103
POLICY IMPLICATIONS:	There are no known policy implications at this time.
FINANCIAL IMPLICATIONS:	There are no known financial implications at this time.
STRATEGIC IMPLICATIONS:	There are no known strategic implications at this time.
VOTING REQUIREMENT:	Simple majority
OFFICER RECOMMENDATION	THAT COUNCIL ADOPT THE ATTACHED CODE OF CONDUCT.

Moved: B I N Thomas **Seconded:** J L Freeman

COUNCIL DECISION: **THAT THE ITEM LAY ON THE TABLE TO ALLOW FURTHER INFORMATION TO BE GATHERED REGARDING SECTION 4.6 CORPORATE OBLIGATIONS (a) STANDARD OF DRESS OF THE CODE OF CONDUCT.**

CARRIED 7/0

10.5.2 RUVIDINI RAIL TERMINAL

DATE OF MEETING: 16th April 2008

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: 507

PREVIOUS MINUTE/S & -

REFERENCE:

DATE AND AUTHOR: 10 April 2008. Tom Hartman, Chief Executive Officer

DISCLOSURE OF Author has no disclosure of interest.

INTEREST:

SUMMARY

Report raises request by Mt Gibson Mining to extend the height of the stock pile at Ruvidini Rail Terminal and requests approval.

BACKGROUND:

The following email has been received from the Manager Transport Operations:

As per our conversation on Tuesday 11th of March;

Mount Gibson Mining seeks from the Shire of Mullewa, any objections to the increase in height of the stockpiles at Ruvidini Rail Terminal.

We are proposing to increase the height by approximately 2 metres, this will in no way create any environmental repercussions.

The reason behind the proposal is due to the issues with the congestion at the Geraldton port which requires us to cancel trains once our storage facility becomes full.

As the stockpiles are located 2.5 kms north of the Geraldton – Mount Magnet road and not in plain sight, we believe it will not be unsightly.

Once the stockpiles have been increased in height, water will be applied to form a crust; this is standard practice with the current stock piles.

If required we can present historical data relating to dust control and environmental records that we have dating back to the commencement of operations.

Any questions or if you require MGM representation at the meeting, please do not hesitate to ring myself.

Regards

***Kim Stevens | Manager Transport Operations
Ruvidini Rail Operations
Mount Gibson Iron Limited***

COMMENT:

The Ruvidini Rail Terminal facility comes under the Rail Terminal Agreement between the Mullewa Shire Council and Mt Gibson Mining

Ltd.

It is noted that this agreement refers to the "Notice of Intent" and specifically to an addendum that was submitted by Mt Gibson Mining for approval on 7 February 2003. These are the documents that the Department of Industry & Resources granted permission to conduct the Talling Peak Iron Ore Project.

In the addendum on page 33 and 43 it indicates that the stock piles would be limited to 3m in height. The Rail Terminal Agreement also indicates that an independent Environmental Manager be appointed to prepare an Environmental Plan that includes acceptable limits for dust and noise emissions, monitoring for compliance and remedial procedures.

Due to the request being to raise the stock piles by "approximately" 2 metres, (which will increase the height to 5m) it may be prudent for Council to request a report be submitted on any impacts that may occur.

CONSULTATION:

STATUTORY

There are no known statutory implications at this time.

ENVIRONMENT:

POLICY

There are no known policy implications at this time.

IMPLICATIONS:

FINANCIAL

There are no known financial implications at this time.

IMPLICATIONS:

STRATEGIC

There are no known strategic implications at this time.

IMPLICATIONS:

VOTING REQUIREMENT:

Simple majority

OFFICER

RECOMMENDATION

THAT COUNCIL REQUESTS MOUNT GIBSON MINING SUBMITS AN INDEPENDENT ENVIRONMENTAL MANAGERS REPORT ON THE PROPOSAL TO INCREASE THE HEIGHT OF THE ORE STOCKPILES AT THE RUVIDINI RAIL TERMINAL BY 2METRES, PRIOR TO MAKING A DECISION ON THE REQUEST.

Moved:

B I N Thomas

Seconded:

K P Keeffe

COUNCIL DECISION:

THAT COUNCIL REQUESTS MOUNT GIBSON MINING SUBMITS AN INDEPENDENT ENVIRONMENTAL MANAGERS REPORT ON THE PROPOSAL TO INCREASE THE HEIGHT OF THE ORE STOCKPILES AT THE RUVIDINI RAIL TERMINAL BY 2METRES, PRIOR TO MAKING A DECISION ON THE REQUEST.

CARRIED 7/0

10.5.3 MID WEST REGIONAL COUNCIL – DOZER SERVICE

DATE OF MEETING: 16th April 2008

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: 105.07

PREVIOUS MINUTE/S &
REFERENCE:

DATE AND AUTHOR: 10 April 2008, Tom Hartman, Chief Executive Officer

DISCLOSURE OF INTEREST: SUMMARY Author has no disclosure of interest.
Report submits involvement in Business Case Analysis Proposal by the Mid West Regional Council for endorsement.

BACKGROUND: There have been previous discussions regarding the MWRC investigating the provision of a dozer to carry out gravel pushing and other work for member Councils.

COMMENT: At a recent TAG meeting it was considered by the majority of those attending to seek information on the viability of the MWRC establishing a dozer service.

The attached Business Case Analysis Proposal at **APPENDIX B** was sort and a request has been made for each member Council to contribute \$500 towards the cost of the analysis.

This request was agreed to and now requires endorsement by Council.

CONSULTATION: President

STATUTORY ENVIRONMENT: There are no known statutory implications at this time.
POLICY: There are no known policy implications at this time.
IMPLICATIONS: FINANCIAL: There are no known financial implications at this time.
IMPLICATIONS: STRATEGIC: There are no known strategic implications at this time.

VOTING REQUIREMENT: Simple majority

OFFICER RECOMMENDATION THAT COUNCIL ENDORSE THE ACTION OF THE CHIEF EXECUTIVE OFFICER TO CONTRIBUTE \$500 TO THE MWRC TO CARRY OUT THE BUSINESS CASE ANALYSIS PROPOSAL – DOZER SERVICE.

Moved: *J L Freeman* **Seconded:** *Andrew J Messina*

COUNCIL DECISION: THAT COUNCIL ENDORSE THE ACTION OF THE CHIEF EXECUTIVE OFFICER TO CONTRIBUTE \$500 TO THE MWRC TO CARRY OUT THE BUSINESS CASE ANALYSIS PROPOSAL – DOZER SERVICE.

CARRIED 7/0

10.5.4 COMMUNITY CODE OF BEHAVIOUR – CHOOSE RESPECT

DATE OF MEETING: 16th April 2008

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: 403.04

PREVIOUS MINUTE/s & REFERENCE: -

DATE AND AUTHOR: 10 April 2008, Tom Hartman, Chief Executive Officer

DISCLOSURE OF INTEREST: SUMMARY Author has no disclosure of interest.
Report submits a program to introduce a “Code of Conduct” into the Mullewa Community.

BACKGROUND: The Choose Respect program has been introduced into the Mullewa District High School following a recent Mullewa Interagency meeting. The attached action pack at **APPENDIX C** provides further information on the program.

COMMENT: As part of a leadership statement for Mullewa, it is suggested that Council may wish to adopt the following "Draft" Policy –

DRAFT

Shire of Mullewa

CHOOSE RESPECT POLICY

RATIONALE:
In the Shire of Mullewa there is a commitment to provide a safe, supportive environment for all members of our community, so that everyone can achieve their full potential enabling them to participate fully in society.

To this end, there is commitment to develop and then maintain a "Culture of Respect" throughout our community. This "Culture of Respect" is expressed in the following "Code of Behaviour":

CODE OF BEHAVIOUR:
Every member of our community is encouraged to "CHOOSE RESPECT".

To "CHOOSE RESPECT" is to make a conscious effort to:

- Treat others with Respect, no matter how they treat you.
- Treat yourself with Respect.
- Forgive others who do not treat you with Respect.
- Resist your natural desire to pay back or take revenge.
- Apologise when you do not treat others with Respect.
- Support others who are not being treated with Respect.
- Ask for support when others do not treat you with Respect.

FUNDAMENTAL PRINCIPLES:
The following principles are fundamental to understanding and developing a "Culture of Respect".

Principle No. 1	Every human being is unique, and has inherent worth and value, and therefore, should be treated with Respect. Respect is to be treated with care and consideration. This type of Respect is different to the type of respect that you can earn. It is also different from the type of Respect that is based on the fear of punishment.
Principle No. 2	Respect is not only an attitude, but an observable behaviour. Respect will be clearly demonstrated in the following areas: 1) Respect for Others 2) Respect for Yourself 3) Respect for Property 4) Respect for Positions of Authority 5) Respect for the Environment
Principle No. 3	Every member of our community knows inherently how to demonstrate Respect.
Principle No. 4	If a member of our community is not treating others or themselves with Respect, they are making a conscious choice NOT to do so.
Principle No. 5	Every member of our community is responsible for their own actions and choices. These actions and choices will always have consequences.
Principle No. 6	It is acknowledged that every member of our community will at some time <i>fall short</i> of the "Code of Behaviour". However, by providing an explicit standard or benchmark for what is right and acceptable behaviour, we are holding up a "standard of behaviour" to work towards.

CONSULTATION:
STATUTORY
ENVIRONMENT:
POLICY
IMPLICATIONS:

There are no known statutory implications at this time.

There are no known policy implications at this time.

FINANCIAL IMPLICATIONS: There are no known financial implications at this time.
 STRATEGIC IMPLICATIONS: There are no known strategic implications at this time.
 VOTING REQUIREMENT: Simple majority
 OFFICER RECOMMENDATION: THAT COUNCIL CONSIDER ADOPTING THE CHOOSE RESPECT POLICY.

Moved: *J L Freeman* **Seconded:** *B I N Thomas*

COUNCIL DECISION: **THAT COUNCIL ADOPTS THE CHOOSE RESPECT POLICY.**

CARRIED 7/0

<p>10.5.5 MID WEST REGIONAL COUNCIL – DRY SEASON COMMUNITY WORKING GROUP</p>

DATE OF MEETING: 16th April 2008

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: 501.05

PREVIOUS MINUTE/S & REFERENCE: -

DATE AND AUTHOR: 10 April 2008, Tom Hartman, Chief Executive Officer

DISCLOSURE OF INTEREST: OF Author has no disclosure of interest.

SUMMARY: Report submits a request from the MWRC for Council to consider a financial contribution towards the costs of administrating the Dry Season Community Working Group.

BACKGROUND: The attached letter at **APPENDIX D** from the MWRC outlines the request.

COMMENT: At the meeting held on the 14 March 2008, it was agreed by member Councils that a financial contribution to the MWRC should be favourable considered.

CONSULTATION: STATUTORY ENVIRONMENT: There are no known statutory implications at this time.
 POLICY: There are no known policy implications at this time.
 FINANCIAL IMPLICATIONS: There are no known financial implications at this time.
 STRATEGIC IMPLICATIONS: There are no known strategic implications at this time.
 VOTING REQUIREMENT: Simple majority
 OFFICER RECOMMENDATION: THAT COUNCIL GIVE FAVOURABLE CONSIDERATION TO CONTRIBUTING \$500 TO THE MWRC FOR ADMINISTRATION / FACILITATION COSTS OF THE DRY SEASON COMMUNITY WORKING GROUP.

Moved: *B I N Thomas* **Seconded:** *K P Keeffe*

COUNCIL DECISION: **THAT COUNCIL CONTRIBUTE \$500 TO THE MWRC FOR ADMINISTRATION / FACILITATION COSTS OF THE DRY SEASON COMMUNITY WORKING GROUP.**

CARRIED 7/0

10.5.6 MID WEST REGIONAL COUNCIL – STAFF RATIONALISATION POLICY & STRATEGIC PLAN AMENDMENT

DATE OF MEETING: 16th April 2008

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: -

PREVIOUS MINUTE/S & REFERENCE: -

DATE AND AUTHOR: 10 April 2008, Tom Hartman, Chief Executive Officer

DISCLOSURE OF INTEREST: Author has no disclosure of interest.

SUMMARY Report submits a Staff Rationalisation Policy and suggested amendments to the Strategic Plan from the Chief Executive Officer of the MWRC for Council endorsement.

BACKGROUND: Council considered the matter relating to amendments to the MWRC Strategic Plan at its March 2008 meeting. During the lead up to the March meeting this matter was discussed with the CEO of MWRC who commenced a revision of the Strategic Plan and submitted this and the Policy to the MWRC meeting held on 2nd April 2008.

COMMENT: Attached at **APPENDIX E** is the policy and amendments to the Strategic Plan for endorsement.

CONSULTATION:

STATUTORY ENVIRONMENT: There are no known statutory implications at this time.

POLICY IMPLICATIONS: There are no known policy implications at this time.

FINANCIAL IMPLICATIONS: There are no known financial implications at this time.

STRATEGIC IMPLICATIONS: There are no known strategic implications at this time.

VOTING REQUIREMENT: Simple majority

OFFICER RECOMMENDATION **THAT COUNCIL ENDORSE THE MWRC SENIOR STAFF RATIONALISATION POLICY AND AMENDMENTS TO GOAL 3 AND THE REGIONAL ORGANISATION STRUCTURE CHART OF THE MWRC.**

Moved: *J L Freeman* **Seconded:** *M D Tierney*

COUNCIL DECISION: **THAT COUNCIL ENDORSE THE MWRC SENIOR STAFF RATIONALISATION POLICY AND AMENDMENTS TO GOAL 3 AND THE REGIONAL ORGANISATION STRUCTURE CHART OF THE**

MWRC, SUBJECT TO ITEM 9.60.2(i) BEING CLARIFIED.**CARRIED 7/0****0408.11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING****Moved:** *J L Freeman* **Seconded:** *Andrew J Messina***COUNCIL DECISION:** **THAT THE APPOINTMENT OF PAUL MESSINA, MICK TIERNEY AND TOM HARTMAN AS FIRE CONTROL OFFICERS BE INTRODUCED AS BUSINESS OF AN URGENT NATURE.****CARRIED 7/0****Moved:** *K P Keefe* **Seconded:** *M Kerkmans***COUNCIL DECISION:** **THAT COUNCIL APPOINT THE FOLLOWING PEOPLE AS FIRE CONTROL OFFICERS:****PAUL MESSINA – FIRE CONTROL OFFICER TENINDEWA
MICK TIERNEY - FIRE CONTROL OFFICER CENTRAL
TOM HARTMAN – DEPUTY BUSH FIRE CONTROL OFFICER****CARRIED 7/0****0408.12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

0408.13 DELEGATED AUTHORITY**13.1 MUNICIPAL SEAL – EXERCISING DELEGATED AUTHORITY TO AFFIX**DATE OF MEETING: 16th April 2008

LOCATION/ADDRESS: Lot 7 (35) Mullewa Wubin Road, Mullewa

NAME OF APPLICANT: -

FILE REFERENCE: Lot 7

PREVIOUS MINUTE/S & REFERENCE: -

DATE AND AUTHOR: Noelene Holmes, Deputy Chief Executive Officer

DISCLOSURE OF INTEREST: Author has no disclosure of interest.

SUMMARY: Report seeks endorsement for affixing the Municipal seal

BACKGROUND: Council resolved to dispose of the above lot to Haulmore Trailer Sales. A process of the sale is to sign and affix the Municipal Seal to the Transfer of Land document. This was conducted on the 8th April 2008.

COMMENT: In accordance with Delegation No. 29 granted by Council at Minute No. 0607.16 the Municipal Seal was affixed as follows:

Transfer of Land – Sale of lot 7. Shire of Mullewa to Haulmore Trailer Sales Pty Ltd.

Council's policy on the use of the Municipal Seal is such:

The Shire President and the Chief Executive Officer are delegated authority to enter into arrangements on behalf of the Municipality including the affixation of the Municipal Seal, subject to the following conditions:

- *Entering into such arrangements and the affixation of the Municipal Seal shall only occur where there is a time limitation that precludes authority being received from the Council, and*
- *On each and every occasion where an arrangement is entered into on behalf of the Municipality and/or the Municipal Seal is affixed, the particulars of such an arrangement are to be reported to the subsequent meeting of Council.*

CONSULTATION:

STATUTORY Local Government Act 1995

ENVIRONMENT: Transfer of Land Act 1893

POLICY

IMPLICATIONS:

Policy No. 614 – Delegation of Authority to Affix Municipal Seal

FINANCIAL

IMPLICATIONS:

There are no known financial implications at this time.

STRATEGIC

IMPLICATIONS:

Enters into an agreement for sale of Lot 7 Mullewa

VOTING REQUIREMENT:

Absolute majority

OFFICER

RECOMMENDATION

THAT THE EXERCISE OF DELEGATED AUTHORITY BY THE SHIRE PRESIDENT AND CHIEF EXECUTIVE OFFICER IN AFFIXING THE MUNICIPAL SEAL TO THE TRANSFER OF LAND DOCUMENT ON THE 8TH APRIL 2008 IS ENDORSED.

Moved:

M Kerkmans

Seconded:

K P Keefe

COUNCIL DECISION:

THAT THE EXERCISE OF DELEGATED AUTHORITY BY THE SHIRE PRESIDENT AND CHIEF EXECUTIVE OFFICER IN AFFIXING THE MUNICIPAL SEAL TO THE TRANSFER OF LAND DOCUMENT ON THE 8TH APRIL 2008 IS ENDORSED.

CARRIED 7/0

0408.14

CLOSURE OF MEETING

The President closed the meeting at 2:58pm.

These minutes were confirmed at a meeting on 21 May 2008:

Signed:

A J Messina, President

Date: