



SHIRE OF CUBALLING

**ORDINARY COUNCIL MEETING
HELD ON THURSDAY 20 SEPTEMBER 2007**

MINUTES

SHIRE OF CUBALLING

COUNCIL MEETING THURSDAY 20 SEPTEMBER 2007

MINUTES

TABLE OF CONTENTS

1. **OPENING - ANNOUNCEMENT OF VISITORS**
2. **ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE**
3. **PUBLIC QUESTION TIME**
4. **APPLICATIONS FOR LEAVE OF ABSENCE**
5. **MINUTES**
 - 5.1 Confirmation of 16 August 2007 Meeting of Council (as circulated)
6. **PETITIONS, DEPUTATIONS, PRESENTATIONS & DECLARATIONS**
7. **DISCLOSURES IF INTEREST**
8. **REPORTS**
 - 8.1 **FINANCE AND ADMINISTRATION** (Beige)
 - 8.2 **WORKS** (Blue)
 - 8.3 **BUILDING** (Green)
 - 8.4 **HEALTH** (Pink)
 - 8.5 **TOWN PLANNING** (Yellow)
9. **ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
10. **OTHER URGENT BUSINESS**
11. **CLOSURE OF MEETING**

ORDINARY COUNCIL MEETING MINUTES

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE SHIRE OF
CUBALLING, HELD IN THE COUNCIL CHAMBERS, CAMPBELL
STREET, CUBALLING ON THURSDAY 20 SEPTEMBER 2007**

1. **DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

President welcomed Councillors, declared meeting open 3.05pm.

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

ATTENDANCE

Shire President, Cr T H Wittwer	Deputy President, Cr J D Brown
Cr D S Bradford	Cr C R Hawksley
Cr I L Watts	
Chief Executive Officer, Mr P T Naylor	
Ms Joy Meharry (Councillor Elect, Observer)	

APOLOGIES

Nil

LEAVE OF ABSENCE

Cr R D Newman

3. **PUBLIC QUESTION TIME**

Nil

4. **APPLICATION FOR LEAVE OF ABSENCE**

Nil

5. **MINUTES**

5.1.1 **CONFIRMATION OF 16 AUGUST 2007 ORDINARY MEETING OF
COUNCIL**

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

**That the minutes (as circulated) of the ordinary meeting of the Shire of
Cuballing held in the Council Chambers on 16 August 2007 be
confirmed.**

COUNCIL ACTION

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

CARRIED 5/0

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

Nil

7. **DISCLOSURES OF INTEREST**

Councillors' and Employees' Disclosures of Interest.

7.1 **DISCLOSURE OF FINANCIAL INTEREST AND PROXIMITY INTEREST**

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

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

Item 8.5.4

Councillor Wittwer declares a Financial Interest in this item as the planning applicant currently occupies property owned by him.

7.2 **DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY**

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

8.1 REPORTS – FINANCE AND ADMINISTRATION

8.1.1 LIST OF ACCOUNTS SUBMITTED FOR COUNCIL APPROVAL AND PAYMENT – SEPTEMBER 2007

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

Background

Council is supplied with a list of payments for consideration.

Comment

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

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council:

Approve for payment the list of Creditors paid from the Municipal fund, as detailed below, totalling \$175,141.53:

Vouchers 10920-10945 inclusive	\$ 22,336.94
Vouchers 11903-11955 inclusive	\$102,451.11
Electronic fund transfers	\$ 48,973.01
Credit Card	\$ 1,380.47

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

Electronic fund transfers	\$ 100.00
----------------------------------	------------------

COUNCIL ACTION

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

CARRIED 5/0

Ordinary Council Meeting Minutes 20 September 2007

Type	Date	Num	Name	Memo	Credit	Trust
Cheque	08/17/2007	10920	PETTY CASH	Petty Cash Recoup	301.95	
Cheque	08/17/2007	10921	CORPORATE EXPRESS	Street Directories	41.80	
Cheque	08/17/2007	10922	Cuballing Country Women's Association	Catering for Election Workshop	300.00	
Cheque	08/17/2007	10923	CUBALLING TAVERN	Refreshments	400.20	
Cheque	08/17/2007	10924	Drivetrain Australia Pty Ltd	VOID: Parts		
Cheque	08/17/2007	10925	EDWARDS MOTORS PTY LTD	Parts	287.85	
Cheque	08/17/2007	10926	JR & A HERSEY P/L	Safety Equipment	400.25	
Cheque	08/17/2007	10927	LANDGATE	Valuations	74.60	
Cheque	08/17/2007	10928	NARROGIN BEARING SERVICE	Parts	48.20	
Cheque	08/17/2007	10929	Narrogin Panel Beating Service	Replace Windscreens	1,549.59	
Cheque	08/17/2007	10930	Neill Robertson	Picture Rails to Chambers	427.60	
Cheque	08/17/2007	10931	NGN AUTO ELECTRICS	Parts & Repairs	256.09	
Cheque	08/17/2007	10932	SHIRE OF WICKEPIN	Recycling Costs	771.38	
Cheque	08/17/2007	10933	TELSTRA	Phone Account	631.61	
Cheque	08/17/2007	10934	WALGA	Market Force Advertising	431.29	
Cheque	08/17/2007	10935	WATER CORPORATION	Water Accounts	1,987.20	
Cheque	08/17/2007	10936	WESTRAC EQUIPMENT	Parts	103.98	
Cheque	08/28/2007	10937	Royal Flying Doctor Service	Donation	1,000.00	
Cheque	08/28/2007	10938	St John Ambulance - Narrogin	Donation	1,000.00	
Cheque	08/30/2007	10939	DRYANDRA COUNTRY VISITOR CENTRE INC.	Contribution 2007/2008	3,960.00	
Cheque	09/04/2007	10940	SHIRE OF CUBALLING.	Social Club Contributions August 2007	140.00	
Cheque	09/04/2007	10941	SHIRE OF CUBALLING.	Staff Deductions - Clark Rates	150.00	
Cheque	09/05/2007	10942	WALGSP	Super Contributions August 2007	7,821.00	
Cheque	09/10/2007	10943	Shire of Cuballing	Transfer Fees Dual Cab Ute	157.85	
Cheque	09/11/2007	10945	Builders registration Board	BRB Payment - August 2007	94.50	
Cheque	09/20/2007	11903	AIR LIQUIDE WA PTY LTD	Workshop Supplies	137.28	
Cheque	09/20/2007	11904	Anda-Lea Tree Nursery	Trees Stratherne Road	274.50	
Cheque	09/20/2007	11905	ASPHALT SURFACES PTY LTD	Bitumen Patching	273.02	
Cheque	09/20/2007	11906	AUSTRALIA DAY COUNCIL OF WA	2007/08 - Membership Renewal	165.00	

Ordinary Council Meeting Minutes 20 September 2007

Cheque	09/20/2007	11907	AUSTRALIA POST	Rates Postage	236.00
Cheque	09/20/2007	11908	BEAUREPAIRES	Tyres	2,691.06
Cheque	09/20/2007	11909	BILL EXPRESS	Transaction Fees	39.59
Cheque	09/20/2007	11910	BURSWOOD INTERNATIONAL RESORT	Local Govt Week - Accommodation & Meals	4,258.10
Cheque	09/20/2007	11911	Canprint Communications Pty Ltd	Building Code Of Australia Book	220.00
Cheque	09/20/2007	11912	CHEFMASTER AUSTRALIA	Binliner Bags	108.90
Cheque	09/20/2007	11913	Chris's Craft & Hobby Centre	Frame Councillor Photo's	165.00
Cheque	09/20/2007	11914	COURIER AUSTRALIA	Freight	18.73
Cheque	09/20/2007	11915	CUBALLING TAVERN	Refreshments & EHO Accommodation	398.50
Cheque	09/20/2007	11916	CUBY ROADHOUSE	Milk, Gas & Fuel	193.90
Cheque	09/20/2007	11917	DUGALD FERGUSON MACHINERY	Parts & Repairs	437.65
Cheque	09/20/2007	11918	EDWARDS MOTORS PTY LTD	Parts & Repairs	183.50
Cheque	09/20/2007	11919	FARMWORKS AUSTRALIA PTY LTD	Weed Control	1,610.40
Cheque	09/20/2007	11920	Fuji Xerox	Photocopier	107.84
Cheque	09/20/2007	11921	GCM AGENCIES PTY LTD	Parts	893.75
Cheque	09/20/2007	11922	Gill Davies	Disability Services Access & Inclusion Plan 2007	2,500.00
Cheque	09/20/2007	11923	Glowstix Australia Pty Ltd	Glowstix - Carols by Candlelight	99.00
Cheque	09/20/2007	11924	GREAT SOUTHERN FUEL SUPPLIES	Diesel & Fuel	20,803.40
Cheque	09/20/2007	11925	Industry Press	Advertising	438.90
Cheque	09/20/2007	11926	INSTANT WEIGHING	Repairs	603.80
Cheque	09/20/2007	11927	JBE Office Choice	Stationery	18.46
Cheque	09/20/2007	11928	LANDGATE	Land Enquiries	8.50
Cheque	09/20/2007	11929	LANDMARK OPERATIONS LTD	Refuse Site Upgrade	297.00
Cheque	09/20/2007	11930	LOCAL HEALTH AUTHORITIES ANALYTICAL	Analytical Services - 2007/2008	367.95
Cheque	09/20/2007	11931	MAKIT NARROGIN HARDWARE	Depot Supplies & Refuse Site Upgrade	495.60
Cheque	09/20/2007	11932	MCDUGALL WELDMENTS	Workshop Supplies	693.58
Cheque	09/20/2007	11933	McLEODS BARRISTERS & SOLICITORS	Legal Fees	1,224.30
Cheque	09/20/2007	11934	NARROGIN BEARING SERVICE	Parts	647.31
Cheque	09/20/2007	11935	NARROGIN HIRE SERVICE AND RETICULATION	Hire of Post Hole Digger	65.00
Cheque	09/20/2007	11936	Narrogin Smash Repairs	Windscreen	264.00

Ordinary Council Meeting Minutes 20 September 2007

Cheque	09/20/2007	11937	Narrogin Technology Solutions	Computer Maintenance	45.00
Cheque	09/20/2007	11938	NARROGIN TOYOTA	Dual Cab Ute	33,198.00
Cheque	09/20/2007	11939	NGN AG REPAIRS	Generator	2,960.00
Cheque	09/20/2007	11940	PARRYS	Work Boots	200.95
Cheque	09/20/2007	11941	Pressure Masters	Workshop Supplies	220.00
Cheque	09/20/2007	11942	REINFORCED CONCRETE PIPES PTY LTD	Pipes	8,294.30
Cheque	09/20/2007	11943	RJ & CJ McDougall	Trenching	97.90
Cheque	09/20/2007	11944	Sandalwood Fine China	Shire of Cuballing Coffee Mugs	356.67
Cheque	09/20/2007	11945	SHIRE OF CUBALLING.	Rates	2,093.44
Cheque	09/20/2007	11946	STAR TRACK EXPRESS	Freight	702.01
Cheque	09/20/2007	11947	STATE LAW PUBLISHER	Advertising	127.05
Cheque	09/20/2007	11948	SUNNY SIGN COMPANY PTY LTD	Signs	3,444.21
Cheque	09/20/2007	11949	Synergy	Power Accounts	2,355.75
Cheque	09/20/2007	11950	TELSTRA	CEO & W/S Mobile Phone Account	79.99
Cheque	09/20/2007	11951	TIMES PRINT	EHO Business Cards & Order Books	301.00
Cheque	09/20/2007	11952	WA College of Agriculture - NGN	Donation	110.00
Cheque	09/20/2007	11953	WALGA	Local Government Convention 2007	4,904.75
Cheque	09/20/2007	11954	WATER CORPORATION	Water Account	124.10
Cheque	09/20/2007	11955	WESTRAC EQUIPMENT	Parts & Repairs	1,896.47
EFT	08/08/2007	080807	Wide Span Sheds	Deposit on Refuse Site Shed	2,232.50
EFT	08/14/2007	140807	Bruce Brennan	Re-imbusement of Mobile Phone Costs	9.97
EFT	08/20/2007	200807	WESTERN POWER CORPORATION	Community Safety	2,843.00
EFT	08/21/2007	210807	SHIRE OF CUBALLING.	Wages & Salaries 8/8/07 - 21/8/07	18,173.97
EFT	08/21/2007	210807.1	Wide Span Sheds	Balance of deposit on shed	2,233.50
EFT	09/04/2007	040907	SHIRE OF CUBALLING.	Wages & Salaries 22/8 -4/9/07	17,944.66
EFT	09/05/2007	050907	CYO O'Connor College	Bretts Tafe Charges	380.86
EFT	09/06/2007	060907	SHIRE OF CUBALLING.	CCZ GOLF DAY NOMINATIONS	165.00
EFT	09/07/2007	070907	Wide Span Sheds	Final Payment on Refuse Site Shed	4,464.00
EFT	09/07/2007	070907.1	Neil Flood	Travel Allowance	525.55
EFT	09/12/2007	T120907	PD & LM Drew	Bond Refund - Hall Hire	100.00

Ordinary Council Meeting Minutes 20 September 2007

Credit Card	08/01/2007	10807	Parrys	Uniforms - Naylor	100.00
Credit Card	08/02/2007	20807	Drivetrain	Parts	17.47
Credit Card	08/06/2007	60807	Victoria Station	Local Govt Week - Meals	1,104.10
Credit Card	08/07/2007	70807	Colorado	Uniforms - Naylor	119.90
Credit Card	08/22/2007	220807	CA Security Centres	Anti Virus Update - Office Computers	39.00
					<hr/>
					175,141.53
					100.00

8.1.2 STATEMENT OF FINANCIAL ACTIVITY

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

Background

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

Comment

A Statement of Financial Activity has been prepared for period ending 31 August 2007 in accordance with the abovementioned legislation and circulated with the Council meeting agenda.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Statement of Financial Position, as circulated, for the Shire of Cuballing for period ending 31 August 2007 be received.

COUNCIL ACTION

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

CARRIED 5/0

8.1.3 DRAFT DISABILITY ACCESS INCLUSION PLAN

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Disability Services Act 1993
Council Policy:	Nil
Budget Implications:	Associated costs, as required, will be included in future budgets
File Reference:	Community Services 2
Voting Requirements:	Simple Majority

Background

The Disability Services Commission of WA requires that a Disability Access Inclusion Plan (DAIP) that meets the requirements of the Disability Services Act 1993 (as amended) to be prepared, adopted by Council and then lodged with the Commission. The DAIP was to be lodged with the Commission by 31 July 2007; however an extension was sought and approved until 31 August 2007.

Comment

The DAIP has been prepared on behalf of Council by Ms Gill Davies from Wandering. Ms Davies has previously worked for the City of Gosnells in the disability services department and has a lot of experience in this area.

Council staff prepared and circulated a community survey to Shire residents and this information, along with a copy of the former Shire of Cuballing Disability Services Plan, which was adopted by Council in 1997, and photographs of recent works undertaken by Council to provide disabled access to community facilities and amenities was forwarded to Ms Davies.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Draft Disability Access and Inclusion Plan 2007-2011 for the Shire of Cuballing, as presented, be adopted and copy forwarded to the Disability Services Commission.

COUNCIL ACTION

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

CARRIED 5/0

8.1.4 OCCUPATIONAL SAFETY AND HEALTH WORKPLACE POLICIES

Submission to:	Ordinary Meeting of Council
Location/Address:	Not applicable
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Occupational Safety and Health Act 1984
Council Policy:	New policies
Budget Implications:	Nil
File Reference:	Administration 11
Voting Requirements:	Simple Majority

Background

In 2005/2006 Council resolved to be part of the Regional Risk Scheme for the Wheatbelt South and Central Wheatbelt regions. The Scheme employs the services of a Regional Risk Coordinator (Mr Kim Isbister) to assist the Shires in implementing good Risk Management procedures, which in turn should ultimately assist in reducing insurance premiums.

Comment

Mr Isbister has recommended that Council adopt a number of Occupational Safety and Health Workplace Policies as part of good management. The policies have been amended to suit the Shire of Cuballing organisational structure and will be included in the Policy Manual.

The policies will be reviewed bi-annually as part of the review of the Policy Manual.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council adopt the Occupational Safety and Health Workplace Policies as presented.

COUNCIL ACTION

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

CARRIED 5/0

8.1.5 EAST NARROGIN PRIMARY SCHOOL – REQUEST FOR FINANCIAL ASSISTANCE

Submission to: Ordinary Meeting of Council
Location/Address: East Narrogin Primary School
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Nil
Council Policy: Nil
Budget Implications: No budget provision 2007/2008
File Reference: Finance 15
Voting Requirements: Simple Majority

Background

Request from the East Narrogin Primary School for financial assistance to help with the replacement of the fence at the School's Off-site Kindergarten situated in Hansard Street, Narrogin.

Comment

The property on which the kindergarten is located is owned by the Town Of Narrogin and subject to a long-term lease to the Department of Education. Responsibility for replacement of the fence is with the East Narrogin Primary School, and the P & C Association is fund raising for this purpose.

Whilst the school is not within the Shire of Cuballing it is the "default" primary school for children from this area and it is not unreasonable for the school to request financial assistance from Council. Council has in the past provided materials such as mulch, gravel and sand to assist the school with grounds maintenance.

Council has not made a provision on the 2007/2008 budget specifically for this purpose, however has made an allocation of \$3,000 for donations in the Governance section of the budget and funds could be used from this area.

The two quotes obtained by the school for replacement of the fence (supply and installation) are \$10,801 and \$12,104 (both GST inclusive), however the school principal advises that they will purchase materials and request volunteers to install to save about 50% of the costs.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That a financial contribution of \$500 be made to the East Narrogin Primary School to assist with replacing the fence at the Off-site Kindergarten.

COUNCIL ACTION

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

CARRIED 5/0

8.2 REPORTS – WORKS

8.2.1 WORKS MANAGERS REPORT

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

WINTER GRADING/MAINTENANCE

Winter Grading is proceeding throughout the Shire (with both graders operating).

Various other minor works are being undertaken as time and weather conditions permit.

CUBALLING REFUSE SITE

Contract management of the site commenced on Saturday 1 September 2007.

The shed footings have been poured and shed will be erected starting Tuesday 18 September 2007.

The operations appear to be working well and no major complaints received.

PLANT AND EQUIPMENT

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

STAFF

Alex Richardson is on annual leave (2 weeks), and Graham Maddison is clearing two months long service leave.

RESTRICTED ACCESS VEHICLES

Main Roads assessment of roads throughout the Shire for Restricted Access Vehicles has been completed and report provided. A number of the roads did not meet the criteria, mainly due to overhanging vegetation. These roads will

be attended to as time and resources permit and then referred to Main Roads for reassessment.

PRIVATE WORKS

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

Private works invoices for the month of August 2007, total \$2,602.00.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Managers Report be received and information noted.

COUNCIL ACTION

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

CARRIED 5/0

8.2.2 SHIRE OF WICKEPIN – APPONTMENT OF DUAL FIRE CONTROL OFFICER 2007/2008

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Bush Fires Act 1954
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	Bush Fire Control 5
Voting Requirements:	Simple majority

Background

Letter from the Shire of Wickepin advising of their appointment of Mr Steven Rose as Dual Fire Control Officer with the Shire of Cuballing for the 2007/2008 Fire Season.

Comment

Dual Fire Control Officers are appointed to provide legal cover for a Fire Control Officer in charge at a wildfire that burns across a Shire boundary. The Dual Fire Control Officer can stay in charge and follow the fire, or hand over control to a fire control officer from the second Shire (if one is available and in attendance).

Section 40 of the Bush Fires Act 1954 empowers Council to appoint dual fire control officers with neighbouring local authorities and section 38(2) of the Act requires such appointments to be advertised in a local paper.

Further to this confirmation has been received from the Shire of Wickepin endorsing Councils appointment of Mike Burges as Dual Fire Control Officer for the 2007/2008 Fire Season.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That pursuant to section 40 of the Bush Fires Act 1954, Mr Steven Rose be appointed as Dual Fire Control Officer for the Shires of Cuballing and Wickepin for the 2007/2008 Fire Season, subject to the officer possessing the appropriate accreditations, and further noting that the Dual Fire Control Officer is not permitted to issue burning permits for land within the Shire of Cuballing.

COUNCIL ACTION

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

CARRIED 5/0

8.2.3 HOTHAM CATCHMENT MANAGEMENT GROUP – PROVISION OF NATURAL RESOURCE MANAGEMENT OFFICERS VEHICLE

Submission to:	Ordinary Meeting of Council
Location/Address:	Not Applicable
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Not Applicable
Council Policy:	Nil
Budget Implications:	Provision included on 2007/2008 Budget
File Reference:	Community Organisations 2
Voting Requirements:	Simple Majority

Background

Councillors would be aware that the Shires of Cuballing and Wandering own a Toyota Hilux 4WD Dual cab utility which is provided for the use of the Natural Resource Management Officer (NRMO) of the Hotham Catchment Management Group (HCMG). The other participating Shire in the Group, the Shire of Boddington, pay an annual lease of approximately \$2,000 to both the Cuballing and Wandering Shire's to reflect the fact that they did not contribute to the capital purchase of this vehicle.

Recently the Chief Executive Officer met with the Chief Executive Officer of the Shire of Wandering, Mr Garry Bird, and the Deputy Chief Executive Officer of the Shire of Boddington, Mr Aaron Cook, to discuss the replacement strategy for this vehicle and to clarify the abovementioned lease arrangements.

In these discussions, it was advised that the HCMG had budgeted \$7,200 per month to lease a new vehicle for the NRMO, on the basis that the existing vehicle was to be sold and the proceeds returned to the Shires of Wandering and Cuballing.

Comment

As a result of the abovementioned meeting, it became apparent that there were financial advantages to all three local authorities in the existing vehicle now being leased directly to the HCMG, if it were to be funded from HCMG

Ordinary Council Meeting Minutes 20 September 2007

existing budget allocation. This would result in the current lease fee received by the Shires of Cuballing and Wandering being increased to approximately \$3,600 per annum and save the Shire of Boddington the lease payment currently made to these two Councils.

In regards to the changeover of the existing vehicle, it was agreed that there was no need to swap the vehicle immediately and that there could be financial advantages to all Councils in a similar lease arrangement being negotiated when the vehicle is traded.

Further, the Shire of Wandering has discussed the option of retaining the existing vehicle for its own use, which would need to be further considered by the Shires of Cuballing and Wandering when changing the vehicle over.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council enter into a lease arrangement with the Hotham Catchment Management Group for the use of the Toyota Hilux Utility owned jointly by the Shires of Cuballing and Wandering, for the annual lease fee of \$7,200.00 per annum, subject to agreement by the Shire of Wandering, and further that the existing lease arrangement with the Shire of Boddington for this vehicle be cancelled.

COUNCIL ACTION

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

CARRIED 5/0

8.3 REPORTS – BUILDING

8.3.1 BUILDING SURVEYORS REPORT

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Neil Flood, Environmental Health Officer/Building Surveyor
Enabling Legislation:	Local Government (Miscellaneous Provisions) Act 1960 Building Regulations 1989 Builders' Registration Act 1939
Council Policy:	Register Delegated Authority
Budget Implications:	Nil
File Reference:	CMR 2
Voting Requirements:	Simple majority

Summary

There were seven (7) building applications approved and licenses issued for the month of August 2007.

Ordinary Council Meeting Minutes 20 September 2007

Listed below is a summarised breakdown of the applications and proposed structures.

Approval License No	Name of Owner	Registered Builder (RB) or Owner Builder (OB)	Structure	Location of Building
6 – 2007/08	L Shields	O/B	Addition to Dwelling	Lot 140 Morrell St, Cuballing
7 – 2007/08	J Dalton	O/B	Addition to Dwelling	Lot 146 Campbell St, Cuballing
8 - 2007/08	G McDougall	O/B	Storage Shed	Lot 57 Alton St, Cuballing
9 – 2007/08	M Nicholas	O/B	Shed	Lot 293 Colin St, Cuballing
10 – 2007/08	G Hempzell	O/B	Bird Shelter for Caravans	Loc 3027 Great Southern Highway, Popanyinning
11 – 2007/08	Shire of Cuballing	O/B	Storage Shed	Lot 350 Brundell St, Cuballing
12 – 2007/08	W R Hall	O/B	Patio	Lot 58 Alton St, Cuballing

Local Government (Miscellaneous Provisions) Amendment Act 1960 – Amendments

The Department of Housing and Works have written advising that the Western Australia Parliament passed amendment to Part XV of the *Local Government (Miscellaneous Provision) Act 2007* on 17 May 2007. Supporting Regulations and the Proclamation of the Act is anticipated to occur on 1 January 2008.

The Act & Regulation will cover:

- Retrospective approval of unauthorised building work; and
- Qualifications of building surveyors.

There is still some concern within the building surveyor group about portability and recognised prior learning.

5 Star Plus – New Standard in Sustainable Housing

The Department of Housing and Works advise that 5 Star Plus water and energy efficiency building codes will be mandatory for new houses approved after 1 September 2007.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Building Surveyors Report be received and information noted.

COUNCIL ACTION

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

CARRIED 5/0

8.4 REPORTS – HEALTH

8.4.1 ENVIRONMENTAL HEALTH OFFICERS REPORT

No report submitted for Council information and/or consideration.

8.5 REPORTS – TOWN PLANNING

8.5.1 FOREST PRODUCTS COMMISSION – REQUEST FOR PLANNING CONSENT-EUCALYPTUS AND SANDALWOOD PLANTATIONS

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 7244 Popanyinning West Road
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Nil
Council Policy:	Shire of Cuballing Town Planning Scheme No 2
Budget Implications:	Nil
File Reference:	Town Planning 4
Voting Requirements:	Simple majority

Background

Application received from the Forest Products Commission, on behalf of the property owners of Lot 7244 S J Blackmore & C M Hicks, to commence a tree cropping industry on the property.

Comment

The proponents have gone into a lot of detail in the application and appear to address all areas that may be of concern to Council and neighbouring property owners.

The proposed use, being Agroforestry or Plantation, has an “A” use on the Shire of Cuballing Town Planning Scheme No 2 Zoning Table. This means that the use is not permitted unless Council has exercised its discretion by granting planning approval after giving special notice in accordance with the requirements of the Scheme (clause 9.4). This process has commenced with letters and copy of “Notice of Public Advertisement of Planning Proposal” to neighbouring property owners/occupiers, and copy of the Notice being placed adjacent to the entry to the property and at the Popanyinning Store. The Notice invites public comment on the proposal to be submitted to the Shire of Cuballing in writing on or before Friday 5 October 2007.

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

The application will be presented to the October 2007 meeting of Council for further consideration.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the correspondence be received and information noted.

COUNCIL ACTION

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

CARRIED 5/0

8.5.2 DR WYNAND BREYTENBACH – APPLICATION FOR PLANNING APPROVAL

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 16 Great Southern Highway, Cuballing
Reporting Officer:	Neil Flood, Environmental Health Officer/Building Surveyor
Enabling Legislation:	Planning and Development Act 2005
Council Policy:	Shire of Cuballing Town Planning Scheme No 2
Budget Implications:	Nil
File Reference:	Town Planning 3
Voting Requirements:	Simple majority

Background

Dr Wynard Breytenbach submits an application for planning approval to conduct a bed and breakfast in the vacant dwelling on Lot 16 Great Southern Highway, Cuballing.

Comment

The Shire of Cuballing Town Planning Scheme No 2 zoning table permits a bed and breakfast in general agriculture zone providing the use complies with the relevant development standards and requirements of the scheme.

The land use definition in the scheme “**bed and breakfast**” means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from the normal place of residence on a short-term commercial basis and includes the provisions of breakfast. The owner is not a resident of the dwelling but lives on the property in a separate dwelling.

Clause 4.4 of the Shire of Cuballing’s Town Planning Scheme No 2 states:

Interpretation of the Zoning Table

4.4.1 Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.

If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may –

determine that the use is consistent with the objectives of the particular zone and is therefore permitted;

determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising

Ordinary Council Meeting Minutes 20 September 2007

procedures of clause 9.4 in considering an application for planning approval; or

determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

Council can use this section of the Town Planning to approve the application.

If Council approves the application, the applicant also seeks planning approval to erect a sign indicating the dwelling is used as a bed & breakfast (copies of the application are attached).

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council approves the application submitted by Dr Wynand Breytenbach for Planning Approval to establish a bed & breakfast in the vacant dwelling on Lot 16 Great Southern Highway, Cuballing, and the application to erect signage, subject to:

- **Complying with the Health Act 1911, as amended; and**
- **Complying with the Building Code of Australia**

COUNCIL ACTION

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

CARRIED 5/0

8.5.3 DEPARTMENT FOR PLANNING AND INFRASTRUCTURE (STATE LAND SERVICES) –PROPOSED AMENDMENT TO RESERVE 36413 “TRIGONOMETRICAL STATION”-SHIRE OF CUBALLING

Submission to:	Ordinary Meeting of Council
Location/Address:	Reserve 36413 (Lot 151) Neamutin Road
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Land Administration Act 1997
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	Lands 8b
Voting Requirements:	Simple majority

Background

Correspondence seeking Council comments on a proposal from the Department of Environment and Conservation (DEC) to change the purpose of Reserve 36413 from “Trigonometrical Station” to “Conservation of Flora and Fauna”.

Comment

The DEC have put a proposal to the State Land Services to change the purpose of the reserve to enable the uncleared vegetation to become an important link in a “super” nature reserve, with neighbouring private owned areas and the

Ordinary Council Meeting Minutes 20 September 2007

Tutanning Nature Reserve, to preserve native flora and fauna within the region.

The only problem from a Council perspective is that the reserve is also the host site for the Emergency Services Two Way Radio Repeater Station for the Shires of Cuballing and Pingelly.

The Chief Executive Officer has discussed this matter with the DEC (Mr Alex Errington) and he has given an undertaking that access to the repeater station will be maintained at all times.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council supports the change in purpose for Reserve 36413 (Lot 151) Neamutin Road from “Trigonometrical Station” to “Conservation of Flora and Fauna” on the proviso that access to the Shires of Cuballing and Pingelly Emergency Services Two Way Radio Repeater Station is maintained and available at all times.

COUNCIL ACTION

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

CARRIED 5/0

8.5.4 MR W M PARKER – APPLICATION TO OPERATE HOME BUSINESS

3.58pm – Cr Wittwer departed the Council Chambers, Cr Brown assumed the chair.

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 328 Carton Street, Cuballing
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Nil
Council Policy:	Shire of Cuballing Town Planning Scheme No 2
Budget Implications:	Nil
File Reference:	Town Planning 3
Voting Requirements:	Simple Majority

Background

The revised planning application submitted by Mr Parker was presented to the August 2007 meeting of Council. Council on that occasion resolved:

“That the planning application submitted by Mr Wayne Parker to commence an Industry-General, Carpentry and Cabinet Making business, on Lot 328 Carton Street, Cuballing, be advertised in accordance with the requirements of Shire of Cuballing Town Planning Scheme No 2.”

Letters were written to neighbouring property owners, with copy of the Notice of Public Advertisement of Planning Proposal, advising of the revised

Ordinary Council Meeting Minutes 20 September 2007

planning application and providing opportunity to present a submission and/or comment for Council consideration. The submissions/comments were to be submitted to the Shire in writing on or before Friday 14 September 2007. A copy of the Notice was also placed at Mr Parker's property.

Comment

At the closure of the submission period three responses were received. Two in favour of the application and one opposed. The three responses were referred to Council's Town Planning Consultant and Solicitors for comment.

The Town Planning Consultant has advised as follows:

You have forwarded to me for comment the three submissions Council received on the above proposal. Under the provisions of TPS No 2 Industry - General is an "A" use and I understand that you have complied with the provisions of the Scheme in advising neighbouring property owners. Accordingly it is at Council's discretion as to whether the operation should be approved or not. I note that two are in support and one is opposed. The submission opposed to the application cites noise as the main reason for his objection. The impact of noise is very subjective but in any event is regulated by the EPA. The effect can be lessened if the approval limits work hours, and the shed is insulated as you have suggested. Also Council should be made aware that Industry-General cannot locate in any other zone than Rural Townsite and refusal would suggest that similar activities would not be supported by Cuballing. In making its decision Council should also refer to one of the objectives for the Rural Townsite zone in TPS No. 2:

"To support commercial and industrial use in areas where the predominant established use is for residential purposes provided residential areas can be adequately buffered from any impacts."

I have attached my earlier email (of 15 August 2007) on this matter to assist with Council deliberations.

Further to your fax of August 14, 2007 and the advice of McLeods in respect to the categorisation of the proposed development as Industry - General, I can only reiterate McLeods advice that the application should be processed in accordance with the scheme provisions for an "A" use which includes special notice being given in accordance with Clause 9.4 of the Scheme. Following the receipt of submissions Council may, if it is disposed to support the application, impose conditions in relation to the commitments made by the applicant to:

- * limit operating hours*
- * plant vegetation buffers*
- * insulate the shed*

Ordinary Council Meeting Minutes 20 September 2007

In addition the proposed works will need to comply with the EPA's noise regulations. It should be noted that one of the objectives for the Rural Townsite zone is;

"To support commercial and industrial use in areas where the predominant established use is for residential purposes provided residential areas can be adequately buffered from any impacts."

In this respect I note that the proposed operation is 38 metres from the southern boundary of the lot and 18 metres from the eastern boundary.

Also "Industry-General" can only occur in the Rural Townsite zone as it is an "X" use in the Rural Residential and General Agriculture zones.

In addition to this, Council Solicitors have advised that in their opinion Council has worked through the due process in accordance with the requirements of the Shire of Cuballing Town Planning Scheme No 2. Taking into consideration the submissions received, both in the first and second instances on the proposal, there is no reason why the application can or should not be supported. They did point out that the main reason for opposition to the application is the possible noise issue and that it would be prudent for Council to introduce certain operating and control conditions in an effort to minimise this impact on neighbouring properties. These condition could be landscaping and planting of vegetation buffer zones (and ongoing maintenance of same to ensure the vegetation survived), sound proofing of the shed, and restricted operating hours, ie 8.30am to 5.00pm Monday to Friday and 8.30am to 1.00pm Saturday.

In the planning application the proponent, Mr Parker, indicated his preparedness to undertake appropriate measures to minimise noise impact on neighbouring properties therefore the comments above by both the Town Planning Consultant and Solicitors should not be an issue. In addition to this it has been noted that trees/plants have already been planted on the southern boundary of Mr Parkers property.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That after taking into consideration the various comments received in response to the Notice of Public Advertisement of Planning Proposal for Mr Wayne Parker to commence a Industry-General (Carpentry and Cabinet Making) Business at Lot 328 Carton Street, Cuballing, Council approves the application subject to the following conditions:

- **Restricted operating hours of 8.30am to 5.00pm Monday to Friday, and 8.30am to 1.00pm Saturday;**
- **Any noise emanating from the business activities at the property to meet the requirements of the Environmental Protection (Noise) Regulations 1997;**
- **Vegetation (or other suitable types) of buffer zones to be implemented on the southern and eastern boundaries of the**

property in an effort to minimise any adverse impact that the business may be likely to cause to neighbouring property owners/occupiers;

- The designated work area of the shed to be insulated with suitable materials in an effort to minimise any adverse impact that the business may be likely to cause to neighbouring property owners/occupiers;
- No retail sale of goods or products at the property;
- No signage or advertising to be erected at the property; and
- The applicant, Mr Parker, to be the only person employed to operate the business.

COUNCIL ACTION

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

CARRIED 3/1

4.05pm Cr Wittwer re-entered the Council Chambers.

11. **MEETING CLOSURE**

There being no further business the Shire President declared the meeting closed at 4.10pm.

**CONFIRMED AS A TRUE RECORD OF PROCEEDINGS
ON THURSDAY 18 OCTOBER 2007**

SHIRE PRESIDENT