



SHIRE OF CUBALLING

**ORDINARY COUNCIL MEETING
HELD ON THURSDAY 15 FEBRUARY 2007**

MINUTES

SHIRE OF CUBALLING

COUNCIL MEETING THURSDAY 15 FEBRUARY 2007

MINUTES

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ORDINARY COUNCIL MEETING MINUTES

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE SHIRE OF CUBALLING,
HELD IN THE COUNCIL CHAMBERS, CAMPBELL STREET, CUBALLING ON
THURSDAY 15 FEBRUARY 2007**

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

President welcomed Councillors, declared meeting open 3.01pm.

2. RECORD OF ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

ATTENDANCE

Shire President, Cr T H Wittwer
Cr C R Hawksley
Cr D S Bradford
Chief Executive Officer, Mr P T Naylor
Mr Wayne Reynolds – 3:01pm to 3:07pm

Deputy President, Cr J D Brown
Cr R J D Newman
Cr I L Watts

APOLOGIES

Cr C R McKenzie

LEAVE OF ABSENCE

Nil

3. PUBLIC QUESTION TIME

Wayne Reynolds addressed Council on Item 8.5.7, additional information to correspondence received.

Mr Reynolds departed Council Chambers at 3:07pm.

4. APPLICATION FOR LEAVE OF ABSENCE

Moved Cr Watts, seconded Cr Newman that leave of absence be granted to Cr Bradford for the Ordinary Meeting of Council to be held on Thursday 15 March 2007.

CARRIED 6/0

5. MINUTES

5.1 CONFIRMATION OF 15 DECEMBER 2006 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 15 December 2006 be confirmed.

COUNCIL ACTION

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

CARRIED 6/0

5.2 AUDIT COMMITTEE MEETING HELD ON FRIDAY 15 DECEMBER 2006

In accordance with the provisions of the Local Government Act 1995, the Shire of Cuballing Audit Committee met on Friday 15 December 2006.

During the meeting the Committee conducted a teleconference meeting with Auditor Paul Chabrel. Mr Chabrel had prepared a Management Report pertaining to the 2005/2006 Audit of Council's books and this contained various items to be discussed with the Committee and Council's Chief Executive Officer (CEO). The CEO provided background information and explanation in relation to the specific items raised to the satisfaction of Mr Chabrel and the Committee.

The Committee also discussed the appointment of Auditors for the next three-year period and this is included in the Council meeting agenda as a separate item (item 8.1.5 refers).

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the minutes of the Shire of Cuballing Audit Committee Meeting held on Friday 15 December 2006 be received.

COUNCIL ACTION

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

CARRIED 6/0

6. PETITIONS, DEPUTATIONS, PRESENTATIONS & DECLARATIONS

Mrs Julie Christensen, Chief Executive Officer and Mr Mel Crosby, Board Member representing the Narrogin Cottage Homes Inc, addressed Council on a future project being considered and to be known as Dryandra Gardens.

Narrogin Cottage Homes has created a Sub-Committee that will over the next 5 months investigate the "feasibility of building and sustainably managing a high care/dementia facility within the Town of Narrogin to service the Upper Great Southern"

The Term of Reference for the Sub-Committee are as follows:

- To investigate the statistical requirements of the Great Southern community in relation to high care and dementia services.
- To measure the impacts of the objective on the community and other service organizations within the Upper Great Southern.
- To research and investigate comparable peer facilities in rural Australia.

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- To investigate the viability and sustainability of operating the objective facility(s).
- To investigate the social, economic and environmental benefits to the community.
- To investigate financial partnerships and alternate funding sources to support the objective.
- To liaise with the Department of Health and Aged Care to investigate the availability of high care and dementia beds in the region and subsequent Commonwealth funding support.
- To investigate possible site locations, area requirements and their cost.

Narrogin Cottage Homes are seeking Shire of Cuballing support in the following ways:

Phase 1

- Give an Expression of Interest in regards to the proposed project to the Narrogin Cottage Homes Committee (in writing to assist during the investigative process).

Phase 2

- Council to endorse use of the local Cuballing newsletter to keep the community informed of the Project progress.

Phase 3

- If the project is found to be viable for the Cuballing Shire Council to consider financial assistance during the fundraising process, either as an initial contribution and/or and annual contribution.

Mrs Christensen and Mr Crosby departed the Chambers at 3:39pm.

COUNCIL ACTION

Moved Cr Brown, Seconded Cr Bradford that Narrogin Cottage Homes with provided with a letter of support for the proposed project and information provided to be included in Shire of Cuballing newsletters.

CARRIED 6/0

7. DISCLOSURES OF INTEREST

Councillors' and Employees' Disclosures of Interest.

7.1 DISCLOSURE OF FINANCIAL INTEREST AND PROXIMITY INTEREST

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

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

Nil

7.2 DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

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

Nil

8.1 REPORTS – FINANCE AND ADMINISTRATION

8.1.1 LIST OF ACCOUNTS SUBMITTED FOR COUNCIL APPROVAL AND PAYMENT – FEBRUARY 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 \$271,184.34:**

Vouchers 10783-10812 inclusive	\$ 65,834.11
Vouchers 11546-11649 inclusive	\$ 94,647.11
Electronic fund transfers	\$108,334.02
Credit Card Payments	\$ 2,369.10
- **Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$650.79:**

Vouchers 1981-1986 inclusive	\$ 650.79
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COUNCIL ACTION

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

CARRIED 6/0

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 January 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 January 2007 be received.

COUNCIL ACTION

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

CARRIED 6/0

8.1.3 DEPARTMENT OF LOCAL GOVERNMENT AND REGIONAL DEVELOPMENT – COMPLIANCE AUDIT RETURN 1 JANUARY 2006 TO 31 DECEMBER 2006

Submission to: Ordinary Meeting of Council
Location/Address: Not applicable
Reporting Officer: Clare Thomson, Accountant
Peter Naylor, Chief Executive Officer
Enabling Legislation: Local Government Act 1995
Local Government (Audit) Regulations 1996
Local Government (Financial Management) Regulations 1996
Council Policy: Nil
Budget Implications: Nil
File Reference: F 23
Voting Requirements: Simple majority

Background

Each year, Council is required to complete and submit a Local Government Compliance Audit Return for period 1 January to 31 December. Completing the Return is a statutory requirement under the provisions of the Local Government Act 1995, and associated Regulations.

Comment

The Compliance Audit Return for the Shire of Cuballing for period 1 January 2006 to 31 December 2006 has been completed and a copy is circulated to Councillors with the Council meeting agenda. During the audit process there have been no instances during the reporting period where Council has failed to comply with relevant legislation and the process required. The Compliance Audit Return is to be submitted to the Department of Local Government and Regional Development by 31 March in each year.

It is requirement for the Compliance Audit Return to be:

- a) Presented to the Council at a meeting of the Council;
- b) Adopted by the Council; and
- c) Recorded in the minutes of the meeting at which it is adopted.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Local Government Compliance Audit Return for the Shire of Cuballing for reporting period 1 January 2006 to 31 December 2006, as circulated, be adopted and forwarded to the Department of Local Government and Regional Development.

COUNCIL ACTION

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

CARRIED 6/0

8.1.4 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) – MODEL PURCHASING POLICY

Submission to: Ordinary Meeting of Council
Location/Address: Not applicable
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Local Government (Functions & General) Regulations 1996
Council Policy: 1.11 & 5.10
Requirement to develop new policy
Budget Implications: Nil
File Reference: A 11
Voting Requirements: Simple majority

Background

Proposed changes to the Local Government (Functions & General) Regulations 1996 will increase the tender threshold for local governments from \$50,000 to \$100,000. The changes to the Regulations will also see the need for local governments to adopt a Purchasing Policy. To be compliant with these changes a Purchasing Policy will need to be in place prior to the 30 March 2007, when it is envisaged the new Regulations will come into effect.

Comment

The main objectives for local governments to adopt a purchasing policy are:

- To provide compliance with the Local Government Act 1995 and the Local Government (Functions & General) Regulations 1966 (as amended).

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- To deliver a best practice approach and procedures to internal purchasing.
- To ensure consistency for all purchasing activities that integrates within all operational areas.

To assist local governments in adopting a suitable purchasing policy the WALGA Total Purchasing Solutions service has prepared a Model Policy for consideration by Councils. The Model Policy can be used as a template and adapted to suit the needs of individual Councils.

The Model Policy is very thorough and covers all aspects of Councils purchasing requirements and provides concise requirements on various purchasing thresholds. For the Shire of Cuballing minor changes have been suggested in the tiers up to where the model shows purchase amount of \$99,999. These have been changed to: \$0 to \$500, \$501 to \$5,000, \$5,001 to \$19,999, \$20,000 to \$49,999 and \$50,000 to \$99,999, in the draft document prepared.

A copy of the draft Purchasing Policy prepared for the Shire of Cuballing is circulated with the Council meeting agenda.

A summary of the purchasing thresholds included in the draft purchasing policy is hereunder.

Amount of Purchase	Draft/Model Policy
Up to \$500	Direct purchase from suppliers not requiring any quotations, although one verbal quote could be obtained in most instances.
\$501 - \$5,000	Direct purchases from suppliers requiring only two verbal quotations
\$5,001 - \$19,999	Obtain at least two written quotations.
\$20,000 to \$49,999	Obtain at least three written quotations.
\$50,000 to \$99,999	Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).
\$100,000 and above	Conduct a public tender process.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Draft Purchasing Policy prepared in accordance to pending changes to the Local Government (Functions & General) Regulations 1996, as circulated, be adopted for the Shire of Cuballing.

COUNCIL ACTION

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

CARRIED 6/0

8.1.5 APPOINTMENT OF AUDITORS

Submission to: Ordinary Meeting of Council
Location/Address: Not applicable
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Local Government Act 1995
Local Government (Audit) Regulations 1996
Council Policy: Nil
Budget Implications: Nil
File Reference: F 5
Voting Requirements: Absolute majority

Background

Councils Audit contract with Butler Settineri expired at the conclusion of the audit undertaken for the 2005/2006 financial year.

The Local Government Act 1995 (S7.3) specifies that:

1. *A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint a person, on the recommendation of the audit committee, to be its auditor.*
2. *The local government may appoint one or more persons as its auditor.*
3. *The local government's auditor is to be a person who is-*
 - (a) *a registered company auditor; or*
 - (b) *an approved auditor.*

Comment

In May 2006, at the request of the Chief Executive Officer, Butler Settineri provided Council with a quotation to continue their audit services for the Shire of Cuballing for the next three financial years; from 1 July 2006 through to 30 June 2009. The proposed fee estimates, exclusive of GST, are:

30 June 2007	\$4,400
30 June 2008	\$4,600
30 June 2009	\$4,800

The audit committee discussed the appointment for auditors in depth, including the options to call for expressions of interest from other auditing companies and/or continue with Butler Settineri but request the services of a different audit manager, other than Paul Chabrel, to manage the Shire of Cuballing audit process. The reasoning behind the later consideration is that Mr Chabrel has been Council's auditor for the last 12 years.

After due consideration to the matter and available/possible alternatives, the Committee resolved to recommend to Council as follows:

- *The quotation provided by Butler Settineri (Audit) Pty Ltd to provide audit services to the Shire of Cuballing for the three (3) year period 30 June 2007 to 30 June 2009, inclusive, be accepted; and*

- *Mr Paul Chabrel and Mrs Lucy Gardner, of Butler Settineri (Audit) Pty Ltd be reappointed as auditors for the Shire of Cuballing for the three (3) year period 30 June 2007 to 30 June 2009, inclusive.*

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **The quotation provided by Butler Settineri (Audit) Pty Ltd to provide audit services to the Shire of Cuballing for the three (3) year period 30 June 2007 to 30 June 2009, inclusive, be accepted; and**
- **Mr Paul Chabrel and Mrs Lucy Gardner, of Butler Settineri (Audit) Pty Ltd be reappointed as auditors for the Shire of Cuballing for the three (3) year period 30 June 2007 to 30 June 2009, inclusive.**

COUNCIL ACTION

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

CARRIED 6/0

8.1.6 WESTERN AUSTRALIAN CENTRE FOR REMOTE AND RURAL MEDICINE (WACRRM) – INVITATION TO BECOME ORDINARY ORGANISATIONAL MEMBER

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Nil
Council Policy:	Nil
Budget Implications:	No budget provision made for 2006/2007
File Reference:	F 15
Voting Requirements:	Simple majority

Background

Invitation from WACRRM for the Shire of Cuballing to apply become an ordinary organisational member, at cost of \$100 per annum.

Comment

WACRRM is separating from the University of Western Australia and is becoming a membership driven, non-government, not for profit organization. Their core business will be the recruitment and retention of medical practitioners in rural and remote WA, and the development of strategies and programs aimed at enhancing the sustainability of medical practice in these areas.

Whilst the Shire of Cuballing currently does not have any medical practitioners functioning within this district the residents visit medical facilities in neighbouring towns and the difficulty attracting doctors to rural and remote areas is well documented.

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Council has not budgeted for this expense in the 2006/2007 Financial Year, however the membership premium is only \$100 and it may be beneficial to the residents of the Shire in future years to support the request.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Shire of Cuballing makes application to become an Ordinary Organisational member of the Western Australian Centre for Remote and Rural Medicine Ltd.

COUNCIL ACTION

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

CARRIED 6/0

8.2 REPORTS – WORKS

8.2.1 WORKS MANAGERS REPORT

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

PURPOSE PERMIT APPLICATION

The Department of Environment and Conservation (DEC) have now issued Council with a licence under the Environmental Protection Act 1986 to clear native vegetation for the road construction program. The permit is for the five-year period 21 January 2007 to 21 January 2012.

Unfortunately the permit does contain a number of conditions, which basically includes the requirement to undertake a flora and fauna study of the various areas within the permit prior to any works commencing, and advising or establishing sites for offset planting to replace trees that are cleared. Veronica and Brendan Metcalf have been employed to prepare the report on behalf of Council and will liaise with the DEC to ensure the information is provided in accordance with their requirements.

STRATHERNE/PARSONS ROADS INTERSECTION

WML Consultants have completed the design for the new intersection and have provided two copies for Council use. The surveyor (Peter Gow) has been requested to mark the centre line to allow works to commence as soon as approval has been obtained from the Department of Environment and Conservation in relation to the purpose permit application.

CUBALLING EAST ROAD

Culvert extension has been carried out in preparation for 2006/2007 works program.

SHIRE PRESIDENT

DATE

BITUMEN PATCHING

Bitumen patching has been carried out on Popanyinning West, Yornaning East, and Cuballing town streets prior to resealing works commencing in late February 2007. Patching works has also been done on the Yornaning West Road.

CUBALLING OVAL AND RECREATION GROUNDS

The oval has been fertilised and is lawn growth re-establishing following the Locust plague.

The new lights at the south end of the netball/tennis court have been erected and awaiting power connection by electrician.

MAINTENANCE GRADING AND SIGNS

Summer grading program is ongoing, and shoulder grading on Wandering-Narrogin Road is being done to improve the shoulder width and drainage.

Many signs throughout the Shire were stolen or damaged during the Christmas/New Year period and these are being replaced as orders become available.

2007/2008 BRIDGE PROGRAM OF WORKS (MAIN ROADS WA)

Correspondence has been received from Main Roads advising that bridges 3173 & 3172 on Stratherne Road have been included on their program of works for 2007/2008.

Bridge 3173 is to undergo substructure repairs to value of \$15,000, and bridge 3172 is to have reinforced concrete overlay to value of \$627,000. Main Roads is responsible for the works and funds one-third of the project cost, \$214,000. A grant application has been submitted to WA Local Grants Commission to fund the balance of the costs (\$428,000) under the Commonwealth Special Project Funds (Allocations for Bridge Preservation) program.

PLANT AND EQUIPMENT

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

The Cherry Picker, jointly owned by the Shires of Cuballing, Narrogin & Wickepin, has sustained some damage to rear chassis rail. Quotations for repairs are being sought and insurance claim will be submitted.

STAFF

Hepatitis B injections have now been completed.

PRIVATE WORKS

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

Private works invoices for the months of December 2006 and January 2007, total \$11,198.06.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Managers Report be received and information noted.

COUNCIL ACTION

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

8.2.2 BUSH FIRE INCIDENT REPORTS

Submission to: Ordinary Meeting of Council
Location/Address: Various (as detailed in report)
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Bush Fires Act 1954
Council Policy: 6.1
Budget Implications: Nil (however Council machinery was utilised to assist with the fires)
File Reference: BFC 10
Voting Requirements: Simple majority

Background

Bush Fire Incident Reports have been received for recent fires within the Shire of Cuballing and/or neighbouring Shires.

Comment

A summary of the fires is hereunder:

Date	Property Owner	Details
26/27 January 2007	R Mitchell	Fire caused by spark from automatic pool pump. Various items around pool pump burnt and fire escaped into surrounding grasslands. Property owner absent at the time and fire reported by neighbour, Neil Francis, who was feeding sheep agisted at the property. Units from Cuballing and Pingelly Shires attended and Pingelly SES provided refreshments.
3 February 2007	J Patmore	Fire allegedly caused by spark from power lines. Grass and stubble burnt. Fire quickly brought under control by local brigade and farmer units on what could be described as extreme fire day.
3/4 February 2007	Macco Feeds, Williams	Shire of Cuballing personnel assisted with fighting fire and mopping up process in Williams Shire.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Bush Fire Incidents Reports be noted and copies forwarded to the Fire and Emergency Services Authority.

COUNCIL ACTION

SHIRE PRESIDENT

DATE

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

CARRIED 6/0

8.2.3 SHIRE OF PINGELLY – APPOINTMENT OF DUAL FIRE CONTROL OFFICER

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: 6.10
Budget Implications: Nil
File Reference: BFC 5
Voting Requirements: Simple majority

Background

Letter from the Shire of Pingelly advising of their appointment of Mr Robert Kirk as a Dual Fire Control Officer (DFCO) with the Shire of Cuballing for the 2006/2007 Fire Season. The appointment of Mr Kirk as a DFCO is in addition to the appointment of Messrs Parsons, Watts, Giles and Shaddick, which was endorsed by Council in June 2006. It is understood that Mr Kirk has recently relocated to a rural property situated close to the Cuballing and Pingelly Shire boundaries.

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 DFCO 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.

Whilst the Shire of Pingelly already has four appointed dual fire control officers with the Shire of Cuballing for the 2006/2007 Fire Season in place, there is no limit to the number that can be appointed

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That pursuant to section 40 of the Bush Fires Act 1954, Mr Robert Kirk be appointed as a Dual Fire Control Officer for the Shires of Cuballing and Pingelly for the 2006/2007 Fire Season.

COUNCIL ACTION

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

CARRIED 6/0

8.2.4 DEPARTMENT OF AGRICULTURE AND FOOD – EAST YORNANING LAND CONSERVATION DISTRICT COMMITTEE

Submission to: Ordinary Meeting of Council
Location/Address: Yornaning East
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Soil and Land Conservation Act 1945
Council Policy: Nil
Budget Implications: Nil
File Reference: CO 2
Voting Requirements: Simple majority

Background

Letter from the Department of Agriculture and Food (DAF) advising that the term of appointment for the members of the East Yornaning Land Conservation District Committee is due to expire on 31 January 2007.

Council's nominated delegate to the committee is Cr Wittwer.

Comment

The expiration period was due to close prior to the February 2007 meeting of Council therefore the Chief Executive Officer liaised directly with Cr Wittwer on this matter.

Cr Wittwer indicated he would like to continue as Council delegate to the Committee and accordingly letter of nomination was forwarded to DAF via email transmission.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Chief Executive Officers actions in renominating Cr Wittwer as Council delegate to the East Yornaning Land Conservation District Committee be endorsed.

COUNCIL ACTION

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

CARRIED 6/0

8.2.5 MR K SANKEY – PROPOSED STREET CLOSURE (PORTION OF SPRAGG STREET, POPANYINNING)

Submission to: Ordinary Meeting of Council
Location/Address: Popanyinning townsite
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Land Administration Act 1997
Council Policy: Nil
Budget Implications: Nil
File Reference: TS 7
Voting Requirements: Simple majority

Background

Correspondence from Mr Sankey requesting Council consideration to closing the portion of Spragg Street immediately adjacent to his property, and also for the sale of Council owned property, being Lot 30 Francis Street, Popanyinning.

Comment

Mr Sankey explains in his letter that the road reserve at the front of his property is used by locals as a “race track” and is causing discomfort to his family, also the entrance from the road onto Francis Street (Great Southern Highway) is on a blind spot and very dangerous.

Although a proper road has not been constructed within the road reserve a firebreak has been installed and this permits vehicle access even though ‘No Through Road’ signs have been erected. The access onto Francis Street is extremely dangerous, particularly with approaching vehicles along Francis Street if they are exceeding the speed limit.

Council staff have inspected the site and do not support the closure of the road reserve. It provides a firebreak between rural property and the townsite and could provide an important fire access and/or escape route should a fire and/or other emergency incident occur. However suitable traffic control devices could be investigated to try and alleviate the current situation.

In relation to Lot 30, staff investigations have revealed that Council does not own the land. Councils records indicate that the Shire of Cuballing owns the land in freehold title and there are no rate records going back as far as 1998, however search of certificate of title with the Department for Planning and Infrastructure (Landgate) indicates that the property has been owned by a Ms Louisa Maria Tate since 1901. There is distinct possibility that it is a deceased estate and the land was supposed to be transferred to the Shire but the process to amend records has not been commenced. Further research will need to be carried out into this matter.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

Mr Sankey be advised that:

- **The Shire of Cuballing is not in favour of closing portion of the Spragg Street road reserve adjacent to their property;**

- The road reserve provides important firebreak and emergency vehicle access for the Popanyinning townsite in case of fire and/or other emergency;
- Staff have been instructed to investigate suitable traffic calming measures to try and stop general access by vehicles via the road reserve; and
- The Shire of Cuballing does not own Lot 30 Francis Street, Popanyinning, and therefore is not in a position to sell the land.

COUNCIL ACTION

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

CARRIED 6/0

8.2.6 A M & G A GATH – HARVESTING AND MOVEMENT OF VEHICLES IN PADDOCKS BANS

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:	6.3
Budget Implications:	Nil
File Reference:	BFC 11
Voting Requirements:	Simple majority

Background

Letter from Mr & Mrs Gath in relation to Harvest and Movement of Vehicles in Paddocks Ban that was implemented on Friday 12 January 2007 for Saturday 13 & Sunday 14 January 2007.

Comment

Fire Control Officers (FCO) placed the above ban on the day/s prior to the ban coming into effect because of an extreme weather warning issued by the Bureau of Meteorology (BoM) and Fire and Emergency Services Authority of WA (FESA). In addition to this the FCO who imposed the ban was to be away on the weekend, as are many property owners at this time of the year, leaving limited personnel available for fire weather reports and/or for fire fighting duties.

The comment made by Mr & Mrs Gath in relation to the Saturday not reaching the expected temperature and the placement of a ban not being required may be valid, however the conditions on the Sunday quite likely would have warranted a ban as the neighbouring Shires of Narrogin, Pingelly, Wandering & Wickepin did have bans imposed.

Whilst the comments made by Mr & Mrs Gath may be valid in some respect, the Fire Weather Officers and FCO's in general do a fantastic job throughout the fire season and at the time of the year when a lot of people are away and resources are limited erring on the side of caution after the issue of a warning from BoM and FESA their actions can be well justified.

However it is acknowledged that an error was made when the ban was first implemented as it was imposed from 8.00am Saturday until 6.00pm Sunday, this was rectified and a replacement ban was issued placing the ban from 9.00am to 6.00pm on Saturday and Sunday.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **The letter from Mr & Mrs Gath be received and comments noted; and**
- **The letter be referred to the next meeting of the Shire of Cuballing Bush Fire Advisory Committee for their information.**

COUNCIL ACTION

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

CARRIED 6/0

8.2.7 NARROGIN & DISTRICTS CYCLE CLUB INC – PERMISSION TO CONDUCT ROAD RACES ON ROADS WITHIN THE SHIRE OF CUBALLING

Submission to: Ordinary Meeting of Council
Location/Address: Various roads within the Shire of Cuballing
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Road Traffic Act 1974
Council Policy: Nil
Budget Implications: Nil
File Reference: R 1 & TS 7
Voting Requirements: Simple Majority

Background

Correspondence from the Cycle Club requesting Council permission to conduct their annual road races on various roads within the Shire of Cuballing during 2007.

Comment

Details of the road races are as follows:

Dates	Start/Finish	Routes and roads used
16 June & 7 July	Cuballing Tavern	Cuballing Criterion From Cuballing Tavern – Alton, Campbell, Austral, Darcy & Alton Streets (circuit).
23 June, 4 August, and 1 & 8 September	From the edge of Narrogin just past Bannister Street	Narrogin-Cuballing-Popanyinning Race From the edge of Narrogin just past Bannister Street to Popanyinning along the Great Southern Highway.
12 May & 11 August	Start on Narrakine Road near the junction of Clayton Road, Narrogin	Springhill Circuit Start at Narrakine Road, becoming Wandering-Narrogin Road to Springhill Road, along

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		Springhill Road to Cuballing then Cuballing West Road to Wandering-Narrogin Road and back to Narrogin.
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The Cycle Club has been conducting races on roads within the Shire of Cuballing for many years without any apparent incidents and/or problems. It is good that the Club considers racing on different venues throughout the region, which provides the riders with some variance.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the application submitted by the Narrogin & Districts Cycle Club Inc for permission to conduct road races on various roads within the Shire of Cuballing, as indicated above, be supported.

COUNCIL ACTION

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

CARRIED 6/0

8.3 REPORTS – BUILDING

8.3.1 BUILDING SURVEYORS REPORT

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

Summary

There were three (3) applications approved and licenses issued for the months of December 2006 and January 2007.

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

Approval License No	Name of Owner	Registered Builder (RB) or Owner Builder (OB)	Structure	Location of Building
25/06-07	J Hunter	OB	Re-locatable Home	Lot 281 Cross St Cuballing
26/06-07	R & E Warr	OB	108m2 Shed	Lot 4424 Reeds Road

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				Popanyinning
27/06-07	K Wright	OB	30m2 Shed	Lot 6288 Popanyinning West Rd Popanyinning

CHIEF EXECUTIVE OFFICER'S RECOMMENDATION

That the Building Surveyor's Report be received and information noted.

COUNCIL ACTION

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

CARRIED 6/0

8.3.2 HERITAGE COUNCIL OF WA – DRYANDRA WOODLAND SETTLEMENT

Submission to: Ordinary Meeting of Council
Location/Address: Dryandra Woodland Settlement, Dryandra Road via Congellin
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Heritage of Western Australia Act 1990
Council Policy: Nil
Budget Implications: Nil
File Reference: H 2
Voting Requirements: Simple Majority

Background

Correspondence advising that the Register Committee of the Heritage Council of WA has recently considered the above place with a view to entering it in the Register of Heritage Places.

Comment

The documentation concerning the place is scheduled for presentation to a meeting of the Register Committee in the near future, with a recommendation that the place is of sufficient cultural heritage significance to warrant consideration for entry in the Register.

The Heritage Council would welcome any comments Council may have in regard to this matter.

In accordance with the provisions of the Heritage of Western Australia Act 1990, Council is invited to send a representative to the meeting at which the proposed registration of a place within a council area will be considered.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Heritage Council of WA be informed that:

- **The Shire of Cuballing supports the inclusion of the Dryandra Woodland Settlement in the Register of Heritage Places; and**
- **A representative from the Shire of Cuballing will not be attending the Register Committee meeting at which the above matter will be considered.**

COUNCIL ACTION

SHIRE PRESIDENT

DATE

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

CARRIED 6/0

8.4 REPORTS – HEALTH

8.4.1 ENVIRONMENTAL HEALTH OFFICERS REPORT

Submission to: Ordinary Meeting of Council
Location/Address: Whole of Shire
Reporting Officer: Allan Ramsay, Environmental Health Officer/Building Surveyor
Enabling Legislation: Health Act 1911
Council Policy: Register Delegated Authority
Budget Implications: Nil
File Reference: CMR 2
Voting Requirements: Simple majority

Purpose

To advise Council of Environmental Health inspections that have been carried out in the district during the months of December 2006 and January 2007.

On-Site Effluent Disposal Systems

Approvals to Construct an Onsite Effluent Disposal System

G & J Hemsell, Lot 15231 Great Southern Highway, Popanyinning
L Ballard, Lot 49 Derby Street, Cuballing

Permits to Use an Onsite Effluent Disposal System

K Cooper, Lot 47 Howard Street, Popanyinning
B Weston, 16 Victoria Street, Popanyinning
L Page, Lot 3541 Bunmulling Road, Popanyinning
C Phillips, Lot 354 Russell Street, Cuballing
N & C Bosly-Pask, Location 15624 Yornaning West Road, Yornaning

CHIEF EXECUTIVE OFFICER'S RECOMMENDATION

That the Environmental Health Officers Report be received and information noted.

COUNCIL ACTION

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

CARRIED 6/0

8.4.2 FUTURE OPERATIONS AND MANAGEMENT OF CUBALLING REFUSE SITE

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 350 Reserve 10186 Cuballing townsite
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Environmental Protection Act 1986
Council Policy:	Nil
Budget Implications:	Provision on 2006/2007 Budget
File Reference:	H 10a
Voting Requirements:	Simple majority

Background

Following recent discussions with Council on the future operations and management of the Cuballing Refuse Site a notice was sent to all community members on 30 January 2007, advising that Council is considering the introduction of stricter controls at the refuse site as from 1 September 2007.

In addition to the above and to support Councils initiative, correspondence was received from the Department of Environment and Conservation (DEC) in early January 2007, advising of a new project initiated by the Department to review the regulatory and operational performance of landfill sites located within regional areas of Western Australia.

Comment

The project implemented by the DEC is to ensure that landfill sites are being managed in an environmentally acceptable and sustainable manner. DEC officers will be visiting regional areas between March and June 2007 to inspect landfill sites and undertake discussions with Council staff.

In respect to Councils circular, at the time of preparing this report three (3) responses have been received from community members. The closing date for submissions is 9 March 2007 and then a report and details from the submissions will be presented to the March 2007 meeting of Council.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The information be received.

COUNCIL ACTION

Resolved the information be received.

8.4.3 SEVERAL NOISE, DOG & HEALTH COMPLAINTS LOT 294 COLIN STREET, CUBALLING

Submission to: Ordinary Meeting of Council
Location/Address: Lot 294 Colin Street, Cuballing
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Environmental Protection Act 1986
Dog Act 1976
Health Act 1911
Council Policy: Shire of Cuballing Dogs Local Law 2004
Budget Implications: Nil
File Reference: A 4, H 1 & H 6
Voting Requirements: Simple Majority

Background

Council has received several written complaints within the past week in relation to noise, dog and health issues at the abovementioned property owned by Mr E W (Ted) Grundy.

Comment

The complaints generally relate to constant use of motorbikes for excessive hours during the day and in the evenings, sometimes as late as 9.00pm, dogs causing a nuisance by leaving the premises and barking at or chasing persons/vehicles as they pass by, and other matters pertaining to health and hygiene.

Correspondence has been forwarded to Mr Grundy informing him of the complaints and requesting they take into consideration the needs of their neighbours when riding motorbikes or undertaking other recreational pursuits on the property, including the need to restrain dogs to the property. Copies of relevant sections of the Environmental Protection Act 1986, and Shire of Cuballing Dogs Local Law 2004, were also provided to Mr Grundy for his information and attention. In relation to possible health matters he was advised that Councils Environmental Health Officer will visit the premises to inspect the septic tank facilities to ensure they are functioning properly.

It was also pointed out to Mr Grundy that because of the varying sizes of properties within Cuballing many people choose to live in the townsite for a number of reasons, and these may range from peace and quiet to such things as riding motorbikes. All of the complainants acknowledge this and agree that a certain level of tolerance has to be maintained to allow each individual to pursue and enjoy the activity of their choice, however believe that too often the activities on his property exceed what can be deemed as reasonable and/or acceptable.

The matter has also been discussed with the Department of Environment and Conservation (DEC) and the Narrogin Police. The Environmental Protection Act 1986, clause 87, relates to the appointment of authorised officers/persons for the purposes of the Act, including Noise Abatement Directions. Unfortunately the only Shire of Cuballing employee eligible to be appointed is the Environmental Health Officer, Allan Ramsay, and this process has commenced. This situation is disappointing given that Mr Ramsay is only in Cuballing one day per week, the

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DEC were informed of this but advise there is nothing they can do about it, the responsibility then rests with the Narrogin Police.

The Officer In Charge of Narrogin Police, Senior Sergeant Larry Turner, has agreed to visit Mr Grundy and advise of provisions under the Environmental Protection Act 1986 in an effort to

curtail the noisy activities on the property. It is expected that Senior Sergeant Turner will visit the premise with Councils Environmental Health Officer on Thursday 15 February 2007.

The provisions of the Environmental Protection Act 1986 (in particular clause 87) provide Council with little power to act on the noise issue other than the process that has already commenced, and staff will continue to work with Narrogin Police in an endeavour to bring the matter to a close.

In relation to the dogs, Councils Ranger, Mr Phil Gough, has been requested to inspect the premises and undertake regular patrols.

The Chief Executive Officer informed the meeting of the outcome from visits Mr Grundy's property by the Police and Council's Environment Health Officer on Thursday 15 February 2007.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The correspondence be received and information noted.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Bradford that the correspondence be received and information noted.

CARRIED 6/0

8.5 REPORTS – TOWN PLANNING

8.5.1 WESTNETRAIL – LICENCE TO USE CORRIDOR LAND, CUBALLING

Submission to:	Ordinary Meeting of Council
Location/Address:	Railway Reserve 10329, Cuballing townsite
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Not applicable
Council Policy:	Nil
Budget Implications:	Nil (will be minor ongoing costs in future years)
File Reference:	TP 3
Voting Requirements:	Simple majority

Background

Correspondence from Westnet rail advising they are prepared to lease to Council, for an initial period of five (5) years, railway reserve 10329 on the eastern side of the railway line through the Cuballing townsite, between Campbell and Darcy Streets, and on either side of the property owned by Ms Carole Barrett.

The correspondence is in response to Council request to obtain the land for development of a Vintage Machinery display area and to improve the areas general visual amenity.

Westnetrail have also prepared and provided two copies of 'Licence to Use Corridor Land' agreement for execution by Council, should the lease and conditions be acceptable.

Comment

As mentioned above the prime purpose for requesting management of the land is to establish a restored vintage machinery display area and to improve the area generally. As further background to this matter, Councils grant application to LotteryWest to develop the machinery display area has been approved for amount of \$19,211.

The proposed lease agreement is reasonably straightforward and not too onerous on Council from a financial perspective, annual lease fee payable is \$1.00. Obviously there will be some works required to prepare an area for the machinery display and generally tidy up, however these can be incorporated into the works maintenance program as time permits.

In addition to this the total cost of the machinery display is estimated at \$25,011, with Councils contribution being \$5,800. This is mainly attributed to in-kind works associated with cartage of fencing equipment and earthworks, which again can be incorporated into the works maintenance program.

Copy of the Licence (or lease agreement) is circulated with the Council meeting agenda.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **The Shire of Cuballing accepts the offer to lease Railway Reserve 10329 in the Cuballing townsite in accordance with the terms and conditions as presented by Westnetrail; and**
- **The 'Licence to use Corridor Land' Lease Agreement as prepared by Westnetrail be duly executed by the Shire President and Chief Executive Officer on behalf of the Shire of Cuballing.**

COUNCIL ACTION

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

CARRIED 6/0

8.5.2 WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) – PLANNING APPLICATION 133602 LOTS 469 & 141 AND 139 & 463 COOKE ROAD, POPANYINNING EAST

Submission to: Ordinary Meeting of Council
Location/Address: Lots 469 & 141 and 139 & 463 Cooke Rd, Popanyinning East
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Planning and Development Act 2005
Shire of Cuballing Town Planning Scheme No 2
Council Policy: Nil
Budget Implications: Nil
File Reference: TP 12
Voting Requirements: Simple majority

Background

Correspondence from the WAPC requesting Council to provide any information, comment or recommended conditions on a subdivision proposal received for Lots 469 & 141 and 139 & 463 Cooke Road, Popanyinning East.

Comment

The application has been submitted by property surveyors A J Marsh P/L on behalf of property owners W G P & P C Mudd.

The application is to realign the boundaries of the existing four lots and create four proposed new lots all with constructed road access and more consistent in size and suitable for sale as lifestyle blocks.

This matter was previously presented to the December 2006 ordinary meeting of Council by real estate agent Nick DiGuilio on behalf of Mr & Mrs Mudd seeking ‘in principle’ support and nothing has changed from the original proposal.

At the December 2006 meeting Council resolved:

“That Council provides ‘In Principle’ support to the proponents for the proposed boundary realignment of Lots 469 & 463 Cooke Road, Popanyinning, as per the application presented, subject to formal planning application being submitted to the WA Planning Commission and subject to ascertaining that such development is applicable and can be approved for land held in ‘green title’ ”.

The conditions of the above resolution have been complied with by lodging an application to the WAPC, and the Chief Executive Officer has ascertained that a ‘green title’ is the common name for an old title and does not affect such an application or process.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

SHIRE PRESIDENT

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That the proposed subdivision and realignment of boundaries of Lots 469 & 141 and 139 & 463 Cooke Rd, Popanyinning East, as per planning application 133602, be supported.

COUNCIL ACTION

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

CARRIED 6/0

8.5.3 WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) – PLANNING APPLICATION 132282 DAYLESFORD ROAD, POPANYINNING

Submission to: Ordinary Meeting of Council
Location/Address: Lots 4122, 4124 & 4125 Daylesford Rd, Popanyinning
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Planning and Development Act 2005
Shire of Cuballing Town Planning Scheme No 2
Council Policy: Nil
Budget Implications: Nil
File Reference: TP 12
Voting Requirements: Simple majority

Background

Correspondence from the WAPC advising that Planning Application 132282 has been refused.

The planning application was presented to the September 2006 ordinary meeting of Council for consideration.

Comment

At the September 2006 meeting Council resolved:

“That Planning Application 132282 be supported subject to the following conditions:

- Suitable constructed road access must be provided to all lots by way of existing traffic corridors/road reserves;*
- Proposed Lot C to become a conservation lot and be subject to a conservation agreement with the Department of Environment and Conservation, with at the very least a covenant to be placed on the certificate of title to ensure that any proposed clearing of vegetation be restricted to a building envelope, property access and agreed fire management measures; and*
- Revegetation and tree planting be carried out on the remaining lots consistent with the Shire of Cuballing Local Planning Policy Hotham River Environs and for Natural Resource Management”.*

The WAPC advises that its reasons for refusing the application are:

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1. *It has not been adequately demonstrated that proposed Lot C satisfies all of the provisions of clause 3.3.1 (Criteria for Subdivision for Conservation) of the Commission's Policy DC 3.4.*
2. *Approval to the subdivision would set an undesirable precedent for the further subdivision of surrounding lots.*
3. *The proposed subdivision is inconsistent with the 'Rural' zoning of the land, the principal purpose of which is to preserve its rural use and density of development. The subdivision, if permitted, would result in an unplanned breakdown of land holdings.*

The WAPC has informed the applicant that it may consider a new application proposing no additional dwelling entitlements and subject to the remnant vegetation undergoing a flora assessment by the Department of Environment and Conservation.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the correspondence be received and information noted.

COUNCIL ACTION

Resolved that the correspondence be received and information noted.

8.5.4 WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) – PLANNING APPLICATION 133197 LOTS 4008 & 4007 WILLIAMS-KONDININ ROAD, WARDERING

Submission to:	Ordinary Meeting of Council
Location/Address:	Lots 4008 & 4007 Williams-Kondinin Rd, Wardering
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Planning and Development Act 2005 Shire of Cuballing Town Planning Scheme No 2
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	TP 12
Voting Requirements:	Simple majority

Background

Correspondence from the WAPC advising that Planning Application 133197 has been approved.

The planning application was presented to the December 2006 ordinary meeting of Council for consideration.

Comment

At the December 2006 meeting Council resolved to support the planning application as submitted.

In endorsing the application, the WAPC has imposed the following condition:

“Easement(s) in accordance with sections 195 and 196 of the Land Administration Act 1997 for the benefit of Location 4008 to be placed on the Certificates of Title of the proposed lot(s) specifying access rights. Notice of this easement(s) are to be included on the Deposited Plan. The easement(s) are to state as follows:

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the correspondence be received and information noted.

COUNCIL ACTION

Resolved that the correspondence be received and information noted.

8.5.5 DUNCAN BOYCE, ADRENALIN 4 X 4 INC – APPLICATION TO CONDUCT 4 WHEEL DRIVE EVENT

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 3536 Bunmulling Road, Popanyinning
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Health Act 1911 Shire of Cuballing Town Planning Scheme No 2
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	TP 4
Voting Requirements:	Simple majority

Background

Letter from Mr Boyce requesting Council permission for the Adrenalin 4 x 4 Inc Club to conduct a 4 wheel drive competition at Lot 3536 Bunmulling Road, Popanyinning, owned by Mr G Raffaele.

Comment

Mr Boyce advises that the Club has held a similar event on private property in the Shire of Toodyay in October 2006.

Council staff have contacted the Shire of Toodyay and received advice on what specific information needs to be obtained to enable Council to make an informed decision on the application to ensure suitable and appropriate controls are established.

A letter of response has been forwarded to Mr Boyce on 25 January 2007 requesting certain information be provided to enable Council to properly consider the request.

This information includes:

- Number of people estimated to attend the event.
- Provide a design/layout for the competition circuit.
- Provide a site plan for the whole area including proposed camping areas, food service areas, ablutions, etc.
- Will food stalls be set up?
- Provision of suitable ablution facilities?
- Provision of suitable potable water supply?

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- Provision of electricity/power?
- How is accommodation to be provided for?
- Public Liability Insurance will be required to a value of \$10m minimum with the Shire of Cuballing being listed on the policy.
- Is the event a fundraiser? If so to whom are the proceeds going?
- Letter from the property owner authorising the event to be held on his property.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the correspondence be received and information noted awaiting further information to be provided in accordance with Council correspondence of 25 January 2007.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Watts that the correspondence be received and information noted awaiting further information to be provided in accordance with Council correspondence of 25 January 2007 and the matter be deferred to the March 2007 Ordinary Meeting of Council.

CARRIED 6/0

8.5.6 REVIEW OF SHIRE OF CUBALLING TOWN PLANNING SCHEME NO 2

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Planning and Development Act 2005 Shire of Cuballing Town Planning Scheme No 2
Council Policy:	Town Planning Scheme No 2 Local Planning Policies
Budget Implications:	Provision allocated on 2006/2007 Budget
File Reference:	TP 8
Voting Requirements:	Simple majority

Background

Following direction from Council the Town Planning Consultant has prepared draft amendments to the Town Planning Scheme and Local Planning Strategy, and also plans for future development within the Cuballing and Popanyinning townsites.

The draft amendments were presented as a late item to the December 2006 ordinary meeting of Council. Council resolved to defer the matter to the February 2007 meeting to allow Councillors and staff additional time to peruse the documents.

Comment

The Chief Executive Officer invited the Town Planning Consultant, Mr Trevor Moran, to attend today's meeting to work through the various proposals, but unfortunately due to prior commitments this was not possible.

Therefore arrangements have been made with Mr Moran to meet with Council prior to the 15 March 2007 Council meeting, time to be confirmed. This will provide ample time for Councillors

and staff to be briefed on Mr Moran's proposals and then consider any formal motions that may be required at the Council meeting following.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That review of the Shire of Cuballing Town Planning Scheme No 2 be deferred to the ordinary meeting of Council to be held on Thursday 15 March 2007.

COUNCIL ACTION

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

CARRIED 6/0

8.5.7 W M & E M REYNOLDS – APPLICATION TO BUILD SECOND DWELLING ON PROPERTY

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 3 Williams Road, Popanyinning
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Shire of Cuballing Town Planning Scheme No 2
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	TP 4
Voting Requirements:	Simple Majority

Background

Correspondence from Mr & Mrs Reynolds requesting Council permission to construct a second dwelling on their property.

Comment

The correspondence is quite in depth and provides a great deal of background to the reasons they wish to build a second dwelling on the property.

The Shire of Cuballing Town Planning Scheme No 2, section 5.11.1, under the subheading *Development in the General Agriculture Zone*, states:

Council may grant approval of up to two dwellings on any lot, where the land is managed for agricultural production, tourism, or education purposes and where the occupants are engaged in those specified predominant land uses or activities.

The information provided by Mr & Mrs Reynolds clearly indicates that the land is used for agricultural purposes and that they lease two other properties within the area for similar purposes. Whilst Mr Reynolds now works for a fuel outlet company and his son Danny works for R W Dowling & Co, they still work the family property after hours during the week and on weekends and therefore the application appears that it complies with section 5.11.1 of the Town Planning Scheme as stated above.

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Should Council approve the application it may be necessary to advise the proponents that approval of this development should in no way be construed to mean that subsequent subdivision application will be supported by Council and would be subject to a formal planning application to the Western Australian Planning Commission.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **The application for construction of a second dwelling on Lot 3 Williams Road, Popanyinning, be supported subject to building plans being submitted to Council for approval in accordance with normal procedures; and**
- **The applicant be informed that approval of this application should not be construed to mean that subsequent subdivision application will be supported by Council and any subdivision application would be subject to a formal planning application to the Western Australian Planning Commission.**

COUNCIL ACTION

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

CARRIED 6/0

9. MEETING CLOSURE

There being no further business the Shire President declared the meeting closed at 5:30pm.

CONFIRMED AS A TRUE RECORD OF PROCEEDINGS ON THURSDAY 15 MARCH 2007

SHIRE PRESIDENT

SHIRE PRESIDENT

DATE