



# SHIRE OF CUBALLING

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

# MINUTES

# **SHIRE OF CUBALLING**

## **COUNCIL MEETING THURSDAY 15 NOVEMBER 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 NOVEMBER 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  
Cr D S Bradford  
Cr C Hawksley  
Cr R D Newman  
Chief Executive Officer, Mr P T Naylor

Deputy President, Cr J D Brown  
Cr T P Haslam  
Cr J R A Meharry

**APOLOGIES**

Nil

**LEAVE OF ABSENCE**

Nil

**3. PUBLIC QUESTION TIME**

Nil

**4. APPLICATION FOR LEAVE OF ABSENCE**

Nil

**5. MINUTES**

**5.1 CONFIRMATION OF 18 OCTOBER 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 18 October 2007 be confirmed.**

**COUNCIL ACTION**

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

*CARRIED 7/0*

**5.2 SPECIAL MEETING OF COUNCIL HELD ON 22 OCTOBER 2007**

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

That the minutes (as circulated) of the special meeting of the Shire of Cuballing held in the Council Chambers on 22 October 2007 be confirmed.

**COUNCIL ACTION**

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

*CARRIED 7/0*

**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.

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 – NOVEMBER 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 \$146,255.01:**

|                                       |                    |
|---------------------------------------|--------------------|
| <b>Voucher 11976-12054</b>            | <b>\$84,139.60</b> |
| <b>Voucher 12057</b>                  | <b>\$ 386.00</b>   |
| <b>Vouchers 10965-10978 inclusive</b> | <b>\$23,822.96</b> |
| <b>Electronic fund transfers</b>      | <b>\$37,906.45</b> |
  
- **Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$2,372.60:**

|                                  |                    |
|----------------------------------|--------------------|
| <b>Vouchers T2009-T2018</b>      | <b>\$ 2,272.60</b> |
| <b>Electronic fund transfers</b> | <b>\$ 100.00</b>   |

**COUNCIL ACTION**

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

***CARRIED 7/0***



**Ordinary Council Meeting Minutes 15 November 2007**

| Type             | Date       | Num   | Name                                     | Memo                             | Muni      | Trust |
|------------------|------------|-------|--|----------------------------------|-----------|-------|
| Bill Pmt -Cheque | 10/19/2007 | 11976 | Amalgamated Media                        | Advertising                      | 467.50    |       |
| Bill Pmt -Cheque | 10/19/2007 | 11977 | Anda-Lea Tree Nursery                    | Trees                            | 49.00     |       |
| Bill Pmt -Cheque | 10/19/2007 | 11978 | AUSTRALIA POST                           | Postage Stamps                   | 100.00    |       |
| Bill Pmt -Cheque | 10/19/2007 | 11979 | BEAUREPAIRES                             | Tyres                            | 519.50    |       |
| Bill Pmt -Cheque | 10/19/2007 | 11980 | CENTRAL COUNTRY ZONE WALGA               | 2007/2008 Annual Subscription    | 1,815.00  |       |
| Bill Pmt -Cheque | 10/19/2007 | 11981 | CJD Equipment Pty Ltd                    | Sweeper Broom                    | 2,200.00  |       |
| Bill Pmt -Cheque | 10/19/2007 | 11982 | COURIER AUSTRALIA                        | Freight                          | 115.83    |       |
| Bill Pmt -Cheque | 10/19/2007 | 11983 | CUBALLING PEST & WEED CONTROL            | Bridge Maintenance               | 542.00    |       |
| Bill Pmt -Cheque | 10/19/2007 | 11984 | CUBALLING TAVERN                         | Refreshments                     | 198.30    |       |
| Bill Pmt -Cheque | 10/19/2007 | 11985 | CUBY ROADHOUSE                           | Gas, Fuel & Refreshments         | 432.08    |       |
| Bill Pmt -Cheque | 10/19/2007 | 11986 | DUGALD FERGUSON MACHINERY                | Parts & Repairs                  | 1,080.35  |       |
| Bill Pmt -Cheque | 10/19/2007 | 11987 | E. & M.J. ROSHER PTY LTD                 | Parts & Repairs                  | 236.70    |       |
| Bill Pmt -Cheque | 10/19/2007 | 11988 | EDWARDS MOTORS PTY LTD                   | Parts                            | 74.10     |       |
| Bill Pmt -Cheque | 10/19/2007 | 11989 | EJ & RJ Earthmovers                      | Refuse Site Upgrade              | 70.00     |       |
| Bill Pmt -Cheque | 10/19/2007 | 11990 | FARMWORKS AUSTRALIA PTY LTD              | Weed Control                     | 1,998.70  |       |
| Bill Pmt -Cheque | 10/19/2007 | 11991 | Fire and Emergency Services              | 2007/08 ESL for Shire Properties | 418.00    |       |
| Bill Pmt -Cheque | 10/19/2007 | 11992 | GREAT SOUTHERN FUEL SUPPLIES             | Fuels & Oils                     | 10,932.76 |       |
| Bill Pmt -Cheque | 10/19/2007 | 11993 | Great Southern Waste Disposal            | Refuse Site Maintenance          | 2,291.66  |       |
| Bill Pmt -Cheque | 10/19/2007 | 11994 | Institute of Public Works Engineering Au | Training                         | 660.00    |       |
| Bill Pmt -Cheque | 10/19/2007 | 11995 | JR & A HERSEY P/L                        | Safety Boots                     | 160.72    |       |
| Bill Pmt -Cheque | 10/19/2007 | 11996 | LANDGATE                                 | Valuations                       | 17.40     |       |
| Bill Pmt -Cheque | 10/19/2007 | 11997 | LANDVISION                               | Professional Services            | 330.00    |       |
| Bill Pmt -Cheque | 10/19/2007 | 11998 | LGIS Liability                           | Insurance                        | 8,761.50  |       |
| Bill Pmt -Cheque | 10/19/2007 | 11999 | LGIS Workcare                            | Insurance                        | 12,898.00 |       |
| Bill Pmt -Cheque | 10/19/2007 | 12000 | MAKIT NARROGIN HARDWARE                  | Refuse Site                      | 1,143.80  |       |
| Bill Pmt -Cheque | 10/19/2007 | 12001 | MCDUGALL WELDMENTS                       | Workshop Supplies & Parts        | 247.26    |       |
| Bill Pmt -Cheque | 10/19/2007 | 12002 | MULGREW AUTOMOTIVE                       | Parts & Repairs                  | 162.60    |       |
| Bill Pmt -Cheque | 10/19/2007 | 12003 | NGN AG REPAIRS                           | Parts & Repairs                  | 105.00    |       |
| Bill Pmt -Cheque | 10/19/2007 | 12004 | NGN AUTO ELECTRICS                       | Parts & Repairs                  | 109.13    |       |

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|                  |            |       |                                       |                                       |           |
|------------------|------------|-------|---------------------------------------|---------------------------------------|-----------|
| Bill Pmt -Cheque | 10/19/2007 | 12005 | QUICKFIT WINDSCREENS & NARROGIN GLASS | Parts & Repairs                       | 170.00    |
| Bill Pmt -Cheque | 10/19/2007 | 12006 | Repeat Plastics                       | Seat Slats                            | 306.90    |
| Bill Pmt -Cheque | 10/19/2007 | 12007 | SHIRE OF CUBALLING.                   | Vehicle Registrations                 | 299.70    |
| Bill Pmt -Cheque | 10/19/2007 | 12008 | SPORTFIRST NARROGIN                   | Keys for Refuse Site                  | 40.00     |
| Bill Pmt -Cheque | 10/19/2007 | 12009 | STAR TRACK EXPRESS                    | Freight on Signs                      | 58.52     |
| Bill Pmt -Cheque | 10/19/2007 | 12010 | SUNNY SIGN COMPANY PTY LTD            | Signs                                 | 135.30    |
| Bill Pmt -Cheque | 10/19/2007 | 12011 | TELSTRA                               | Phone Account                         | 635.35    |
| Bill Pmt -Cheque | 10/19/2007 | 12012 | The National Emergency Relief Guide   | Advertising                           | 425.70    |
| Bill Pmt -Cheque | 10/19/2007 | 12013 | TIMES PRINT                           | Certificates                          | 131.00    |
| Bill Pmt -Cheque | 10/19/2007 | 12014 | WA Land Information Authority         | Valuations                            | 249.80    |
| Bill Pmt -Cheque | 10/19/2007 | 12015 | WALGA                                 | Advertising                           | 271.35    |
| Bill Pmt -Cheque | 10/19/2007 | 12016 | WATER CORPORATION                     | Water Accounts                        | 367.10    |
| Bill Pmt -Cheque | 10/19/2007 | 12017 | WHITFORD FERTILISERS - NARROGIN       | Turf Mix                              | 46.20     |
| Bill Pmt -Cheque | 10/19/2007 | 12018 | Wilson's Sign Solutions               | Honour Board Updates                  | 56.10     |
| Bill Pmt -Cheque | 10/16/2007 | 10965 | BUILDERS REGISTRATION BOARD OF WA     | BRB September 2007                    | 31.50     |
| Bill Pmt -Cheque | 10/19/2007 | 10966 | Cash                                  | Petty Cash Recoup                     | 416.45    |
| Cheque           | 10/22/2007 | 10967 | Australian Taxation Office            | BAS STATEMENT SEPTEMBER 2007          | 8,376.00  |
| Bill Pmt -Cheque | 10/19/2007 | 10968 | BILL & BENS HOT BREAD SHOP            | Cuby Country Festival                 | 75.00     |
| Bill Pmt -Cheque | 10/19/2007 | 10969 | CUBALLING TAVERN                      | Cuby Country Festival                 | 135.00    |
| Bill Pmt -Cheque | 10/19/2007 | 10970 | Grainger Helen                        | Cuby Country Festival                 | 181.74    |
| Bill Pmt -Cheque | 10/19/2007 | 10971 | Greg Campbells Compac Muzic           | Cuby Country Festival                 | 450.00    |
| Bill Pmt -Cheque | 10/19/2007 | 10972 | Old Macdonalds Travelling Farms       | Cuby Country Festival                 | 770.00    |
| Bill Pmt -Cheque | 10/19/2007 | 10973 | Twaddles Amcal Chemist                | Sunscreen - Cuby Country Festival     | 50.58     |
| Cheque           | 10/24/2007 | 10974 | The Country Medical Foundation        | Donation                              | 500.00    |
| Cheque           | 10/31/2007 | 10975 | Shire of Cuballing                    | Staff Deductions - Clark Rates        | 225.00    |
| Cheque           | 10/31/2007 | 10976 | SHIRE OF CUBALLING.                   | Social Club Deductions - October 2007 | 200.00    |
| Cheque           | 10/30/2007 | 10977 | WALGSP                                | Super Contributions October 2007      | 12,096.69 |
| Cheque           | 11/06/2007 | 10978 | BUILDERS REGISTRATION BOARD OF WA     | BRB PAYMENT OCTOBER 2007              | 315.00    |
| Bill Pmt -Cheque | 11/15/2007 | 12019 | Accident Support Guide                | Advertising                           | 467.50    |
| Bill Pmt -Cheque | 11/15/2007 | 12020 | Amalgamated Media                     | Advertising - Maritime News           | 467.50    |

Shire President \_\_\_\_\_ 21 December 2007



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|                  |            |       |                                    |   |          |
|------------------|------------|-------|------------------------------------|---|----------|
| Bill Pmt -Cheque | 11/15/2007 | 12021 | AUSTRALIA POST                     | Postage Stamps                          | 100.00   |
| Bill Pmt -Cheque | 11/15/2007 | 12022 | Avon Waste                         | Refuse Site Service                     | 462.00   |
| Bill Pmt -Cheque | 11/15/2007 | 12023 | Ballard Seeds                      | Cuby Country Festival                   | 7,425.00 |
| Bill Pmt -Cheque | 11/15/2007 | 12024 | Best Office Systems                | Printer toner                           | 285.00   |
| Bill Pmt -Cheque | 11/15/2007 | 12025 | BILL EXPRESS                       | Transaction Fees                        | 3.35     |
| Bill Pmt -Cheque | 11/15/2007 | 12026 | CASH                               | Coles Card - Council Shopping           | 500.00   |
| Bill Pmt -Cheque | 11/15/2007 | 12027 | Chris's Craft & Hobby Centre       | Framing of Certificates of Appreciation | 260.00   |
| Bill Pmt -Cheque | 11/15/2007 | 12028 | CORPORATE EXPRESS                  | Stationery                              | 169.91   |
| Bill Pmt -Cheque | 11/15/2007 | 12029 | COURIER AUSTRALIA                  | Freight                                 | 44.59    |
| Bill Pmt -Cheque | 11/15/2007 | 12030 | East Narrogin Primary              | Donation towards Graduation Ceremony    | 100.00   |
| Bill Pmt -Cheque | 11/15/2007 | 12031 | Eclipse Security Services          | Cuby Country Festival                   | 451.00   |
| Bill Pmt -Cheque | 11/15/2007 | 12032 | EDWARDS MOTORS PTY LTD             | Vehicle Service                         | 198.70   |
| Bill Pmt -Cheque | 11/15/2007 | 12033 | Golden Oldies                      | Catering for Councillor Function        | 1,800.00 |
| Bill Pmt -Cheque | 11/15/2007 | 12034 | Great Southern Ranger Services     | Ranger Service                          | 436.70   |
| Bill Pmt -Cheque | 11/15/2007 | 12035 | Great Southern Waste Disposal      | Management of Refuse Site               | 2,291.66 |
| Bill Pmt -Cheque | 11/15/2007 | 12036 | HANCOCKS HOME HARDWARE             | Vintage Machinery Display               | 88.65    |
| Bill Pmt -Cheque | 11/15/2007 | 12037 | Jermy's Plumbing                   | Cuballing Recreation Ground             | 39.00    |
| Bill Pmt -Cheque | 11/15/2007 | 12038 | LANDMARK OPERATIONS LTD            | Refuse Site Maintenance                 | 445.50   |
| Bill Pmt -Cheque | 11/15/2007 | 12039 | Narrogin Motel                     | EHO Accomodation                        | 275.50   |
| Bill Pmt -Cheque | 11/15/2007 | 12040 | NARROGIN PACKAGING                 | Halls Maintenance                       | 303.41   |
| Bill Pmt -Cheque | 11/15/2007 | 12041 | Ngn Primary School                 | Donation - Graduation Ceremony          | 50.00    |
| Bill Pmt -Cheque | 11/15/2007 | 12042 | PARRYS                             | Work Clothing                           | 80.00    |
| Bill Pmt -Cheque | 11/15/2007 | 12043 | Pingelly Times                     | Advertising - Archery Open Day          | 26.50    |
| Bill Pmt -Cheque | 11/15/2007 | 12044 | Prospectors Earth Sciences Pty Ltd | Wind Meter                              | 947.44   |
| Bill Pmt -Cheque | 11/15/2007 | 12045 | RD & RA BETTELEY                   | Push up gravel                          | 2,002.00 |
| Bill Pmt -Cheque | 11/15/2007 | 12046 | RJ & CJ McDougall                  | Rewiring at Oval                        | 731.50   |
| Bill Pmt -Cheque | 11/15/2007 | 12047 | SHIRE OF NGN                       | Photocopying                            | 127.30   |
| Bill Pmt -Cheque | 11/15/2007 | 12048 | SHIRE OF WICKEPIN                  | Recycling Costs                         | 1,089.00 |
| Bill Pmt -Cheque | 11/15/2007 | 12049 | Southern Wire Pty Ltd              | Fencing - Vintage Machinery Display     | 7,840.80 |
| Bill Pmt -Cheque | 11/15/2007 | 12050 | STAR TRACK EXPRESS                 | Freight                                 | 118.72   |

Shire President \_\_\_\_\_ 21 December 2007

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|                  |            |        |   |   |                   |                 |
|------------------|------------|--------|---|---|-------------------|-----------------|
| Bill Pmt -Cheque | 11/15/2007 | 12051  | SUNNY SIGN COMPANY PTY LTD                | Signs for Vintage Machinery Display                 | 350.90            |                 |
| Bill Pmt -Cheque | 11/15/2007 | 12052  | Synergy                                   | Electricity Accounts                                | 2,231.96          |                 |
| Bill Pmt -Cheque | 11/15/2007 | 12057  | TIMES PRINT                               | Certificates  | 386.00            |                 |
| Bill Pmt -Cheque | 11/15/2007 | 12053  | WESTRAC EQUIPMENT                         | Parts   | 98.10             |                 |
| Bill Pmt -Cheque | 11/15/2007 | 12054  | WORKPLACE PUBLICATIONS                    | Advertising   | 500.50            |                 |
| Bill Pmt -Cheque | 10/12/2007 | T2009  | SG & JA Marsh                             | BCITF Refund  |                   | 160.00          |
| Bill Pmt -Cheque | 10/19/2007 | T2010  | Cuballing Tavern                          | Social Club - Scotts Send Off                       |                   | 429.00          |
| Bill Pmt -Cheque | 10/18/2007 | T2011  | Kelly Budda-Deen                          | Bond Refund   |                   | 100.00          |
| Bill Pmt -Cheque | 10/31/2007 | T2012  | Roger Newman                              | Refund of Nomination Deposit                        |                   | 80.00           |
| Bill Pmt -Cheque | 10/31/2007 | T2013  | Thomas Wittwer                            | Refund of Nomination Deposit                        |                   | 80.00           |
| Bill Pmt -Cheque | 10/31/2007 | T2014  | Joy Meharry                               | Refund of Nomination Deposit                        |                   | 80.00           |
| Bill Pmt -Cheque | 10/31/2007 | T2015  | Chad Hawksley                             | Refund of Nomination Deposit                        |                   | 80.00           |
| Bill Pmt -Cheque | 10/31/2007 | T2016  | Tim Haslam                                | Refund of Nomination Deposit                        |                   | 80.00           |
| Bill Pmt -Cheque | 10/31/2007 | T2017  | Cash                                      | Petty Cash Float for Townscape Committee            |                   | 200.00          |
| Bill Pmt -Cheque | 11/16/2007 | T2018  | Building & Construction Industry Training | BCITF Payment October 2007                          |                   | 983.60          |
| EFT              | 10/10/2007 | 101007 | Perth Professional Entertainment Services | Band for Cuby Festival                              | 2,650.00          |                 |
| EFT              | 10/16/2007 | 161007 | SHIRE OF CUBALLING.                       | Wages & Salaries 3/10/07 - 16/10/07                 | 17,090.62         |                 |
| EFT              | 10/17/2007 | 171007 | Neil Flood                                | EHO Travel - September                              | 263.84            |                 |
| EFT              | 10/30/2007 | 301007 | SHIRE OF CUBALLING.                       | Wages & Salaries 17/10/07 - 30/10/07                | 17,373.46         |                 |
| EFT              | 10/31/2007 | 311007 | Bronwyn Dew                               | Re-imburse purchases for Councillor send off dinner | 171.75            |                 |
| EFT              | 11/08/2007 | 81107  | Neil Flood                                | EHO Travel - October                                | 356.78            |                 |
| EFT              | 11/08/2007 | T81107 | KR & LM Ferrell                           | Bond Refund - Hall Hire                             |                   | 100.00          |
|                  |            |        |   |   | <hr/>             |                 |
|                  |            |        |   |   | <b>146,255.01</b> | <b>2,372.60</b> |
|                  |            |        |   |   | <hr/>             |                 |

Shire President \_\_\_\_\_ 21 December 2007

**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 October 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 October 2007 be received.**

**COUNCIL ACTION**

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

*CARRIED 7/0*

**8.1.3 SHIRE OF CUBALLING ADMINISTRATION OFFICE CLOSURE  
CHRISTMAS/NEW YEAR PERIOD 2007/2008**

**Submission to:** Ordinary Meeting of Council  
**Location/Address:** Shire Administration Office  
**Reporting Officer:** Peter Naylor, Chief Executive Officer  
**Enabling Legislation:** Nil  
**Council Policy:** Nil  
**Budget Implications:** Not applicable  
**File Reference:** Administration 7  
**Voting Requirements:** Simple Majority

**Background**

In previous years Council has granted approval for closure of the Shire Administration Office over the Christmas/New Year period. In approving this staff have agreed to transfer public holiday entitlements for the Christmas/New Year period and Easter Tuesday, and Council has granted staff an additional one days paid leave.

**Comment**

This year Christmas Day is on Tuesday 25 December 2007 and New Years Day on the following Tuesday. Wednesday 2 January 2008 is recognised as a public service holiday under the Local Government Officers (WA) Award 1999.

Staff are again requesting Council consideration for the closure of the Shire Administration Office over the Christmas/New Year period, from Tuesday 25 December 2007 to Tuesday 1 January 2008, inclusive. As with previous years office staff are willing to transfer public service holiday entitlements, including Easter Tuesday, to be taken during this period, and requesting Council for one days additional paid leave.

The office closure enables staff to have an uninterrupted break over the festive period between Christmas and New Year. Generally this time of the year is very quiet in the administration office with most residents away on holidays. There have been no adverse comments received over Councils decision to close the administration office in the past few years.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That Council grants approval for the Shire of Cuballing Administration Office to be closed over the Christmas/New Year period from Tuesday 25 December 2007 to Tuesday 1 January 2008, inclusive. Public notices of the office closure to be advertised in the Narrogin Observer and Shire Newsletter, and posters displayed within the Shire.**

**COUNCIL ACTION**

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

*CARRIED 7/0*

**8.1.4 SHIRE OF CUBALLING COMMITTEES AND COUNCILLOR DELEGATES TO COMMUNITY COMMITTEES AND/OR SERVICES**

**Submission to:** Ordinary Meeting of Council  
**Location/Address:** Whole of Shire  
**Reporting Officer:** Peter Naylor, Chief Executive Officer  
**Enabling Legislation:** Local Government Act 1995 & associated Regulations  
**Council Policy:** Nil  
**Budget Implications:** Nil  
**File Reference:** Members 6  
**Voting Requirements:** Simple Majority

**Background**

In previous years following the Local Government Elections, Council has elected representation to various Council Committees, namely Finance, Halls, Works and Housing, and elected a Councillor to a particular Portfolio in accordance with the Local Government Program titles.

**Comment**

Listed hereunder are details of Committee representation and Councillor portfolios adopted in May 2005.

- Audit Committee  
The Shire of Cuballing audit Committee comprise of Crs Bradford, Watts and Wittwer. Crs Brown, Hawksley, McKenzie and Newman to be the reserve members of the Audit Committee.
- Finance Committee  
All Councillors be appointed to this Committee
- Works Committee  
All Councillors be appointed to this Committee
- Plant/Machinery Committee  
Councillors Bradford, Newman and Wittwer
- Halls Committee  
Cuballing Hall: Councillors Brown, Hawksley and Newman  
Popanyinning Hall: Councillors McKenzie and Watts  
Yornaning Hall: Committee disbanded

| <b>Committee/Service</b>          | <b>Delegate</b> | <b>Proxy Delegate</b> |
|-----------------------------------|-----------------|-----------------------|
| Agriculture WA                    | Cr Newman       | Cr Wittwer            |
| Bush Fire Advisory                | Cr Hawksley     | CR McKenzie           |
| Dryandra Woodlands                | Cr Bradford     | Cr Hawksley           |
| Education (School Awards, etc)    | Cr Brown        | Cr Bradford           |
| Emergency Management              | Cr Brown        | Cr Hawksley           |
| Essential Government Services     | Cr Hawksley     | Cr McKenzie           |
| Landcare (LCDC)                   | Cr Wittwer      | Cr Newman             |
| Popanyinning Progress Association | Cr McKenzie     | Cr Watts              |
| RoadWise                          | Cr Watts        | Cr Hawksley           |
| Tourism                           | Cr Brown        | Cr McKenzie           |
| Townscape                         | Cr Newman       | Cr's Brown & Watts    |
| Yornaning Dam                     | Cr Wittwer      | Cr Newman             |

A couple of additions to the above list include the Dryandra Voluntary Regional Organisation of Councils (DVROC), which is generally attended by the Shire President, and recent Regional Waste Management meetings, to investigate possible future regional waste management facility and development of Waste Management Plans, which the Shire President has also attended.

Can Councillors please give consideration to this matter in relation to what committees you would like to be involved in and to what community service you would like to be a delegate for. This will enable councillors to be elected to a committee/community service in which you may have a particular interest during the selection process.

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

### **COUNCIL ACTION**

**Moved Cr Haslam, seconded Cr Newman that Council appoints Committee representation and Councillor Portfolios for the two year period 2007 to 2009, as follows:**

- **Audit Committee**

**The Shire of Cuballing audit Committee comprise of Crs Bradford, Meharry and Wittwer. Crs Brown, Haslam, Hawksley and Newman to be the reserve members of the Audit Committee.**

- **Finance Committee**

**All Councillors be appointed to this Committee**

- **Works Committee**

**All Councillors be appointed to this Committee**

- **Plant/Machinery Committee**

**Councillors Hawksley, Newman and Wittwer**

- **Halls Committee**

**Cuballing Hall: Councillors Brown, Hawksley and Newman**

**Popanyinning Hall: Councillors Haslam and Meharry**

| <b>Committee/Service</b>  | <b>Delegate</b>    | <b>Proxy Delegate</b> |
|---|--------------------|-----------------------|
| <b>Agriculture WA</b>   | <b>Cr Newman</b>   | <b>Cr Wittwer</b>     |
| <b>Bush Fire Advisory</b>   | <b>Cr Hawksley</b> | <b>Cr Wittwer</b>     |
| <b>Dryandra Voluntary Regional Organisation of Councils (DVROC)</b> | <b>Cr Wittwer</b>  | <b>Cr Brown</b>       |
| <b>Dryandra Woodlands</b>   | <b>Cr Bradford</b> | <b>Cr Haslam</b>      |
| <b>Education (School Awards, etc)</b>                               | <b>Cr Brown</b>    | <b>Cr Bradford</b>    |
| <b>Emergency Management</b>   | <b>Cr Brown</b>    | <b>Cr Hawksley</b>    |
| <b>Essential Government Services</b>                                | <b>Cr Hawksley</b> | <b>Cr Brown</b>       |
| <b>Landcare (LCDC)</b>  | <b>Cr Haslam</b>   | <b>Cr Newman</b>      |
| <b>Popanyinning Progress Association</b>                            | <b>Cr Meharry</b>  | <b>Cr Haslam</b>      |
| <b>Regional Road Group</b>  | <b>Cr Wittwer</b>  | <b>Cr Brown</b>       |
| <b>Regional Waste Management</b>                                    | <b>Cr Wittwer</b>  | <b>Cr Brown</b>       |
| <b>RoadWise</b>   | <b>Cr Brown</b>    | <b>Cr Hawksley</b>    |
| <b>Tourism</b>  | <b>Cr Meharry</b>  | <b>Cr Bradford</b>    |
| <b>Townscape</b>  | <b>Cr Newman</b>   | <b>Cr's Brown</b>     |
| <b>Yornaning Dam</b>  | <b>Cr Wittwer</b>  | <b>Cr Meharry</b>     |

*CARRIED 7/0*

## 8.2 REPORTS – WORKS

### 8.2.1 WORKS MANAGERS REPORT

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

#### **CUBALLING WEST ROAD**

Construction works has recommenced on this road. It is anticipated the widening works will be sealed on Monday 12 November 2007, and reseal works completed shortly thereafter (about one month).

#### **GRADING/MAINTENANCE**

Maintenance grading is proceeding throughout the Shire as resources permit.

Contract tree mulching has been carried out on Popanyinning West, Popanyinning East, Tanners and Cuballing East Roads. This will assist with construction works on the Popanyinning West and Cuballing East Roads, and Tanners Road is a new designated school bus route and some areas in particular needed attention.

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

#### **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.

Quotations have been called to changeover CN2 (Isuzu NPR300), as budgeted for in 2007/2008.

#### **STAFF**

Graham Maddison is clearing three (3) months long service leave.

Graeme Renfrey and Bruce Brennan are clearing annual leave entitlements.

Mick Harris has tendered his resignation from Councils employment. Mick will complete his duties on Friday 14 December 2007, after 10 years and 4 months of service (8 1/2 years as casual and/or part time and 22 months in a permanent capacity). Mick and family will be relocating to Gidgegannup where they have purchased a property.

Position for Grader Maintenance Operator/Plant Operator was advertised on Wednesday 14 November 2007.



**PRIVATE WORKS**

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

Private works invoices for the month of October 2007, total \$4,511.34.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That the Works Managers Report be received and information noted.**

**COUNCIL ACTION**

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

*CARRIED 7/0*

**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 six (6) building applications approved and licenses issued for the month of October 2007.

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

| <b>Approval License No</b> | <b>Name of Owner</b> | <b>Registered Builder (RB) or Owner Builder (OB)</b> | <b>Structure</b>     | <b>Location of Building</b>                   |
|----------------------------|----------------------|--|----------------------|---|
| 20 – 2007/08               | L J O’Connell        | Wake & Beacham                                       | Shed                 | Loc 48 Schoolars Rd, Cuballing.               |
| 21 – 2007/08               | S & J Marsh          | OB   | New Residence & Shed | Loc 6661 Popanyinning West Road, Popanyinning |
| 22 – 2007/08               | D B & T L Cairns     | OB   | Swimming Pool        | Lot 107 Bullara St, Cuballing                 |
| 23 – 2007/08               | W R Hall             | OB   | Verandah             | Lot 58 Alton St, Cuballing                    |
| 24 – 2007/08               | D Sivyer             | OB   | Farm Shed            | Loc 4077 Halls Rd, Cuballing                  |
| 25 – 2007/08               | M Burges             | OB   | Swimming Pool        | Loc 3142 Walsh Rd, Cuballing                  |

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That the Building Surveyors Report be received and information noted.**

**COUNCIL ACTION**

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

*CARRIED 7/0*

## 8.4 REPORTS – HEALTH

### 8.4.1 ENVIRONMENTAL HEALTH OFFICERS REPORT

|                              |   |
|------------------------------|---|
| <b>Submission to:</b>        | Ordinary Meeting of Council   |
| <b>Location/Address:</b>     | Whole of Shire  |
| <b>Reporting Officer:</b>    | Neil Flood, Environmental Health Officer/Building Surveyor  |
| <b>Enabling Legislation:</b> | Health Act 1911<br>Environmental Protection Act 1986<br>Environmental Protection (Noise) Regulations 1979 |
| <b>Council Policy:</b>       | Register Delegated Authority  |
| <b>Budget Implications:</b>  | Nil   |
| <b>File Reference:</b>       | CMR 2   |
| <b>Voting Requirements:</b>  | Simple majority   |

#### **Purpose**

To advise Council of Environmental Health inspections that have been carried out in the district during the month of October 2007.

#### **Water Samples**

Water Samples were taken at the Dryandra Village on the request of the Department of Conservation and Environment, two of the first sample had a high count but subsequent samples have complied and there is no problem.

#### **Environmental Protection Act 1986**

#### **Environmental Protection (Noise) Regulation 1997**

Council has received a letter of complaint, with various supporting documentation, from a resident in Popanyinning regarding dogs barking continually at the Popanyinning Kennels, being at Lot 136 Lord Street, Popanyinning. Council staff have investigated the complaint.

Letters were sent to owners of land neighbouring the Popanyinning Kennels asking them to write to Council advising if there is a problem from the barking dogs. From the responses received, four (4) written and (4) verbal, only one person has said there is a problem but that person did not give their name and was not prepared to put their comments in writing. Staff believe there is insufficient evidence at this stage to instigate any further action (eg. legal action). If the complainant is not satisfied with Councils decision they may take further action under section 79 of the Environmental Protection Act 1986.

#### 79. *Unreasonable noise emissions on premises*

- (1) *A person who on any premises uses or causes or allows to be used any equipment in such a way as to cause or allow it to emit, or otherwise emits or causes or allows to be emitted, unreasonable noise from those premises commits an offence.*

- (2) *Subject to subsection (3), a prosecution for an alleged offence under subsection (1) may be instituted only by —*
- (a) any 3 or more persons, each of whom is the occupier of premises and claims to be directly affected by that alleged offence;*
  - (b) an authorised person; or*
  - (c) a police officer.*
- (3) *A prosecution for an alleged offence under subsection (1) may be instituted by less than 3 persons if a person who is the occupier of premises and claims to have been directly affected by that alleged offence satisfies the court in which that prosecution is sought to be instituted before the accused is required to enter a plea that the circumstances are such that —*
- (a) less than 3 persons were affected by that alleged offence;*
  - (b) other persons affected by that alleged offence are unable or unwilling to join in the institution of that prosecution for economic or other reasons not related to the question of whether or not that alleged offence was committed; or*
  - (c) the enjoyment of the premises occupied by him was affected by that alleged offence in a degree substantially greater than was the case with other premises so affected, and that the prosecution is not of a frivolous, vexatious or unreasonable nature.*

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That:**

- **The Environmental Health Offices Report be received and information noted; and**
- **Council informs the complainant of the Popanyinning Kennels that investigations have revealed that at present there is insufficient evidence to take the complaint further, however is she is not satisfied with Councils decision on the matter she can pursue further action under section 79 of the Environmental Protection Act 1986.**

### **COUNCIL ACTION**

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

***CARRIED 7/0***

**8.5 REPORTS – TOWN PLANNING**

**8.5.1 WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) –  
PLANNING APPLICATION 135528**

|                              |  |
|------------------------------|--|
| <b>Submission to:</b>        | Ordinary Meeting of Council                  |
| <b>Location/Address:</b>     | Lot 4772 Williams Road, Popanyinning West    |
| <b>Reporting Officer:</b>    | Peter Naylor, Chief Executive Officer        |
| <b>Enabling Legislation:</b> | Planning and Development Act 2005            |
| <b>Council Policy:</b>       | Shire of Cuballing Town Planning Scheme No 2 |
| <b>Budget Implications:</b>  | Nil  |
| <b>File Reference:</b>       | Town Planning 12                             |
| <b>Voting Requirements:</b>  | Simple majority                              |

**Background**

Correspondence from the WAPC advising that the planning application has been refused.

The application was previously presented to the August 2007 meeting of Council, at the meeting Council resolved not to support the application.

In reaching that decision Council took into account that the Shire of Cuballing Town Planning Scheme No 2 (clauses 1.6 & 4.2) has a general presumption against the further breakdown of agricultural land.

Council also acknowledged WAPC Planning Policy DC 3.4, subclause 3.2.1(a), that states that the WAPC may approve a subdivision where a significant natural or man-made feature already physically divides the proposed lots, however believes that in this instance whilst the existing lot is already divided by a road, approving the subdivision would create an undesirable precedent for subdivision of neighbouring properties which are in a similar situation.

**Comment**

The WAPC's reasons for refusal of the application are:

- 1. The proposed subdivision is inconsistent with the 'Rural' zoning of the land in Council's Town Planning Scheme. The purpose and intent of this zoning is to preserve the area's current rural use and density of development. Subdivision in the manner proposed would create the potential for additional building development and the introduction of increased non-rural activity in conflict with the zoning objectives.*
- 2. The proposed subdivision does not comply with the Commission's Policy DC 3.4 Clause 3.2.1(a) which provides for subdivision where a significant natural or man-made feature already physically divides the proposed lots and an undesirable precedent would not be set on the grounds that Williams Road is*

*not considered a significant physical barrier and approval would set a precedent for the subdivision of surrounding lots.*

3. *The proposal represents an unplanned breakdown of land holdings, which would be detrimental to the use of the land for rural purposes.*
4. *Approval to the subdivision would set an undesirable precedent for the further subdivision of surrounding lots.*

The applicant has 28 days in which to appeal to the WAPC to review its decision.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That the correspondence be received and information noted.**

**COUNCIL ACTION**

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

***CARRIED 7/0***

**8.5.2 WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) –  
PLANNING APPLICATION 135299**

|                              |  |
|------------------------------|--|
| <b>Submission to:</b>        | Ordinary Meeting of Council                          |
| <b>Location/Address:</b>     | Lots 4122, 4124 & 4125 Daylesford Road, Popanyinning |
| <b>Reporting Officer:</b>    | Peter Naylor, Chief Executive Officer                |
| <b>Enabling Legislation:</b> | Planning and Development Act 2005                    |
| <b>Council Policy:</b>       | Shire of Cuballing Town Planning Scheme No 2         |
| <b>Budget Implications:</b>  | Nil  |
| <b>File Reference:</b>       | Town Planning 4                                      |
| <b>Voting Requirements:</b>  | Simple majority                                      |

**Background**

Correspondence from the WAPC advising that the Commission is prepared to endorse the planning application subject to compliance with certain conditions.

The application was previously presented to the July 2007 meeting of Council, at the meeting Council resolved to support the application 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 3 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.*

**Comment**

The conditions of approval imposed by the WAPC for the application are:

1. *Arrangements being made with the local government for the upgrading and/or construction of Calcoran and Daylesford Roads.*
2. *A Conservation Covenant with a relevant agency, pursuant to section 129BA of the Transfer of Land Act 1893 (as amended) is to be placed on the Certificate of Title of proposed Lot 3 advising of the existence of a restriction on the use of the land to protect areas identified for. Notice of this restriction to be included on the Deposited Plan. The Conservation Covenant is to state as follows:  
“Native vegetation located on the lot is to be protected from detrimental impacts caused by stock or farming and clearing activities”.*

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That the correspondence be received and information noted.**

**COUNCIL ACTION**

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

*CARRIED 7/0*

**8.5.3 WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) – PLANNING APPLICATION 136056**

|                              |   |
|------------------------------|---|
| <b>Submission to:</b>        | Ordinary Meeting of Council   |
| <b>Location/Address:</b>     | Lot 131 Bunmulling Road, Popanyinning   |
| <b>Reporting Officer:</b>    | Trevor Moran, Town Planning Consultant<br>Peter Naylor, Chief Executive Officer |
| <b>Enabling Legislation:</b> | Planning and Development Act 1995   |
| <b>Council Policy:</b>       | Shire of Cuballing Town Planning Scheme No 2                                    |
| <b>Budget Implications:</b>  | Nil   |
| <b>File Reference:</b>       | Town Planning 4   |
| <b>Voting Requirements:</b>  | Simple majority   |

**Background**

Planning application to subdivide Lot 131 Bunmulling Road, Popanyinning, into three separate Lots, has been submitted by the property owners Bertram & Julie Gray.

A planning application has previously been received for this Lot and was presented to the February 2006 meeting of Council for consideration. On that occasion Council resolved:

*“That the Western Australian Planning Commission be advised:*

- That Council is prepared to support the subdivision application on the proviso that the portion of Lot 131 on the northern side of Bunmulling Road, and 0.463ha in size (which is smaller than the permitted minimum lot size without a reticulated water supply in accordance with TPS No 2 clause 5.12.6), is ceded to the Crown at no cost and incorporated into Reserve 11342 (Lot 126); and*
- That an Environmental Impact study be undertaken because of the low-lying nature of the land.”*

Following the above resolution, and in their deliberations on the matter, the WAPC deferred a final decision on the application until 29 December 2006, and requested the proponents to provide a drainage management plan to the satisfaction of the Shire of Cuballing by this date. As the condition was not complied with the application was subsequently refused by the WAPC.



## Comment

The application was been referred to Councils Town Planning Consultant, Mr Trevor Moran, and his comments follow:

*The applicant proposes to subdivide Lot 131, Bunmulling Road into 3 lots, each over 4 hectares in area. Lot 131 is in the rural residential zone of TPS No 2. The objectives for the rural residential zone seek to provide for rural smallholders and a low density rural environment in close proximity to the rural townsite zone, provided that all lots are adequately serviced with the necessary infrastructure. A further objective is for houses to precede outbuildings on rural residential lots.*

*Clause 5.12.6 provides for a minimum lot size of 4 hectares unless the lot is connected to a reticulated water supply. Clauses 5.12.7 and 5.12.8 require planning approval for any subsequent development and the protection of vegetation from development where possible. Accordingly, the proposal meets the requirements of the Scheme in terms of minimum lot size. However, as a condition of subdivision the applicant should be required to inform prospective purchasers of the requirements of Clauses 5.12.7 and 5.12.8 of the Scheme and that no outbuilding will be approved unless a single dwelling is existing on the property or is to be constructed at the same time (Clause 4.2 (c)).*

*Also, as there is some concern over the low lying nature of the terrain, an engineers report should be required as a condition of subdivision advising on appropriate floor levels for subsequent development on each of the proposed lots.*

In addition to Mr Moran's comments, another matter for consideration is access to the proposed lots. The existing property already has access from Bunmulling Road and it is expected that this will remain the access for proposed Lot 1. Lot 2 will also have access from Bunmulling Road, however Lot 3 will need to be from unmade road reserve Durham Road. Whilst this road reserve is virtually cleared and used by neighbouring rural property owner Kevin Lansdell to access his property it may need to be better constructed and formed to adequately service Lot 3.

Council expressed concerns in relation to the low lying nature of the land and possibility of flooding in heavy rainfall year, it was noted that the land is part of the catchment area for the Hotham River.

The Chief Executive Officer informed the meeting that the planning application has been forwarded to the Department of Environment and Conservation, along with a number of other State Government agencies, for comment, and that the WAPC has also been requested to refer the application to the Department of Water. It may be prudent for Council to wait on the comments provided by these departments prior to considering the application further.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

That the Western Australian Planning Commission be advised that Council is prepared to support Planning Application 136056 subject to the following conditions:

- That an Environmental Impact study be undertaken because of the low-lying nature of the land;
- The applicant be responsible for costs to install a cross over to provide access from Bunmulling Road to service proposed Lot 2;
- The applicant be responsible for upgrading/improvements required for the Durham Road road reserve, to the satisfaction of the Shire of Cuballing, and installation of cross over to service proposed Lot 3; and
- The applicant be required to inform prospective purchasers of the requirements of Clauses 5.12.7 and 5.12.8 of Town Planning Scheme No 2, pertaining to development in Rural Residential Zoned areas, and that no outbuilding will be approved unless a single dwelling is existing on the property or is to be constructed at the same time (Clause 4.2 (c)).

**COUNCIL ACTION**

**Moved Cr Haslam, seconded Cr Brown that Council waits on comments/submissions from the Department of Environment and Conservation and the Department of Water prior to giving due consideration to the planning application.**

*CARRIED 7/0*

**8.5.4 WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) –  
PLANNING APPLICATION 136149**

**Submission to:** Ordinary Meeting of Council  
**Location/Address:** Lots 1924, 4017, 8025, 8026 & 9109 Wardering Road, Cuballing  
**Reporting Officer:** Trevor Moran, Town Planning Consultant  
Peter Naylor, Chief Executive Officer  
**Enabling Legislation:** Planning and Development Act 2005  
**Council Policy:** Shire of Cuballing Town Planning Scheme No 2  
**Budget Implications:** Nil  
**File Reference:** Town Planning 12  
**Voting Requirements:** Simple majority

**Background**

Planning application, submitted by property surveyor A J Marsh Pty Ltd on behalf of property owner Mr K D Short, to realign boundaries and to provide battleaxe access to existing “land locked” blocks. The application does not propose to create additional Lots and/or certificates of title.

## Comment

The application was been referred to Councils Town Planning Consultant, Mr Trevor Moran, and his comments follow:

*The proposed subdivision comprises 5 lots on 3 Certificate of Titles. Two lots on C/T 1754/078 (Lots 1924 and 4017) have no road access (as well as Lot 8025 C/T 1988/63). The creation of battleaxe lots will enable the disposal of lots similar in area to the prevailing lot size. If the Council were disposed to approve the proposal it would be reasonable for the proponent to be required to provide trafficable access to the newly created lots.*

*A condition of the subdivision should be that battleaxe legs be constructed to a trafficable standard.*

The Shire of Cuballing Town Planning Scheme #2 (clause 4.2(b)) generally does not support the further breakdown or subdivision of land in the agricultural areas. The aim of this part of the Scheme is to protect the economic viability of rural zoned land through a presumption against subdivision except where such subdivision will enhance and/or promote the viability and diversity of general farming activity.

However the application does not intend to create additional lots and is proposing for minor boundary changes. Council has in the past supported planning applications where boundary realignments are proposed and no new lots created.

## **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

That the Western Australian Planning Commission be advised that Council is prepared to support Planning Application 136149 subject to the following conditions:

- The battleaxe legs of proposed Lots 3 & 4 be constructed to a trafficable standard to the Satisfaction of the Shire of Cuballing; and
- A caveat to be placed on the Certificates of Title of proposed Lots 3 & 4 acknowledging that maintenance of the battleaxe road access is the responsibility of the property owner.

## **COUNCIL ACTION**

**Moved Cr Bradford, seconded Cr Newman that Planning Application 136149 not be supported.**

***CARRIED 7/0***

Council noted that the applicant has indicated that the current and proposed land use of the subdivision will not change and believes the applicant can continue with normal farming activities and practises without the application being approved.

**9      OTHER BUSINESS**

**9.1    SHIRE OF CUBALLING CHEQUE SIGNATORIES – PROPOSED AMENDMENT TO REGISTER OF DELEGATED AUTHORITY**

|                              |   |
|------------------------------|---|
| <b>Submission to:</b>        | Ordinary Meeting of Council   |
| <b>Location/Address:</b>     | Whole of Shire  |
| <b>Reporting Officer:</b>    | Peter Naylor, Chief Executive Officer   |
| <b>Enabling Legislation:</b> | Local Government Act 1995<br>Local Government (Financial Management) Regulations 1996 |
| <b>Council Policy:</b>       | Shire of Cuballing Register of Delegated Authority                                    |
| <b>Budget Implications:</b>  | Nil   |
| <b>File Reference:</b>       | Administration 5 & Finance 11   |
| <b>Voting Requirements:</b>  | Absolute majority   |

**Background**

Local Government Act 1995, Section 5.42, provides Council with the power to delegate to the Chief Executive Officer (CEO) the exercise of its powers or the discharge of any duties except those referred to in section 5.43.

Local Government (Financial Management) Regulations 1996, clauses 11, 12 & 13, refer to the payment of funds from Councils Municipal and Trust Fund accounts and details lists of accounts that are to be presented to Council adoption/authorisation.

Clause 12 of the Regulations allows this authority to be delegated to the CEO. Council's current delegation requires cheque payments to be signed by the Shire President (or a Councillor in his or her absence), a Councillor and the Chief Executive Officer.

**Comment**

Given that the CEO already has the authority to approve Electronic Fund Transfers (EFT) and Credit Card payments it seems that to delegate the cheque signing authority to the CEO could be a more efficient method of operation in place of the present method where cheques are being signed on a monthly basis by Councillors at the ordinary monthly meeting, especially in these times where a lot of invoices are issued with a 7 or 14 day payment period.

The Regulations (clause 13) still require a detailed list of accounts to be presented to Council for adoption. It is not proposed that the CEO be the sole signatory on cheques, it could be for example the CEO and Accountant (who works each Friday), and/or a Councillor in absence of either of these persons. This delegated authority is in operation in most local governments throughout the State and works well. The delegation will be reviewed annually when the Delegated Authority Register is reviewed and also at the time of Audit, no doubt any concerns will be raised at those times if it was suspected that something inappropriate was happening.

A copy of Clause 11, 12 & 13 of the Local Government (Financial Management) Regulations 1996 is circulated.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

For Council consideration.

**COUNCIL ACTION**

**Moved Cr Hawksley , seconded Cr Brown. That Council amends the Register of Delegated Authority as follows:**

**That a minimum of two signatures are required to make payment from the Shire of Cuballing Municipal and Trust Accounts. The two required signatures shall be that of the Chief Executive Officer and Accountant, and/or a Councillor in absence of either of these persons/officers.**

*CARRIED 7/0*

**10. MEETING CLOSURE**

There being no further business the Shire President declared the meeting closed at 4.30pm.

**CONFIRMED AS A TRUE RECORD OF PROCEEDINGS  
ON FRIDAY 21 DECEMBER 2007**

\_\_\_\_\_  
**SHIRE PRESIDENT**