



SHIRE OF CUBALLING

**ORDINARY COUNCIL MEETING
HELD ON THURSDAY 16 AUGUST 2007**

MINUTES

SHIRE OF CUBALLING

COUNCIL MEETING THURSDAY 16 AUGUST 2007

MINUTES

TABLE OF CONTENTS

1. **OPENING - ANNOUNCEMENT OF VISITORS**
2. **ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE**
3. **PUBLIC QUESTION TIME**
4. **APPLICATIONS FOR LEAVE OF ABSENCE**
5. **MINUTES**
 - 5.1 Confirmation of 19 July 2007 Meeting of Council (as circulated)
6. **PETITIONS, DEPUTATIONS, PRESENTATIONS & DECLARATIONS**
7. **DISCLOSURES IF INTEREST**
8. **REPORTS**
 - 8.1 **FINANCE AND ADMINISTRATION** (Beige)
 - 8.2 **WORKS** (Blue)
 - 8.3 **BUILDING** (Green)
 - 8.4 **HEALTH** (Pink)
 - 8.5 **TOWN PLANNING** (Yellow)
9. **ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
10. **OTHER URGENT BUSINESS**
11. **CLOSURE OF MEETING**

ORDINARY COUNCIL MEETING MINUTES

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE SHIRE OF
CUBALLING, HELD IN THE COUNCIL CHAMBERS, CAMPBELL
STREET, CUBALLING ON THURSDAY 19 JULY 2007**

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

President welcomed Councillors, declared meeting open 3.05pm.

2. RECORD OF ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

ATTENDANCE

Shire President, Cr T H Wittwer	Deputy President, Cr J D Brown
Cr D S Bradford	Cr C R Hawksley
Cr R J D Newman	Cr I L Watts
Chief Executive Officer, Mr P T Naylor	

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

3. PUBLIC QUESTION TIME

Nil

4. APPLICATION FOR LEAVE OF ABSENCE

Moved Cr Hawksley, seconded Cr Watts that leave of absence be granted to Cr Newman for the Ordinary Meeting of Council to be held on Thursday 20 September 2007.

CARRIED 6/0

5. MINUTES

5.1.1 CONFIRMATION OF 19 JULY 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 19 July 2007 be confirmed.

COUNCIL ACTION

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

CARRIED 6/0

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

Nil

7. **DISCLOSURES OF INTEREST**

Councillors' and Employees' Disclosures of Interest.

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

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

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

Item 8.1.4

Councillors Brown, Hawksley, Newman, Watts and Wittwer, and the Chief Executive Officer, declare a Proximity Interest in the item as proposed road works on the Draft Budget is adjacent to property that they own or occupy in a professional capacity.

In accordance with S5.69 of the *Local Government Act 1995* the Minister for Local Government and Regional Development has approved for the disclosing members (Councillors Brown, Hawksley, Newman, Watts and Wittwer) to fully participate in the discussion and decision making procedures relating to the consideration and adoption of the 2007/2008 Budget.

Item 8.5.4

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

7.2 DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

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

Item 8.2.2

Councillor Brown declares an interest in this item as she is part owner of the affected property.

8.1 REPORTS – FINANCE AND ADMINISTRATION

8.1.1 LIST OF ACCOUNTS SUBMITTED FOR COUNCIL APPROVAL AND PAYMENT – AUGUST 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 \$163,544.55:**

Vouchers 10913-10918 inclusive	\$ 14,933.71
Vouchers 11860-11902 inclusive	\$109,764.02
Electronic fund transfers	\$ 38,791.82
Credit Card	\$ 55.00

- **Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$10,638.00:**

Vouchers 1999-2000 inclusive	\$ 478.00
Electronic fund transfers	\$ 10,160.00

COUNCIL ACTION

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

CARRIED 6/0

Type	Date	Num	Name	Memo	Credit	Trust
Cheque	07/23/2007	10913	CASH.	Petty Cash Recoup July 2007	241.95	
Cheque	07/02/2007	10914	Australian Taxation Office	Bas Statement June 2007	7463.00	
Cheque	08/03/2007	10915	SHIRE OF CUBALLING.	Social Club Contributions July 2007	140.00	
Cheque	08/03/2007	10916	WALGSP	Super Contributions July 2007	6,812.76	
Cheque	08/03/2007	10917	SHIRE OF CUBALLING.	Employee Wage Deductions - Clark Rates	150.00	
Cheque	08/08/2007	10918	BUILDERS REGISTRATION BOARD OF WA	BRB Payment July 2007	126.00	
Bill Pmt -Cheque	08/16/2007	11860	Amalgamated Media	Advertising	544.50	
Bill Pmt -Cheque	08/16/2007	11861	AUSTRALIA POST	Postage Stamps	50.00	
Bill Pmt -Cheque	08/16/2007	11862	BEAUREPAIRES	Tyres	979.00	
Bill Pmt -Cheque	08/16/2007	11863	Bentley Motor Inn	Accomodation - Alex Training	91.00	
Bill Pmt -Cheque	08/16/2007	11864	BILL EXPRESS	Transaction Fees	1.49	
Bill Pmt -Cheque	08/16/2007	11865	CASH.	Purchase Council Shopping	500.00	
Bill Pmt -Cheque	08/16/2007	11866	CEMETERIES & CREMATORIA ASSOC. OF WA	Membership 2007/2008	100.00	
Bill Pmt -Cheque	08/16/2007	11867	CORPORATE EXPRESS	Stationery	137.00	
Bill Pmt -Cheque	08/16/2007	11868	COUNTRY PAINT SUPPLIES	Workshop Supplies	161.42	
Bill Pmt -Cheque	08/16/2007	11869	COURIER AUSTRALIA	Freight	25.06	
Bill Pmt -Cheque	08/16/2007	11870	CUBALLING TAVERN	Meals for Council	19.00	
Bill Pmt -Cheque	08/16/2007	11871	DUGALD FERGUSON MACHINERY	Parts & Repairs	985.40	
Bill Pmt -Cheque	08/16/2007	11872	Earl Street Surgery	Hep B Injections	89.50	
Bill Pmt -Cheque	08/16/2007	11873	EDWARDS MOTORS PTY LTD	Parts & Repairs	121.40	
Bill Pmt -Cheque	08/16/2007	11874	Fuji Xerox	Stationery & Photocopier Expenses	336.41	
Bill Pmt -Cheque	08/16/2007	11875	GREAT SOUTHERN FUEL SUPPLIES	Fuels & Diesel	7,111.97	
Bill Pmt -Cheque	08/16/2007	11876	Great Southern Ranger Services	Ranger Service	223.45	
Bill Pmt -Cheque	08/16/2007	11877	GT RADIATOR & MACHINING SERVICES	Mulcher Blades	165.00	
Bill Pmt -Cheque	08/16/2007	11878	INGERSLEY ELECTRICAL	Cuballing Hall	325.99	
Bill Pmt -Cheque	08/16/2007	11879	JH Computer Services Pty Ltd	Computers	2,779.00	
Bill Pmt -Cheque	08/16/2007	11880	JR & A HERSEY P/L	Workshop Supplies	115.50	
Bill Pmt -Cheque	08/16/2007	11881	Jtagz	Dog Registration Tags	172.70	
Bill Pmt -Cheque	08/16/2007	11882	LANDGATE	Valuations	50.00	

Ordinary Meeting of Council Minutes 16 August 2007

Bill Pmt -Cheque	08/16/2007	11883	LGIS Insurance Broking	Insurance	53,901.00	
Bill Pmt -Cheque	08/16/2007	11884	LGIS Liability	Insurance	11,346.50	
Bill Pmt -Cheque	08/16/2007	11885	LGIS Workcare	Insurance	12,898.00	
Bill Pmt -Cheque	08/16/2007	11886	Local Business Support & Community Servic	Advertising	291.50	
Bill Pmt -Cheque	08/16/2007	11887	MAKIT NARROGIN HARDWARE	Workshop Supplies	120.80	
Bill Pmt -Cheque	08/16/2007	11888	MULGREW AUTOMOTIVE	Parts & Repairs	215.80	
Bill Pmt -Cheque	08/16/2007	11889	NARROGIN BEARING SERVICE	Parts & Repairs	46.80	
Bill Pmt -Cheque	08/16/2007	11890	NARROGIN PACKAGING	Hand Towels & Toilet Rolls	280.01	
Bill Pmt -Cheque	08/16/2007	11891	NGN AG REPAIRS	Chainsaw Parts	65.00	
Bill Pmt -Cheque	08/16/2007	11892	RD & RA BETTELEY	Re-imburse for Air Liquide Account 10348576	288.76	
Bill Pmt -Cheque	08/16/2007	11893	SNAP PRINTING	Stationery	571.16	
Bill Pmt -Cheque	08/16/2007	11894	STAR TRACK EXPRESS	Freight	110.51	
Bill Pmt -Cheque	08/16/2007	11895	SUNNY SIGN COMPANY PTY LTD	Signs	640.20	
Bill Pmt -Cheque	08/16/2007	11896	Synergy	Streetlighting - July 2007	263.65	
Bill Pmt -Cheque	08/16/2007	11897	TELSTRA	CEO & W/S Mobile Phone Account - July	79.99	
Bill Pmt -Cheque	08/16/2007	11898	TIMEBASE PTY LTD	Annual Subscription 1/8/07 - 31/7/07	190.00	
Bill Pmt -Cheque	08/16/2007	11899	TIMES PRINT	Stationery	571.00	
Bill Pmt -Cheque	08/16/2007	11900	Twaddles Amcal Chemist	Hep B Injections	211.20	
Bill Pmt -Cheque	08/16/2007	11901	WALGA	Annual Subscription 07/08	12,532.35	
Bill Pmt -Cheque	08/16/2007	11902	WESTNET PTY LTD	IP Address - Licensing Computer	55.00	
Cheque	08/08/2007	T1999	Putjar Aboriginal Corporation	Bond Refund - Hall Hire		100.00
Cheque	08/08/2007	T2000	Building & Construction Industry Training	BCITF Payment July 2007		378.00
EFT	17/07/2007	170707	Shire of Goomalling	Inter Municipal Golf Tournament	308.00	
EFT	07/24/2007	240707	SHIRE OF CUBALLING.	Wages & Salaries 11/7/07 - 24/07/07	18,626.72	
EFT	07/26/2007	260707	Brennan, Bruce	Re-imburse Mobile Phone Costs	12.71	
EFT	08/03/2007	030807	Shire of Cuballing	Transfer to Licensing A/C for float	2,000.00	
EFT	08/07/2007	070807	SHIRE OF CUBALLING.	Salaries & Wages 25/7/07 - 7/8/07	17,844.39	
EFT	12/07/2007	T120707	Phillip Everitt	Bond Refund - Re-locatable House		5,000.00
EFT	26/07/2007	T260707	Wendy Thompson	Bond Refund - Hall Hire		60.00
EFT	30/07/2007	T300707	G & J Hunter	Bond Refund - Re-locatable House		5,000.00

Ordinary Meeting of Council Minutes 16 August 2007

EFT	30/07/2007	T300707.1	PD & LM Drew	Bond Refund - Hall Hire	100.00
Credit Card	02/07/2007	020707	Shire of Cuballing	Licence John Deere Tractor	55.00
					<hr/>
					163,544.55
					10,638.00

8.1.2 **STATEMENT OF FINANCIAL ACTIVITY**

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

Background

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

Comment

A Statement of Financial Activity has not been prepared for period ending 31 July 2007 in accordance with the abovementioned legislation. Due to the commencement of the new financial year, and that Council is yet to adopt its budget for 2007/2008, no budget information has been loaded into the reporting system and therefore the financial statements, especially after only one month of operation, would provide little indication of Councils financial or operating situation.

The Statement of Financial Activity for the periods ending 31 July 2007 and 31 August 2007 will be presented to the September meeting of Council.

Bank Reconciliation, Profit & Loss, and Operating Statements have been prepared for the reporting period and circulated with the Council meeting agenda.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Bank Reconciliation, Profit & Loss, and Operating Statements, as circulated, for the Shire of Cuballing for period ending 31 July 2007 be received.

COUNCIL ACTION

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

CARRIED 6/0

8.1.3 WESTERN AUSTRALIAN ELECTORAL COMMISSION – REQUEST TO DEFER VACANCY UNTIL OCTOBER 2007 ORDINARY ELECTIONS

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Local Government Act 1995 (S4.16(4))
Council Policy:	Nil
Budget Implications:	2007/08 Budget Allocation
File Reference:	E&ER 2
Voting Requirements:	Simple Majority

Background

Following the resignation of Councillor McKenzie at the July 19, 2007, meeting of Council, Council resolved to seek approval from the Electoral Commissioner for the vacancy to be filled at the October 2007 Local Government Ordinary Elections rather than conducting an Extraordinary Election.

Comment

Correspondence has been received from the Electoral Commissioner advising that approval is given under section 4.16(4) of the *Local Government Act 1995* to defer filling the vacancy until the 2007 Local Government Ordinary Elections.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the information be noted and correspondence be received.

COUNCIL ACTION

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

CARRIED 6/0

8.1.4 SHIRE OF CUBALLING BUDGET 2007/2008 FINANCIAL YEAR

Submission to:	Ordinary Meeting of Council
Location/Address:	Not applicable
Reporting Officer:	Peter Naylor, Chief Executive Officer Clare Thomson, Accountant
Enabling Legislation:	Local Government Act 1995
Council Policy:	3.11
Budget Implications:	Nil
File Reference:	F 9
Voting Requirements:	Simple Majority

Councillors Brown, Hawksley, Newman, Watts and Wittwer, and the Chief Executive Officer, declare a Proximity Interest in this item, as proposed road works on the Budget is adjacent to property that they own or occupy in a professional capacity.

In accordance with S5.69 of the *Local Government Act 1995* the Minister for Local Government and Regional Development has approved for the disclosing members (Councillors Brown, Hawksley, Newman, Watts and Wittwer) to fully participate in the discussion and decision making procedures relating to the consideration and adoption of the 2007/2008 Budget.

Background

The Shire of Cuballing Budget for the 2007/2008 Financial Year has been prepared in the required Australian Accounting Standard format (in accordance with the provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996), and is presented to Council for adoption. A copy of the Budget has been circulated with the Council meeting agenda.

Comment

The various amendments have been made to the Budget in accordance with discussions from the June 2007 and July 2007 Council meetings and the document has been prepared based on a 5.38% rate increase (the WALGA Local Government Cost Index figure as at 31 March 2007) as per Council direction.

Included in the Schedule of Fees and Charges is proposed fees and charges for the new contract management for the Cuballing Refuse Site. The recommendation is that Cuballing residents do not get charged for utilising the site but persons from outside of the district will be. In addition it is proposed to increase the fees for the Cuballing and Popanyinning Cemeteries to better reflect cost for service when preparing gravesites.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

Shire of Cuballing Budget 2007/2008

The Shire of Cuballing Budget, as presented and showing rates to be levied of \$609,010.00, to be applied for the 2007/2008 Financial Year.

Levying of Rates

That the following Rates be adopted:

	General Rate in \$	Minimum per Property
• UV Rural Properties	0.9399c	\$300
• GRV Cuballing/Popanyinning Townsites	8.5640c	\$350
• Mining Tenement	0.9399c	\$300

Rates Penalty

A penalty of 11% to be applied where the ratepayer has not selected the instalment option and payment has not been received within three (3) calendar months of the rate notice being issued or where an instalment remains unpaid, if the instalment method has been chosen.

Adoption of Discount of 8% for Early Payment of Rates

That an 8% discount be offered for early payment of rates, providing all rate arrears, Fire and Emergency Services Levy and all current rates levied, are paid within 35 days from the issue of the rate notice.

Miscellaneous Fees and Charges

That the following items be adopted:

- 1. Shire President's Annual Allowance and Council Meeting Attendance Fee**

The Shire President's Annual Allowance for 2007/2008 be \$4,500.00

Attendance at Council meetings \$280.00 per meeting

- 2. Councillor's Meeting Attendance Fee**

Attendance at Council meetings \$140.00 per Councillor per meeting

- 3. Rates Payment Incentive Prize**

Two Rate Payment Incentive Prizes be offered:

a) Donated by Sorrento Beach Resort, Sorrento: An overnight accommodation package for two people staying at the Sorrento Beach Resort, Sorrento.

b) Donated by Esplanade Hotel, Fremantle: An overnight accommodation package for two people staying at the Esplanade Hotel, Fremantle.

The two prizes (a & b) to be offered to the first GRV and UV properties drawn from those who pay their total rate account within 35 days of issue of the rate notice.

4. Rates by Instalment

Council offers a one and four instalment option with the first payment being required within 35 days of issue of the rate notice. The following Administration Fee and Interest Charges to apply to the instalment option.

***Administration Fee:* An administration fee of \$10.00 per instalment, after the initial payment, being that required within 35 days.**

***Interest Charge:* An interest charge of 5.5% to be levied on rates to be paid by instalments, after the first payment is made.**

5. Schedule of Fees and Charges

The Schedule of Fees and Charges as presented to the Council meeting be adopted for the Shire of Cuballing for the 2007/2008 Financial Year as part of the budget document.

COUNCIL ACTION

Moved Cr Watts, seconded Cr Bradford 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

CUBALLING WEST ROAD

Works on this road have been stalled due to wet conditions.

WINTER GRADING/MAINTENANCE

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

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

CUBALLING REFUSE SITE

Preparations and earthworks are continuing in readiness for contract management of the site on 1 September 2007.

PLANT AND EQUIPMENT

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

STAFF

Brett Ashton has been successful in obtaining “HR” Vehicle licence

RESTRICTED ACCESS VEHICLES

Assessment of roads throughout the Shire is being conducted by Main Roads WA with assistance from Council staff. It is expected that this process will be completed in the week ending 17 August 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 July 2007, total \$6,274.06.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Managers Report be received and information noted.

COUNCIL ACTION

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

CARRIED 6/0

8.2.2 BUSH FIRE INCIDENT REPORT/S

3.38pm Cr Brown Declared an Interest Affecting Impartiality and departed the Chambers.

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: 6.1
Budget Implications: Nil
File Reference: BFC 10
Voting Requirements: Simple majority

Background

Two Bush Fire Incident Reports have been received for recent fires within the Shire of Cuballing.

Comment

Summary of the fires is hereunder:

Date	Property Owner	Details
22 June 2007	Shire of Cuballing – Road Reserve	A number of heaps of trees and rubble cleared for the road works on Cuballing West Road were ignited in location 2, owned by B & C Watson. Strong winds caused the fire to spread into the adjacent road reserve
18 July 2007	Shire of Cuballing – Road Reserve	A number of heaps of trees and rubble cleared to erect new fenceline by property owners Cloveroaks Pty Ltd (P & J Brown), were ignited. Strong winds caused the fire to spread into adjacent road reserve.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Bush Fire Incident Reports be noted and copy forwarded to the Fire and Emergency Services Authority.

COUNCIL ACTION

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

CARRIED 5/0

3.40pm Cr Brown re-entered the Chambers

8.2.3 F & J SHEPHERD – REQUEST FOR CHANGE OF ROAD NAME

Submission to:	Ordinary Meeting of Council
Location/Address:	Bradford Exchange Road
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Land Administration Act 1997
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	Roads 5
Voting Requirements:	Simple majority

Background

Council is in receipt of request from Mr & Mrs Shepherd to consider renaming portion of Bradford Exchange Road to Shepherd Road.

Comment

Bradford Exchange Road is actually in two parts, there is a section running east-west to a junction with the Congellin Road, and a section running north-south to a junction with Congellin Road, this section also becomes Shepherd Road at its intersection with the Bradford Exchange Road east-west section. The request is for the section of Bradford Exchange Road running north-south to be renamed Shepherd Road.

Mr & Mrs Shepherd explain that the current situation is very confusing and makes it difficult to direct visitors to their property.

The application certainly has merit and renaming portion of Bradford Exchange Road to Shepherd Road will help simplify the road system.

The matter pertaining to renaming of Bradford Road has been forwarded onto the Shire of Narrogin.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Geographical Names Committee be requested to consider renaming portion of Bradford Exchange Road to Shepherd Road, as detailed hereunder:

Section of road from Congellin road junction running north-south to the intersection with the Bradford Exchange Road (east-west) where it becomes Shepherd Road.

COUNCIL ACTION

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

CARRIED 5/1

8.3 REPORTS – BUILDING

8.3.1 BUILDING SURVEYORS REPORT

No report submitted for Council information and/or consideration.

8.4 REPORTS – HEALTH

8.4.1 ENVIRONMENTAL HEALTH OFFICERS REPORT

No report submitted for Council information and/or consideration.

8.5 REPORTS – TOWN PLANNING

8.5.1 MS K BULLARD – APPLICATION TO ERECT OVERSIZED OUTBUILDINGS

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 277 Campbell Street, Cuballing
Reporting Officer:	Neil Flood, Environmental Health Officer/Building Surveyor Peter Naylor, Chief Executive Officer
Enabling Legislation:	Planning and Development Act 2005 Building Code of Australia
Council Policy:	Shire of Cuballing Town Planning Scheme No 2 Local Planning Policy - Outbuildings
Budget Implications:	Nil
File Reference:	TP 3
Voting Requirements:	Simple majority

Background

Ms Kay Bullard of 15 Royce Street, Singleton, submits a building application to erect a steel framed colourbond outbuilding (shed), and a separate application for a hot/tunnel house, on lot 277 Campbell Street, Cuballing.

Comment

The Shire of Cuballing Town Planning Scheme No 2, Local Planning Policy – Outbuildings, clauses b & c, state:

(b) In Rural Townsite and Rural Residential zones of the Shire where the lot size is over 1500m² or on General Agricultural zoned lots with an area of 2 ha or less;

- (i) *Zincalume construction, where the total outbuilding does not exceed 85m² in total floor area;*
 - (ii) *Colourbond construction, where the total outbuilding does not exceed 120m² in total floor area;*
 - (iii) *Masonry construction and/or where the total outbuilding has walls constructed of the same materials and appearance as the house and does not exceed 170m² in total floor area.*
- (c) *Wall height of any outbuildings not to exceed 3 metres. In the case of gable floor construction, the maximum height is not to exceed 4 metres.*

The area of the proposed outbuilding is 144m², 24m² greater than that allowed under the Policy, also the building will have a wall height of 3.6m and a maximum height of 4.4m, which is above the Policy wall height of 3m and maximum height 4m.

The hot/tunnel house will be 6.5m wide x 16.8m long and 3.2m high, giving an area of 109.2m². This outbuilding together with the shed will have a total outbuilding area of 253.2m².

At the Ordinary meeting of Council held on 19 July 2007, Council resolved to approve the application from Ms Bullard to commence an intensive agriculture use for the production of Capers on the property (lot 277 Campbell Street, Cuballing). The proposed outbuildings presented by Ms Bullard form part of the requirements to enable the business to function.

A rough site plan has been submitted showing the proposed sites for the various structures to be build on the property however this does not show boundary set backs and distances between buildings and therefore greater detail is required.

A separate application has also been provided for the dwelling which meets all building requirements and will be approved.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council approves the building applications submitted by Ms Kay Bullard to erect an oversize outbuilding and hot/tunnel house on lot 277 Campbell Street, Cuballing, subject to submission of suitable site plans and meeting setback requirements in accordance with Shire of Cuballing Town Planning Scheme No 2 and Residential Design Codes of Western Australia.

COUNCIL ACTION

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

CARRIED 5/1

**8.5.2 DEPARTMENT FOR PLANNING AND INFRASTRUCTURE (DPI) –
RESERVATION OF LAND FOR “AGED PERSONS
ACCOMMODATION”**

Submission to:	Ordinary Meeting of Council
Location/Address:	Reserve 49201 (Lot 3111) Austral Street, Cuballing
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Land Administration Act 1997
Council Policy:	Shire of Cuballing Town Planning Scheme No 2
Budget Implications:	No budget provision made for Aged Accommodation in 2007/08
File Reference:	Buildings 14
Voting Requirements:	Simple majority

Background

Correspondence from DPI advising that Reserve 49201 (Lot 3111) Austral Street, Cuballing, has been vested with the Shire of Cuballing for the purpose of “Aged Persons Accommodation”.

This provides Council with alternative venue for the future placement of aged persons accommodation within the Cuballing townsite. The original sites, being Lot 12 Campbell Street and Lot 41 Alton Street, met with some opposition from the local community and Reserve 49201 has been sought as an alternative site.

Comment

Whilst Lots 12 and 41 have been rezoned from Rural Townsite R10 to Rural Townsite R20 (Shire of Cuballing Town Planning Scheme No 2, Amendment No 1 refers) for purpose of building aged persons accommodation, Reserve 49201 will now have to go through the rezoning process.

Council made provision for this in recent review of the Town Planning Scheme and the Town Planning Consultant has been informed of the recent vesting/management order for Reserve 49201.

The Department of Housing and Works has also been informed of this matter and been requested to consider inclusion of Councils previous application for Joint Venture Housing Project in the 2008/2009 financial year.

On completion of the rezoning process Council could survey the local community to ascertain the most suitable site for aged persons accommodation within the Cuballing townsite.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the information be noted and correspondence received.

COUNCIL ACTION

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

CARRIED 6/0

**8.5.3 WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) –
PLANNING APPLICATION 135528 WILLIAMS ROAD,
POPANYINNING**

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 4772 Williams Road, Popanyinning
Reporting Officer:	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:	TP 12
Voting Requirements:	Simple majority

Background

Planning application to subdivide Lot 4772 Williams Road, Popanyinning into two separate land parcels.

Comment

The Planning Application has been lodged by property surveyor J B A Surveys on behalf of property owner Riggindale Pty Ltd.

The application was forwarded to Councils Town Planning Consultant who has provided the following comments.

“Further to your request for advice on the above, little information is provided with the application to establish the purpose of the subdivision. In the absence of any information it would seem that the purpose is to formalise a de facto subdivision by virtue of the lot being divided by Williams Road.

This is allowed for in the WAPC’s policy for possible rural subdivision. In this case the resultant lots are 36.6554ha and 42.3081ha, which is slightly smaller than the prevailing lot size.

Accordingly there does not seem to be any significant obstacle to recommending support for the subdivision.

However Council could condition its support upon a revegetation program along the Hotham Rover consistent with the Hotham River Environs Policy”.

The Shire of Cuballing Town Planning Scheme No 2 and WAPC Planning Policy No DC 3.4 *Subdivision of Rural Land* provide a general presumption against subdivision of rural land unless it is specifically provided for in a town planning scheme, an endorsed local planning strategy or an endorsed local

rural strategy. However the WAPC Planning Policy (clause 3.2.1, and subclause(a)) states:

*“Notwithstanding section 3.1.1, the Commission may approve subdivision of rural land for the following specific purposes:
A significant natural or man-made feature already physically divides the proposed lots and an undesirable precedent would not be set”.*

As in the Town Planning Consultants comments, the existing Lot is currently separated by Williams Road and therefore the proposed application meets with this criteria.

In addition, the northern portion of existing Lot 4772, and of proposed lot 800, meets with the Hotham River and it may be appropriate to request as a condition of subdivision a revegetation program along the River in accordance with the Shire of Cuballing Town Planning Scheme No 2, Local Planning Policy – Hotham River Environs.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- Planning Application 135528, for the subdivision of Lot 4772 Williams Road, Popanyinning, be supported; and
- As a condition of approval of the subdivision a condition be imposed for a revegetation program to be implemented along the Hotham River (northern portion of proposed Lot 800) in accordance with the Shire of Cuballing Town Planning Scheme No 2, Local Planning Policy – Hotham River Environs.

COUNCIL ACTION

Moved Cr Bradford, Seconded Cr Newman that Planning Application 135528 not be supported

CARRIED 4/2

Council in making this decision 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.

8.5.4 MR W M PARKER – APPLICATION TO OPERATE HOME BUSINESS

4:09pm Cr Wittwer declared a Financial Interest and departed the Council Chambers.

Cr Brown assumed the chair.

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

Background

At the June 2007 Ordinary meeting of Council, Council considered an application from Mr Parker for approval to operate a Home Business (Carpentry and Cabinet Making) at his property, being Lot 328 Carton Street, Cuballing.

At the June 2007 meeting Council resolved as follows:

“That Mr W M (Wayne) Parker be advised that Council is prepared to support his proposed Carpentry/Cabinet Making Home Business application at Lot 328 Carton Street, Cuballing, subject to the following actions and conditions:

- Adjoining landowners/residents be advised of the proposed Home Business and be provided with an opportunity (period of 14 days) to comment; and*
- Hours of operation be restricted from 8.00am to 5.00pm Monday to Saturday.”*

Letters were forwarded to neighbouring property owners on 22 June 2007, advising of the application and stating that Council is prepared to support the proposal with restricted operating hours subject to comments being invited from the neighbouring property owners.

At the close of the submission period on 11 July 2007, six submissions were been received. Three of the submissions supported the proposal and three were in opposition to it. The submissions opposing the business went into great detail as to why they were opposed, one of the submissions included a letter from solicitor, and this information was been referred to Councils Solicitors, McLeods, and the Municipal Liability Scheme for comment and advice.

Comment

Preliminary advice from the Municipal Liability Scheme is if Council made the decision for the home business to proceed in good faith and in accordance

with the Town Planning Scheme requirements then a complainant would have to prove that the Council was negligent in its actions to be able claim any losses on property valuation against the Council.

Response has now been received from Councils Solicitors and copy is attached to the Council meeting agenda. The Solicitors make comments on various matters relating to the planning application and proposed use for the business activity to meet the requirements of the Shire of Cuballing Town Planning Scheme No 2. It has also been recommended that the applicant be requested to complete a formal Application for Planning Approval form as per the requirements of the Scheme prior to Council considering the matter further. A summary of the Solicitors letter follows:

- Applicant to resubmit application on formal planning application (Schedule Six of the Town Planning Scheme No 2);
- Application to provide greater information about the business proposal; ie area of land building/s to be utilised (and site plans of same), number of persons (including applicant) to be employed, will business involve retail sale of goods/products;
- Indicate preferred hours and days of operation to enable Council to properly consider if stricter controls need to be placed rather than trying to anticipate what is to be suitable;
- It is suggested a better use to describe the business would be “industry – general” rather than “home business” or “home occupation”; and
- Application to indicate measures to be introduced to lessen/minimise any adverse impact the business may cause to neighbouring property owners.

The above information has been provided to Mr Parker, on receipt of the application (in the prescribed format) the information will be provided to McLeods and Councils Town Planning Consultant for comment and advice prior to being represented to Council for consideration.

The Chief Executive Officer informed Council that planning application has been received from Mr Parker in the prescribed format and comment on the application received from the Town Planning Consultant. This information was referred to Councils Solicitors and they concur with the Town Planning Consultants comments. The information was tabled for Council consideration.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the information be noted and correspondence received.

COUNCIL ACTION

Moved Cr Bradford, Seconded Cr Newman that the planning application submitted by Mr Wayne Parker to commence an Industry – General, Carpentry and Cabinet Making business, on Lot 328 Carton Street, Cuballing be advertised in accordance with the requirements of Shire of Cuballing Town Planning Scheme No. 2.

CARRIED 5/0

4.26PM Cr Wittwer re-entered the Council Chambers.

11. 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 THURSDAY 20 SEPTEMBER 2007**

SHIRE PRESIDENT