



SHIRE OF CUBALLING

**ORDINARY COUNCIL MEETING
HELD ON THURSDAY 17 MAY 2007**

MINUTES

SHIRE OF CUBALLING

COUNCIL MEETING THURSDAY 17 MAY 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
17 MAY 2007**

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

President welcomed Councillors, declared meeting open 3.02pm.

2. RECORD OF ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

ATTENDANCE

Shire President, Cr T H Wittwer
Cr D S Bradford
Cr R J D Newman
Chief Executive Officer, Mr P T Naylor

Deputy President, Cr J D Brown
Cr C R Hawksley
Cr I L Watts

APOLOGIES

Cr C R McKenzie

LEAVE OF ABSENCE

Nil

3. PUBLIC QUESTION TIME

Nil

4. APPLICATION FOR LEAVE OF ABSENCE

Moved Cr Brown, seconded Cr Watts that leave of absence be granted to Cr Bradford for the Ordinary Meeting of Council to be held on Thursday 21 June 2007.

CARRIED 6/0

5. MINUTES

5.1.1 CONFIRMATION OF 19 APRIL 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 April 2007 be confirmed.

COUNCIL ACTION

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

CARRIED 6/0

5.2 **SHIRE OF CUBALLING BUSH FIRE ADVISORY COMMITTEE MEETING HELD ON THURSDAY 12 APRIL 2007**

Comment

This meeting was the Annual General Meeting of the Advisory Committee and the appointment of Office Bearers for the 2007/2008 Fire Season will need to be endorsed by Council.

In addition letter of resignation has been received from Mr Don Bird formally resigning as a Fire Control Officer for the Popanyinning Town. Mr Bird has held this position for in excess of 25 years, which is a wonderful voluntary contribution to the local community.

It is pleasing to see the progress of the formation of a Popanyinning Town Brigade Sector and the new members are very keen to undertake training and be active in fire fighting activities. The Cuballing Town FCO, Anthony Mort, has played a huge role in this.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **The minutes of the meeting of the Shire of Cuballing Bush Fire Advisory Committee held on Thursday 12 April 2007 be received;**
- **The appointment of Office Bearers for the 2007/2008 Fire Season be endorsed; and**
- **A letter be written to retiring Fire Control Officer, Mr Don Bird, thanking him for his contribution to the Shire of Cuballing Bush Fire Network.**

COUNCIL ACTION

Moved Cr Hawksley, seconded Cr Newman 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.

Mr Peter Naylor declared an Interest in item 8.1.4, Chief Executive Officer Annual Performance Appraisal.

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.

Councillor Brown declared an Interest in item 8.5.4. Cr Brown has an interest in land adjoining the Cuballing Rifle Club.

8.1 REPORTS – FINANCE AND ADMINISTRATION

8.1.1 LIST OF ACCOUNTS SUBMITTED FOR COUNCIL APPROVAL AND PAYMENT MAY 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 \$91,435.28:**

Voucher 10844	\$ 353.00
Vouchers 10847-10862 inclusive	\$29,854.16
Vouchers 11740-11776 inclusive	\$25,540.64
Electronic fund transfers	\$35,647.08
Credit Card	\$ 40.40

- **Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$200.00:**

Vouchers 1993-1994 inclusive	\$ 200.00
Electronic fund transfers	\$ 0.00

COUNCIL ACTION

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

CARRIED 6/0

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Type	Date	Num	Name	Memo	Muni	Trust
Bill Pmt -Cheque	03/01/2007	10844	Australian Taxation Office	BAS Statement March 2007	353.00	
Cheque	04/23/2007	10847	PETTY CASH	Petty cash recoup	224.55	
Bill Pmt -Cheque	04/20/2007	10848	Great Southern Ranger Services	Ranger Service	77.70	
Bill Pmt -Cheque	04/20/2007	10849	JR & A HERSEY P/L	Safety Hard Hats	112.20	
Bill Pmt -Cheque	04/20/2007	10850	NARROGIN BEARING SERVICE	Workshop Supplies	34.65	
Bill Pmt -Cheque	04/20/2007	10851	NGN AG REPAIRS	Parts & Repairs	212.60	
Bill Pmt -Cheque	04/20/2007	10852	STAR TRACK EXPRESS	Freight on Signs	51.22	
Bill Pmt -Cheque	04/20/2007	10853	WATER CORPORATION	Standpipe Repairs & Water Accounts	5,360.40	
Bill Pmt -Cheque	04/20/2007	10854	BORAL CONSTRUCTION MATERIALS GROUP	Bitumen Roadworks	13,036.28	
Bill Pmt -Cheque	04/20/2007	10855	Great Southern Ranger Services	Ranger Service	451.35	
Cheque	05/01/2007	10856	SHIRE OF CUBALLING.	Social Club Contribution April 2007	140.00	
Cheque	05/01/2007	10857	WALGSP	Super Contributions April 2007	6,169.42	
Cheque	05/02/2007	10858	BUILDERS REGISTRATION BOARD OF WA	BRB PAYMENT FEBRUARY & APRIL 2007	206.50	
Bill Pmt -Cheque	05/03/2007	10859	CUBY ROADHOUSE	Gas & Refreshments	249.30	
Bill Pmt -Cheque	05/03/2007	10860	EDWARDS MOTORS PTY LTD	Trailer for Townscape Equipment	1,630.00	
Bill Pmt -Cheque	05/03/2007	10861	Geoff Parkins Farm Machinery Centre	Townscape Trailer Equipment	1,818.00	
Bill Pmt -Cheque	05/03/2007	10862	TELSTRA	CEO & W/S Mobile Phone Accounts	79.99	
Bill Pmt -Cheque	05/17/2007	11740	ADAGE FURNITURE	Bookcase	2,475.00	
Bill Pmt -Cheque	05/17/2007	11741	Amerex Fire	Service Fire Equipment	363.00	
Bill Pmt -Cheque	05/17/2007	11742	AUSTRALIA POST	Postage	50.00	
Bill Pmt -Cheque	05/17/2007	11743	BEAUREPAIRES	Battery	105.40	
Bill Pmt -Cheque	05/17/2007	11744	BILL EXPRESS	Transaction Fees	0.77	
Bill Pmt -Cheque	05/17/2007	11745	BUTLER SETTINERI	Interim Audit	1,870.00	
Bill Pmt -Cheque	05/17/2007	11746	CANNON HYGIENE AUSTRALIA PTY LTD	Hygiene Service	214.50	
Bill Pmt -Cheque	05/17/2007	11747	Central Group of Affiliated Agricultural	District Displays at Perth Royal Agricultural Show	200.00	
Bill Pmt -Cheque	05/17/2007	11748	Chem Loo	Chemical Toilet	2,213.20	
Bill Pmt -Cheque	05/17/2007	11749	Chris's Craft & Hobby Centre	Framing of President Photo's	495.00	
Bill Pmt -Cheque	05/17/2007	11750	COURIER AUSTRALIA	Freight	15.02	
Bill Pmt -Cheque	05/17/2007	11751	Cuballing Golf Club	Subs - Naylor 2007 Season	100.00	
Bill Pmt -Cheque	05/17/2007	11752	CUBALLING TAVERN	Refreshments	202.00	
Bill Pmt -Cheque	05/17/2007	11753	DEWS MINI EXCAVATIONS	Netball Court Lighting	327.25	
Bill Pmt -Cheque	05/17/2007	11754	Fuji Xerox	Photocopier/Printer	67.62	
Bill Pmt -Cheque	05/17/2007	11755	GFR Industries (Scottish Pacific Business Finance)	Driveway Pipes	1,557.07	
Bill Pmt -Cheque	05/17/2007	11756	GREAT SOUTHERN FUEL SUPPLIES	Fuel	8,766.43	

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Bill Pmt -Cheque	05/17/2007	11757	Great Southern Ranger Services	Ranger Service	110.30	
Bill Pmt -Cheque	05/17/2007	11758	JBE Office Choice	Carpet Protector Mat	49.50	
Bill Pmt -Cheque	05/17/2007	11759	LANDGATE	Valuations	696.51	
Bill Pmt -Cheque	05/17/2007	11760	LOCAL GOVERNMENT MANAGERS AUSTRALIA	Registration - Seminar 18/5/07	85.00	
Bill Pmt -Cheque	05/17/2007	11761	MAKIT NARROGIN HARDWARE	Cuballing Refuse Site	265.30	
Bill Pmt -Cheque	05/17/2007	11762	Narrogin Floral Studio	Wreath for Anzac Day	65.00	
Bill Pmt -Cheque	05/17/2007	11763	NARROGIN HIRE SERVICE AND RETICULATION	Refuse Site Upgrade	296.32	
Bill Pmt -Cheque	05/17/2007	11764	NARROGIN PACKAGING	Toilet Rolls & Hand Towels	280.01	
Bill Pmt -Cheque	05/17/2007	11765	PARRYS	Protective Clothing	139.50	
Bill Pmt -Cheque	05/17/2007	11766	Patten Trading Group	Parts & Repairs	219.45	
Bill Pmt -Cheque	05/17/2007	11767	PIONEER CREDIT MANAGEMENT SERVICES	Debt Recovery	756.77	
Bill Pmt -Cheque	05/17/2007	11768	Pressure Masters	Workshop	515.02	
Bill Pmt -Cheque	05/17/2007	11769	STAR TRACK EXPRESS	Freight	45.52	
Bill Pmt -Cheque	05/17/2007	11770	SUNNY SIGN COMPANY PTY LTD	Signs	193.71	
Bill Pmt -Cheque	05/17/2007	11771	Synergy	Electricity Accounts	2,110.45	
Bill Pmt -Cheque	05/17/2007	11772	VI BARHAM AWARD FOR EXCELLENCE	Donation	125.00	
Bill Pmt -Cheque	05/17/2007	11773	WA Land Information Authority	Valuations	77.20	
Bill Pmt -Cheque	05/17/2007	11774	WA LOCAL GOV'T ASSOCIATION	Market Force Advertising	105.51	
Bill Pmt -Cheque	05/17/2007	11775	WEL-QUIP	Parts & Repairs	342.27	
Bill Pmt -Cheque	05/17/2007	11776	Yakka	Uniform - Naylor	40.04	
Cheque	04/23/2007	T1993	Susan Cailles	Bond Refund - Hall Hire		100.00
Cheque	05/09/2007	T1994	Cash	Social Club Lotto		100.00
EFT	04/17/2007	170407	SHIRE OF CUBALLING.	Salaries & Wages 4/4/07 - 17/04/07	17,670.82	
EFT	05/01/2007	010507	SHIRE OF CUBALLING.	Salaries & Wages 18/4/07 - 1/5/07	17,976.26	
Credit Card	04/19/2007	190407	Shire of Cuballing	Townscape Trailer Registration	40.40	
					91,435.28	200.00

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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 30 April 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 30 April 2007 be received.

COUNCIL ACTION

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

CARRIED 6/0

8.1.3 SHIRE OF CUBALLING COMMON SEAL

Submission to: Ordinary Meeting of Council
Location/Address: Not applicable
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Local Government Act 1995
Council Policy: Nil
Budget Implications: Nil
File Reference: A 18
Voting Requirements: Simple majority

Background

It is a requirement that the use of the Common Seal of the Shire of Cuballing be endorsed by Council.

Comment

During the previous month the Shire President and Chief Executive Officer witnessed affixing the Shire of Cuballing Common Seal to the following document:

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1. Shire of Cuballing Health Local Law being forwarded to the Executive Director Public Health (EDPH) for consent.

Council adopted the Health Local Law at its Ordinary meeting held on 19 April 2007. The next stage was for the Local Law to be signed by the Shire President and Chief Executive Officer, affix the Common Seal, and send three copies to the EDPH for consent.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council endorses the affixing of the Shire of Cuballing Common Seal to the Shire of Cuballing Health Local Law.

COUNCIL ACTION

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

CARRIED 6/0

8.1.4 CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE APPRAISAL

Item deferred to end of meeting.

8.1.5 REPORTING OF MONTHLY FINANCIAL VARIANCES

Submission to: Ordinary Meeting of Council
Location/Address: Nil
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Local Government (Financial Management) Regulations 1996
Council Policy: Nil
Budget Implications: Nil
File Reference: F 18
Voting Requirements: Simple Majority

Background

Local Government (Financial Management) Regulations 1996, Regulation 34, relating to the preparation of monthly reports to Council, states each financial year, a local government is to adopt a percentage and/or value, calculated in accordance with ASS 5, to be used in statements or financial activity for reporting material variances.

Comment

In November 2005, Council adopted to report material variances of +/- 10% with a minimum dollar value of \$5,000 from the base figure and report these variances by way of supporting note in the 'Monthly Statement of Financial Activity'. This amount was adopted for the 2005/2006 financial year.

It seems appropriate that the figure Council previously set for reporting material variances, as indicated above, continue for the Shire of Cuballing.

Due to the time of the current financial year and upon receiving advice from Council's auditor, that this material variance adoption must be reviewed for each financial year, staff are seeking endorsement what has been in place for 2006/2007 and for the approaching 2007/2008 financial year.

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CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council adopts material variance of +/- 10% with a minimum dollar value of \$5,000 from the base figure for the financial years 2006/2007 and 2007/2008, and report variances by way of supporting note in the 'Monthly Statement of Financial Activity'.

COUNCIL ACTION

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

CARRIED 6/0

**8.1.6 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) –
REGISTRATION OF VOTING DELEGATES WALGA 2007 ANNUAL GENERAL
MEETING**

Submission to: Ordinary Meeting of Council
Location/Address: Nil
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Nil
Council Policy: Nil
Budget Implications: Nil
File Reference: C&A 5
Voting Requirements: Simple Majority

Background

Correspondence from WALGA requesting Council to formally nominate its voting delegates for the Associations 2007 Annual General Meeting to be held on Sunday 5 August 2007.

Comment

Pursuant to the WALGA Constitution, Council is entitled to register two (2) voting delegates for the Annual General Meeting (AGM).

In the last two years Councils voting delegates at the AGM have been the Shire President and Deputy President.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Shire President, Cr Wittwer, and Deputy President Cr Brown, be registered as the voting delegates for the Shire of Cuballing at the Western Australian Local Government Associations Annual General Meeting to be held on Sunday 5 August 2007.

COUNCIL ACTION

Moved Cr Hawksley, 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

PURPOSE PERMIT APPLICATION

The Department of Environment and Conservation granted preliminary approval to Council for road works to commence on 17 April 2007, recognising that the consultants whom prepared the offset plan were away until 24 April 2007, and subject to final offset plan be presented for consideration by Friday 4 May 2007. This was achieved and formal approval was received from DEC on 4 May 2007.

STRATHERNE/PARSONS ROADS INTERSECTION

Works have commenced on this intersection and are proceeding well. Gravel sheeting is underway. It is difficult to ascertain whether some sort of emulsion surface can be applied to hold the road works together over the winter period. The Works Manager is seeking advice on this matter.

MAINTENANCE GRADING

Winter grading has commenced, however is slow process with one grader on the delayed construction program, also conditions are still reasonably dry.

CUBALLING REFUSE SITE

Fencing of the refuse site has been completed, small caravan purchased as office/lunchroom amenity, and chemical toilet purchased from Chem-Loo in South Australia.

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, with exception of Venieri Front End Loader.

The crowd hydraulic ram on the loader is in Perth being repaired. The cast on the loader end of the hydraulic cylinder appears to have crystallised causing a clean break. The repairers are to provide Council with a full report on what they consider caused the problem.

Unfortunately Welquip have sold their business interests (due to ill health) and currently there is no Venieri dealership in Western Australia. The principal dealership in New South Wales (GCM) did not appear to be too interested in Councils problems. Information pertaining to the damage and repair costs will be emailed directly to Venieri in Italy.

Fortunately whilst the loader was out of action the Shire of Pingelly and Dawson Bradford were able to assist with replacement loaders.

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STAFF

Graham Maddison has been off on workers compensation for about five days. He received injuries whilst operating the mulching machine on Stratherne Road on Tuesday 8 May 2007.

Other staff absentees:

Scott Fowler: Monday 7 May 2007 (bee sting), and then Thursday 10 to Wednesday 16 May 2007, inclusive, due to family bereavement.

Brett Ashton: ongoing appointments due workers compensation claim on knee injury.

PRIVATE WORKS

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

Private works invoices for the month of April 2007, total \$9,770.01.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Managers Report be received and information noted.

COUNCIL ACTION

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

CARRIED 6/0

8.2.2 BUSHFIRE INCIDENT REPORT/S

Submission to:	Ordinary Meeting of Council
Location/Address:	Yornaning Townsite Lot 561
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Bush Fires Act 1954
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	BFC 10
Voting Requirements:	Simple majority

Background

Bush Fire Incident Report has been received for recent fire within the Shire of Cuballing.

Comment

A summary of the fire is hereunder:

Sunday 6 May 2007, Location 15785 (Reserve 5271) Yornaning townsite, total area burned estimated at 200m².

It alleged that the fire was lit by the owner of adjoining property Lot 561, Mr Herbert John Henderson. Mr Henderson appears to have been cleaning the southern perimeter of his property and lit up small heaps of rubble in the reserve area. When fire crew arrived Mr Henderson was not in attendance and he either left the property after lighting the fire or after he considered that the fire was sufficiently extinguished.

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Section 34 of the Bush Fires Act 1954 provides for the lighting of fires within Crown lands providing fire-breaks have been installed and a permit has been obtained (even during the non restricted burning period) from a bush fire control officer of the local government in whose district the burning is to take place.

A fire-break has been installed in the area adjacent to Mr Henderson's property by the Shire of Cuballing, however no burning permit was obtained.

Whilst the fire was quickly brought under control by local fire crew and only small area burned it needs to be brought to Mr Henderson's attention that he acted contrary to the Bush Fires Act 1954 and the situation could have been far worse.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **The Bush Fire Incident Report be received and noted, and copy forwarded to the Fire and Emergency Services Authority; and**
- **Letter be forwarded to Mr Henderson advising that the indiscriminant lighting of fires on Crown land, even during the non restricted burning period, is contrary to the Bush Fires Act 1954 (S 34) and request he take more care in the future.**

COUNCIL ACTION

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

CARRIED 6/0

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8.3 REPORTS – BUILDING

8.3.1 BUILDING SURVEYORS REPORT

Submission to: Ordinary Meeting of Council
Location/Address: Whole of Shire
Reporting Officer: Allan Ramsay, Environmental Health Officer/Building Surveyor
Enabling Legislation: Local Government (Miscellaneous Provisions) Act 1960
 Building Regulations 1989
 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) applications approved and licenses issued for the month of April 2007. Listed below is a summarized breakdown of the application and proposed structures:

Approval License No	Name of Owner	Registered Builder (RB) or Owner Builder (OB)	Structure	Location of Building
39/06-07	G & D Baylis	OB	44m2 Verandha	Lot 52 Beeston St Cuballing
40/06-07	N Robertson	OB	25m2 Carport/patio	Lot 95 Bow St Cuballing
41/06-07	A Griffiths	Oakpoint	30m2 Patio	Lot 322 Condor St Cuballing
42/06-07	L Buckley	OB	40m2 Patio	Lot 357 Forrest St Cuballing
43/06-07	N Mustchin	OB	162m2 Horse Stable	Lot 10432 Karping Rd Popanyinning
44/06-07	S Craig	OB	Bathroom Extension	Lot 112 Alexandra St Popanyinning

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

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

COUNCIL ACTION

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

CARRIED 6/0

8.4 REPORTS – HEALTH

8.4.1 POPANYINNING HALL

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 19 Francis St, Popanyinning
Reporting Officer:	Allan Ramsay, Environmental Health Officer/Building Surveyor
Enabling Legislation:	Health Act 1911 Health (Public Buildings) Regulations 1992
Council Policy:	Nil
Budget Implications:	Allocation included on 2006/2007 Budget
File Reference:	B 8
Voting Requirements:	Simple majority

Background

The Popanyinning Hall has been expected in accordance with the Health Act 1911.

Comment

As the hall is being used at night for functions and dances where a large number of people gather it is necessary to install an illuminated exit sign above each door and have the meter box locked to avoid any interference with the lights which may cause a panic situation. All lighting needs to be inspected by a licensed electrician and then certified in accordance with the requirements of the Health (Public Buildings) Regulations 1992.

Once the electrician has undertaken the works the hall can be issued with an occupancy certificate for 100 persons.

Other work noted as requiring attention were the windows to be repaired by a carpenter as part of general maintenance.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Environmental Health Officer's Report be received and information noted.

COUNCIL ACTION

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

CARRIED 6/0

8.4.2 JEAN HENDERSON – PLACEMENT OF ASHES AT YORNANING DAM, LOCATION 15785 (RESERVE 5271)

Submission to:	Ordinary Meeting of Council
Location/Address:	Yornaning Dam, Location 15785 (Reserve 5271)
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Cemeteries Act 1986
Council Policy:	Shire of Cuballing Local Law Relating to Cuballing and Popanyinning Cemeteries
Budget Implications:	Nil
File Reference:	Recreation 14
Voting Requirements:	Simple majority

Background

Letter of received from Jean Henderson requesting Council consideration to permitting the family to place the ashes of her late father, Albert Ernest Henderson, and install a small memorial (approximately 230mm x 230mm) at Yornaning Dam.

Comment

Ms Henderson explains that her father grew up in the Yornaning area and always considered it “home”, and the family feels that it would be nice to place his ashes at the Yornaning Dam and install a small monument in his memory.

The Cemeteries Act 1986 and Cemeteries Local Law generally relate to burials and placement of ashes in cemeteries and niche walls, it is Councils decision whether or not they will permit ashes to be placed in other areas, such as the request from the Henderson family.

Should Council consider this request favourably the Chief Executive Officer and Environmental Health Officer/Building Surveyor will liaise with the Henderson family to ensure the monument is visually amenable, and does not inhibit and/or is not dangerous to visitors to the area.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- Approval be granted to Jean Henderson for the ashes of her late father, Albert Ernest Henderson, to be placed at Yornaning Dam and a small monument to be installed in his memory; and
- The Chief Executive Officer and Environmental Health Officer/Building Surveyor to Liaise with Ms Henderson to ensure the monument is visually amenable, and does not inhibit and/or is not dangerous to visitors to the area.

COUNCIL ACTION

Moved Cr Bradford, seconded Cr Hawksley that:

- **Approval be granted to Jean Henderson for the ashes of her late father, Albert Ernest Henderson, to be placed at Yornaning Dam;**
- **Approval be granted for a small monument to be installed and the family be requested to also plant a tree in his memory; and**
- **The Chief Executive Officer and Environmental Health Officer/Building Surveyor to Liaise with Ms Henderson to ensure the monument is visually amenable, and does not inhibit and/or is not dangerous to visitors to the area.**

CARRIED 6/0

8.4.3 ZERO WASTE MANAGEMENT PLANS AND REGIONAL REFUSE SITE

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Proposed Waste Avoidance and Resource Recovery Legislation
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	H 4a
Voting Requirements:	Simple majority

Background

As Council is aware the Shire President and Chief Executive Officer have been participating in meetings convened by the Shire of Wagin to discuss future regional waste matters. In total ten local governments have been invited to the meetings, and not all have been involved or attended both of the meetings to date.

Comment

At the most recent meeting held on Friday 27 April 2007, representatives from the Department of Environment and Conservation were in attendance and addressed the meeting on the new proposed Waste Avoidance Legislation and the State Governments philosophy "Towards Zero Waste".

As part of the new legislation, which is currently before Parliament and soon to be proclaimed, there will potentially be a requirement be for each local government to prepare a Zero Waste Management Plan. It is proposed that these plans will be introduced in two phases.

Phase 1 will be a data collection exercise to identify information gaps and create a baseline characteristic for municipal waste management in the State. The State Government is making available amount of \$5,000 to each local government to support phase 1. Correspondence has been received from the Minister for the Environment supporting this.

Phase 2 will involve the development of strategic Zero Waste Plans by local government. These plans will be designed to enable the achievement of best practice municipal waste management practises that are in alignment with the vision of Towards Zero Waste in WA. It is believed the State will be providing financial assistance of \$15,000 to each local government for the second phase.

At the meeting in Wagin on 27 April, the meeting discussed the idea of pooling the funds (\$20,000 per Council) into a regional partnership arrangement and producing one Zero Waste Management Plan, with appendixes attached relevant to each individual Council, with further objectives included relating to refuse control and recycling that could attract additional funding from the Zero Waste Plan Development Scheme.

To make this achievable from a regional perspective it is essential that a firm commitment be given from each the Councils involved in the regional waste discussions and others that have also been invited to attend or consider involvement at a future time. This includes, but is not limited to: Shires of Broomehill, Cuballing, Dumbleyung, Katanning, Kent, Kojonup, Kulin, Lake Grace, Narrogin, Pingelly, Wagin, Wandering, West Arthur, Wickepin, Williams, Woodanilling, and the Town of Narrogin.

This could present an excellent opportunity to commence negotiations towards a regional refuse site, or possibly more than one if considered necessary, and help work with the Department of Environment and Conservation from a regional perspective.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Shire of Cuballing supports partnering with Councils in the region to facilitate the completion of the Department of Environment and Conservation's survey on current waste management characteristics and further the production of a Regional Zero Waste Management Plan. To assist in this process the Council is willing to pool required funds, up to a maximum of \$20,000 it will receive from the State Government for the projects, with other Councils that participate.

COUNCIL ACTION

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

CARRIED 6/0

8.5 REPORTS – TOWN PLANNING

8.5.1 WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) – PLANNING APPLICATION 134522 LOT 367, 478 WEATHERHEAD ROAD, POPANYINNING (EAST)

Submission to:	Ordinary Meeting of Council
Location/Address:	Lots 12344, 13905, 3535, 3675, 4398, 4732, 4787, 156, 371, 2200, 3202, 154 & 367 Popanyinning East
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

Correspondence from the WAPC requesting Council to provide any information, comment or recommended conditions on a subdivision proposal received for the abovementioned Lots.

Comment

The application has been submitted by property surveyor A J Marsh Pty Ltd on behalf of owners J S Patten, N R Patten, D J B Patten and L J Patten.

The application is to realign the boundaries of the existing 13 locations/lots for farm management purposes and it appears to provide formed road access to all new proposed lots.

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.

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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 subdivision and realignment of boundaries of Lots 12344, 13905, 3535, 3675, 4398, 4732, 4787, 156, 371, 2200, 3202, 154 & 367, as per Planning Application 134522, be supported.

COUNCIL ACTION

Moved Cr Hawksley, Seconded Cr Brown that the Chief Executive Officer's Recommendation be adopted.

LOST 3/4

The Shire President cast a second vote in accordance with the requirements of Section 5.21 (3) of the Local Government Act 1995

For: Councillors Brown, Hawksley and Watts

Against: Councillors Bradford, Newman and Wittwer

Moved Cr Bradford, Seconded Cr Newman that Planning Application 134522 not be supported.

CARRIED 4/3

The Shire President cast a second vote in accordance with the requirements of Section 5.21 (3) of the Local Government Act 1995

For: Councillors Bradford, Newman and Wittwer

Against: Councillors Brown, Hawksley and Watts

Council does not believe the proposed planning application will create improved farming practises and/or enhance cropping and grazing activities on the properties.

8.5.2 WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) – PLANNING APPLICATION 134533 LOT 2 BOXSELL ROAD, HILLSIDE

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 2 Boxsell Road, Hillside
Reporting Officer:	Peter Naylor, Chief Executive Officer Trevor Moran, Landvision, Town Planning Consultant
Enabling Legislation:	Land Administration Act 1997
Council Policy:	Shire of Cuballing Town Planning Scheme No 2
Budget Implications:	Nil
File Reference:	TP 12
Voting Requirements:	Simple majority

Background

Correspondence from the WAPC requesting Council to provide any information, comment or recommended conditions on a subdivision proposal received for the abovementioned Lot.

Comment

The application has been submitted by Town Planning and Development Consultants, Mr Joe Douglas and Mr Steve Pandevski, Planning Enterprises on behalf of owner Mr C B Boxsell.

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This planning application is quite complex as it involves a single lot that crosses the boundaries of two local governments (Shires of Cuballing and Narrogin), and the applicants are endeavouring to create two agricultural lots and a conservation lot.

Therefore the application has been referred to Councils Town Planning Consultant for comment, which is expected to be available for consideration at the Council meeting.

A copy of the planning proposal is circulated with the Council meeting agenda.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

COUNCIL ACTION

Information requested from Councils Town Planning Consultant was not provided for consideration at the meeting therefore Council resolved for this matter to be referred to the June 2007 Ordinary Meeting of Council.

8.5.3 WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) – TOWN PLANNING SCHEME NO 2 AMENDMENT NO 1

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 12 Campbell St & Lot 41 Alton St, Cuballing
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 8
Voting Requirements:	Simple majority

Background

Correspondence advising that the Minister for Planning and Infrastructure has granted final approval to Amendment No 1 for the Shire of Cuballing Town Planning Scheme No 2 on 16 April 2007.

Comment

The Amendment relates to the rezoning of Cuballing townsite Lots 12 and 41 from Rural Townsite R10 to Rural Townsite R20.

Council originally initiated the amendment to allow Aged Accommodation to be constructed on the two lots, and whilst this is still feasible staff have requested Landgate (formerly Department of Land Information) to vest alternative land within the townsite for this purpose to provide the local community with opportunity to comment on what would be considered the most appropriate location.

In relation to the various requirements pursuant to section 87(3) of the *Planning and Development Act 2005*, the following has transpired:

- (a) The Approved Scheme Amendment was advertised in the *Government Gazette* on Friday 4 May 2007;

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- (b) The Approved Scheme Amendment was advertised in the *Narrogin Observer* on Wednesday 16 May 2007;
- (c) Copy of the Scheme Amendment and covering explanatory letters were sent to all persons/agencies that provided a submission to the amendment on Thursday 3 May 2007; and
- (d) Copy of the Scheme Amendment is available to the public in the Shire administration office.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the correspondence be received and information noted.

COUNCIL ACTION

Resolved that the correspondence be received and information noted.

8.5.4 CO-LOCATION REQUEST CUBALLING RIFLE CLUB

Cr Brown declared a proximity interest

Submission to:	Ordinary Meeting of Council
Location/Address:	Reserve 24579, location 15199, and portion Reserve 7530
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Nil
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	Recreation 5
Voting Requirements:	Simple Majority

Background

Request received from the newly formed Dryandra Archery Club to co-locate on the grounds of the Cuballing Rifle Club.

Comment

The Cuballing Rifle Club shooting range is on reserve 24579 (location 15199) with management of the land vested with the Western Australian Rifle Association (WARA). The WARA has a lease agreement in place with the Rifle Club for use of the premises. Reserve 24579 depicts the actual shooting range area for the rifle club.

The Cuballing Rifle Club clubhouse is situated on portion of reserve 7530, to the east of reserve 24579. This land is vested with the Shire of Cuballing for purpose of recreation. Reserve 7530 is also occupied by the Cuballing Golf Club, on the western side of reserve 24579.

The Dryandra Archery Club (DAC) will be affiliated with the State Archery Association and all insurances and constitutional requirements will be in accordance with the State standards. The DAC are seeking approval to co-locate with the rifle club for use of the clubhouse and operate their archery activities on portion of reserve 24579 and reserve 7530.

As the lease for use of reserve 24579 is between the rifle club and the WARA any memorandum of agreement to allow the DAC to use the land will need to be sanctioned by the WARA.

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The DAC attended recent meeting of the Cuballing Rifle Club to present their co-location proposal to the rifle club members. The rifle club supports the proposal and has forwarded letter to Council agreeing in principal to the sharing of site and facilities.

This appears to be a fantastic opportunity to fully utilise the Cuballing Rifle Club land and premises, and provide another opportunity for local community to participate and enjoy social/sporting activity within the Shire.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **Council supports the co-location of the Cuballing Rifle Club land and premises, being Reserve 24579 (location 15199) and portion of Reserve 7530, by the Dryandra Archery Club; and**
- **Council requests the Western Australian Rifle Association to prepare suitable Memorandum of Agreement for use of the Cuballing Rifle Club site by the Dryandra Archery Club.**

COUNCIL ACTION

Moved Cr Hawksley, Seconded Cr Brown that the Chief Executive Officer's Recommendation be adopted.

CARRIED 6/0

8.5.5 MR. STAN MAUGHAN - PROPOSED TAKEAWAY SHOP – LOT 8 FRANCIS STREET, POPANYINNING

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 8 Francis St, Popanyinning
Reporting Officer:	Allan Ramsay, EHO/Building Officer
Enabling Legislation:	Shire of Cuballing Town Planning Scheme No 2
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	TP 4
Voting Requirements:	Simple majority

Background

Council has received an application for Planning Consent from Mr. Maughan (the applicant) for the approval of locating a food vehicle on a permanent basis to sell food from Lot 8 Francis Street, Popanyinning. It is proposed to place the van 9 metres from the front boundary and having a Birds Shelter built from the front boundary and over the van.

The applicant has verbally indicated that the cost of converting a section of the existing shop, as a takeaway food business would be too expensive given the fact that the shop would need to be fire rated from the residential section of the building in accordance with the Building Code of Australia.

Comment

The subject land is zoned Rural Townsite under the Shire of Cuballing's Town Planning Scheme No.2.

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Council's Town Planning Scheme No. 2 Development Table shows the building setback must be 15000mm from the front boundary.

Under Section 5.6 of Council's Town Planning Scheme No. 2 Allows the local government to approve the non-compliance with conditions as the local government thinks fit. Although there is no policy offering guidance to Council staff, each application will be assessed on its merits.

All the original shops in both Popanyinning and Cuballing are built right on the front boundary and consequently the Birds Shelter and van would not look out of place. Furthermore, the shelter would provide a practical solution in providing protection and comfort to patrons.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council resolves to approve the construction of the 10m wide and 9m deep Birds Shelter in line with the existing shop with the van being set back 9m in compliance with the following conditions:

- **The issue of an approved building license for the construction of the Birds Shelter and van;**
- **The van shall comply with the Food Hygiene Regulations; and**
- **The on-site effluent disposal system is upgraded to include another leach drain and a grease trap from the van.**

COUNCIL ACTION

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

CARRIED 6/0

8.1.4 CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE APPRAISAL

5:17pm Peter Naylor Declared an Interest and departed Council Chambers

Submission to: Ordinary Meeting of Council
Location/Address: Nil
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Local Government Act 1995
Council Policy: Chief Executive Officer Contract of Employment
Budget Implications: Nil
File Reference: S 8 & S 15
Voting Requirements: Simple Majority

Background

It is a requirement in accordance with the provisions of the Local Government Act 1995, S5.38, that the performance of the Chief Executive Officer is reviewed/appraised at least once in relation to every year of employment. This matter is also addressed in clause 8 of the Contract of Employment between the Shire of Cuballing and the Chief Executive Officer (CEO).

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Comment

Circulated with the Council meeting agenda is the Performance Review form that has been used by Council over the past five (5) years to appraise the Chief Executive Officers performance.

If Council or Councillors require further information (eg CEO current conditions of employment) prior to the Council meeting please contact the CEO.

Council completed formal appraisal of the CEO performance for the past 12 month period. Council was unanimous in its appreciation of the excellent performance of the CEO during this period.

Council proposed to the CEO increase in salary and conditions effective from 1 July 2007 as follows:

- Annual Salary be increased by the Consumer Price Index amount of 3.52% at 31 March 2007, to be effective from 1 July 2007. New annual salary being \$97,577;
- Additional amount of \$5,000 be included in the Chief Executive Officers Conference Budget for attendance at the National Local Government Managers Annual Conference; and
- The Chief Executive Officer purchase work related home computer to maximum value of \$3,000.

COUNCIL ACTION

Item to be presented to June 2007 Ordinary Meeting of Council for formal adoption.

5:58pm Peter Naylor re-entered the Council Chambers.

9. MEETING CLOSURE

There being no further business the Shire President declared the meeting closed at 6.03pm.

**CONFIRMED AS A TRUE RECORD OF PROCEEDINGS
ON THURSDAY 21 JUNE 2007**

SHIRE PRESIDENT

SHIRE PRESIDENT

DATE