



SHIRE OF CUBALLING

**ORDINARY COUNCIL MEETING
HELD ON THURSDAY 17 APRIL 2008**

MINUTES

SHIRE OF CUBALLING

COUNCIL MEETING THURSDAY 17 APRIL 2008

MINUTES

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ORDINARY COUCIL MEETING MINUTES

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE CUBALLING
SHIRE, HELD IN THE COUNCIL CHAMBERS, CAMPBELL STREET,
CUBALLING ON THURSDAY 17 APRIL 2008**

1. OPENING - ANNOUNCEMENT OF VISITORS

The Shire President welcomed Councillors and declared the meeting open at 3:00pm

2. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

ATTENDANCE

Shire President, Cr T H Wittwer	Deputy President, Cr J D Brown
Cr D Bradford	Cr C Hawksley
Cr T P Haslam	Cr JRA Meharry
Cr RD Newman	
Chief Executive Officer, Mr P T Naylor,	

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

3. PUBLIC QUESTION TIME

Nil

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5. **MINUTES**

5.1 **CONFIRMATION OF 19 MARCH 2008 ORDINARY MEETING OF COUNCIL**

Councillor Bradford sought clarification on items from February 2008 and March 2008 Meetings 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 March 2008 be confirmed.

COUNCIL ACTION

Moved Cr Hawksley, seconded Cr Haslam 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 – APRIL 2008

Submission to: Ordinary Meeting of Council
Location/Address: Not applicable
Reporting Officer: Belinda Draper, Administration Officer (Finance)
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 \$95,829.84:

Voucher 12263-12312	\$57,454.49
Electronic fund transfers	\$36,211.35
Credit Card	\$ 2,164.00
- Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$282.50:

Voucher T2033	\$ 282.50
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COUNCIL ACTION

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

CARRIED 7/0

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Type	Num	Date	Name	Memo	Muni	Trust
Bill Pmt -Cheque	12263	03/19/2008	AUSTRALIAN TAXATION OFFICE	BAS February 2008	5,439.00	
Bill Pmt -Cheque	12264	03/28/2008	BT EQUIPMENT	PARTS	239.24	
Bill Pmt -Cheque	12265	03/28/2008	COMMANDER AUSTRALIA LTD	Contract Charges	74.26	
Bill Pmt -Cheque	12266	03/28/2008	CORPORATE EXPRESS	Stationery	167.44	
Bill Pmt -Cheque	12267	03/28/2008	Cuballing Baling Company	EARTHWORKS	1,881.00	
Bill Pmt -Cheque	12268	03/28/2008	CUBALLING TAVERN	Council Meeting & Community Concert	379.50	
Bill Pmt -Cheque	12269	03/28/2008	DEPT FOR PLANNING & INFRASTRUCTURE	Licensing Renewal	16.35	
Bill Pmt -Cheque	12270	03/28/2008	EDWARDS MOTORS PTY LTD	FILTER KIT ISUZU	133.40	
Bill Pmt -Cheque	12271	03/28/2008	FARMWORKS AUSTRALIA PTY LTD	Parts & Repairs	954.80	
Bill Pmt -Cheque	12272	03/28/2008	Great Southern Ranger Services	Ranger Services 17/03/2008	179.30	
Bill Pmt -Cheque	12273	03/28/2008	INGERSLEY ELECTRICAL	Repair Power Meter at Rec Centre	107.00	
Bill Pmt -Cheque	12274	03/28/2008	M & S Mechanical Pty Ltd	Parts & Repairs	2,027.30	
Bill Pmt -Cheque	12275	03/28/2008	NARROGIN BEARING SERVICE	Parts & Repairs	147.33	
Bill Pmt -Cheque	12276	03/28/2008	NARROGIN AGRICULTURAL REPAIRS	Parts & Repairs	10.00	
Bill Pmt -Cheque	12277	03/28/2008	SHIRE OF WANDERING	Hotham Catchment Vehicle	285.75	
Bill Pmt -Cheque	12278	03/28/2008	SHIRE OF BODDINGTON	Hotham Landcare Catchment Committee	11,000.00	
Bill Pmt -Cheque	12279	03/28/2008	SHIRE OF NGN	Supply of 3000 litres Catemul	2,805.00	
Bill Pmt -Cheque	12280	03/28/2008	Sportspower Narrogin	Tennis Trophies	10.00	
Bill Pmt -Cheque	12281	03/28/2008	TELSTRA	Telephone Account	828.17	
Bill Pmt -Cheque	12282	03/28/2008	WESTERN POWER CORPORATION	Quote for Power Installation at Popanyinning Oval	2,164.00	
Bill Pmt -Cheque	12283	03/28/2008	WESTRAC EQUIPMENT	Parts & Repairs	190.48	
Bill Pmt -Cheque	12284	04/02/2008	BUILDERS REGISTRATION BOARD OF WA	BRB Payment March 2008	155.50	
Bill Pmt -Cheque	12285	04/02/2008	CENTRAL SOUTH EISTEDFORD INC	Donation	150.00	
Bill Pmt -Cheque	12286	04/17/2008	Albany Advertiser	Australia Day Advertisement	105.00	
Bill Pmt -Cheque	12287	04/17/2008	Amerex Fire	Service Fire Equipment	385.00	
Bill Pmt -Cheque	12288	04/17/2008	Australian Communications & Media Authori	Licence Renewal	88.00	
Bill Pmt -Cheque	12289	04/17/2008	Avon Waste	Waste Management Feb & March	924.00	
Bill Pmt -Cheque	12290	04/17/2008	BEAUREPAIRES	Parts & Repairs	636.73	
Bill Pmt -Cheque	12291	04/17/2008	BILL EXPRESS	Bill Payment Fees	4.40	
Bill Pmt -Cheque	12292	04/17/2008	COURIER AUSTRALIA	Freight	44.62	
Bill Pmt -Cheque	12293	04/17/2008	Echelon Australia Pty Ltd	Regional Coordinator 07/08 2nd Instalment	1,786.40	
Bill Pmt -Cheque	12294	04/17/2008	Great Southern Waste Disposal	Management of Refuse Site	2,291.66	
Bill Pmt -Cheque	12295	04/17/2008	GREAT SOUTHERN FUEL SUPPLIES	March Account	10,367.22	
Bill Pmt -Cheque	12296	04/17/2008	HAINES NORTON (WA) PTY LTD	Training	385.00	
Bill Pmt -Cheque	12297	04/17/2008	HANCOCKS HOME HARDWARE	Cut Office Key	12.00	

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Bill Pmt -Cheque	12298	04/17/2008	HANSON CONSTRUCTION MATERIALS	Washed Granite	3,486.24	
Bill Pmt -Cheque	12299	04/17/2008	MAKIT NARROGIN HARDWARE	Depot Maintenance	16.20	
Bill Pmt -Cheque	12300	04/17/2008	METAL ARTWORK CREATIONS	Staff Name Badges	22.55	
Bill Pmt -Cheque	12301	04/17/2008	NARROGIN AGRICULTURAL REPAIRS	Roads to Recovery	1,070.00	
Bill Pmt -Cheque	12302	04/17/2008	NARROGIN BEARING SERVICE	Parts & Repairs	100.06	
Bill Pmt -Cheque	12303	04/17/2008	Narrogin Pumps Sales & Service	Parts & Repairs	23.65	
Bill Pmt -Cheque	12304	04/17/2008	Narrogin Technology Solutions	Computer Maintenance	164.00	
Bill Pmt -Cheque	12305	04/17/2008	POPANYINNING GENERAL STORE	Fuel	12.00	
Bill Pmt -Cheque	12306	04/17/2008	STAR TRACK EXPRESS	Freight on signs	58.75	
Bill Pmt -Cheque	12307	04/17/2008	STEWART & HEATON CLOTHING CO. P/L	Fire Protective Clothing	1,419.19	
Bill Pmt -Cheque	12308	04/17/2008	Synergy	Lighting of Streets	527.30	
Bill Pmt -Cheque	12309	04/17/2008	TELSTRA	CEO/MOW Mobile Account	130.74	
Bill Pmt -Cheque	12310	04/17/2008	WALGA	Advertising	189.16	
Bill Pmt -Cheque	12311	04/17/2008	WATER CORPORATION	Water Accounts	2,609.80	
Bill Pmt -Cheque	12312	04/17/2008	West Australian Outdoor Cinema	Outdoor Movie Night	1,250.00	
Cheque	T2033	03/28/2008	Cuballing Tavern	Bronwyn's Send Off		282.50
EFT	180308	03/18/2008	SHIRE OF CUBALLING.	Shire Wages 18/03/2008	18,815.93	
EFT	310308	03/31/2008	WESTNET PTY LTD	Telecentre Internet Renewal	900.00	
EFT	010408	04/01/2008	SHIRE OF CUBALLING.	Shire Wages 01/04/2008	16,004.79	
EFT	020408	04/02/2008	Neil Flood	Travel - February 2008	391.82	
EFT	020408.2	04/02/2008	Alex Richardson	Works Mangers Phone Rental Reimbursement	98.81	
Credit Card	070308	03/07/2008	Main Roads Department	Oversize Permits - CN026	50.00	
Credit Card	070308.2	03/07/2008	Main Roads Department	Oversize Permits - CN047	50.00	
Credit Card	070308.3	03/07/2008	Main Roads Department	Oversize Permits - CN272	50.00	
Credit Card	150308	03/15/2008	Country Squire	CEO Clothing	119.00	
Credit Card	170308	03/17/2008	Dest Conference	National LGMA Conference	1,895.00	
					95,829.84	282.50

SHIRE PRESIDENT _____

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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 31 March 2008 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 March 2008, be received.

COUNCIL ACTION

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

CARRIED 7/0

8.1.3 SHIRE OF CUBALLING ANNUAL BUDGET REVIEW

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Clare Thomson, Accountant Peter Naylor, Chief Executive Officer
Enabling Legislation:	Local Government (Financial Management) Regulations 1996
Council Policy:	Nil
Budget Implications:	Budget 2007/2008
File Reference:	Finance 9
Voting Requirements:	Simple Majority

Background

The Local Government (Financial Management) Regulations 1996, regulation 33A, requires that between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.

A copy of the budget review, once adopted by Council, is to be provided to the Department of Local Government and Regional Development within 30 days.

Comment

Prior to carrying out the budget review staff have been waiting for the capital road works program to be completed to enable a meaningful review to be prepared. Unfortunately due to delay in Pioneer Road Services being able to complete resealing works this has not been possible.

Staff have however endeavoured to undertake a review of the annual budget bearing in mind that the capital road works program, which is Councils largest budgeted expenditure item, has not been completed.

The budget review has been circulated with the Council meeting agenda.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **The Annual Budget Review, as presented, for the Shire of Cuballing for the nine (9) month period ending 31 March 2008, be adopted; and**
- **A copy of the Budget Review be forwarded to the Department of Local Government and Regional Development within 30 days of being considered and adopted by Council.**

COUNCIL ACTION

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

CARRIED 7/0

8.1.4 CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND STAFF

Submission to:	Ordinary Meeting of Council
Location/Address:	Not applicable
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Local Government Act 1995 Local Government (Administration) Regulations 1996
Council Policy:	Codes of Conduct for Elected Members and Staff (adopted May 2005)
Budget Implications:	Nil
File Reference:	Members 2 and Staff 9
Voting Requirements:	Simple Majority

Background

The Local Government Act 1995 (S5.103) requires every local government to prepare or adopt a Code of Conduct to be observed by council members, committee members and employees.

The Western Australian Local Government Association (WALGA) has prepared an updated Model Code of Conduct which has been amended to reflect recent amendments to the Local Government Act 1995 and Regulations.

Comment

A copy of the WALGA model Code of Conduct has been provided to Councillors with the Council meeting agenda and it is being proposed that this document be adopted by Council to replace the Codes of Conduct adopted for Elected Members and Staff in May 2005.

Whilst the model code has some relevance to Council members it mainly refers to employees, particularly in the area of Gifts (item 3.4). This is because the recently proclaimed Local Government (Rules of Conduct) Regulations 2007 is the code of conduct for which elected members are to abide. However the WALGA model code of conduct details further aspects that are applicable to both councillors and staff and should be completely understood by both parties.

It is believed that when the Department of Local Government and Regional Development carried out the latest amendments to the Local Government Act 1995, and associated Regulations, the reference to council members in the code of conduct was to be removed however was inadvertently overlooked. It is understood that this will happen when the legislation is next amended.

Therefore the model code of conduct observes the statutory requirements of the Local Government Act 1995 and Local Government (Administration) Regulations 1996.

Council members acknowledge that their activities, behaviour and statutory compliance obligations may be scrutinised in accordance with prescribed rules of conduct as described in the Local Government Act 1995 and Local Government (Rules of Conduct) Regulations 2007.

Regulations 34B & 34C of the Local Government (Administration) Regulations 1996 require that information pertaining “Gifts” and “Disclosure of Interest” affecting employees is to be included in a code of conduct, however there is no such provision for council members in the Local Government (Rules of Conduct) Regulations 2007.

The model code is simply an update, bringing Councils Codes of Conduct into line with relevant legislation that directly impacts and effects the role of Council Members and Staff and the principles and values that should be regarded in fulfilling such roles.

A copy of the Local Government (Rules of Conduct) Regulations 2007 is also circulated with the Council meeting agenda.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **The Codes of Conduct for Elected Members and Staff adopted in Mat 2005 be repealed; and**
- **Council adopts the Model Code of Conduct for Council Members, Committee Members and Staff (February 2008), as presented.**

COUNCIL ACTION

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

CARRIED 7/0

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

POPANYINNING WEST ROAD

Construction works for the widening two (2) km section of the road has been completed.

RESEALING PROGRAM

Pioneer Road Surfaces (PRS) have scheduled to undertake the resealing works throughout the Shire in week commencing 14 April 2008. PRS advise that inclement weather has delayed them completing other works projects they are involved with.

GRADING/MAINTENANCE

Maintenance grading is proceeding throughout the Shire as time and resources permit.

ROADSIDE SPRAYING

Roadside spraying program is continuing along road verges that have been mulched in recent years to prevent regrowth of vegetation.

SCHOOL BUS STOP, CUBALLING EAST ROAD

Following several complaints from parents in relation to alleged speeding vehicles entering the Cuballing townsite from the east on the Cuballing East Road, during school bus pick up times, enquiries have been made with Main Roads WA, School Bus operators, and the Public Transport Authority (PTA) in relation to the most appropriate action to be taken. Main Roads indicated that the signage in place was adequate and they could not justify additional signage, also that any attempt to reduce the speed limit to below 60kmh at this area would not be successful. A letter was written to Narrogin Police requesting they patrol the area during school bus times to reduce traffic speeds and make motorists more accountable. The Chief Executive Officer contacted school bus operators and the PTA, via Mrs Rosemary Shaddick at the Narrogin Primary School, about possibility of relocating the bus stop into neighbouring Derby Street, northern end. This generally was agreed to be the best option available and approval has been granted by the PTA. It will not affect the school bus routes as the bus travels north along Derby Street in the mornings prior to entering into the Cuballing East Road, and then enters Derby Street from Cuballing East Road in the afternoons. It is proposed that the bus stop

will be relocated during the coming school holiday period. The PTA will be sending notices to the affected families/children.

PLANT AND EQUIPMENT

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

Repairs to the front differential for the Venieri front-end loader is expected to be completed by 14 April 2008. Communications is continuing with both Venieri and Drivetrain Australia in respect to warranty on the damaged components. Council is currently hiring a front end loader from the Shire of Narrogin.

The new Isuzu truck CN2 has been to JEM Truck Sales in Picton for the first service and wheel alignment check.

STAFF

Mr Alex Richardson, Works Manager, has recently cleared 6 days of annual leave entitlements.

PRIVATE WORKS

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

Private works invoices for the year to date period ending 31 March 2008, total \$39,434.47.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Managers Report be received and information noted.

COUNCIL ACTION

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

CARRIED 7/0

Moved Cr Newman, seconded Cr Bradford that Council request staff to investigate costings for additional mulching of road verges and/or options of purchasing suitable mulching/road verge clearing machine/s, for consideration in 2008/09 budget deliberations.

CARRIED 7/0

Moved Cr Haslam, seconded Cr Brown that Council authorise the Chief Executive Officer and Works Manager to investigate possibility of mechanic from company GCM in New South Wales to visit Cuballing to inspect and undertake repairs to the Venieri 9015 Front End Loader.

CARRIED 7/0

8.2.2 RESTRICTED ACCESS VEHICLE PERMITS – LOW VOLUME LOCAL GOVERNMENT ROADS

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Local Government Act 1995 Main Roads WA, Heavy Vehicle Operation Restricted Access Vehicle System
Council Policy:	5.20
Budget Implications:	Nil
File Reference:	Administration 11, Roads 12 & Traffic Control 3
Voting Requirements:	Simple majority

Background

Council is aware of the Heavy Vehicle Operations Restricted Access Vehicles system (RAV) which has been operating in Western Australia for the past couple of years.

Main Roads have advised that improvements have been made to the RAV system. To assist rural communities a new category of road called “**Low Volume Road**” has been created. Main Roads advise these roads are unique in that they would not normally be approved for RAV access.

Comment

The system as advised by Main Roads will work in the following manner;
“Road use is tightly controlled and every operator must obtain approval from the relevant Local Government before using any low volume road. Low volume roads are indicated on the road maps by a dotted line (as distinct from the dashed line). They are indicated on the road tables by the reference to Low Volume in the conditions column”.

The following conditions as taken from the RAV system Conditions schedules will essentially form the basis of a new council policy with respect to RAV permits of Low Volume roads.

In addition to the conditions stipulated in the Restricted Access Vehicles (RAV) Table of Permitted Roads applying to Low Volume (LV) Roads, the following conditions must be fulfilled when operating on any LV Road:

(a) Low Volume Condition Type A:

- **Current written approval from the Local Government, permitting use of the road, must be obtained and carried and produced on demand;**
- **School Bus curfews; as specified in the Local Government approval letter, must be observed;**
- **Headlights must be switched on at all times;**

- **Operation only during daylight hours;**
 - **No operation on unsealed road segment when visibly wet; and**
 - **Direct radio contact must be maintained with other RAV's to establish their position on or near the road (suggested UHF channel 40).**
- (b) Low Volume Condition Type B:**
- **All of the above conditions for type A roads; and**
 - **Single lane road; road not to be entered until driver has established by radio contact that there is no other RAV on the road travelling in the oncoming direction; and**
 - **Maximum speed limit of 40kmh; and**

Note:

- **A LV road is generally an unsealed rural road with a traffic volume of less than 75 vehicles per day. These roads are narrower and generally only approved for use during harvest season.**
- **All LV roads require the approval from the Local Government before use.**
- **There are two standards of LV roads, type A and type B. Type B is narrower and considered a single lane road.**
- **All LV roads have a common set of operating conditions. For this reason, the common conditions are listed above in preference to repeating them for every LV road listed in the Road Tables.**
- **Only the speed limit will vary between roads due to local conditions. So the speed limit will be listed against the road name in the Road Tables.**

It is pleasing that Main Roads have amended the RAV system in a way that primarily recognizes and caters for seasonal movements of primary produce and primary input materials in the agricultural regions of Western Australia. The LV category is essentially what rural local governments have been requesting since the inception of the RAV system to allow seasonal access on non permitted roads.

Council adopted Policy 5.20 Heavy Vehicle Operations in November 2002, for the use of Heavy Vehicles on roads within the Shire. This policy has not been able to be used since the introduction of the RAV system, however was not repealed and/or amended as Council waited on Main Roads to consider the use of low volume roads. The policy pertaining to low volume roads will need to be far more prescriptive than the existing policy.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council Policy 5.20 Heavy Vehicle Operations be amended to read as follows:

In addition to the conditions stipulated in the Restricted Access Vehicles (RAV) Table of Permitted Roads applying to Low Volume (LV) Roads, the following conditions must be fulfilled when operating on any LV Road:

(c) Low Volume Condition Type A:

- *Current written approval from the Local Government, permitting use of the road, must be obtained and carried and produced on demand;*
- *School Bus curfews; transport operators are required to avoid school bus routes between the hours of 7am to 9am and 3pm to 5pm on school days, and to show courtesy to school buses and local traffic at all times;*
- *Headlights must be switched on at all times;*
- *Operation only during daylight hours;*
- *No operation on unsealed road segment when visibly wet; and*
- *Direct radio contact must be maintained with other RAV's to establish their position on or near the road (suggested UHF channel 40).*

(d) Low Volume Condition Type B:

- *All of the above conditions for type A roads; and*
- *Single lane road; road not to be entered until driver has established by radio contact that there is no other RAV on the road travelling in the oncoming direction; and*
- *Maximum speed limit of 40kmh.*

Note:

- *A LV road is generally an unsealed rural road with a traffic volume of less than 75 vehicles per day. These roads are narrower and generally only approved for use during harvest and other local seasonal activities.*
- *All LV roads require the approval from the Local Government before use.*
- *There are two standards of LV roads, type A and type B. Type B is narrower and considered a single lane road (i.e. trafficable width of < 4 metres).*
- *All LV roads have a common set of operating conditions. For this reason, the common conditions are listed above in preference to repeating them for every LV road listed in the Road Tables.*
- *Only the speed limit may vary between roads due to local conditions. So the speed limit will be listed against the road name in the Road Tables.*

COUNCIL ACTION

Moved Cr Newman, seconded Cr Brown 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 three (3) applications approved and licenses issued for the month of March 2008.

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
41-2007/08	P. Mudd	Owner Builder	S/F Fibro Dwelling	Lot 143 Neamutin Road Popanyinning East
42-2007/08	G. Dean	Owner Builder	Additions to S/F Shed	Lot 336 (No 54) Cuballing Street Cuballing
43-2007/08	DL Cox	Cavalier Holdings Pty Ltd	New S/F Dwelling	Lot 144 Page Road Popanyinning

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Building Surveyors Report be received and information noted.

COUNCIL ACTION

Moved Cr Meharry, seconded Cr Hawksley that the Chief Executive Officers recommendation be adopted.

CARRIED 7/0

8.3.2 APPLICATION TO ERECT SHEDS IN RURAL RESIDENTIAL & RURAL TOWNSITE.

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 137 York Street, Popanyinning Lot 337 Cuballing Street, Cuballing
Reporting Officer:	Neil Flood, Environmental Health Officer/Building Surveyor
Enabling Legislation:	Planning and Development Act 2005
Council Policy:	Shire of Cuballing Town Planning Scheme No 2, Local Planning Policy (Outbuildings)
Budget Implications:	Nil
File Reference:	Town Planning 4 & Town Planning 3
Voting Requirements:	Simple majority

Background

A building application was received from Paul Taylor of 10 Collard Street, Brookton to erect a shed (90m²) on Lot 137 (No 50) York Street, Popanyinning, and a request from A. Johnson of PO Box 65 Cuballing to erect a bird shelter on Lot 337 Cuballing Street, Cuballing.

Comment

Shire of Cuballing Town Planning Scheme No 2, Local Planning Policy (Outbuildings), clause (g) states:

“No Planning Application will be granted for any out buildings on any rural townsite or rural residential zone lot which does not contain a residence”

A copy of both site plans is attached.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That, as both applications do not comply with the Shire of Cuballing Town Planning Scheme No 2, Local Planning Policy (Outbuildings), Council refuses:

- Mr Paul Taylor’s building application to erect a shed on Lot 137 (No 50) York Rd, Popanyinning; and
- Mr A Johnson’s submission to erect a Bird’s style outbuilding (shelter) on Lot 337 Cuballing Street, Cuballing.

COUNCIL ACTION

Moved Cr Hawksley, seconded Cr Bradford that Mr Paul Taylor's building application to erect a shed on Lot 137 (No 50) York Rd, Popanyinning be refused.

CARRIED 7/0

Moved Cr Newman, seconded Cr Bradford that approval be granted to Mr A Johnson to erect a Birds Style outbuilding (shelter) on Lot 337 Cuballing St, Cuballing, subject to agreement that the outbuilding is to be removed should the property, Lot 337, be sold separately, and/or should Mr Johnson sell the resident at adjoining Lot 332 Cuballing St, Cuballing

CARRIED 7/0

8.4 REPORTS – HEALTH

8.4.1 DEPARTMENT OF HEALTH – EXTENDING THE SMOKING BAN TO ALFRESCO DINING AND PUBLIC BEACHES

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Neil Flood, Environmental Health Officer/Building Surveyor
Enabling Legislation:	Tobacco Products Control Act 2006 Tobacco Products Control Regulations 2006
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	Health 9
Voting Requirements:	Simple majority

Background

Letter received from the Department of Health (DoH) regarding the possible extension of smoking bans to include other public places such as Alfresco Dining and Public Beaches.

Comment

The DoH is reviewing the issues concerning smoking in alfresco dining and at beaches, and will be reporting to the Minister for Health.

Council's Environmental Health Officer/Building Surveyor has considered the issues raised and offers the following recommendations:

- a) Scope of meaning of "alfresco dining area".
What is an alfresco dining area, for example, does it include anywhere food is served or eaten which would include takeaways where seating is provided outside?
Yes

- b) Other public areas where food may be consumed.
Should outdoor concerts and other public events where food is consumed also be included?
Yes
- c) Beaches.
Should this include outdoor public swimming pools?
Yes
- d) Phase-ins
Should consideration be given to applying smoking bans in alfresco dining areas on a partial basis first or bans implemented over a period of time?
No
- e) Buffer zones
Should there be buffer zones between an alfresco dining area and an area where a smoking ban does not apply?
15m to 20m buffer zone.
- f) Enforcement
Who will undertake enforcement and what are the implications?
Police and Local Government Environmental Health Officers.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Environmental Health Officer/Building Surveyor's comments be noted and response formulated to the Department of Health.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Newman 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 136742**

Submission to:	Ordinary Meeting of Council
Location/Address:	Lots 7805 & 10263 Williams Road, Popanyinning West
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:	Town Planning 12
Voting Requirements:	Simple majority

Background

Correspondence from the WAPC advising that the Commission is prepared to endorse the planning application.

The application was submitted to the WAPC by property surveyor P H & K E Gow on behalf of owners T J & J A Watts.

The application was previously presented to the February 21, 2008, meeting of Council, at which Council resolved to support the application.

Comment

The WAPC is prepared to endorse the deposited plan of 14 January 2008, without incurring any special conditions of approval.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the correspondence be received and information noted.

COUNCIL ACTION

Resolved that the correspondence be received and information noted.

9. OTHER BUSINESS

Nil

10. MEETING CLOSURE

There being no further business the Shire President declared the meeting closed at 4:16pm.