

SHIRE OF CUBALLING

COUNCIL MEETING THURSDAY 18 SEPTEMBER 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 18 SEPTEMBER 2008

1. OPENING - ANNOUNCEMENT OF VISITORS

The Shire President welcomed Councillors and declared the meeting open at 3:02pm

2. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

ATTENDANCE

Shire President, Cr T H Wittwer	Deputy President, Cr JD Brown
Cr DS Bradford	Cr TP Haslam
Cr JRA Meharry	Cr RD Newman
Chief Executive Officer, Mr P T Naylor,	

Mr Henty Farrar, Manager Wheatbelt Region, Department for Planning & Infrastructure, State Land Services (3:04pm to 3:38pm)

APOLOGIES

Cr C Hawksley

LEAVE OF ABSENCE

Nil

5. MINUTES

5.1 CONFIRMATION OF 21 AUGUST 2008 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 21 August 2008 be confirmed.

COUNCIL ACTION

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

CARRIED 6/0

6. PETITIONS, DEPUTATIONS, PRESENTATIONS & DECLARATIONS

3:04PM MR HENTY FARRAR ENTERED THE COUNCIL MEETING

6.1 MR HENTY FARRAR MANAGER WHEATBELT REGION, DEPARTMENT FOR PLANNING & INFRASTRUCTURE, STATE LAND SERVICES

Mr Farrar was in attendance to address Council in relation to Agenda item 8.4.1, Release of Cuballing Townsite Lots.

Mr Farrar provided information to Council on the available courses of action that can be taken to assume responsibility of the seven (7) lots and the processes involved in release of the land for sale to the general public.

8.4.1 DEPARTMENT FOR PLANNING AND INFRASTRUCTURE STATE LAND SERVICES – RELEASE OF CUBALLING LOTS

Submission to:	Ordinary Meeting of Council
Location/Address:	UCL Lots 11, 34, 60, 98, 129, 416 & 417 Cuballing Townsite
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Planning and Development Act 1995
Council Policy:	Nil
Budget Implications:	Provision included on 2008/2009 Budget
File Reference:	Town Planning 3
Voting Requirements:	Simple majority

Background

As previously reported to Council, Landcorp have indicated to State Land Services and the Shire of Cuballing that they no longer have an interest in selling the abovementioned seven UCL Lots in Cuballing. However they would be happy for the Shire of Cuballing to proceed with developing the lots.

Following Council resolution from the August 2008 Ordinary Meeting, the Chief Executive Officer contacted the Manager Wheatbelt Region of State Land Services, Mr Henty Farrar, to ascertain what action Council could take and request he attend the September 2008 Ordinary Meeting to address the matter.

Comment

Mr Farrar responded to Council in writing outlining the actions that can be taken to develop the land and has also confirmed that he will attend the Council meeting to assist Council in its deliberations.

An extract of Mr Farrar's letter pertaining to the options available to Council follows:

"You mentioned that the Shire was likely to want to impose conditions on the sale of the lots so as to require the owners to build a residence to lock up stage within a specified time (two years?) of the land being sold.

This could be achieved in one of two ways. Firstly the Crown could sell the lots to the Shire and make those lots the subject of a positive covenant such that the owner must build a house on the lot within timeframes. On-sale of these lots by the Shire would be subject to the prospective purchaser entering into a deed of agreement confirming that it will comply with the terms of the covenant. Failure to comply with the covenant would then make the property subject to possible forfeiture action for breach of the covenant.

An alternative method, is for the Crown to sell the land by way of a conditional purchase lease so that the freehold title dose not pass to the new owner unless and until a house is constructed. This “CP Lease” approach is by far the most secure method of ensuring that building is actually undertaken.

In terms of getting control of the and to the Shire to enable it to pre-sell and service the lots, there are various possibilities. Any arrangement would be conditional on the completion of the future act processes of the native title act have been dealt with – and any rights or interests in the land dissolved.

One way to pass authority for the land to the Shire to enable it to test the market and indeed contract to sell the land would be to grant to the Shire a CP lease or development lease over the individual lots as the case requires. In turn the Shire can then market the lots and sign people up to take lots when they are connected to services. DPI could pre-approve the assignment of the CP lease so as to facilitate the sale. The sale price would be in two components – a land price and a service premium amount. The land price would be paid by the home builder to the State as a condition of assignment of the lease to the home builder and the services and site preparation amount (the service premium) would be recouped at the point of sale of the lease to the home builder by separate payment by the home builder to the Shire. After the initial grant of the lease to the Shire and its assignment to the home builder and upon payment of the land price the lessee would be entitled to the freehold title upon completion of the dwelling. That is to say, the CP lease would continue between DPI and the home builder until they as lessee, build the house and obtain clearance from the Shire confirming the building was completed to necessary standards.

In the rare case where the Shire elected to actually subdivide one of the lots – to create three new lots from one original for example, this arrangement could be accommodated under a development lease to the Shire initially, then reverting to the CP approach once the new lots have been created.”

As illustrated above, the land transfer process is very involved. No officer recommendation is being put forward at this stage, it will be beneficial to listen to Mr Farrar’s address prior to making any decision on the matter.

COUNCIL ACTION

Moved Cr Meharry, seconded Cr Bradford that the Department for Planning and Infrastructure (State Land Services) be advised that the Shire of Cuballing would like to acquire the seven (7) Cuballing Townsite Unallocated Crown Land Lots, being Lots 11, 34, 60, 98, 129, 416 & 417 by Conditional Purchase Lease arrangement and request the DPI (SLS) to commence the required processes in accordance with the Native Title Legislation.

CARRIED 6/0

3:38PM MR HENTY FARRAR DEPARTED THE COUNCIL MEETING

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 – SEPTEMBER 2008

Submission to: Ordinary Meeting of Council
Location/Address: Not applicable
Reporting Officer: Belinda Furphy, 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 \$462,768.69:**

Vouchers 12498-12559	\$ 98,905.79
Electronic fund transfers	\$360,524.23
Credit Card	\$ 3,338.67
- **Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$2,569.20:**

Vouchers T2045-2047	\$ 2,569.20
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COUNCIL ACTION

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

CARRIED 6/0

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Type	Num	Date	Name	Memo	Muni	Trust
Bill Pmt -Cheque	12498	22/08/2008	Anda-Lea Tree Nursery	Trees	220.00	
Bill Pmt -Cheque	12499	22/08/2008	BUTLER SETTINERI	Audit Fees	2,750.00	
Bill Pmt -Cheque	12500	22/08/2008	Chad Hawksley	LG Week Reimbursement	204.10	
Bill Pmt -Cheque	12501	22/08/2008	CUBALLING TAVERN	Council Meeting	270.30	
Bill Pmt -Cheque	12502	22/08/2008	CUBY ROADHOUSE	Miscellaneous supplies July 2008	766.00	
Bill Pmt -Cheque	12503	22/08/2008	Directions	P.Clark Wages 26.07.08 to 08.08.08	1,449.62	
Bill Pmt -Cheque	12504	22/08/2008	DRYANDRA COUNTRY VISITOR CENTRE INC.	Contribution & DVCV Lunch	4,148.50	
Bill Pmt -Cheque	12505	22/08/2008	Great Southern Ranger Services	Ranger Services	334.40	
Bill Pmt -Cheque	12506	22/08/2008	JR & A HERSEY P/L	Bitumen Patching	516.90	
Bill Pmt -Cheque	12507	22/08/2008	PETTY CASH	Petty Cash Recoup August 2008	294.55	
Bill Pmt -Cheque	12508	22/08/2008	Roger Newman.	LG Week Reimbursement	225.50	
Bill Pmt -Cheque	12509	22/08/2008	TELSTRA	Telstra Account July 2008	691.66	
Bill Pmt -Cheque	12510	22/08/2008	Tim Haslam	LG Week Reimbursement	338.50	
Bill Pmt -Cheque	12511	22/08/2008	WALGA	Local Government Convention Registrations	10,983.02	
Bill Pmt -Cheque	12512	22/08/2008	Wendy Wittwer	LG Week Reimbursement	180.50	
Bill Pmt -Cheque	12513	22/08/2008	Farmworks Australia	Chemical, weed control	2,008.60	
Bill Pmt -Cheque	12514	22/08/2008	Shire of Pingelly	CCZ Golf Day Nominations	210.00	
Bill Pmt -Cheque	12515	26/08/2008	Lord Mayor's Distress Relief Fund	Donation	500.00	
Bill Pmt -Cheque	12516	3/09/2008	SHIRE OF CUBALLING.	Land Rates	2,270.10	

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Bill Pmt -Cheque	12517	3/09/2008	SUNPOWER	Solar Panel Lights	13,085.60
Bill Pmt -Cheque	12518	3/09/2008	Synergy	Electricity Accounts	2,928.55
Bill Pmt -Cheque	12519	3/09/2008	TELSTRA	Mobile Phone Account	130.80
Bill Pmt -Cheque	12520	5/09/2008	St John Ambulance - Narrogin	Donation	1,000.00
Bill Pmt -Cheque	12521	5/09/2008	Royal Flying Doctor Service	Donation	1,000.00
Bill Pmt -Cheque	12522	8/09/2008	WALGSP	Superannuation Contributions July & August 2008	11,640.30
Bill Pmt -Cheque	12523	9/09/2008	AUSTRALIA POST	Postage Stamps	110.00
Bill Pmt -Cheque	12524	4/09/2008	BUILDERS REGISTRATION BOARD OF WA	BRB Payment August 2008	67.00
Bill Pmt -Cheque	12525	9/09/2008	ASPHALT SURFACES PTY LTD	Coldmix - Cuballing West Rd	297.83
Bill Pmt -Cheque	12526	9/09/2008	Avon Waste	Refuse Site Management	481.41
Bill Pmt -Cheque	12527	9/09/2008	BEAUREPAIRES	Plant parts & repairs	269.00
Bill Pmt -Cheque	12528	9/09/2008	BETTELEY RD & RA	Cylinder Facility Fee	288.76
Bill Pmt -Cheque	12529	9/09/2008	BILL & BENS HOT BREAD SHOP	Buns for Giant Walk	36.00
Bill Pmt -Cheque	12530	9/09/2008	COMMANDER AUSTRALIA LTD	Contract Charges	136.24
Bill Pmt -Cheque	12531	9/09/2008	COURIER AUSTRALIA	Freight	31.67
Bill Pmt -Cheque	12532	9/09/2008	CUTTING EDGES	Grading Maintenance	7,230.30
Bill Pmt -Cheque	12533	9/09/2008	Dawson Bradford	Reimbursement LG Week	185.90
Bill Pmt -Cheque	12534	9/09/2008	Directions	Wages. P.Clark 9.08.08 to 22.08.08	1,449.62
Bill Pmt -Cheque	12535	9/09/2008	EDWARDS MOTORS PTY LTD	Plant parts & repairs	3,097.65
Bill Pmt -Cheque	12536	9/09/2008	Fuji Xerox	Photocopier Charges August 2008	114.73

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Bill Pmt -Cheque	12537	9/09/2008	Geoff Perkins Farm Machinery Centre	Plant parts & repairs	327.56
Bill Pmt -Cheque	12538	9/09/2008	Great Southern Communications	Universal Antenna Base - CN397	8.80
Bill Pmt -Cheque	12539	9/09/2008	GREAT SOUTHERN FUEL SUPPLIES	Fuel Account August 2008	11,826.29
Bill Pmt -Cheque	12540	9/09/2008	Great Southern Ranger Services	Ranger Services 29 August 2008	261.80
Bill Pmt -Cheque	12541	9/09/2008	Great Southern Waste Disposal	Management of Cuballing Refuse Site August 2008	2,291.66
Bill Pmt -Cheque	12542	9/09/2008	HIF	Health Insurance Contribution - Peter Naylor	307.65
Bill Pmt -Cheque	12543	9/09/2008	LANDGATE	Valuation Charges	150.70
Bill Pmt -Cheque	12544	9/09/2008	LANDVISION	Planning Consultancy Services July 2008	841.50
Bill Pmt -Cheque	12545	9/09/2008	LGIS PROPERTY	Insurance 2008/09	4,296.49
Bill Pmt -Cheque	12546	9/09/2008	MAKIT NARROGIN HARDWARE	Depot Supplies	110.50
Bill Pmt -Cheque	12547	9/09/2008	McLEODS BARRISTERS & SOLICITORS	Legal Costs	530.75
Bill Pmt -Cheque	12548	9/09/2008	Narrogin Country Fresh Meats	Sausages for Giant Walk	34.00
Bill Pmt -Cheque	12549	9/09/2008	Narrogin Retravision	Microwave for Cuballing Hall	300.00
Bill Pmt -Cheque	12550	9/09/2008	Narrogin Technology Solutions	Printer Cartridges - Depot	114.75
Bill Pmt -Cheque	12551	9/09/2008	SHIRE OF CUBALLING.	Social Club Contribution	275.00
Bill Pmt -Cheque	12552	9/09/2008	TIMES PRINT	Stationery - Envelopes	257.00
Bill Pmt -Cheque	12553	9/09/2008	Yakka	Uniforms - P.Clark & P.Naylor	489.90
Bill Pmt -Cheque	12554	9/09/2008	WESTRAC EQUIPMENT	Plant parts & repairs	4,114.36
Bill Pmt -Cheque	12555	10/09/2008	CORPORATE EXPRESS	Stationery	121.84
Bill Pmt -Cheque	12556	10/09/2008	NARROGIN AGRICULTURAL REPAIRS	Plant parts & repairs	30.00
Bill Pmt -Cheque	12557	10/09/2008	NARROGIN BEARING SERVICE	Plant parts & repairs	107.53

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Bill Pmt -Cheque	12558	10/09/2008	NARROGIN GAS	Gas Cylinder	79.00
Bill Pmt -Cheque	12559	10/09/2008	AUSTRALIA POST	Papers - The West Australian	85.10
DIRECT	F808195643437	19/08/2008	SHIRE OF CUBALLING.	Shire Wages 06.08.08 to 19.08.08	18,356.33
DIRECT	F808265792318	26/08/2008	WESTRAC EQUIPMENT	Purchase Plant (FEL)	301,235.00
DIRECT	F809025939140	2/09/2008	SHIRE OF CUBALLING.	Shire Wages 20.08.08 to 02.09.08	24,345.57
DIRECT	F809046011375	4/09/2008	WA TREASURY CORPORATION	Loan Payment	16,587.33
Trust	T2045	22/08/2008	Chem-Loo	Chem-Loo Toilet - Bush Fire Brigade	2,334.20
Trust	T2046	8/09/2008	Putjar Aboriginal Corporation	Bond Refund	100.00
Trust	T2047	9/09/2008	Department of Planning & Infrastructure	Local Authority Plates Order	135.00
Credit Card	30072008	30/07/2008	Colorado	Uniform - P.Naylor	69.92
Credit Card	30072008.2	30/07/2008	Tony Barlow Menswear	Uniform - P.Naylor	299.00
Credit Card	1082008	1/08/2008	Parmelia Hilton Perth	LG Week	1,534.20
Credit Card	4082008	4/08/2008	Medina Grand Perth	LG Week	1,335.60
Credit Card	11082008	11/08/2008	DOCEP Consumer Protection	MOW Shotfire Licence	60.00
Credit Card	17082008	17/08/2008	CA Consumer Care	CA Antivirus Program	39.95
					<u>\$</u>
					<u>462,768.69</u>
					<u>\$</u>
					<u>2,569.20</u>

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 August 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 August 2008, be received.

COUNCIL ACTION

Moved Cr Brown, 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: Administration 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/or Chief Executive Officer witnessed the affixing of the Shire of Cuballing Common Seal to the following document:

- Loan Debenture issued by the Western Australian Treasury Corporation to the Shire of Cuballing for Loan No 62 for amount of \$260,000.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council endorses the affixing of the Shire of Cuballing Common Seal to Loan Debenture No 62 between the Western Australian Treasury Corporation and the Shire of Cuballing.

COUNCIL ACTION

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

CARRIED 6/0

8.1.4 DEPARTMENT OF LOCAL GOVERNMENT AND REGIONAL DEVELOPMENT – CHIEF EXECUTIVE OFFICER SUPPORT PROGRAM

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:	Staff 8
Voting Requirements:	Simple Majority

Background

The Shire of Cuballing Chief Executive Officer (CEO), Peter Naylor, has been appointed as the Local Government Managers Australia (LGMA) representative for the CEO Support Program for Mr Peter Crispin the newly appointed CEO at Shire of Dalwallinu.

The CEO Support Program is a joint initiative of LGMA (WA Division) and the Department of Local Government and Regional Development (DLGRD) to provide mentoring and general support to those appointed to the position of CEO in a Local Government for the first time.

LGMA and DLGRD work with the newly appointed CEO to identify a mentor that best meets the needs of the CEO.

Comment

The program extends over a period of six to nine months from the time of appointment and aims to provide participants with the opportunity to discuss a wide range of issues with the LGMA Mentor and Departmental Officer.

Generally the program involves a preliminary meeting between the new CEO, Mentor and DLGRD Liaison Officer at a mutually convenient time and place, most probably in the offices of the DLGRD. Then in the 6 – 9 month period after the new CEO has taken up the role, the Mentor and DLGRD representative visit the CEO's Local Government. This meeting, which will be 1 day or more, if required, is an opportunity to consolidate the relationship with the Mentor CEO and the Departmental Officer and discuss issues identified as areas of concern.

Each program is aimed at addressing the individual needs of the participating CEO using the following as a guide:

- Role of the CEO
- Governance
- Strategic and Long Term Planning
- Legislative Framework
- Relationships/Local Politics
- Risk Management
- Resource Management
- Managing the business of Council
- Family Considerations

There are some expenses to cover for the LGMA Mentor, however these are usually and should be met by the new CEO's Local Government as it is that organization that gains a benefit from the program.

It is anticipated that the Cuballing Shire CEO will be absent from Councils operations and functions for a total period of 4-5 days during the support program and will receive some telephone calls from the new CEO at different stages. However it is also expected that the Shire CEO will receive benefit from participating in the program by having the opportunity to see how another Council functions by communicating at a close level with senior officer and Councillors from that Shire.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council supports and endorses the Chief Executive Officers involvement in the CEO Support Program and being appointed Mentor (LGMA representative) to the new CEO at the Shire of Dalwallinu.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Haslam 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

GRADING/MAINTENANCE

Graders (2) are proceeding with general grading throughout the Shire.

CUBALLING EAST ROAD

Contract mulching works commenced on this road (Monday 15 September 2008) in preparation for 2008/09 construction program.

ROADSIDE SPRAYING

Roadside spraying has been completed.

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.

Isuzu Truck CN047: Clutch and rear main seal replaced.

Cat Grader 120H CN397: Turning circle drive replaced.

Cat Grader 120H CN387: Water pump bearing and seals replaced.

GENERAL

Works Manager and Chief Executive Officer meet with Mick O’Neil, Spray Seal Manager, Pioneer Road Services, on Tuesday 19 August 2008 to discuss finalisation of reseal program and undertaking some remedial works.

Stockpiled timber in Yornaning West Gravel Pit and Popanyinning Refuse Site Gravel Pit has been burned. Main Roads WA recouped Council costs for undertaking this exercise.

Tidy Towns inspection was carried out in Cuballing on Tuesday 2 September 2008.

Westrac Equipment Territory Manager Great Southern Region, Mark Turkington, hosted sausage sizzle at works depot following duties on Thursday 4 September 2008.

Works Manager and Chief Executive Officer meet with Steve Gorton, Department of Environment and Conservation, re minor wash-aways on Colac Road Bridge (5277), and removal dangerous tree on Wandering-Narrogin Road.

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Site at Cuballing Recreation Grounds Reticulation Dam has been prepared in readiness for delivery of Rhino Water Tank in week commencing Monday 15 September 2008.

Tender for Shire of Cuballing reseal program for 2008/2009 was advertised in the Western Australian newspaper on Saturday 6 September 2008, closing on Wednesday 8 October 2008. The tenders will be presented to the October meeting of Council for consideration.

STAFF

Staff participated in and helped out for Giant Walk in Cuballing on Monday 1 September 2008.

Mr Terry Clark injured right shoulder and was off duty for three (3) days on workers compensation .

Mr John Ramage assisted Williams Shire Drum Muster on Monday 15 September 2008.

PRIVATE WORKS

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

Private works invoices for the month of August 2008, total \$3,777.55. Year to date \$6,377.60.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Managers Report be received and information noted.

COUNCIL ACTION

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

CARRIED 6/0

8.2.2 R W DOWLING & CO – PERMISSION TO OPERATE OVERLENGTH VEHICLE

Submission to:	Ordinary Meeting of Council
Location/Address:	Popanyinning West Road
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Local Government Act 1995
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	Roads 12
Voting Requirements:	Simple majority

Background

Application from Mr Dowling to operate 36.5 metre road train for the cartage of livestock and hay to their cattle feedlot and hay sheds situated on Location 4441 Popanyinning West Road.

The application and proposal is for the use of 1.5km section of the road from Popanyinning townsite west to the property (location 4441), not the whole length of the road west through to the Wandering-Narrogin Road.

Comment

The Popanyinning West Road is an approved road for Classes 2 & 3 under the Main Roads WA Restricted Access Vehicles Period Permit Network. However is only approved for vehicles up to a maximum of 27.5 metres in length. Mr Dowling is seeking approval to operate road trains up to 36.5 metres in length.

In this situation the local government can resolve to support the application and Main Roads will then assess the road to ensure it is suitable under the Restricted Access Vehicles criteria.

Given that the section of Popanyinning West Road from Popanyinning townsite to location 4441 has recently been upgraded (widened and resealed) there appears no reason as to why Council cannot support Mr Dowling's request.

In relation to the second part of Mr Dowling's letter, the Northam-Cranbrook Road (Great Southern Highway) is a State road and under the jurisdiction of Main Roads WA, therefore this application will need to be directed to that agency.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **Council supports the application from R W Dowling & Co to operate 36.5 metre road train, for the cartage of livestock and hay, on the 1.5km section of Popanyinning West Road between Popanyinning townsite and Location 4441, and informs Main Roads WA accordingly; and**

- **Mr Dowling be informed that permission to operate 36.5 metre road train Northam-Cranbrook Road (Great Southern Highway) needs to be directed to Main Roads WA.**

COUNCIL ACTION

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

CARRIED 6/0

8.3 REPORTS – HEALTH AND BUILDING

8.3.1 ENVIRONMENTAL HEALTH OFFICER/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 Code of Australia
 Building Regulations 1989
 Builders' Registration Act 1939
Council Policy: Register Delegated Authority
 Shire of Cuballing Health Local Law 2007
 Shire of Cuballing Town Planning Scheme No 2
Budget Implications: Nil
File Reference: CMR 2
Voting Requirements: Simple majority

Summary

There were seven (7) applications approved and licenses issued for the month of August 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
13-2008/09	R W Dowling & Co	Dempster Steel (RB)	S/F Shed	Lot 4441 Popanyinning West Rd Popanyinning
14-2008/09	D G Bradford	Leeuwin Sheds (RB)	S/F Shed	Loc 9631 Yornaning West Rd Yornaning
15-2008/2009	M Shepherd	Owner Builder	S/F Fibro Dwelling	Loc 4071 Williams-Kondinin Rd Cuballing
16-2008/2009	J & M Dalton	Owner Builder	Addition to Dwelling & Swimming Pool Enclosure	Lot 148 Campbell Street Cuballing
17-2008/2009	B & A Hare	Owner Builder	S/F Patio	Lot 325 Bullara Street

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18-2008/2009	L & L Weston	Owner Builder	S/F Shed & Addition to Dwelling	Lot 3 Beeston Street Cuballing
19-2008/2009	L & N Page	Owner Builder	S/F Shed	Loc 3340 Bunmulling Rd Popanyinning

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Environmental Health Officer/Building Surveyors Report be received and information noted.

COUNCIL ACTION

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

CARRIED 6/0

8.3.2 STRATEGIC WASTE MANAGEMENT PLAN – WAGIN GROUP

Submission to: Ordinary Meeting of Council
Location/Address: Whole of Shire
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Waste Avoidance and Resource Recovery Act 2007
Council Policy: Nil
Budget Implications: Nil (funded by Department of Environment and Conservation)
File Reference: Health 4a
Voting Requirements: Simple majority

Background

As Council is aware, the Shire of Cuballing joined with the Shires of Dumbleyung, Lake Grace, Narrogin, Pingelly, Wagin, Wandering, West Arthur, Wickepin, Williams & Woodanilling, and the Town of Narrogin, to form the Wagin Group for purposes of preparing a Strategic Waste Management Plan in accordance with the provisions of the Waste Avoidance and Resource Recovery Legislation.

The Group appointed Mr Bruce Bowman of Bowman & Associates Pty Ltd to progress the plan and a draft Strategic Waste Management Plan has been prepared and was tabled at a meeting of the group on Thursday 4 September 2008.

Comment

The draft Plan includes several sets of recommendations, both from the Department of Environment and Conservation following phase 1 of data submission for the waste management plan process and others from the consultant compiled during his visits to the various local governments as part of the plan formulation process. Some of the recommendations are of a regional nature and others specifically relate to individual Councils.

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The Chief Executive Officer has presented some minor amendments to the recommendations pertaining to the Shire of Cuballing, details of these have been circulated to Councillors.

The Plan will eventually have budget implications which could spread over several years. The extent of the costs involved will depend upon which options Council finally decides to implement, it is too early yet to estimate the specific costs for this Shire. Overall the cost of implementing the plan across the whole Wagin Group is estimated at \$6.8m over ten years.

At the meeting on 4 September 2008, the group resolved to recommend to their respective Councils that the following actions be endorsed:

1. Note the recommendations in Section 5.2 of the Report beginning on page 18 which refer to actions required of individual Councils and suggests that these recommendations be used as a basis for the development of a waste management plan for each Council for implementation before the end of the year;
2. Endorse the recommendations contained in Section 6.4, tables 6.4.1 and 6.4.2 of the report beginning on page 66;
3. Endorse Section 8.1 and table 8.5 of the report and the program of action outlined on page 73 of the report be referred to the SWMP implementation manager to be used as the basis of a project plan; and
4. Seek advice from WALGA concerning the legal position with Waste Management Plans for Developments and if that advice is favourable then each Council is to implement a program as outlined on pages 35 and 36 of the report.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the actions and resolution by the Wagin Group at meeting held in Wagin on Thursday 4 September 2008 be endorsed by the Shire of Cuballing.

COUNCIL ACTION

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

CARRIED 6/0

8.3.3 MANAGEMENT CUBALLING REFUSE SITE

Submission to:	Ordinary Meeting of Council
Location/Address:	Cuballing Refuse Site, Lot 350 Brundell St, Cuballing
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Local Government Act 1995
Council Policy:	Nil
Budget Implications:	Provision included on 2008/2009 Budget
File Reference:	Health 10a
Voting Requirements:	Simple majority

Background

Council previously entered into agreement with Great Southern Waste Disposal (GSWD) to manage the operation of the Cuballing Refuse Site for twelve-month period 1 September 2007 to 31 August 2008. The letter of agreement provided for two five-year optional extensions to the contract, subject to the satisfaction of both parties.

Comment

Following the initial success in the change of operations and management for the refuse site it is proposed that Council enters into a contract with GSWD for a further twelve-month period, 1 September 2008 to 31 August 2009.

Whilst the original agreement did allow for five-year extensions, that is not being proposed at this stage as Council is still waiting finalisation of the Strategic Waste Management Plan (SWMP). The SWMP may provide clear recommendations on the future of the refuse sites within the Shire and they could vary significantly to the existing operations.

A summary of the proposed new contract and conditions between the Shire of Cuballing and GSWD follows:

- Remuneration: \$30,000 (GST ex) per annum (to be reviewed annually) – this increase has been included in the Shire of Cuballing Budget for 2008/2009.
- Opening Hours/Days:

Saturday	11:00am to 5:00pm
Sunday	10:00am to 5:00pm
Monday	8:00am to 1:00pm
- Refuse Site will be closed on Anzac Day, Good Friday and Christmas Day (should one of the days happen to fall on one of the scheduled opening days).
- GSWD to provide site manager during hours of operation to oversee recycling activities and supervise offloading of refuse into respective areas.
- GSWD will be responsible for all recycling activities.
- GSWD responsible to ensure refuse site is maintained in a presentable manner.
- GSWD receive all salvaging rights for refuse disposed of at the refuse site, including steel products.
- Shire of Cuballing to push up and cover landfill dumping area on a weekly basis.
- Shire of Cuballing responsible for burning of green waste.

- Shire of Cuballing responsible for provision of appropriate signage, and shed/shelter at the site for recycling.
- Shire of Cuballing to provide lunchroom (caravan), toilet, generator, water tank, and other facilities/amenities considered reasonably appropriate/necessary for the comfort of the site manager.

It is not proposed that the opening hours/days for the refuse site be changed. There has been minor feedback from the community that they could be changed and this was reflected in the survey results for the preparation of the SWMP, however in general the current hours/days appear to be satisfactory. Also Council has not received any formal submissions that the hours/days are not acceptable and offering any alternatives. The remainder of the conditions are basically as per the original agreement.

Council requested that additional clause be included in the contract to ensure the contractors (Great Southern Waste Disposal) are aware of the need for the refuse site manager to have a strong customer focus.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council enters into a contract with Great Southern Waste Development for management of the Cuballing Refuse Site for twelve-month period 1 September 2008 to 31 August 2009, as per the contract conditions contained in the abovementioned report.

COUNCIL ACTION

Moved Cr Bradford, seconded Cr Newman that Council enters into a contract with Great Southern Waste Development for management of the Cuballing Refuse Site for twelve-month period 1 September 2008 to 31 August 2009, as per the following contract conditions:

- **Remuneration: \$30,000 (GST ex) per annum (to be reviewed annually) – this increase has been included in the Shire of Cuballing Budget for 2008/2009.**
- **Opening Hours/Days:**
Saturday 11:00am to 5:00pm
Sunday 10:00am to 5:00pm
Monday 8:00am to 1:00pm
- **Refuse Site will be closed on Anzac Day, Good Friday and Christmas Day (should one of the days happen to fall on one of the scheduled opening days).**
- **GSWD to provide site manager during hours of operation to oversee recycling activities and supervise offloading of refuse into respective areas.**
- **GSWD will be responsible for all recycling activities.**
- **GSWD responsible to ensure refuse site is maintained in a presentable manner.**
- **GSWD to provide refuse site manager with suitable customer focus skills.**

- **GSWD receive all salvaging rights for refuse disposed of at the refuse site, including steel products.**
- **Shire of Cuballing to push up and cover landfill dumping area on a weekly basis.**
- **Shire of Cuballing responsible for burning of green waste.**
- **Shire of Cuballing responsible for provision of appropriate signage, and shed/shelter at the site for recycling.**
- **Shire of Cuballing to provide lunchroom (caravan), toilet, generator, water tank, and other facilities/amenities considered reasonably appropriate/necessary for the comfort of the site manager.**

CARRIED 6/0

8.4 REPORTS – TOWN PLANNING

8.4.1 DEPARTMENT FOR PLANNING AND INFRASTRUCTURE STATE LAND SERVICES – RELEASE OF CUBALLING LOTS

Item dealt with earlier in the Council meeting whilst Mr Henty Farrar was in attendance.

8.4.2 DEPARTMENT FOR PLANNING AND INFRASTRUCTURE – PROPOSED LEASE OF RESERVE 30772, POPANYINNING

Submission to:	Ordinary Meeting of Council
Location/Address:	Reserve 30772, Cnr Boundary Rd & Howard St, Popanyinning
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Local Government Act 1995
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	Community Development 7
Voting Requirements:	Simple majority

Background

Response from the Department for Planning and Infrastructure (DPI) State Land Services in relation to proposal to lease portion of Reserve 30772 to Optus Mobile Pty Ltd to install Telecommunications tower and equipment.

Comment

Proposal from Connell Wagner, on behalf of Optus, was presented to the August 21, 2008 meeting of Council, at which Council resolved as follows:

That:

1. *Council advises the applicant that it is prepared to enter into a Lease Agreement for the use of Reserve 30772, Cuballing, with regards to the installation of a Telecommunications Mast, and associated equipment, subject to the following conditions:*

- *The applicant submit a Development Application as outlined in the Shire of Cuballing Town Planning Scheme No. 2;*
 - *The Shire of Cuballing advertise the proposed Lease Agreement in accordance with statutory requirements;*
 - *The applicant shall prepare all the relevant Lease Agreement documents to the satisfaction of Council and the Chief Executive Officer;*
 - *The applicant to be responsible for applying to the Department of Environment and Conservation for any clearing permit that may be required under the provisions of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004;*
 - *The applicant to be responsible for ensuring any other legal requirements for the installation of a telecommunications tower have been complied with (eg height restrictions with Civil Aviation Authority).*
2. *Council applies to the Department for Planning and Infrastructure (DPI) for Vesting (Management) Order 2074/70 of 2 May 1979, relating to Reserve 30772, to be amended to change the purpose of the Order from “Gravel” to “Gravel and Telecommunications”.*
 3. *Council applies to the DPI for Vesting (Management) Order 2074/70 to be amended to give Council the power to lease all or portion of the land to which the order relates (Reserve 30772).*

In response to points 2 & 3 (above), the DPI advise that they do not support the amendment to the Shire of Cuballing Management Order for Reserve 30772, to allow Council to amend the purpose of the Order and/or allow Council to enter into a lease agreement for portion of the Reserve.

DPI advise that when the exact location for the proposed Telecommunications site is known, a formal survey of the site will be undertaken and the land will be excised from the Reserve and removed from the existing Management Order. The DPI will then lease the site to Optus for “Telecommunications” purposes.

Whilst this is disappointing from a Council perspective in relation to possible loss of lease income, the main agenda is for improved telecommunications service within the local district and it does appear that the DPI will be willing to enter into an agreement with Optus for use of portion of the Reserve for the intended purposes.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **The correspondence be received and information noted; and**
- **Copy of the correspondence be forwarded to Connell Wagner and they be advised that all further enquiries for proposed lease of portion of Reserve 30772 be referred to the Department for Planning and Infrastructure.**

COUNCIL ACTION

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

CARRIED 6/0

9. **OTHER BUSINESS**

9.1 **PROVISION OF SEATING CUBALLING MEMORIAL PARK**

Moved Cr Newman, seconded Cr Brown that letters of appreciation be forwarded to the Cuballing Country Womens' Assoctaion, Mr Keith Bufton and Mr Paul Elliott for the provision of the new seat at the Cuballing Memorial Park.

CARRIED 6/0

10. **MEETING CLOSURE**

There being no further business the Shire President declared the meeting closed at 4:40pm.