



# SHIRE OF CUBALLING

**ORDINARY COUNCIL MEETING  
HELD ON WEDNESDAY 19 MARCH 2008**

# MINUTES

# **SHIRE OF CUBALLING**

## **COUNCIL MEETING WEDNESDAY 19 MARCH 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  
WEDNESDAY 19 MARCH 2008**

**1. OPENING - ANNOUNCEMENT OF VISITORS**

The Shire President welcomed Councillors and declared the meeting open at 3.11pm.

**3. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE**

**ATTENDANCE**

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

**APOLOGIES**

Nil

**LEAVE OF ABSENCE**

Cr D S Bradford (granted at the February 2008 Ordinary meeting of Council).

**3. PUBLIC QUESTION TIME**

Nil

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**5. MINUTES**

**5.1 CONFIRMATION OF 21 FEBRUARY 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 February 2008 be confirmed.**

**COUNCIL ACTION**

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

*CARRIED 6/0*

**5.2 AUDIT COMMITTEE MEETING HELD ON THURSDAY 21 FEBRUARY 2008**

In accordance with the provisions of the Local Government Act 1995, the Shire of Cuballing Audit Committee met on Thursday 21 February 2008.

During the meeting the Committee conducted a teleconference meeting with Auditor Paul Chabrel. Mr Chabrel had listed a number of items he wished to discuss with the Committee and Council's Chief Executive Officer (CEO). The CEO provided background information and an explanation, where applicable, to the specific items raised, to the satisfaction of Mr Chabrel and the Committee.

A copy of the minutes have been circulated with the Council meeting agenda.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That the minutes of the Shire of Cuballing Audit Committee Meeting held on Thursday 21 February 2008, be received.**

**COUNCIL ACTION**

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

*CARRIED 6/0*

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

Nil

**7. DISCLOSURES OF INTEREST**

Councillors' and Employees' Disclosures of Interest.

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

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

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

**Item 8.5.1: Councillor Wittwer declared a Proximity Interest**  
**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 – MARCH 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 \$91,810.78:**

<b>Voucher 12220-12262</b>	<b>\$57,954.96</b>
<b>Electronic fund transfers</b>	<b>\$33,780.82</b>
<b>Credit Card</b>	<b>\$ 75.00</b>
- **Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$420.80:**

<b>Vouchers T2028-T2032</b>	<b>\$ 420.80</b>
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**COUNCIL ACTION**

**Moved Cr Brown, seconded Cr Hawksley 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	19/02/2008	12220	Shire of Cuballing	Social Club		110.00
Bill Pmt -Cheque	19/02/2008	12221	WALGSP	Super Contributions Feb 2008		7767.13
Bill Pmt -Cheque	21/02/2008	12222	Australian Taxation Office	BAS January 2008		5105.00
Bill Pmt -Cheque	03/07/2008	12223	AUSTRALIA POST	Post Office Box Renewal		16.00
Bill Pmt -Cheque	03/07/2008	12224	BEAUREPAIRES	Parts & Repairs		3534.20
Bill Pmt -Cheque	03/07/2008	12225	BIRD'S SILOS & SHELTERS	Battery for Popanyinning Fire Unit		168.93
Bill Pmt -Cheque	03/07/2008	12226	Borgas Engineering Pty Ltd	Parts & Repairs		300.00
Bill Pmt -Cheque	03/07/2008	12227	COURIER AUSTRALIA	Freight		6.90
Bill Pmt -Cheque	03/07/2008	12228	CUBY ROADHOUSE	Misc Fuel & Refreshments		272.20
Bill Pmt -Cheque	03/07/2008	12229	DEPT FOR PLANNING & INFRASTRUCTURE	Vehicle Registrations		2085.95
Bill Pmt -Cheque	03/07/2008	12230	EDWARDS MOTORS PTY LTD	MOW Vehicle and Parts & Repairs		9279.80
Bill Pmt -Cheque	03/07/2008	12231	Great Southern Ranger Services	RANGER SERVICES JANUARY 2008		219.53
Bill Pmt -Cheque	03/07/2008	12232	JR & A HERSEY P/L	Protective Clothing		908.67
Bill Pmt -Cheque	03/07/2008	12233	LANDGATE	Property Enquiries		181.40
Bill Pmt -Cheque	03/07/2008	12234	METROCOUNT	Road count battery pack		81.00
Bill Pmt -Cheque	03/07/2008	12235	NARROGIN BEARING SERVICE	Parts & Repairs		28.07
Bill Pmt -Cheque	03/07/2008	12236	NARROGIN PACKAGING	TOILET SUPPLIES		288.41
Bill Pmt -Cheque	03/07/2008	12237	Narrogin Technology Solutions	PRINTER CARTRIDGES - DEPOT		114.75
Bill Pmt -Cheque	03/07/2008	12238	PETTY CASH	February Recoup		223.80
Bill Pmt -Cheque	03/07/2008	12239	PIE NETWORKS	Telecentre Access Points		1472.00
Bill Pmt -Cheque	03/07/2008	12240	ServiceWest	Service & Testing Charges		99.00
Bill Pmt -Cheque	03/07/2008	12241	Synergy	Electricity Account		2106.65
Bill Pmt -Cheque	03/07/2008	12242	BUILDERS REGISTRATION BOARD OF WA	BRB PAYMENT FEBRUARY 2008		157.50
Bill Pmt -Cheque	03/07/2008	12243	TIMES PRINT	Building Evelopes		223.00
Bill Pmt -Cheque	03/07/2008	12244	VISIMAX SAFETY PRODUCTS	CAT/POSSUM TRAPS		196.60
Bill Pmt -Cheque	03/07/2008	12245	WESTRAC EQUIPMENT	GRADER PARTS		703.47
Bill Pmt -Cheque	03/07/2008	12246	WALGA	Advertising		115.54
Bill Pmt -Cheque	03/11/2008	12247	BT EQUIPMENT	Parts & Repairs		438.28
Bill Pmt -Cheque	03/11/2008	12248	CUBY ROADHOUSE	February 2008 Account		523.20
Bill Pmt -Cheque	03/11/2008	12249	DUGALD FERGUSON MACHINERY	PARTS		133.50
Bill Pmt -Cheque	03/11/2008	12250	Great Southern Waste Disposal	Management of Cuballing Refuse Site - February 2008		2291.66

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Bill Pmt -Cheque	03/11/2008	12251	GREAT SOUTHERN FUEL SUPPLIES	FUEL & OILS	9864.40	
Bill Pmt -Cheque	03/11/2008	12252	J.R. & A. HERSEY PTY LTD	5LT WATER BOTTLE	32.95	
Bill Pmt -Cheque	03/11/2008	12253	LANDGATE	Valuations	238.40	
Bill Pmt -Cheque	03/11/2008	12254	LANDVISION	TOWN PLANNING SERVICES JAN/FEB 2008	808.50	
Bill Pmt -Cheque	03/11/2008	12255	MAKIT NARROGIN HARDWARE	Parts & Repairs	260.90	
Bill Pmt -Cheque	03/11/2008	12256	NARROGIN AUTO ELECTRICS NARROGIN HIRE SERVICE AND RETICULATION	PARTS	75.93	
Bill Pmt -Cheque	03/11/2008	12257		Parts & Repairs	34.70	
Bill Pmt -Cheque	03/11/2008	12258	Pressure Masters	PARTS - WORKSHOP	237.05	
Bill Pmt -Cheque	03/11/2008	12259	Radiowest	VOID:	132.00	
Bill Pmt -Cheque	03/11/2008	12260	SUNNY SIGN COMPANY PTY LTD	Signs	2868.80	
Bill Pmt -Cheque	03/11/2008	12261	TELSTRA	Jan & Feb Mobile Charges	11.42	
Bill Pmt -Cheque	03/11/2008	12262	WA ELECTORAL COMMISSION	2007 ELECTION EXPENSES	4237.77	
Cheques	02/27/2008	T2028	Bill & Bens Hot Bread Shop	Bronwyns Send Off		16.50
Cheques	02/18/2008	T2029	Café 27	Bronwyns Send Off		127.50
Cheques	02/27/2008	T2030	Shire of Cuballing	Payment from Putjar Aboriginal Corp		15.00
Cheques	02/27/2008	T2031	Putjar Aboriginal Corporation	Bond Refund		85.00
Cheques	03/07/2008	T2032	Building & Construction Industry Training	BCITF Payment February 2008		176.80
EFT	02/19/2008	190208	Shire of Cuballing	Shire Wages 19 February 2008	16875.04	
EFT	03/04/2008	040308	SHIRE OF CUBALLING.	SHIRE WAGES 3 MARCH 2008	16514.90	
EFT	11/03/2008	110308	FESA	ESL Payment February 2008	390.88	
Credit Card	02/12/2008	120208	Appleyards, Narrogin	Bronwyns Send Off	75.00	
					<b>\$91,810.78</b>	<b>\$420.80</b>



### 8.1.2 STATEMENT OF FINANCIAL ACTIVITY

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Not applicable
<b>Reporting Officer:</b>	Clare Thomson, Accountant
<b>Enabling Legislation:</b>	Local Government (Financial Management) Regulations 1996
<b>Council Policy:</b>	Nil
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	CMR 7
<b>Voting Requirements:</b>	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 29 February 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 29 February 2008, be received.**

### COUNCIL ACTION

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

*CARRIED 6/0*

### 8.1.3 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) – SYSTEMIC SUSTAINABILITY STUDY DRAFT REPORT ‘THE JOURNEY: SUSTAINABILITY INTO THE FUTURE’

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Not applicable
<b>Reporting Officer:</b>	Peter Naylor, Chief Executive Officer
<b>Enabling Legislation:</b>	Nil
<b>Council Policy:</b>	Nil
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	Councils & Assoc 8
<b>Voting Requirements:</b>	Simple Majority

#### **Background**

The Shire President and Chief Executive Officer attended the launch of the draft report of the WALGA Systemic Sustainability Study titled ‘The Journey: Sustainability into the Future’ on Thursday 28 February 2008, at the University of Western Australia.

The draft report is a culmination of four years of work by the Systemic Sustainability Study (SSS) Panel, chaired by Professor Greg Craven, appointed by WALGA, working in conjunction with WALGA staff and industry representatives, as well as receiving information from and undertaking consultation with the local government sector.

From an initial report handed down by the SSS Panel in December 2006, the WALGA Taskforce convened 5 working parties made up of Councillors and senior Local Government Managers from across the State. The working parties addressed the following themes from the SSS Panel Report:

- Leadership for change
- Finance
- Revenue
- Services
- Capability

The draft report has been constructed around the outputs from the working parties, with Sections dealing with each of the identified themes.

The draft report is open for feedback and comment from Local Governments and key stakeholders over a six-week period, closing on Tuesday 15 April 2008. The final report, taking into consideration comments received, will then go through the May Zone process before being considered by the WALGA State Council in early June.

### **Comment**

Perhaps the most significant recommendation contained within the draft report is the creation of a regional system of service delivery that leverages the economies of collective grouping of local councils, while retaining their ability to represent the specific interests of their communities.

The recommended regional grouping of Councils is based on the existing WALGA Zones. The proposal is for each local council to have 5 elected representatives with one from each council then sitting on the regional council. The Shire of Cuballing is in the Central Country Zone (CCZ) along with 15 other Councils, this would mean that 16 representatives will be on the regional council, should this be identified as the preferred approach.

Key measures include the capacity to create trading entities; best practice models for rate setting; setting of fees and charges; and setting development charges.

In total there are 61 recommendations from the draft report dealing with a whole range of issues including various amendments to the Local Government Act 1995, and associated legislation. A copy of the recommendations is included in the Council meeting agenda, however it is difficult to follow the recommendations without having some of the background information available from the full report.

A copy of the full draft report can be downloaded from the WALGA website: [www.walga.asn.au](http://www.walga.asn.au)

The report was addressed somewhat briefly at the recent CCZ meeting held in Kulin on Friday 7 March 2008. The meeting was adamant that a six week feedback/comment period is too short and given that the report took some four years to produce then a more adequate discussion period should be given.

Cr Steve Martin, Shire President of Wickepin Shire, and the Central Country Zone Delegate to State Council, addressed the meeting and advised that in his opinion it is understood that WALGA believe there has been ample time and opportunity for local government input during the preparation of the report and therefore it is unlikely that any of the 61 recommendations will change at this stage and any comment/feedback provided is only likely to be included in or modify the content of the report.

It is the view of the Chief Executive Officer that some of the recommendations contained within the Report have merit and warrant further investigation by individual local authorities. Equally, concern is expressed at some of the recommendations and the impact on staffing levels in a small local authority

These concerns relate predominantly to the proposed requirement for a local authority to prepare a ten year financial plan that contains strong links to the Strategic Plan and proposed Asset Management Plans. It is anticipated that the data collection and ongoing review and amendment to these documents would be beyond the financial and staff resources currently available at the majority of small rural councils.

These concerns may be addressed in the Regional Model advocated by WALGA, in that such finance and engineering plans could be managed by a "regional office" that would reduce the individual burden on an individual Council.

Many of the issues raised in the report warrant further discussion by the Dryandra Voluntary Regional Organisation of Councils (DVROC) and it is suggested that the report be raised at the next meeting of this group.

#### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That the draft Systemic Sustainability Study Report 'The Journey: Sustainability into the Future' be received, and that the issues raised be further discussed at the next available meeting of the Dryandra Voluntary Regional Organisation of Councils.**

#### **COUNCIL ACTION**

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

*CARRIED 6/0*

**8.1.4 ANNUAL REVIEW OF DELEGATION OF AUTHORITY TO THE CHIEF EXECUTIVE OFFICER AND OTHER OFFICERS OF COUNCIL**

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Whole of Shire
<b>Reporting Officer:</b>	Peter Naylor, Chief Executive Officer
<b>Enabling Legislation:</b>	Local Government Act 1995
<b>Council Policy:</b>	Nil
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	Administration 5
<b>Voting Requirements:</b>	Simple Majority

**Background**

Provisions within section 5.42 of the Local Government Act 1995 deal with the Delegation of Authority to the Chief Executive Officer and other Officers of Council. Section 5.46 of the Act states that at least once in every financial year the delegations are to be reviewed.

**Comment**

A copy of the current Delegated Authority issued by Council to the Chief Executive Officer and other Officers of the Shire of Cuballing is circulated with the Council meeting agenda for Councillor information.

Council previously reviewed this document in March 2007. The existing delegations appear to be satisfactory and in the past twelve months have not presented any operational problems. Two changes have been made to the delegations adopted in March 2007:

Page 2; Itinerant Food Vendors Licence; and  
Page 3; Payment of Accounts.

The Itinerant Food Vendors Licence is in accordance with Part 10 of the Shire of Cuballing Health Local Laws 2007, and Council recently (November 2007) changed the Payment of Accounts cheque signing authority, both of these have been included in the delegations register.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**The Delegated Authority Register for the Chief Executive Officer and other Officers of the Shire of Cuballing, as circulated and presented to the Council meeting, be adopted.**

**COUNCIL ACTION**

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

*CARRIED 6/0*

### 8.1.5 SHIRE OF CUBALLING POLICY MANUAL REVIEW

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Whole of Shire
<b>Reporting Officer:</b>	Peter Naylor, Chief Executive Officer
<b>Enabling Legislation:</b>	Local Government Act 1995
<b>Council Policy:</b>	Policy Manual
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	Administration 11
<b>Voting Requirements:</b>	Simple Majority

#### **Background**

In October 2003 Council resolved to review the Shire of Cuballing Policy Manual on a bi-annual basis following the Local Government Elections.

The previous review of the policy manual was carried out in September/October 2005, however with the change in dates for local government elections (from May to October) this particular review is a little passed the two year period.

#### **Comment**

Council's resolution from the October 2003 meeting was primarily to be for the benefit of new Councillors elected at the elections, to help them get a thorough knowledge and understanding of Council policies through the review process.

A copy of the policy manual has been forwarded to all Councillors via electronic mail and it would be appreciated for this to be perused and for queries to be raised in respect to any policies that could be considered for review and/or perhaps repealed if considered necessary.

The following items are raised for consideration:

- Policy 2.8 Investment of Surplus Funds:  
Current Policy:  
*The Chief Executive Officer is authorised to invest money held in any Council Fund and may, from time to time, not be required for immediate use by fixed deposit or other short-term Trustee authorised investments, provided that sufficient working funds are retained for operating expenses at all times.*

In recent times a number of local governments throughout Australia have found themselves in the predicament of losing Council funds or putting funds at risk due to non-scrupulous investment practises. In these instances Council funds have been invested in what are described as "credit derivative instruments". These types of instruments are relatively new financial products that have experienced dramatic growth in recent years and are high risk. Therefore it may be prudent for Council to adopt a safer and more appropriate policy.

- At the February 21, 2008, Ordinary meeting of Council, item 8.2.2, Council resolved to implement a suitable policy to provide clear guidelines on how incidents in respect to breaches of harvest and movement of vehicles in paddocks bans, and acts of a similar nature, are to be enacted upon.

In addition to the above, Council also considered possible amendment to Policy 6.17, Camp Fires, following incident at Yornaning Dam on 5 January 2008. Council noted that the Policy was adopted in December 2003 and this is the first reported incident in that time.

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

For Council attention and guidance please.

### **COUNCIL ACTION**

Moved Cr Hawksley, seconded Cr Meharry that Policy 2.8, Investment of Surplus Funds, be amended to read:

- *Investment of surplus funds are to be lodged with the following Australian-owned Banks provided they hold banking corporation licenses under the Banking Act 1959 as regulated by the Australian Prudential Regulation Authority (APRA):  
Commonwealth Bank of Australia;  
Australian and New Zealand Banking Group;  
Bendigo Bank Limited;  
National Bank of Australia; and  
Westpac Banking Corporation.*
- *The Chief Executive Officer (CEO) is to cause the inclusion of a monthly investment report to Council in its monthly financial report detailing all relevant details specific to surplus funds invested at the conclusion of the relevant reporting period.*
- *Council authorises surplus funds to be invested in “Cash Term Deposits”.*
- *The CEO may obtain quotes from banks authorised under this policy when investing Council funds in order to obtain the highest possible interest rate.*

**CARRIED 6/0**

**Resolved that Policy 6.17, Camp Fires, not be amended.**

Moved Cr Meharry, seconded Cr Haslam that New Policy 6.18, Breaches of Harvest and Movement of Vehicles in Paddocks Bans, and Other Beaches/Offences under the Bush Fires Act 1954 and Bush Fires Regulations 1954, be adopted as follows:

- *1<sup>st</sup> Offence: Letter of Warning;*
- *2<sup>nd</sup> Offence: Infringement Notice and Fine issued under the provisions of the Bush Fires Act 1954, Bush Fires Regulations 1954 and the Bush Fires (Infringement) Regulations 1978; and*
- *3<sup>rd</sup> and subsequent Offences: Infringement Notice and Fine and/or Prosecution under the provisions of the Bush Fires Act 1954, Bush Fires Regulations 1954 and the Bush Fires (Infringement) Regulations 1978, at the discretion of Council.*

**CARRIED 6/0**

## 8.2 REPORTS – WORKS

### 8.2.1 WORKS MANAGERS REPORT

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

#### **POPANYINNING WEST ROAD**

Construction works for the widening the next section of this road is continuing. Culvert extensions have been completed, it is estimated all works and bituminising of the widening will be completed prior to the Easter break.

#### **RESEALING PROGRAM**

Pioneer Road Surfaces have scheduled to complete the resealing works throughout the Shire in early/mid April 2008.

#### **GRADING/MAINTENANCE**

Maintenance grading is proceeding throughout the Shire as time and resources permit. The maintenance grader has been working in the north eastern section of the Shire mainly concentrating on school bus routes.

#### **ROADSIDE SPRAYING**

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

#### **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.

The front differential for the Venieri front-end loader is still being repaired by Drivetrain Australia, it is expected to be completed by 20 March 2008 and hopefully the loader will be back in operation soon thereafter. Warranty for the differential is still being pursued with both Venieri and Drivetrain Australia, however is not looking promising. Council is currently hiring a front end loader from the Shire of Narrogin.

Isuzu Truck (CN047) has recently been out of commission with a broken output shaft on the transfer gearbox. This has now been repaired and truck is back in working order.

#### **STAFF**

Mr Paul Doyle has been successful in obtaining HR Drivers Licence.

Mr Len Boyle has been employed as Grader/Plant Operator and is expected to commence duties on Tuesday 25 March 2008. Len is relocating from Bunbury to Narrogin and whilst

he has been out of local government operations for a period of time has previously worked with the Beverley Shire as Leading Hand and final trim grader operator.

**PRIVATE WORKS**

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

Private works invoices for the month of February 2008, total \$5,817.61.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

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

**COUNCIL ACTION**

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

*CARRIED 6/0*

**8.2.2 BUSH FIRE INCIDENT REPORTS**

**Submission to:** Ordinary Meeting of Council  
**Location/Address:** Various (as detailed in report)  
**Reporting Officer:** Peter Naylor, Chief Executive Officer  
**Enabling Legislation:** Bush Fires Act 1954  
**Council Policy:** 6.1  
**Budget Implications:** Nil  
**File Reference:** Bush Fire Control 10  
**Voting Requirements:** Simple majority

**Background**

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

**Comment**

A summary of the fires is hereunder:

<b>Date</b>	<b>Property Owner</b>	<b>Details</b>
1 September 2007	C Shapiro	Chimney fire caused by build up of ash in fire box.
20/21 February 2008	M Loots	Appears fire was caused by vehicle driving through stubble paddock. Strong winds pushed fire into thick stubble and creek lines which caused fire to reignite on several occasions.
21 February 2008	B Campisi	Fire caused by sparks from neighbouring property fire (Loots)



**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

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

**COUNCIL ACTION**

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

*CARRIED 6/0*

**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 five (5) building applications approved and licenses issued for the month of February 2008.

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

Approval License No	Name of Owner	Registered Builder (RB) or Owner Builder (OB)	Structure	Location of Building
36 – 2007/08	E Gruzdowski	OB	Additions S/F Dwelling	Lot 39 Cuballing Street Cuballing
37 – 2007/08	D R Warnock	OB	S/F Shed	Loc 6291 Popanyinning West Rd Popanyinning
38 – 2007/08	A L Johnson	OB	S/F Patio	Lot 332 Carton Street Cuballing
39 – 2007/08	G Baylis	OB	Birds Curved Shelter	Lot 117 Beeston Street Cuballing
40 – 2007/08	J Fuller	OB	New S/F Shed	Loc 501 Napping Pool Road Popanyinning

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

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

**COUNCIL ACTION**

**Moved Cr Haslam, Seconded Cr Hawksley that the Chief Executive Officers Recommendation be adopted.**

***CARRIED 6/0***

**8.4 REPORTS – HEALTH**

**8.4.1 ZERO WASTE MANAGEMENT PLAN**

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

**Background**

As previously reported to Council, May 2007, the Shire President and Chief Executive Officer (CEO) have been participating in meetings convened by the Shire of Wagin to discuss regional waste matters with some 11 other local governments.

At the May 2007 Ordinary Meeting of Council, Council resolved as follows:

*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.*

The progress of the group has been stifled due to the Wagin Shire CEO transferring to another local government and delay in Wagin appointing a replacement CEO. However Mr Len Calneggia who was originally under consideration to be the executive officer for the regional project is currently acting as CEO at Wagin and has reignited the process.

**Comment**

At a meeting held in Wagin on Wednesday 27 February 2008, at which only the Shire CEO's were involved, those present acknowledged that there is a need to actively move on the project to appoint an executive officer, appoint a lead Council, prepare a Memorandum

of Understanding for the participating Councils and commence the employment process for suitably qualified person(s)/company to prepared the draft Strategic Waste Plan/s.

The resolutions from the meeting are:

*That Len Calneggia be appointed as Executive officer as an officer of the shire of Wagin on a shared cost arrangement between the participating councils and that Wagin be appointed as "Lead " Council.*

*That the Shire of Wagin account for the \$500 paid by each of the 12 councils in the group and that a financial statement be included with these minutes. Further that in the first instance the expenses of the executive officer and the lead council be paid out of the balance of these funds.*

*That the Memorandum of Understanding be approved subject to minor alterations. Further that the amended MOU be distributes with the minutes and each council be asked to endorse and sign the document and return to the Lead council.*

*That the group call for expressions of interest from suitably qualified and experienced person(s) to provide strategic waste plans in accordance with tender documents tabled.*

At this point in time it appears the participating Councils will be the Shires of Cuballing, Dumbleyung, Lake Grace, Narrogin, Pingelly, Wagin, Wandering, West Arthur, Wickepin, Williams & Woodanilling, and the Town of Narrogin.

#### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That:**

- **The minutes of the Zero (Strategic) Waste Meeting held in Wagin on Wednesday 27 February 2008 be received and recommendations contained therein be endorsed; and**
- **The Chief Executive Officers actions in signing the Memorandum of Understanding to develop a Draft Strategic Waste Plan under Phase 2 of the Zero Waste Plan Development Scheme, be endorsed.**

#### **COUNCIL ACTION**

**Moved Cr Brown, Seconded Cr Newman 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**

**Cr Wittwer declared a Proximity Interest in this item as he owns land adjoining Lot 154, however as the matter is for information only did not leave the Council Chamber.**

**Submission to:** Ordinary Meeting of Council  
**Location/Address:** Lots 12344, 156, 371, 13905, 367, 154, 2200, 3202, 3675, 4787, 3535, 4732 & 4398 Shaddicks & Weatherhead Roads, 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:** Town Planning 12  
**Voting Requirements:** Simple majority

**Background**

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

The application was submitted to the WAPC by property surveyor A J Marsh Pty Ltd on behalf of owners J S Patten, N R Patten, D J B Patten & L J Patten.

The application was previously presented to the May 2007 and June 2007 meetings of Council. At the May 2007 meeting Council resolved not to support the application, however reconsidered the matter at the June 2007 meeting, at the written request of the applicant, and resolved to support the application.

**Comment**

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

*Deposited Plans being in accordance with the plan dated 23 January 2008 in lieu of the plan originally submitted dated 16 April 2007.*

The deposited plan of 23 January 2008, does not propose to subdivide Lots 3675, 4787, 371, 156 & 12344, and as result four less new lots will be created than proposed on the original deposited plan of 16 April 2007.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

That the correspondence be received and information noted.

**COUNCIL ACTION**

**Resolved that the correspondence be received and information noted.**

**8.5.2 WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) – PLANNING APPLICATION 136305**

**Submission to:** Ordinary Meeting of Council  
**Location/Address:** Lots 5890 & 5175 Tanners Road, 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:** Town Planning 12  
**Voting Requirements:** Simple majority

**Background**

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

The application was submitted to the WAPC by property surveyor P H & K E Gow on behalf of owners K D & D P Cousins.

The application was previously presented to the December 2007 meeting of Council, at which Council resolved to support the application.

**Comment**

The WAPC is prepared to endorse the deposited plan of 7 November 2007, without incurring any special conditions of approval.

The WAPC does however provide the following advice to the applicant:

*The Department of Environment and Conservation (DEC) has advised that the clearing of native vegetation is prohibited, unless a clearing permit has been granted, or the clearing is for an exempt purpose. The penalty for unauthorised clearing is \$250,000 for an individual and \$500,000 for a body corporate. Therefore no clearing should take place in conjunction with the application without contacting DEC for advice or obtaining a clearing permit.*

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

That the correspondence be received and information noted.

**COUNCIL ACTION**

**Resolved that the correspondence be received and information noted.**

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

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Lot 131 Bunmulling Road, Popanyinning
<b>Reporting Officer:</b>	Peter Naylor, Chief Executive Officer
<b>Enabling Legislation:</b>	Planning and Development Act 2005
<b>Council Policy:</b>	Shire of Cuballing Town Planning Scheme No 2
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	Town Planning 4
<b>Voting Requirements:</b>	Simple majority

**Background**

Correspondence from the WAPC advising that the Commission is prepared to endorse the planning application in accordance with the amended plan date-stamped 1 February 2008, subject to compliance with certain conditions.

The application was submitted to the WAPC by property owners B & J Gray.

The application was originally presented to the December 2007 meeting of Council, at which Council resolved as follows:

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

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

Subsequent to this Mr Simon Davis of the WAPC had on-site meeting at the property with the Shire President, Chief Executive Officer and Works Manager. Mr Davis acknowledges Council's concerns about the low lying nature of the land and suggested that perhaps he could request the applicants to amend the application to subdivide into two proposed lots instead of three. Council representatives indicated that if this occurred there would be no need for dot points 1 & 3 of Council resolution of December 2007.

The applicants agreed to this request and amended plans were deposited with the WAPC on 1 February 2008. This information was provided to the February 2008 meeting of Council, at which Council resolved as follows:

1. *That the Western Australian Planning Commission be advised that Council is prepared to support Planning Application 136056, to subdivide Lot 131 into two separate land parcels, subject to the following conditions:*
  - *The applicant be responsible for costs to install a cross over to provide access from Bunmulling Road to service proposed Lot 2; and*
  - *The applicant be required to inform prospective purchasers of the requirements of Clauses 5.12.7 and 5.12.8 of Town Planning Scheme No 2, pertaining to development in Rural Residential Zoned areas, and that no outbuilding will be approved unless a single dwelling is existing on the property or is to be constructed at the same time (Clause 4.2 (c)).*
2. *The Chief Executive Officers actions be endorsed.*

### **Comment**

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

1. *Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approval plan of subdivision.*
2. *The applicant/owner of the land shall make arrangements to ensure that prospective purchasers of the proposed lots are advised in writing that provision of reticulated water and sewerage service will not be available to the lot and that all future dwellings on the lot will need to be connected to on-site effluent disposal system(s).*
3. *The applicant/owner of the land shall make arrangements to ensure that prospective purchasers of the proposed lots are informed of the requirements of clauses 5.12.7 and 5.12.8 of Town Planning Scheme No 2, pertaining to development in Rural Residential Zoned areas, and that no outbuilding will be approved unless a single dwelling is existing on the property or is to be constructed at the same time.*
4. *Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply service to the lot(s) shown on the approved plan of subdivision.*
5. *The transfer of land as a Crown Reserve, free of cost to Western Power for the provision of electricity supply infrastructure.*

### **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 BIRDS SILOS AND SHELTERS – APPLICATION TO ERECT A CLASS 10A SHED ON LOT 40 FORREST STREET, POPANYINNING**

**Submission to:** Ordinary Meeting of Council  
**Location/Address:** Lot 140 Forrest Street, Popanyinning

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**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  
**Budget Implications:** Nil  
**File Reference:** Town Planning 4  
**Voting Requirements:** Simple majority

### **Background**

Mr Wayne Bird, on behalf of Birds Silos and Shelters, submits a building application to erect a class 10a building on Lot 40 Forrest Street, Popanyinning. The building is a curved roof shelter for storage.

A site plan is attached.

### **Comment**

Under the Shire of Cuballing Town Planning Scheme (TPS) No 2, Lot 40 is zoned "Rural Townsite". The objectives of the rural townsite zone (clause 4.2 (a)) are:

*To support commercial and industrial use in areas where the predominant established use is for residential purposes provided residential areas can be adequately buffered from any impacts*

"Storage" under the zoning table (of TPS No 2) is a "D" use, which means that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval.

The Development Table (of TPS No 2) for Commercial property provides for the following setbacks: front 15 metres, rear 7.5m, and side nil or 2 m if abutting a residential property. The setbacks for Light/Service Industry are: front 11m, rear 7.5m and side 5m on one side.

It is being proposed that Birds be permitted to erect the building with 2 metre setback on the Howard Street side boundary. This will place the building closer to the road than the front of the house which already exists on the property (and is built over two lots), but as the side boundary fronting onto the Howard Street road reserve is well back from the constructed road surface will not cause an amenity problem.

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That Council grants planning approval for Birds Silos and Shelters (Mr Wayne Bird) to erect a Curved Roof Shelter for storage on Lot 40 Forrest Street, Popanyinning, subject to the building being sited two metres from the side boundary (Howard Street frontage).**

### **COUNCIL ACTION**

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

***CARRIED 6/0***

## **9. OTHER BUSINESS**



Nil

**10. MEETING CLOSURE**

There being no further business the Shire President declared the meeting closed at 4:38pm.

**CONFIRMED AS A TRUE RECORD OF PROCEEDINGS ON WEDNESDAY 19  
MARCH 2008**

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**SHIRE PRESIDENT**