

SHIRE OF CUBALLING

COUNCIL MEETING THURSDAY 21 AUGUST 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 21 AUGUST 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 C Hawksley	Cr JRA Meharry
Cr RD Newman	
Chief Executive Officer, Mr P T Naylor,	

Mrs Allison Madson Department Of Agriculture & Food Narrogin (3:20pm to 3:50pm)

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

5. MINUTES

5.1 CONFIRMATION OF 17 JULY 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 17 July 2008 be confirmed.

COUNCIL ACTION

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

CARRIED 7/0

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

6.1 **Department of Agriculture and Food Narrogin, Mrs Allison Madson, Development Officer**

Mrs Allison Madson joined the Council meeting at 3:20pm to address Council in relation to Department of Agriculture and Food project to identify and establish future agricultural industry precincts within the region. Mrs Madson advised that the proposed Shire of Cuballing site at Yornaning is of interest to the Department and she will endeavour to work with the Shire in identifying suitable types of businesses that could be attracted to the area.

Mrs Madson departed the meeting at 3:50pm.

7. **DISCLOSURES OF INTEREST**

Councillors' and Employees' Disclosures of Interest.

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

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

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

Item 8.1.6:

Councillors Bradford, Brown, Haslam, Hawksley, Meharry and Newman declare a Proximity Interest in this item as proposed road works on the Draft Budget is adjacent to property that they own or occupy in a professional capacity.

In accordance with S5.69 of the *Local Government Act 1995* the Minister for Local Government has approved for the disclosing members (Councillors Bradford, Brown, Haslam, Hawksley, Meharry and Newman) to fully participate in the discussion and decision making procedures relating to the consideration and adoption of the 2008/2009 Budget.

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 – AUGUST 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 \$178,953.91:**

Voucher 12495-12497	\$ 1,223.50
Electronic fund transfers	\$177,730.41
- **Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$1,716.50:**

Vouchers T2042-2044	\$ 1,716.50
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COUNCIL ACTION

Moved Cr Newman, seconded Cr Hawksley 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	12495	07/24/2008	AUSTRALIA POST	Postage	100.00	
Bill Pmt - Cheque	12496	07/24/2008	TELSTRA	Telephone Charges	700.00	
Bill Pmt - Cheque	12497	08/04/2008	BUILDERS REGISTRATION BOARD OF WA	July 2008 BRB Payment	423.50	
DIRECT	F807114906248	07/11/2008	Flood, Neil F	Travel Reimbursement June 2008	344.63	
DIRECT	F807144934295	07/14/2008	Medina Grand Perth	LG Week Accommodation	7,595.00	
DIRECT	18072008	07/18/2008	Watch 24 Pty Ltd	Monthly Fee	43.29	
DIRECT	F807235119847	07/23/2008	LGIS Insurance Broking	Insurance Renewal	48,677.61	
DIRECT	F807235119847	07/23/2008	LGIS Liability	Insurance Renewal	12,144.00	
DIRECT	F807235119847	07/23/2008	LGIS PROPERTY	Insurance Renewal	3,700.19	
DIRECT	F807235119847	07/23/2008	LGIS Workcare	Insurance Renewal	11,330.55	
DIRECT	F808065410266	08/06/2008	DEPT FOR PLANNING & INFRASTRUCTURE	Trailer Registration - CN 3193	49.00	
DIRECT	F808065410219	08/06/2008	COURIER AUSTRALIA	Freight	32.77	
DIRECT	F808065410219	08/06/2008	BIRD'S SILOS & SHELTERS	Battery Charger for Fire Truck	26.14	
DIRECT	F808065410219	08/06/2008	Directions	Wages P.Clark 28.6.08 to 24.07.08	2,899.24	
DIRECT	F808065410219	08/06/2008	FARMWORKS AUSTRALIA PTY LTD	Weed Control	1,447.05	
DIRECT	F808065410219	08/06/2008	Fuji Xerox LOCAL GOVERNMENT MANAGERS	Stationery & Photocopy Charges	408.03	
DIRECT	F808065410219	08/06/2008	AUSTRALIA	Membership	1,060.00	
DIRECT	F808065410219	08/06/2008	Marsh Agencies Pty Ltd	Advertising	291.50	
DIRECT	F808065410219	08/06/2008	Narrogin Retravision	Air Conditioner Maintenance	30.00	
DIRECT	F808065410219	08/06/2008	REINFORCED CONCRETE PIPES PTY LTD	Cuballing East Rd Widening	967.38	
DIRECT	F808065410219	08/06/2008	SHIRE OF NGN	Contribution to Medical Service	2,750.00	
DIRECT	F808065410219	08/06/2008	TIMEBASE PTY LTD	Annual Subscription 1/07/2008 to 30/06/2009	200.00	
DIRECT	F808065410219	08/06/2008	WESTRAC EQUIPMENT	Plant parts & repairs	663.88	
DIRECT	F808065410219	08/06/2008	LANDGATE	Valuation Charges	51.70	
DIRECT	F808065410219	08/06/2008	ASPHALT SURFACES PTY LTD	Supply asphalt	559.08	
DIRECT	F808065410219	08/06/2008	Great Southern Waste Disposal CEMETERIES & CREMATORIA ASSOC. OF WA	Management of Cuballing Rubbish Tip	2,291.66	
DIRECT	F808065410219	08/06/2008	WA	2008/09 Membership	100.00	
DIRECT	F808065410219	08/06/2008	Institute of Public Works Engineering Aus	Training - Alex Richardson	715.00	
DIRECT	F808065410219	08/06/2008	Geoff Perkins Farm Machinery Centre	Plant parts & repairs	225.80	

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DIRECT	F808065410219	08/06/2008	Avon Waste	Refuse Site Maintenance Popanyinning	481.41
DIRECT	F808065410219	08/06/2008	Narrogin Smash Repairs	Plant parts & repairs	265.00
DIRECT	F808065410219	08/06/2008	BEAUREPAIRES	Plant parts & repairs	130.00
DIRECT	F808065410219	08/06/2008	GREAT SOUTHERN FUEL SUPPLIES	Fuel Account July 2008	23,306.25
DIRECT	F808065410219	08/06/2008	STAR TRACK EXPRESS	Freight	61.13
DIRECT	F808075419327	08/07/2008	WALGA	Advertising & Membership	13,022.53
DIRECT	F808125512128	08/12/2008	STAR TRACK EXPRESS	Freight	61.13
DIRECT	F808125512128	08/12/2008	NEAT 'N' TRIM UNIFORMS PTY LTD	Uniform - Sarah Silvester	120.00
DIRECT	F808125512128	08/12/2008	COURIER AUSTRALIA	Freight	12.12
DIRECT	F808125512128	08/12/2008	GT RADIATOR & MACHINING SERVICES	Sharpen mulcher blades	110.00
DIRECT	F808125512128	08/12/2008	DUGALD FERGUSON MACHINERY	July Statement	89.50
DIRECT	F808125512128	08/12/2008	MCDUGALL WELDMENTS	Sign	1,738.00
DIRECT	F808125512128	08/12/2008	Flood, Neil F	Travel Reimbursement July 2008	400.40
DIRECT	F808125512128	12/08/2008	Filters Plus	Plant parts & repairs	44.55
DIRECT	F808125512128	12/08/2008	NARROGIN PACKAGING	Toilet Supplies	198.26
DIRECT	F808125512128	12/08/2008	EDWARDS MOTORS PTY LTD	Plant parts & repairs	875.15
DIRECT	F808125512128	12/08/2008	PARRYS	Protective Clothing	172.60
DIRECT	F808125512128	12/08/2008	INGERSLEY ELECTRICAL	Electrical Repairs	173.39
DIRECT - BPay	F808125509731	08/12/2008	COMMANDER AUSTRALIA LTD	Contract Charges	152.74
DIRECT - BPay	F808125509731	08/12/2008	SHARED SERVICES CENTRE	Advertising - EHO Appointments	80.85
DIRECT - BPay	F808125509731	08/12/2008	Synergy	Streetlights July 2008	263.65
DIRECT - BPay	F808125509731	08/12/2008	TELSTRA	Mobile Account July 2008	119.99
DIRECT - BPay	F808125509731	08/12/2008	WATER CORPORATION	Water Usage - Popanyinning Toilets	12.80
DIRECT - BPay	F808125509731	08/12/2008	WATER CORPORATION	Water Usage - Popanyinning Standpipe	589.45
DIRECT - BPay	F808125509731	08/12/2008	WATER CORPORATION	Water Usage - Stratherne Rd Standpipe	7.35
DIRECT - BPay	F808125509731	08/12/2008	WATER CORPORATION	Water Usage - Yornaning Rd Standpipe	73.30
Paycheque	F807225090811	07/22/2008	Bradford, Timothy	Shire Wages 09.07.2008 - 22.07.2008	1,227.65
Paycheque	F807225090811	07/22/2008	Brennan., Bruce	Shire Wages 09.07.2008 - 22.07.2008	1,282.98
Paycheque	F807225090811	07/22/2008	Clark, Terrence R	Shire Wages 09.07.2008 - 22.07.2008	932.81
Paycheque	F807225090811	07/22/2008	Clark, Terrence R	Shire Wages 09.07.2008 - 22.07.2008	150.00
Paycheque	F807225090811	07/22/2008	Doyle, Paul J	Shire Wages 09.07.2008 - 22.07.2008	1,248.78
Paycheque	F807225090811	07/22/2008	Flood, Neil F	Shire Wages 09.07.2008 - 22.07.2008	711.76
Paycheque	F807225090811	07/22/2008	Furphy, Belinda J	Shire Wages 09.07.2008 - 22.07.2008	1,052.29
Paycheque	F807225090811	07/22/2008	Furphy, Belinda J	Shire Wages 09.07.2008 - 22.07.2008	100.00

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Paycheque	F807225090811	07/22/2008	Hare, Brian F	Shire Wages 09.07.2008 - 22.07.2008	1,268.70
Paycheque	F807225090811	07/22/2008	Maddison., Graham	Shire Wages 09.07.2008 - 22.07.2008	1,173.89
Paycheque	F807225090811	07/22/2008	Mort, Anthony J	Shire Wages 09.07.2008 - 22.07.2008	1,009.95
Paycheque	F807225090811	07/22/2008	Mort, Anthony J	Shire Wages 09.07.2008 - 22.07.2008	207.00
Paycheque	F807225090811	07/22/2008	Naylor, Peter T	Shire Wages 09.07.2008 - 22.07.2008	1,810.86
Paycheque	F807225090811	07/22/2008	Naylor, Peter T	Shire Wages 09.07.2008 - 22.07.2008	809.63
Paycheque	F807225090811	07/22/2008	Ramage, John K	Shire Wages 09.07.2008 - 22.07.2008	1,106.26
Paycheque	F807225090811	07/22/2008	Renfrey, Graeme E	Shire Wages 09.07.2008 - 22.07.2008	1,203.57
Paycheque	F807225090811	07/22/2008	Richardson, Alex S	Shire Wages 09.07.2008 - 22.07.2008	1,983.35
Paycheque	F807225090811	07/22/2008	Silvester, Sarah H	Shire Wages 09.07.2008 - 22.07.2008	569.50
Paycheque	F807225090811	07/22/2008	Thomson, Clare M	Shire Wages 09.07.2008 - 22.07.2008	489.06
Paycheque	F808055370021	08/05/2008	Bradford, Timothy	Shire Wages 23.07.2008 - 05.08.2008	1,223.78
Paycheque	F808055370021	08/05/2008	Brennan., Bruce	Shire Wages 23.07.2008 - 05.08.2008	1,242.53
Paycheque	F808055370021	08/05/2008	Clark, Terrence R	Shire Wages 23.07.2008 - 05.08.2008	984.96
Paycheque	F808055370021	08/05/2008	Doyle, Paul J	Shire Wages 23.07.2008 - 05.08.2008	1,189.02
Paycheque	F808055370021	08/05/2008	Flood, Neil F	Shire Wages 23.07.2008 - 05.08.2008	711.76
Paycheque	F808055370021	08/05/2008	Furphy, Belinda J	Shire Wages 23.07.2008 - 05.08.2008	152.29
Paycheque	F808055370021	08/05/2008	Hare, Brian F	Shire Wages 23.07.2008 - 05.08.2008	1,248.78
Paycheque	F808055370021	08/05/2008	Maddison., Graham	Shire Wages 23.07.2008 - 05.08.2008	1,223.57
Paycheque	F808055370021	08/05/2008	Mort, Anthony J	Shire Wages 23.07.2008 - 05.08.2008	1,009.95
Paycheque	F808055370021	08/05/2008	Naylor, Peter T	Shire Wages 23.07.2008 - 05.08.2008	1,810.86
Paycheque	F808055370021	08/05/2008	Ramage, John K	Shire Wages 23.07.2008 - 05.08.2008	1,156.82
Paycheque	F808055370021	08/05/2008	Renfrey, Graeme E	Shire Wages 23.07.2008 - 05.08.2008	1,183.65
Paycheque	F808055370021	08/05/2008	Richardson, Alex S	Shire Wages 23.07.2008 - 05.08.2008	1,864.16
Paycheque	F808055370021	08/05/2008	Silvester, Sarah H	Shire Wages 23.07.2008 - 05.08.2008	569.50
Paycheque	F808055370021	08/05/2008	Thomson, Clare M	Shire Wages 23.07.2008 - 05.08.2008	489.06
Paycheque	F808055370021	08/05/2008	Clark, Terrence R	Shire Wages 23.07.2008 - 05.08.2008	150.00
Paycheque	F808055370021	08/05/2008	Furphy, Belinda J	Shire Wages 23.07.2008 - 05.08.2008	1,000.00
Paycheque	F808055370021	08/05/2008	Mort, Anthony J	Shire Wages 23.07.2008 - 05.08.2008	207.00
Paycheque	F808055370021	08/05/2008	Naylor, Peter T	Shire Wages 23.07.2008 - 05.08.2008	809.63
TRUST	T2042	24/07/2008	Department of Planning & Infrastructure	Popanyinning Local Authority Plates	135.00
TRUST	T2043	28/07/2008	Cash	Petty Cash. Townscape Committee	174.50
TRUST	T2044	4/08/2008	BCITF	BCITF Payment July 2008	1,407.00
					\$178,953.91
					\$1,716.50

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 not been prepared for period ending 31 July 2008 in accordance with the abovementioned legislation. Due to the commencement of the new financial year, and that Council is yet to adopt its budget for 2008/2009, no budget information has been loaded into the reporting system and therefore the financial statements, especially after only one month of operation, would provide little indication of Councils financial or operating position.

A Bank Reconciliation Statement, Profit and Loss Statement, and Balance Sheet Statement for period ending 31 July 2008 are included in the Council meeting Agenda.

The Statement of Financial Activity for periods ending 31 July 2008 and 31 August 2008 will be presented to the September meeting of Council.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Bank Reconciliation, Profit & Loss, and Balance Sheet Statements for period ending 31 July 2008, be received.

COUNCIL ACTION

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

CARRIED 7/0

8.1.3 SHIRE OF CUBALLING NEIGHBOURHOOD WATCH PROGRAM

Submission to: Ordinary Meeting of Council
Location/Address: Not applicable
Reporting Officer: Sarah Silvester, Community Development Officer
Enabling Legislation: Nil
Council Policy: Nil
Budget Implications: Minor, depending on Council involvement and support
File Reference: Community Organisations 5
Voting Requirements: Simple majority

Background

The Shire of Cuballing was recently contacted by Mr Martin Voyez, Officer-In-Charge at the Narrogin Police Station to discuss introducing a Neighbourhood Watch WA (NHW) program within the Shire of Cuballing and other surrounding Shires.

Mr Voyez outlined that the local police are willing to provide the necessary support to ensure the Neighbourhood and Rural Watch programs are endorsed by Council and introduced into our communities.

Comment

Before the Shire sets up a NHW committee, it is proposed that an expression of interest be advertised within the community to establish whether there is support from residents and interest to become a NHW committee member.

The NHW committee consists of a Suburb Manager, Area Coordinator/s and Street Representatives and is provided with administration support from the NW State office, Police District and Police Station Officer-In-Charge.

Apart from administration support, the local NHW committee has the opportunity to apply for a NHW Community Grant of up to \$500 to host projects, events and activities in the community.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council support the introduction of the Neighbourhood Watch program within the Shire of Cuballing.

COUNCIL ACTION

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

CARRIED 7/0

8.1.4 CHANGE OF COUNCIL MEETING DAY/DATE

Submission to:	Ordinary Meeting of Council
Location/Address:	Nil
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Local Government Act 1995
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	CMR 1
Voting Requirements:	Simple Majority

Background

The Chief Executive Officer has been notified that the Local Government Managers Australia (WA Division) 2008 Annual State Conference is scheduled to be held on 15 – 17 October 2008, at the Esplanade Hotel in Fremantle. Unfortunately this will clash with Councils October Ordinary Meeting which is to be held on Thursday 16 October 2008.

The Chief Executive Officer is requesting Council consideration to changing the day/date of the 2008 Ordinary Meeting of Council.

Comment

This is an important conference that the Chief Executive Officer attends. It will/could be especially important this year as the conference will be the first major event after the September 2008 State Election and could be used as a tool to launch new State Government directions and initiatives. The Minister for Local Government will address and formally open the conference.

The October 2008 Ordinary Meeting of Council is scheduled to be on Thursday October 16, it is possible to put the meeting back a week to Thursday 23 October or bring the meeting forward two days to Tuesday 14 October without disrupting Councils operations.

The October Council meeting (third Thursday) is scheduled to be held four weeks after the September meeting, and the November meeting (third Thursday) five weeks after the October meeting. Therefore it will be possible to change the October meeting to the 23 October, five weeks after the September meeting, and it will still leave four weeks until the November meeting.

If Council supports changing the day/date of the meeting, the change will have to be advertised in accordance with the provisions of the Local Government Act 1995 (S5.25) and the Local Government Administration Regulations 1996.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council change the date of the October 2008 Ordinary Meeting of Council from Thursday 16 October 2008 to Thursday 23 October 2008, and that the change be advertised as per the Local Government Act 1995.

OR

That Council change the date of the October 2008 Ordinary Meeting of Council from Thursday 16 October 2008 to Tuesday 14 October 2008, and that the change be advertised as per the Local Government Act 1995.

COUNCIL ACTION

Moved Cr Newman, seconded Cr Haslam that Council change the date of the October 2008 Ordinary Meeting of Council from Thursday 16 October 2008 to Thursday 23 October 2008, and that the change be advertised as per the Local Government Act 1995.

CARRIED 7/0

8.1.5 BUTLER SETTINERI (AUDIT) PTY LTD – FINANCIAL SYSTEMS REVIEW

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

Background

The Local Government (Financial Management) Regulations 1996, Clause 5(2)(c), states that the Chief Executive Officer is to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every four financial years) and report to the local government the results of those reviews.

Comment

Council's Audit Committee requested the Auditors, Butler Settineri, to undertake this review during the interim audit process in April/May 2008. The review has been completed and report presented to Council for consideration.

The review was conducted over the whole range of financial aspects of Councils operations. The report from the Auditors is very positive and in most instances Council systems and procedures are functioning adequately and meet

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the required standards. However the Auditors have made some comments where improvements can be made and staff will endeavour to implement necessary changes.

In respect to some of the Auditors notes made, the Chief Executive Officer reports/comments as follows:

The tender register summary for tender number 1 – 07/08 in relation to the supply of bituminous sealing works is not complete in that there is only one signature recorded against the names of those in attendance when the tenders were opened.

This was an oversight and the Works Manager has now signed the tender register.

The current register of interests records disclosures made by members starting 20th May 1999 but the last entries were dated 19th July 2007 and hence it would appear that this register is not being adequately maintained.

Staff have now brought the disclosure register up to date.

Several software tools are used in the accounting process including Quickbooks and Payroll Premier as well as the on-line products Rate Book On Line and Fixed Assets On Line (through UHY Haines Norton). While there are passwords controlling data access there is no automatic inactivity log-off for the computer workstations and hence unauthorised access could be gained while staff are away from their desks.

It should also be noted that staff are not required to change their passwords on a regular basis and hence passwords may become known to other staff members.

The procedures have been reviewed, it is not considered necessary to introduce stricter controls, however staff have been requested to ensure passwords are not and do not become general knowledge within the office.

There is no register of signatures for those authorised to incur liabilities
Register will be introduced and kept on delegated authority register file.

Purchase orders are not generally costed but are used to effectively authorise payment of the invoice. This may result in a pricing error on an invoice being undetected.

Costs and prices are generally shown on the order numbers when known, however some times it is not possible, especially for orders of stationery or other items ordered en masse when specific or exact costs for each item are not known. Staff who have authority to issue purchase orders have been requested to be more vigilant on this matter.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **The report prepared by Butler Settineri (Audit) Pty Ltd on the Financial Management Systems and Procedures of the Shire of Cuballing be received and information and comments noted; and**
- **The comments by the Chief Executive Officer on the report be noted.**

COUNCIL ACTION

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

CARRIED 7/0

3:20PM Mrs Allison Madson entered the Council Chambers

3:50PM Mrs Allison Madson departed the Council Chambers

8.1.6 SHIRE OF CUBALLING BUDGET 2008/2009 FINANCIAL YEAR

Submission to: Ordinary Meeting of Council
Location/Address: Whole of Shire
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Local Government Act 1995
Council Policy: 3.11
Budget Implications: Nil
File Reference: Finance 9
Voting Requirements: Absolute Majority

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

In accordance with S5.69 of the *Local Government Act 1995* the Minister for Local Government has approved for the disclosing members (Councillors Bradford, Brown, Haslam, Hawksley, Meharry and Newman) to fully participate in the discussion and decision making procedures relating to the consideration and adoption of the 2008/2009 Budget.

Background

The Shire of Cuballing Budget for the 2008/2009 Financial Year has been prepared in the required Australian Accounting Standard format (in accordance with the provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996), and is presented to

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Council for adoption. A copy of the Budget has been circulated with the Council meeting agenda.

Comment

The various amendments have been made to the Budget in accordance with discussions from the June 2008 and July 2008 Council meetings and the document has been prepared based on a 10.0% rate increase as per Council direction.

The 10% Rate increase is based on the WA Local Government Cost Index figure of 5.1%, plus additional costs to rural and regional local governments in fuel and fuel based materials such as bitumen and asphalt. Also given the resources boom and threat of losing workers Council has approved a 2% wage increase to the work force in addition to the expected increase of 4.3% to be handed down by the Australian Fair Pay Commission in September/October 2008.

In the Schedule of Fees and Charges presented with the budget for adoption, the charges for plant hire and private works has been increased by 10% to cover increase in fuel costs and wages.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

Shire of Cuballing Budget 2008/2009

The Shire of Cuballing Budget, as presented and showing rates to be levied of \$670,110.00, to be applied for the 2008/2009 Financial Year.

Levying of Rates

That the following Rates be adopted:

	General Rate in \$	Minimum per Property
• UV Rural Properties	0.8655c	\$330
• GRV Cuballing/Popanyinning Townsites	9.1500c	\$385
• Mining Tenement	0.8655c	\$330

Rates Penalty

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

Adoption of Discount of 8% for Early Payment of Rates

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

Miscellaneous Fees and Charges

That the following items be adopted:

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

The Shire President's Annual Allowance for 2008/2009 be \$4,500.00

Attendance at Council meetings \$280.00 per meeting

- 2. Councillor's Meeting Attendance Fee**

Attendance at Council meetings \$140.00 per Councillor per meeting

- 3. Rates Payment Incentive Prize**

Three Rate Payment Incentive Prizes be offered:

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

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

c) Donated Mont Clare Boutique Apartments, East Perth: An overnight accommodation package for two people staying at the Mont Clare Boutique Apartments, East Perth.

The three prizes to be offered to the first GRV and first UV properties drawn from those who pay their total rate account within 35 days of issue of the rate notice.

- 4. Rates by Instalment**

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

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

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

5. Schedule of Fees and Charges

The Schedule of Fees and Charges as presented to the Council meeting be adopted for the Shire of Cuballing for the 2008/2009 Financial Year as part of the budget document.

6. Shire of Cuballing Business Credit Card

The Shire of Cuballing Business Credit Card facility be increased to \$5,000 (from \$3,000).

COUNCIL ACTION

Moved Cr Brown, seconded Cr Meharry 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

GRADING/MAINTENANCE

One grader is proceeding with winter grading throughout the Shire as time, weather and resources permit.

Gravel sheeting works is being carried out or has been completed on clay sections of Williams and Tanners Roads.

CUBALLING EAST ROAD

Minor works have commenced on this road in preparation for 2008/09 construction program.

ROADSIDE SPRAYING

Roadside spraying is continuing along bitumen road verges to enable shoulders to be improved. Target spraying for declared weeds has commenced and will done in conjunction with the roadside spraying.

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.

Venieri Front End Loader

McLeods Barristers and Solicitors have advised against seeking warranty compensation from Welquip. They believe the costs could outweigh benefits received.

Front End Loader Tender 2-07/08

New Cat 930G Front End Loader was delivered on Wednesday 13 August 2008.

STAFF

Mr Graeme Renfrey is currently clearing 2 weeks of accrued 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 month of July 2008, total \$2,600.05.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Managers Report be received and information noted.

COUNCIL ACTION

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

CARRIED 7/0

8.2.2 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION(WALGA) – MASS CONCESSIONAL LOADING SCHEME FOR GRAIN

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
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

WALGA are seeking to develop a consensus position in relation to the possible introduction of a concessional loading scheme for grain on behalf of local government. Currently WALGA's formal position on behalf of local government is "WALGA does not condone overloading" in any way shape or

form. This position is simply on the premise that overloading is illegal notwithstanding any “industry – non regulated” schemes that may exist such as the CBH Harvest Mass Management Scheme.

WALGA seek specific feedback regarding the following:

1. Does Council support extra mass concessional loading scheme for grain;
2. What should the level of concession be if it is supported;
3. Should there be penalties for non compliance if a mass concessional loading scheme is introduced?

Comment

Does Council support extra mass concessional loading scheme for grain?

It is recommended Council support the principle of introducing a formally regulated extra mass concessional loading scheme for grain during the normal months of harvest.

What should the level of concession be if it is supported?

It is recommended Council support tolerance limits in the range of 5% to 10%.

Should there be penalties for non compliance if a mass concessional loading scheme is introduced?

It is recommended Council support penalties with mass breaches outside of tolerance limits.

It is evident the Minister for Planning and Infrastructure is somewhat sympathetic to the introduction of some sort of extra mass management scheme which is in conflict with the position of Main Roads WA. The reality of the matter is, the CBH Harvest Mass Management Scheme has worked in that there has been a significant improvement and reduction in the number of trucks that are overloading at harvest time, which is supported by real data.

A proper extra mass concessional loading scheme for grain will be of benefit to the rural industry whilst also benefiting road networks. Such a scheme be the margin 5% or 10% will encourage better loading practices at the farm gate and acknowledge some of the practical difficulties that come with weighing various grain types at the farm gate. It does however need to be acknowledged that an extra mass concessional loading scheme in all likelihood will not be introduced if the scheme does not have penalties for breaches of concessional margins.

The position taken by the Standing Committee on Uniform Legislation and Statutes Review supports the introduction of a mass management scheme of some description.

There appears no doubt that unless schemes that encourage better practice by industry stakeholders are supported overloading of grain will continue. The evidence on the basis of representations made to the Standing Committee by CBH is that an extra mass management scheme would be of benefit.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council respond to WALGA outlining it supports the introduction of an Extra Mass Concessional Loading Scheme in line with parameters of the report considered by Council in relation to the matter.

COUNCIL ACTION

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

CARRIED 7/0

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 12 applications approved and licenses issued for the month of July 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
1-2008/09	T & W Wittwer	Great Southern Sheds (RB)	S/F Colour Bond Shed	Loc 666 Stratherne Road Cuballing
2-2008/09	D K Morris	D K Morris (RB)	New S/F Fibro Dwelling	Loc 6699 Williams Road Popanyinning
3-2008/2009	W Gill	P D Scanlan (RB)	Brick & Steel Shed	Loc 6289 Tullets Road Popanyinning

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4-2008/2009	J Pope	G Cheesewright (RB)	S/F Colour Bond Shed	Lot 21 Batts Road Popanyinning
5-2008/2009	N Robertson	Owner Builder	Addition to Shed & Patio	Lot 95 Bow Street Cuballing
6-2008/2009	J Burtenshaw	Owner Builder	New Brick Veneer Dwelling	Lot 89 Lord Street Popanyinning
7-2008/2009	P Cooper-Davis	Owner Builder	S/F Colour Bond Garage	Lot 50 Forrest Street Popanyinning
8-2008/2009	M Akkerman	Owner Builder	S/F Patio	Lot 221 Campbell Street Cuballing
9-2008/2009	P Doyle	Owner Builder	S/F Colour Bond Shed	Lot 127 Beeston Street Cuballing
10-2008/2009	G Dean	Owner Builder	S/F Colour Bond Patio & Garage	Lot 336 Cuballing Street Cuballing
11-2008/2009	S De Rooy	Owner Builder	New S/F Fibro Dwelling	Lot 325 Forrest Street Popanyinning
12-2008/2009	J Martin	P Kulker (RB)	New S/F Colour Bond Dwelling	Lot 416 Stratherne Road Popanyinning

Lazeaway Caravan Park

Council has received a complaint in relation to inadequate power supply and dangerous power outlets at the Lazeaway Caravan Park. The Environmental Health Officer/Building Surveyor will be inspecting the park and making arrangements with a qualified electrician to undertake inspection of power outlets to ensure suitable and safe service is being provided.

This matter is also being investigated by the Department of Consumer and Employment Protection.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

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

COUNCIL ACTION

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

CARRIED 7/0

**8.3.2 WHEATBELT HEALTH MEMORANDUM OF UNDERSTANDING
GROUP STEERING COMMITTEE**

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Nil
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	Health 6
Voting Requirements:	Simple majority

Background

Seeking Council nomination for membership to a Steering Group being established under the auspices of the Wheatbelt Health Memorandum of Understanding (MoU) Group.

Comment

The WALGA Central Country Zone (of which the Cuballing Shire is a member) is an active member of the Wheatbelt Health MoU Group which was established following concerns about the lack of a Health Plan for the Wheatbelt. The Wheatbelt Health MoU has been signed by the Avon Midland Zone, Central Country Zone and Great Eastern Country Zone, the WA Country Health Service, Wheatbelt Region, the Wheatbelt Development Commission and the Wheatbelt GD Network.

The purpose of the MoU is to establish formal lines of communications and consultation between the participating organizations, both at a regional level and for individual organisations. All parties involved are working to improve health service delivery and service development and strengthening opportunities for achieving each of these goals.

The Wheatbelt Health MoU Group has decided to establish a Steering Group to oversee the management of funding programs. In developing the terms of reference for the Steering Group it has been agreed that the representative from each Zone would have a level of expertise in health service delivery and/or project management.

Should no Councillor be interested in the nominating for the position Mr Graeme Fardon, Shire of Quairading Chief Executive Officer, has indicated that he is willing to nominate for the position on the MoU Steering Group. Mr Fardon is currently a delegate from the Central Country Zone to the Health MoU Group and has been part of the Group since its inception. He has a detailed knowledge of health issues throughout the region.

Cr Nola Forbes, Shire President Shire of Corrigin, and Mr Stuart Hobley, CEO Shire of Pingelly, are also Central Country Zone delegates to the Health MoU Group but neither of these people wish to nominate for the Steering Group.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Councillor _____ be nominated to represent the Central Country Zone on the Wheatbelt Health Memorandum of Understanding Steering Group.

OR

Council nominate Mr Graeme Fardon, Chief Executive Officer Shire of Quairading, to represent the Central Country Zone on the Wheatbelt Health Memorandum of Understanding Steering Group.

COUNCIL ACTION

Moved Cr Bradford, seconded Cr Brown that Council nominate Mr Graeme Fardon, Chief Executive Officer Shire of Quairading, to represent the Central Country Zone on the Wheatbelt Health Memorandum of Understanding Steering Group.

CARRIED 7/0

8.3.3 HERITAGE COUNCIL OF WA – REGISTER OF HERITAGE PLACES

Submission to:	Ordinary Meeting of Council
Location/Address:	Dryandra Woodland Settlement
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Heritage of Western Australia Act 1990
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	Historical 2
Voting Requirements:	Simple majority

Background

Correspondence from the Heritage Council of WA advising that the Dryandra Woodland Settlement was entered in the State Register of Heritage Places in an interim capacity on 16 May 2008.

The Dryandra Woodland Settlement includes:

“That portion of Williams Location 12232 on Deposited Plan 146068 shown labelled M on Deposited Plan 53436 and Lot 300 on Deposited Plan 53427 together being portion of State Forest No 51 as shown on Heritage Council of Western Australia Survey Drawing No 3856”.

“Dryandra Woodland Settlement, a 26-hectare former CALM forestry settlement dating from 1935, comprising a manager’s house, seven timber workers’ cottages (the majority being Types 8 & 6), a former school, CALM compound (workshops, garage, slab hut), a row of pine trees, a recreation hall, a pump house, a mill dam, the site of an old mill, three Nissen huts, an arboretum, a caravan park, timber garages, house gardens, and

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archaeological remains, has cultural heritage significance for the following reasons:

- *the place is rare as the only forestry settlement east of the Darling Scarp Divide, and the only one connected with the mallet bark industry;*
- *the place has historic value as the former site of the Dryandra Nursery, which provided trees, including various species of native Eucalyptus, to farmers and local government authorities in Western Australia from 1958;*
- *the interwar timber-framed forestry cottages both contribute to the aesthetic qualities of the place and provide a reminder of a way of life once associated with the forestry industry but now no longer practised;*
- *the place is believed to contain the oldest, albeit not intact, extant forestry house in the State;*
- *the garden around Cottage No 382 along with remnant fruit trees around other cottages, reveal the patterns of self-sufficiency in food production which was associated with isolated forestry settlements; and*
- *the place has archaeological potential to reveal more about the forestry industry, and in particular the mallet bark industry.*

Items considered either of low significance to intrusive include: the recent outdoor furniture, new garage adjacent to caretaker's cottage, the rear concrete verandahs at the rear of the cottages, the verandah enclosures, aluminium window frames in cottages, and all new windows and doors in cottages plus other new fixtures and fittings”.

Comment

Section 23(4) of the Heritage of WA Act 1990 provides the local government authority with an opportunity to attend the meeting of the Heritage Council, date of which is yet to be announced, at which permanent entry in the Register will be considered. It is however not mandatory for Council to exercise that option and any view on the matter can be expressed by completing a provided response form.

The initial six-week comment period closes on 25 September 2008.

Does Council support the inclusion of the Dryandra Woodlands Settlement in the State Heritage Register on a permanent basis? If so suitable response needs to be provided to the Heritage Council.

Being listed in the Register will add kudos to the Woodlands and increase its national/international significance and recognition, which could include attracting more visitors to the region.

The down side, if there is one, could possibly be that future works at the Woodlands, in relation to the various areas and buildings noted in the report, will need to be done in accordance with heritage requirements. It will also

require a heritage conservation report being prepared prior to any works of a maintenance nature being carried out, these reports are generally funded through the Heritage Council. This can often result in works being more expensive because of the strict heritage nature in which they have to be done.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- Council supports the proposed permanent inclusion of the Dryandra Woodlands Settlement in the State Heritage Register; and
- Council does not participate in or attend the Heritage Council meeting during which the permanent registration will be considered.

COUNCIL ACTION

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

CARRIED 7/0

8.4 REPORTS – TOWN PLANNING

8.4.1 LANDCORP – DEVELOPMENT OF CUBALLING RESIDENTIAL LOTS

Submission to:	Ordinary Meeting of Council
Location/Address:	Various UCL Lots Cuballing Townsite
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Planning and Development Act 1995
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	Town Planning 3
Voting Requirements:	Simple majority

Background

Landcorp formally advise that they are no longer interested in developing Unallocated Crown Land Lots 11, 34, 60, 98, 129, 416 & 417 for residential purposes in the Cuballing Townsite.

Comment

Landcorp further advise that they would be happy for the Shire of Cuballing to proceed with developing the lots if so desired.

The Chief Executive Officer has contacted the State Land Services Wheatbelt Regional Manager, Mr Henty Ferrar, to ascertain what action is required from Council. Mr Ferrar advised he will write to Council indicating the available

options. At the time of preparing the report the correspondence has not been received.

Mr Ferrar also indicated that he would be available to attend a meeting of Council to address the matter and advise further.

Landcorps inaction on this matter is very disappointing given that the process was commenced in March 2003, and they have only recently arrived at their decision not to proceed.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **The correspondence be received and information noted; and**
- **Mr Henty Ferrar, State Land Services Wheatbelt Regional Manager, be invited to the September 2008 Ordinary meeting of Council.**

COUNCIL ACTION

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

CARRIED 7/0

8.4.2 MR PAUL LEWIS – APPLICATION TO LET SELF CONTAINED PREMISES

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 1 Beeston, Street, Cuballing
Reporting Officer:	Trevor Moran, Town Planning Consultant Peter Naylor, Chief Executive Officer
Enabling Legislation:	Town Planning and Development Act 1995 Residential Design Codes of Western Australia
Council Policy:	Town Planning Scheme No 2
Budget Implications:	Nil
File Reference:	Town Planning 3
Voting Requirements:	Simple majority

Background

Letter from Mr Paul Lewis seeking Council approval to let the second premises (self contained) on his property to non related persons.

The premises were the first constructed on the property many years ago for purpose of residence whilst the main dwelling was being constructed and then to be used as a studio. As far as staff can ascertain there was no provision on

the building licence that the first dwelling be removed once the second dwelling had been constructed.

Comment

In accordance with the provisions of Shire of Cuballing Town Planning Scheme No 2 a second dwelling or premises would not be permitted to built on the property unless it was for the purpose of ancilliary accommodation.

The definition for ancilliary accommodation in the Residential Design Codes of WA is; *“self-contained living accommodation on the same lot as a Single House that may be attached or detached from the Single House occupied by members of the same family as the occupiers of the main dwelling”*.

As the building was not approved as ancilliary accommodation and there was no provision for it to be removed, the second dwelling could be regarded as a non conforming use, and the proposed use could be interpreted as a “residential building” which is a “P” use in all zones of the Town Planning Scheme and complies with the relevant development standards.

The definition of a residential building in the Design Codes is; *“a building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:*

- *temporarily by two or more persons; or*
- *permanently by seven or more persons,*

who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel, or a residential school”.

Therefore there appears no reason as to why Council cannot support the application subject to complying with the residential building use as defined in the residential design codes. However the comment to install a separate meter for the second dwelling should not be supported as this could effectively provide for two de facto dwellings on the property contrary to the provisions of the rural residential zone in Town Planning Scheme No 2 and a possible forerunner to a subdivision application into two lots.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **Approval be granted to Mr Paul Lewis to let the second dwelling on his property, Lot 1 Beeston Street, Cuballing, in accordance with the Residential Building definition of Residential Design Codes of Western Australia; and**
- **Mr Lewis be informed that Council approval/permission is on proviso that no separate metering for water, power, and/or other services be installed.**

COUNCIL ACTION

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

CARRIED 7/0

8.4.3 CONNELL WAGNER, ON BEHALF OF OPTUS MOBILE PTY LTD – PROPOSED LEASE OF RESERVE 30772, POPANYINNING

Submission to: Ordinary Meeting of Council
Location/Address: Reserve 30772, Cnr Boundary Road & Howard Street, 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

Proposal from Connell Wagner, on behalf of Optus Mobile Pty Ltd, to enter into a lease agreement with Council for portion of Reserve 30772 to install telecommunication mast, and associated equipment, on the site. The period of the proposed lease agreement is for the term of 20 years plus 4 x 5 year options.

Reserve 30772 is vested with the Shire of Cuballing for purpose of “Gravel”.

Comment

Optus are seeking to expand their 3G service and have identified the reserve as a preferred location to install a proposed eighty (80) metre tall High Guyed Mast with associated Prefabricated Equipment Shelter at the base of the Mast.

Currently the reserve is vested with the Shire for gravel purposes, however minimal amount of gravel has been taken in recent times. The vesting order is for purpose of gravel only and therefore Council would need to submit a request to the Department for Planning and Infrastructure (DPI) to amend the order. Also the existing order does not give Council the power to lease and this would need to be granted by the DPI.

No consultation with neighbouring property owners/occupiers has been carried out as of yet. The purpose of this report is to ascertain Council's willingness to enter into a lease agreement as proposed. Should Council agree, the proposed lease will need to be advertised as prescribed in the Local Government Act. Furthermore, Council will be required to advertise the proposal should a Development Application be made by the proponent.

There are no perceived economic implications should Council support the proposal to enter into a lease agreement. Rather, Council will benefit through using unused land to help provide a better telecommunications service for the community and receiving a fee in return. The proposed fee is \$4,000 per annum (GST ex) with a 3% increase annually.

The broader community is expected to benefit from such a proposal as it would allow for greater services in regards to communications within the area. The existing Telstra service is relatively spasmodic throughout the district and the introduction of an Optus service would not only provide this additional option for the local community but may also encourage Telstra to improve their service.

There could be some environmental implications should Council pursue the lease agreement as the proposed site is currently uncleared native vegetation. Therefore Council should make it the responsibility of the applicant to seek appropriate clearing approvals from the Department of Environment and Conservation.

It is recommended that council support and enters into a Lease Agreement with the proponent.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

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).

COUNCIL ACTION

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

CARRIED 7/0

9. OTHER BUSINESS

Nil

10. MEETING CLOSURE

There being no further business the Shire President declared the meeting closed at 4:45pm.