

SHIRE OF CUBALLING

COUNCIL MEETING THURSDAY 17 SEPTEMBER
2009

MINUTES

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ORDINARY COUNCIL MEETING MINUTES

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE
CUBALLING SHIRE, HELD IN THE COUNCIL CHAMBER, CAMPBELL
STREET, CUBALLING ON THURSDAY 17 SEPTEMBER 2009**

1. OPENING – ANNOUNCEMENT OF VISITORS

The Shire President welcomed Councillors and declared the meeting open at 3:05pm.

2. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

ATTENDANCE

Shire President, Cr TH Wittwer
Cr JD Brown
Cr DS Bradford
Cr C Hawksley
Cr JR A Meharry
Cr RD Newman
Cr TP Haslam
Chief Executive Officer, Mr P T Naylor
Cr Elect Mrs CJ McDougall

3. APOLOGIES

Cr C Hawksley

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5. **MINUTES**

5.1 **CONFIRMATION OF 20 AUGUST 2009 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 20 August 2009 be confirmed.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Meharry 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.

Nil

7.2 **DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY**

Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the Member or employee has given or will give advice.

Nil

8.1 REPORTS – FINANCE AND ADMINISTRATION

8.1.1 LIST OF ACCOUNTS SUBMITTED FOR COUNCIL APPROVAL AND PAYMENT – SEPTEMBER 2009

Submission to: Ordinary Meeting of Council
Location/Address: Not applicable
Reporting Officer: Belinda Dent, Administration Officer
Enabling Legislation: Local Government (Financial Management) Regulations 1996
Council Policy: Register Delegated Authority
Budget Implications: Nil
File Reference: CMR 7
Voting Requirements: Simple Majority

Background

Council is supplied with a list of payments for consideration.

Comment

A copy of the list of payments made from each of Councils bank accounts is attached to this item.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council:

- **Approve for payment the list of Creditors paid from the Municipal fund, as detailed below, totalling \$174,966.97:**

Vouchers 13269-13331	\$124,376.85
Electronic fund transfers	\$ 45,909.47
Credit Card	\$ 4,680.65

- **Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$706.80:**

Voucher T2073-T2075	\$ 406.80
Electronic fund transfers	\$ 300.00

COUNCIL ACTION

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

CARRIED 6/0

8.1.2 STATEMENT OF FINANCIAL ACTIVITY

Submission to: Ordinary Meeting of Council
Location/Address: Not applicable
Reporting Officer: Clare Thomson, Accountant
Enabling Legislation: Local Government (Financial Management) Regulations 1996
Council Policy: Nil
Budget Implications: Nil
File Reference: CMR 7
Voting Requirements: Simple majority

Background

Local Government (Financial Management) Regulations 1996, section 34, provides for monthly financial reporting requirements for local government.

Comment

A Statement of Financial Activity has been prepared for period ending 31 August 2009 in accordance with the abovementioned legislation and circulated with the Council Meeting Agenda.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Statement of Financial Position, as circulated, for the Shire of Cuballing for period ending 31 August 2009, be received.

COUNCIL ACTION

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

CARRIED 6/0

8.1.3 LOCAL GOVERNMENT REFORM

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: C&A 7
Voting Requirements: Absolute majority

Background

February 2009 Minister for Local Government announced Reform.

Immediately following the Ministers announcement of the reform process, Council prepared a notice to the local community which included a small survey.

Survey results:

Do you want the Shire to remain as is?

Yes:	149	95.5%
No:	6	3.8%
Non Committal:	1	0.6%

Do you believe the Shire is efficient & effective?

Yes:	148	94.9%
No:	5	3.2%
Non Committal:	3	1.9%

If amalgamation is inevitable, who would you prefer to be merged with?

Narrogin (Shire/Town):	19	9.4%
Pingelly:	53	26.1%
Wandering:	56	27.6%
Wickepin:	67	33.0%
Non Committal:	8	3.9%

Whilst the results of the survey were overwhelmingly in favour of the status quo remaining, they also indicated that if Council is forced into a merger situation then the community would prefer to be aligned with either the Shires of Wickepin, Wandering or Pingelly rather than Narrogin Town or Shire.

Councils had to submit a Local Government Reform Checklist to the Local Government Reform Steering Committee (LGRSC) by the end of April 2009, and a Submission to the Reform Steering Committee by 31 August 2009.

At the recent Local Government Week Convention the Premier (Hon Colin Barnett), Minister for Local Government (Hon John Castrilli), and Leader of the State National Party & Minister for Regional Development (Hon Brendan Grylls), all addressed the conference on the reform agenda.

From the addresses it became blatantly obvious that whilst they are saying the reform process is voluntary there could (will) be repercussions for the Councils that don't want to voluntarily amalgamate by way of grant reductions to the point where those Councils will find it difficult to function.

Many Councils throughout the State were relying on the National Party to be there saviour, however Minister Grylls stated that whilst the Nationals do support reform as a voluntary process only, they would not be the "champion for local government" and the sector could expect funding reductions.

The Premier indicated that small Councils with a population of less than 1,000 (there are 37 in the State) are virtually inefficient and ineffective and need to be amalgamated. He further stated that State Government money keeping them afloat would be directed to newly amalgamated authorities.

The Local Government Minister said that the State Government would work favourably and assist (financially) local governments that choose to voluntarily reform. Those that choose not to will not be forced to amalgamate but could almost definitely expect reductions in financial assistance.

On Thursday 3 September 2009, Council conducted a community meeting for residents of the Shire of Cuballing to advise them of the Reform agenda and what has transpired to date.

Unfortunately due to lack of leadership and direction from the State Government on this issue many questions from the community went, and continue to go, unanswered. However, following some very good debate on both sides of the reform argument the community adopted the following resolution, which was carried by a unanimous majority:

That the community of the Shire of Cuballing endorses the Shire of Cuballing Council resolution of August 2009, as included in the meeting agenda hand out, dot points 1 -5, as defined hereunder:

That in order to comply with the requirement to submit a Reform Submission as proposed by the Minister for Local Government, the Shire of Cuballing will solicit support for the following proposal:

- 1. A merger of the Shire of Cuballing with the Shire of Narrogin, Shire of Wickelpin, and the Town of Narrogin;*
- 2. The preferred number of elected members in the new local government will be eight;*
- 3. The regional grouping of the new local government will be based on the current boundaries of the Wheatbelt South Regional Road Group;*
- 4. The transition timeline will see the new local government established from 1 July 2011; and*

5. *Subject to receiving support for the merger proposal a list of conditions be developed establishing the basis for an agreement that will be used as direction to the new local government.*

Comment

Whilst Council and/or Councillors, and the community in general, may not agree with the reform process the messages at Local Government Week were quite clear and there may not be too many alternatives available.

Council needs to look at the whole reform process quite seriously as at this stage a submission needs to be lodged with the LGRSC by 30 September 2009 (extended from 31 August).

The Premiers comments in relation to community of interest and for Councils to take a hard look at where people work and shop, and children attend school needs to be kept in mind when working through the reform process.

In this situation Council perhaps needs to be able to cast aside previous concerns or prejudices about being merged with Narrogin. It needs to be remembered that in a merger situation a whole new local government will be formed of which the Shire of Cuballing district will have some representation and input into the future decision making process.

The Chief Executive Officer has discussed the reform process with officers of the WA Local Government Association. The comments made clearly indicate that it would be beneficial for Council to agree with a neighbour or neighbours on reform and try to ensure that Council or Councils submit the same or a similar proposal to the LGRSC and this will help achieve the same objective.

A reform meeting was held at the Cuballing Recreation Hall on Wednesday 12 August 2009. The Shires of Boddington, Cuballing, Dumbleyung, Narrogin, Pingelly, Wagin, Wandering, West Arthur, Wickepin, Williams & Woodanilling and Town Narrogin participated.

The general outcome from this meeting was that some Councils favour the status quo and this is to be the basis of their submission to the Reform Steering Committee and at other end of the scale one Council is looking at a much bigger picture and amalgamation of up to eleven Councils. It is fair to say that most Councils are very indecisive and are still considering what, if any, options are available to them.

A likely scenario in the event that Council's submission details the status quo to remain, is that the Minister will recommend to the Local Government Advisory Board that the Shire of Cuballing's position is untenable in terms of the Government's reform agenda. The outcome from

that point is Council may receive advice that recommends it merge with Shires of A, B and C. This would then instigate poll provisions that require a 50% +1 response for the official poll result to be binding upon the Government. It is a reasonable presumption that the poll result would reject any proposal for the Shire of Cuballing to amalgamate with another Council.

The consequences and risks with such a scenario is that the shire could then be subject to significant funding cuts, which would ultimately leave it in a position where it could not function at a level the community expects. Council would not have sufficient revenue streams to sustain an adequate level of services or infrastructure maintenance and enhancement programs. This outcome is possibly the biggest risk of doing nothing in terms of the Governments structural reform agenda.

The current reform discussion across the industry focuses on attempting to mesh together new local government proposals using existing local government boundaries. However utilising existing boundaries particularly across the south west of WA may not bring about the best outcomes in the event of structural reform implementation.

If there is to be local government structural reform then the industry may be better served drawing new boundaries which reflect contemporary communities of interest rather than those boundaries which are decades old.

Council also needs to bear in mind that many Councils across the state will make submissions to the Minister for Local Government which propose amalgamations of multiple shires. Council does need to consider what position it will be left in, in the event that Council does nothing. Is doing nothing the best thing in the long term for the Shire of Cuballing community?

In addition to the Shire of Cuballing meeting on 3 September, community meetings have also been held in Shires of Wickepin and Narrogin, and Town of Narrogin. The resolution from the Shire of Narrogin meeting is very similar to that of the Shire of Cuballing, however the Wickepin community, by the narrowest of margins, resolved for that Shire not to amalgamate with the Shires of Cuballing & Narrogin and the Town of Narrogin. It is not known what formal position the Wickepin Shire will take at this stage. The Town of Narrogin community meeting did not propose a particular outcome, but the Town of Narrogin has previously adopted a position for Statewide mandated reform of local government and the transformation of all or parts of the following local governments into one new municipality: Shires of Boddington, Cuballing, Pingelly, Narrogin, Wagin, Wandering, West Arthur, Wickepin & Williams, and the Town of Narrogin. Also has been recent media release issued by the Shire of Brookton announcing they are investigating a possible merger with the Shires of Beverley, Pingelly and Wandering.

Discussions with the WA Local Government Association indicate that many Councils throughout the State are seriously investigating merger options and if many of them proceed the number of local governments in the State will substantially reduce.

As stated earlier in this report the direction from the community at the meeting on 3 September 2009 appears to be quite apparent, however it is obviously up to Council on how it acts from here forward.

Granted that this is not an easy process for the Council, and whatever decision is made will not sit easily or be agreed with by a number of community members. However the State Government has instigated the process and it does not appear to be an option for Council to simply do nothing. Whatever the decision is Council must remember that it has been an extremely difficult time and be confident that all available alternatives have been worked through and the right or best decision has been made in the long-term interest of the community and ratepayers, especially given the lack of direct leadership and guidance provided by the State Government.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That in order to comply with the requirement to submit a Reform Submission as proposed by the Minister for Local Government:

1. **The Shire of Cuballing will solicit support for the following proposal:**
 - **A merger of the Shire of Cuballing with the Shire of Narrogin, Shire of Wickelup, and the Town of Narrogin;**
 - **The preferred number of elected members in the new local government will be eight;**
 - **The regional grouping of the new local government will be based on the current boundaries of the Wheatbelt South Regional Road Group;**
 - **The transition timeline will see the new local government established from 1 July 2011; and**
 - **Subject to receiving support for the merger proposal a list of conditions be developed establishing the basis for an agreement that will be used as direction to the new local government.**

2. **In relation to dot point 5 of clause 1 (above), the following list of conditions be included in the Shire of Cuballing submission to the Local Government Reform Steering Committee:**
 - **Each existing local government should form a ward in the new local government;**
 - **The number of Councillors in the new local government should be eight with two from each ward (for at least two election cycles; 8 years);**

- **President of the new local government to be elected from within the elected members;**
- **Existing works depots should continue as service depots for each ward;**
- **Existing offices, in each ward, should continue to provide an office front and be a point of contact for senior staff;**
- **Existing Reserve Funds should be quarantined to existing wards;**
- **Existing road programs and funding levels should be maintained;**
- **Community and sporting groups support should continue;**
- **Existing assets, facilities and amenities should be continued and maintained;**
- **The total cost of amalgamation, including any new facilities; ie offices and/or extensions, IT, project officer, financial systems, town planning schemes, local laws, etc; should be borne by the State Government;**
- **Phasing in of rates over period of time; perhaps three to five years;**
- **Commissioner(s) of new local government to be the three Presidents and Mayor of merging Councils;**
- **Interim Chief Executive Officer to be appointed by the Commissioner(s) and then permanent Chief Executive Officer appointment to be made by new Council when elected (not commissioner(s));**
- **The raising of loans by the merging Councils prior to the merger date be restricted and with the agreement of the existing Councils;**
- **Staffing levels to be maintained as existing levels;**
- **Shire of Narrogin offices to have ownership transferred from Crown Grant to freehold title of new local government;**
- **The Local Government Grants Commission Policy and Methodology for voluntary amalgamated Councils be modified to ensure that Local Governments that embrace structural reform are not financially disadvantaged beyond the current five year stay of grants policy; and**
- **A new name for the new Local Government be developed, ie “Shire of Dryandra”.**

COUNCIL ACTION

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

CARRIED 6/0

Moved Cr Meharry , seconded Cr Brown that Council engage the services of Minter Ellision, Lawyers, to prepare submission on behalf of the Shire of Cuballing to the Local Government Reform Steering Committee.

CARRIED 6/0

8.1.4 SHIRE OF CUBALLING COMMON SEAL

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:	Administration 18
Voting Requirements:	Simple Majority

Background

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

Comment

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

- Agreement between Country Arts WA Inc and Shire of Cuballing for the 2009 WA tour of Road Train by company M.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council endorses the affixing of the Shire of Cuballing Common Seal to Agreement between Country Arts WA Inc and Shire of Cuballing for the 2009 WA tour of Road Train by company M.

COUNCIL ACTION

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

CARRIED 6/0

8.1.5 SHIRE OF CUBALLING PUBLIC LIGHTING AUDIT STUDY

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:	Community Services 9
Voting Requirements:	Simple Majority

Background

During the 2008/2009 financial year Council received grant funding from the Office of Crime Prevention to undertake a Public Lighting Audit within the Shire.

Council employed the services of Consultancy Firm, Lighting Images International, to carry out the project. Due to delays in completing the project extension was obtained to carry over the grant funding to the 2009/2010 financial year.

Comment

Lighting Images International have now completed their preliminary work and provided Council with a draft report for consideration, copy of which has been circulated with the Council Meeting Agenda.

The draft report identifies many areas within the Shire, and in particular the townsites of Cuballing and Popanyinning, where existing lighting is not suitable and/or in some cases does not exist.

The report will be a future guide for Council in respect to implementation of new and/or improved lighting and will also assist Council in obtaining future grant funding for provision of identified public lighting works.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Draft Shire of Cuballing Public Lighting Audit Report (August 2009) be received by Council and submitted to the Office of Crime Prevention for endorsement.

COUNCIL ACTION

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

CARRIED 6/0

8.1.6 DRYANDRA REGIONAL EQUESTRIAN PARK

Submission to:	Ordinary Meeting of Council
Location/Address:	Reserve 16269 (Lot 414) & Reserve 50156 (Lots 222, 223, 224, 225 & 422) Cuballing Townsite
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Nil
Council Policy:	Nil
Budget Implications:	Provision included on 2009/2010 Budget
File Reference:	Recreation 17
Voting Requirements:	Simple Majority

Background

Relocation of Narrogin Pony and Riding Club and Narrogin Equestrian Club to Cuballing and development of a Regional Equestrian Park.

Land has been identified within the Cuballing to suit the purpose and access has been obtained. Vesting and purpose of the land is suitable. Reserve 50156 for purpose of Equestrian and management order gives Council the power to lease for period of 21 years. Reserve 16269 for purpose of Recreation and is reserve on which the Cuballing Oval, Tennis Courts and other sporting infrastructure is located. Current management order does not give Council power to lease however this is being pursued with State Land Services and should be forthcoming.

Equestrian groups, local and State bodies, have requested power to lease the land as the project progresses to give them some tenure over the land as they allocate their own funding to the project. The land and infrastructure will always remain the property of the Shire of Cuballing.

A program and concept plan is being prepared for the development of the facility in a staged capacity over four to five year period, with total project expenditure expected to be about \$1,000,000.

Both Council and the equestrian groups have committed to the project and are keen to develop a facility that will cater for local, regional, State and National events.

Comment

Council allocated amount of \$102,000 in 2009/2010 Budget of Royalties for the Regions funding to commence the project.

The equestrian groups have been very proactive sourcing other funding avenues:

- Pony Club Association of WA have committee \$15,000 over three years;
- Grant applications have been and will continue to be submitted to Department of Sport and Recreation; and
- Funding requests have been presented to Equestrian WA.

In addition the local equestrian clubs have funds committed to the project.

A real source of additional revenue for a regional project of this magnitude is under the Royalties for Regions Regional funds which are being allocated through regional groupings of Councils for a three year period commencing in 2009/2010.

From the provisional Regional Group Funding Allocations released in December 2008, it appears that the Dryandra Voluntary Regional Organisation of Councils (DVROC) will receive amount of \$1,013,590 in 2009/2010, increasing to \$1,411,787 in both 2010/2011 and 2011/2012. The Shire of Cuballing is a member of the DVROC group along with the Shires of Narrogin, Pingelly, Wandering & Wickepin, and the Town of Narrogin.

As this funding is to be allocated to projects of regional significance and there will be a number of projects put forward for consideration, eg Regional Waste is a project of utmost importance, however it would not be unreasonable for Council to make application to the DVROC group for funds to be allocated to the Dryandra Regional Equestrian Park facility over a three year period, perhaps in the vicinity of \$150,000 to \$200,000.

This funding along with monies already committed to the project and grant funds being sought would make the project a reality in terms of developing the type of facility to cater for local, regional, State and National events.

Ongoing management of this type of project is extremely important and the equestrian clubs feel it would advantageous to form a management committee to manage the project and be able to make vital decisions on the run without having to constantly refer back to individual groups or Council. This is a good idea and whilst each group and Council needs to be represented on the committee it should be of workable size as members from within the clubs/Council can be coerced onto working parties to assist as required along the way.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

1. Shire of Cuballing makes formal application to the Dryandra Voluntary Group of Councils requesting allocation of funding in the vicinity of \$150,000 - \$200,000 per year for a three year period, commencing 2009/2010, to assist with the Dryandra Regional Equestrian Park project; and
2. Shire of Cuballing supports the formation of a Management Committee for the Dryandra Regional Equestrian Park project, and nominates Councillor and the Chief Executive Officer as Council delegates to the committee.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Bradford that:

- 1. The Shire of Cuballing makes formal application to the Dryandra Voluntary Group of Councils requesting allocation of funding in the vicinity of \$150,000 - \$200,000 per year for a three year period, commencing 2009/2010, to assist with the Dryandra Regional Equestrian Park project; and**
- 2. The Shire of Cuballing supports the formation of a Management Committee for the Dryandra Regional Equestrian Park project, and nominates Councillor Haslam and the Chief Executive Officer as Council delegates to the committee, with Councillor Newman as Proxy Delegate.**

CARRIED 6/0

8.2 REPORTS – WORKS

8.2.1 WORKS MANAGERS REPORT

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

GRADING/MAINTENANCE

Winter and shoulder grading maintenance is proceeding throughout the Shire as weather permits. One grader is working about three weeks behind the other to try and alleviate problems associated with debris that gets dragged back onto the road surface as part of winter grading process. A grader has also been working on weekends to optimum conditions are available for winter grading.

Bitumen patching is still progressing throughout the Shire, again as weather permits.

The Mulching Machine has completed works on Springhill, Grout, Stratherne, Wardering and Pennys Roads, and is currently working on Popanyinning West Road where widening works is to be carried out as part of the 2009/10 construction program.

Most roads within the Shire have now had the verges sprayed to reduce weed/vegetation growth impacting the trafficable surface area. A program is being organised to spray noxious weeds.

PLANT AND EQUIPMENT

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

Venieri FEL ongoing noise in differential.

Isuzu Truck CN272 maintenance on rear brakes.

STAFF

Anthony Mort commenced long service leave on Monday 17 August 2009.

Paul Doyle completed his traineeship with Council on Thursday 10 September and has relocated to Perth for personal reasons.

Darryl Stanton has tendered his resignation effective from 29 September 2009, to take up a business venture in Narrogin.

Robert (Bob) Walker commenced employment on 2 September in temporary capacity whilst Anthony Mort is on long service leave.

PRIVATE WORKS

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

Private works invoices for the month of August 2009, total \$1,836.37; year to date \$3,090.38.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Managers Report be received and information noted.

COUNCIL ACTION

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

CARRIED 6/0

8.3 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: Allan Ramsay, Environmental Health Officer/Building Surveyor
Enabling Legislation: Local Government (Miscellaneous Provisions) Act 1960
 Building Code of Australia, Building Regulations 1989
 Builders' Registration Act 1939
 Environmental Protection (Noise) Regulations 1997
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 three (3) application(s) approved and license(s) issued for the month of August/September 2009. Listed below is a summarized breakdown of the application(s) and proposed structure(s):

Approval License No	Name of Owner	Registered Builder (RB) or Owner Builder (OB)	Structure	Location of Building
5-2009/10	S DeRooy	OB	S/F Shed	Lot 325 Forrest Street Popanyinning
6-2009/10	L Smith	OB	Completion House	Lot 127 Beeston Street Cuballing
7-2009/10	C Tyler	OB	Addition to Dwelling	Lot 42 Carton Street Cuballing

Septic Tank Applications

Paul Fennell – Lot 105 Bullara Street, Cuballing
 Cindy Tyler – Lot 42 Carton Street, Cuballing

Works in Progress - Inspection Properties

All incomplete houses and other properties, such as sheds where people may be residing illegally are in the process of being inspected.

The Building Regulations provide up to two years for any dwelling to be completed otherwise a new building licence is required for the completion of the work.

Under the provisions of the Caravan Parks and Camping Grounds Legislation, Council approval may be granted for homebuilders to live on site for period of up to three months while their house is being constructed. These properties will also be picked up during the inspections.

Mains Power Smoke Alarms

As from 1 October 2009, mains powered smoke alarms must be fitted to all residential buildings prior to sale and when a new tenancy agreement is signed. For more information please refer to the Council Meeting Agenda Attachment from Fire & Emergency Services Authority of WA.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

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

COUNCIL ACTION

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

CARRIED 6/0

8.4 REPORTS – TOWN PLANNING

8.4.1 STATE LAND SERVICES – PROPOSED CONVERSION FROM LEASE TO FREEHOLD, LOTS 24, 25, 26, 330, 331 & 332 POPANYINNING TOWNSITE

Submission to:	Ordinary Meeting of Council
Location/Address:	Lots 24, 25, 26, 330, 331, & 332 Francis Street, Popanyinning
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Planning and Development Act 2005
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	Town Planning 4
Voting Requirements:	Simple majority

Background

Mr Wayne Bird, Birds Silos & Shelters, Popanyinning, currently leases the abovementioned land, which is located to the northern side of the workshop premises in Popanyinning. Mr Bird has made application to the State Land Services to purchase the land in freehold title.

The purpose of the existing lease for the land is “storage of silos and shelters”, the lease expires on 30 September 2013. The land is zoned Residential R10 and is in the Rural Townsite Zone of Popanyinning townsite in Shire of Cuballing Town Planning Scheme No 2.

Comment

The State Land Services is seeking the Shire of Cuballing’s comments and/or objections regarding Mr Bird’s request for conversion of the existing lease to Freehold.

Birds Silos and Shelters have been operating in Popanyinning for a number of years and is the single biggest employer in the townsite. The business has been established on land situated along Francis and Forrest Streets and fronting onto Howard Street, and utilising the aforementioned land in a lease capacity.

The business is functioning very successfully and discussions with Mr Bird indicate orders for silos and shelters, and other products, remain very strong.

There does not appear to be any reason why Council cannot support the request.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Shire of Cuballing supports Mr Wayne Bird's request to the State Land Services for conversion of existing Lease I656965 to Freedhold for Lots 24, 25, 26, 330, 331 & 332 Francis Street, Popanyinning.

COUNCIL ACTION

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

CARRIED 6/0

9. **ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

10. **OTHER URGENT BUSINESS**

Nil

11. **CLOSURE OF MEETING**

Prior to closing the meeting the Shire President in acknowledging this being the final meeting for retiring Councillor Jenny Brown thanked Councillor Brown for her outstanding commitment to the Shire of Cuballing and Communities for the past thirteen years and wished her all the best for the future.

There being no further business the Shire President declared the meeting closed at 4:53pm.