



SHIRE OF CUBALLING

**ORDINARY COUNCIL MEETING
HELD ON WEDNESDAY 20 MAY 2009**

MINUTES

SHIRE OF CUBALLING

COUNCIL MEETING WEDNESDAY 20 MAY 2009

MINUTES

TABLE OF CONTENTS

1. **OPENING - ANNOUNCEMENT OF VISITORS**
2. **ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE**
3. **PUBLIC QUESTION TIME**
4. **APPLICATIONS FOR LEAVE OF ABSENCE**
5. **MINUTES**
6. **PETITIONS, DEPUTATIONS, PRESENTATIONS & DECLARATIONS**
7. **DISCLOSURES IF INTEREST**
8. **REPORTS**
 - 8.1 **FINANCE AND ADMINISTRATION** (Beige)
 - 8.2 **WORKS** (Blue)
 - 8.3 **HEALTH AND BUILDING** (Green)
 - 8.4 **TOWN PLANNING** (Yellow)
9. **ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
10. **OTHER URGENT BUSINESS**
11. **CLOSURE OF MEETING**

ORDINARY COUNCIL MEETING MINUTES

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE CUBALLING SHIRE,
HELD IN THE COUNCIL CHAMBER, CAMPBELL STREET, CUBALLING
ON WEDNESDAY 20 MAY 2009**

1. OPENING – ANNOUNCEMENT OF VISITORS

The Shire President welcomed Councillors and declared the meeting open at 3:04pm.

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

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

3. PUBLIC QUESTION TIME

Nil

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5. **MINUTES**

5.1 **CONFIRMATION OF 16 APRIL 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 16 April 2009 be confirmed.

COUNCIL ACTION

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

CARRIED 7/0

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

Nil

7. **DISCLOSURES OF INTEREST**

Councillors' and Employees' Disclosures of Interest.

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

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

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

Item 8.1.3: Mr Peter Naylor, Chief Executive Officer, declared a Financial 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 – MAY 2009

| | |
|------------------------------|---|
| Submission to: | Ordinary Meeting of Council |
| Location/Address: | Not applicable |
| Reporting Officer: | Belinda Furphy, Administration Officer (Finance) Lorraine Thomas, Relief Admin 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 \$130,088.37:**

| | |
|----------------------------------|---------------------|
| Vouchers 12990-13040 | \$ 63,104.28 |
| Electronic fund transfers | \$ 66,934.09 |
| Credit Card | \$ 50.00 |
- **Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$163.40:**

| | |
|----------------------------|------------------|
| Voucher T2063-T2065 | \$ 163.40 |
|----------------------------|------------------|

COUNCIL ACTION

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

CARRIED 7/0

| Type | Num | Date | Name | Memo | Muni | Trust |
|------------------|-------|------------|--------------------------------------|---|-----------|-------|
| Bill Pmt -Cheque | 12990 | 09/04/2009 | PETTY CASH | Petty cash recoup March/April 2009 | 269.75 | |
| Bill Pmt -Cheque | 12991 | 03/31/2009 | Australian Taxation Office | BAS March | 8,829.00 | |
| Bill Pmt -Cheque | 12992 | 16/04/2009 | AUSTRALIA POST | Postage stamps | 110.00 | |
| Bill Pmt -Cheque | 12993 | 23/04/2009 | AUSTRALIA POST | West Australian | 36.50 | |
| Bill Pmt -Cheque | 12994 | 23/04/2009 | Avon Waste | Bulk bin service | 481.41 | |
| Bill Pmt -Cheque | 12995 | 23/04/2009 | Baileys Hotel Motel | Accommodation A Richardson | 99.00 | |
| Bill Pmt -Cheque | 12996 | 23/04/2009 | BIRD'S SILOS & SHELTERS | Batteries and tool chest | 45.87 | |
| Bill Pmt -Cheque | 12997 | 23/04/2009 | BORAL CONSTRUCTION MATERIALS GROUP | Spray and cover using bitumen | 17,572.50 | |
| Bill Pmt -Cheque | 12998 | 23/04/2009 | Central South Eisteddford Inc | Donation 2009 CSE | 150.00 | |
| Bill Pmt -Cheque | 12999 | 23/04/2009 | CORPORATE EXPRESS | Stationery | 82.40 | |
| Bill Pmt -Cheque | 13000 | 23/04/2009 | CUBY ROADHOUSE | Milk, petrol etc March 09 | 553.90 | |
| Bill Pmt -Cheque | 13001 | 23/04/2009 | DRYANDRA COUNTRY VISITOR CENTRE INC. | Advertising | 300.00 | |
| Bill Pmt -Cheque | 13002 | 23/04/2009 | FARMWORKS AUSTRALIA PTY LTD | Weed Killer | 3,153.70 | |
| Bill Pmt -Cheque | 13003 | 04/23/2009 | Great Southern Ranger Services | Animal patrol 07/04/2009 | 308.00 | |
| Bill Pmt -Cheque | 13004 | 04/23/2009 | Institute of Public Works | Subscription Jan to Dec 09 | 308.00 | |
| Bill Pmt -Cheque | 13005 | 23/04/2009 | JR & A HERSEY P/L | Safety Jackets | 1,016.95 | |
| Bill Pmt -Cheque | 13006 | 23/04/2009 | LANDMARK OPERATIONS LTD | Rat bait | 34.75 | |
| Bill Pmt -Cheque | 13007 | 23/04/2009 | LO-GO Appointments | Wages L Thomas | 4,435.82 | |
| Bill Pmt -Cheque | 13008 | 23/04/2009 | NARROGIN AUTO ELECTRICS | Hands free phone kit | 288.25 | |
| Bill Pmt -Cheque | 13009 | 23/04/2009 | Narrogin Technology Solutions | Canon cartridges | 114.75 | |
| Bill Pmt -Cheque | 13010 | 23/04/2009 | Peter Patterson | Reimbursement and refund | 715.23 | |
| Bill Pmt -Cheque | 13011 | 23/04/2009 | Quicken | Subscription 2009/10 | 575.00 | |
| Bill Pmt -Cheque | 13012 | 23/04/2009 | REINFORCED CONCRETE PIPES PTY LTD | pipe and rubber rings | 1,484.67 | |
| Bill Pmt -Cheque | 13013 | 23/04/2009 | SHARED SERVICES CENTRE | Govt Gazette - Dog act appointment | 59.75 | |
| Bill Pmt -Cheque | 13014 | 23/04/2009 | TELSTRA | Phone charges for March 2009 | 712.90 | |
| Bill Pmt -Cheque | 13015 | 23/04/2009 | TIMES PRINT | Order books | 385.00 | |
| Bill Pmt -Cheque | 13016 | 23/04/2009 | WALGA | Advertising Bush Fire Act | 246.97 | |
| Bill Pmt -Cheque | 13017 | 23/04/2009 | WESTRAC EQUIPMENT | Maintenance 930G | 737.53 | |
| Bill Pmt -Cheque | 13018 | 30/04/2009 | HIF | Contributions for Peter Naylor April 09 | 214.50 | |
| Bill Pmt -Cheque | 13019 | 30/04/2009 | SHIRE OF CUBALLING. | Rates Terry Clark April 2009 | 100.00 | |
| Bill Pmt -Cheque | 13020 | 30/04/2009 | WALGSP | Superannuation contributions April 2009 | 6,849.34 | |
| Bill Pmt -Cheque | 13021 | 30/04/2009 | SHIRE OF CUBALLING. | Social club contributions April 2009 | 140.00 | |
| Bill Pmt -Cheque | 13022 | 01/05/2009 | PETTY CASH | Petty cash recoup April 2009 | 282.75 | |
| Bill Pmt -Cheque | 13023 | 05/05/2009 | BUILDERS REGISTRATION BOARD OF WA | BRB Payments for April 2009 | 33.50 | |
| Bill Pmt -Cheque | 13024 | 07/05/2009 | ADAGE FURNTITURE | Folding tables and bistro chairs | 2,640.00 | |

Ordinary Council Meeting Minutes 20 May 2009

| | | | | | | |
|------------------|---------------|------------|-------------------------------------|--|---------------------|-----------------|
| Bill Pmt -Cheque | 13025 | 07/05/2009 | Avon Waste | Bulk bin service and rent | 481.41 | |
| Bill Pmt -Cheque | 13026 | 07/05/2009 | CANNON HYGIENE AUSTRALIA PTY LTD | Monthly service from 26/04/09 | 234.92 | |
| Bill Pmt -Cheque | 13027 | 07/05/2009 | COMMANDER AUSTRALIA LTD | Service contract fee April 09 | 136.24 | |
| Bill Pmt -Cheque | 13028 | 07/05/2009 | COURIER AUSTRALIA | Visimax, Hersey, Landvision | 57.02 | |
| Bill Pmt -Cheque | 13029 | 07/05/2009 | CUBALLING TAVERN | Council meeting 14/04/09 | 145.00 | |
| Bill Pmt -Cheque | 13030 | 07/05/2009 | Fuji Xerox | Meter reading April 2009 | 189.20 | |
| Bill Pmt -Cheque | 13031 | 07/05/2009 | Great Southern Waste Disposal | Management of Shire tip | 2,750.00 | |
| Bill Pmt -Cheque | 13032 | 07/05/2009 | JR & A HERSEY P/L | Cap muff visor, line trimmer chaps | 300.85 | |
| Bill Pmt -Cheque | 13033 | 07/05/2009 | LO-GO Appointments | Wages L Thomas | 2,851.60 | |
| Bill Pmt -Cheque | 13034 | 07/05/2009 | LOCAL GOVERNMENT MANAGERS AUSTRALIA | Reform strategy workshop | 440.00 | |
| Bill Pmt -Cheque | 13035 | 07/05/2009 | Narrogin Technology Solutions | DVD-RW 5 Pack | 19.95 | |
| Bill Pmt -Cheque | 13036 | 07/05/2009 | R S Walker Contracting | Water line trench for public toilet | 115.50 | |
| Bill Pmt -Cheque | 13037 | 07/05/2009 | SHIRE OF PINGELLY | Food and drink at Slim Jim and the Phats reimbursement | 163.66 | |
| Bill Pmt -Cheque | 13038 | 07/05/2009 | Synergy | Accounts Feb to April | 1,731.25 | |
| Bill Pmt -Cheque | 13039 | 07/05/2009 | TELSTRA | Mobile phone account CEO, MOW Leading hand | 119.99 | |
| Bill Pmt -Cheque | 13040 | | Cancelled due to printing error | Void | 0.00 | |
| Trust | T2063 | 30/04/2009 | Cuballing Bootscooters | Reissued to Lynelle Evans | | 0.00 |
| Trust | T2064 | 30/04/2009 | Lynelle Evans | Hall Hire Refund | | 100.00 |
| Trust | T2065 | 30/04/2009 | Building and Construction Ind | BCITF payment for April 2009 | | 63.40 |
| Direct | F904080760140 | 8/04/2009 | Neil Flood | Travel Allowance reimbursement for March 2009 | 331.20 | |
| Direct | F904080760347 | 8/04/2009 | Greg and Tonia Campbell | Rent L Thomas | 400.00 | |
| Direct | F904090802988 | 9/04/2009 | Margaret Shields | Bond refund | 100.00 | |
| Direct | F904090804093 | 9/04/2009 | D and V Sweeney | Bond refund | 100.00 | |
| Direct | F904140831013 | 14/04/2009 | Shire of Cuballing. | Shire Wages 01/04/2009 to 14/04/2009 | 20,032.16 | |
| Direct | F904160917371 | 08/04/2009 | Pension of Perth | Accommodation for Lucille van Wyk Tellis training | 600.00 | |
| Direct | F904200958825 | 20/04/2009 | Richardson, Alex S | Phone | 89.85 | |
| Direct | F904231056949 | 23/04/2009 | West Australian Outdoor Cinema | 14/03 Mr Magnolias Wonder Emporium,21/03 Mamma Mia | 3,900.00 | |
| Direct | F904241067007 | 23/04/2009 | G D AND T L CAMPBELL | Rent Lot 25 Cuballing St | 400.00 | |
| Direct | F904281169856 | 28/04/2009 | SHIRE OF CUBALLING. | Shire Wages 15/04/2009 to 28/04/2009 | 19,307.60 | |
| Direct | F904301260933 | 30/04/2009 | PH & KE GOW LICENSED SURVEYORS | Survey Yornaning Dam | 1,996.50 | |
| Direct | F905121525275 | 12/05/2009 | SHIRE OF CUBALLING. | Shire Wages 29/04/2009 to 12/05/2009 | 19,676.78 | |
| Credit card | 200409 | 20/04/2009 | Narrogin Floral Studio | Flowers Dee Dartnell | 50.00 | |
| | | | | | <u>\$130,088.37</u> | <u>\$163.40</u> |

Shire President _____ 25 June 2009

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 30 April 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 30 April 2009, be received.

COUNCIL ACTION

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

CARRIED 7/0

8.1.3 CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE APPRAISAL

Mr Peter Naylor, Chief Executive Officer, declared a financial interest in this item and departed the Council meeting at 3:17pm.

| | |
|------------------------------|--|
| Submission to: | Ordinary Meeting of Council |
| Location/Address: | Nil |
| Reporting Officer: | Peter Naylor, Chief Executive Officer |
| Enabling Legislation: | Local Government Act 1995 |
| Council Policy: | Chief Executive Officer Contract of Employment |
| Budget Implications: | Nil |
| File Reference: | Staff 8 and Staff 15 |
| Voting Requirements: | Simple majority |

Background

It is a requirement in accordance with the provisions of the *Local Government Act 1995*, S5.38, that the performance of the Chief Executive Officer is reviewed/appraised at least once in relation to every year of employment. This matter is also addressed in clause 8 of

the Contract of Employment between the Shire of Cuballing and the Chief Executive Officer.

Comment

Circulated with the Council Meeting Agenda is the Performance Review form that has been used by Council over the past six (6) years to appraise the Chief Executive Officers (CEO) performance.

If Council or Councillors require further information (eg CEO current conditions of employment) prior to the Council meeting please contact the CEO.

Further to this matter, and that the CEO has been employed by the Shire for period in excess of seven (7) years, Council may consider it appropriate to engage the services of an outside agency (such as WALGA Workplace Solutions) to facilitate the annual review/appraisal process. Prior to the Council meeting the CEO will endeavour to obtain a quotation and process summary from WALGA Workplace Solutions for Council consideration.

The Chief Executive Officer tabled quotation from WALGA Workplace Solutions for amount of \$3,000 (GST ex) to carry out the Chief Executive Officer's Annual Performance Review.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

For Council consideration please.

COUNCIL ACTION

Moved Cr Bradford, seconded Cr Haslam that Council employs the services of WALGA Workplace Solutions to carry out the Chief Executive Officer's performance review.

CARRIED 7/0

Mr Peter Naylor, Chief Executive Officer, re-entered the Council meeting at 3:28pm.

8.1.4 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) – 2009 ANNUAL GENERAL MEETING

| | |
|------------------------------|---------------------------------------|
| Submission to: | Ordinary Meeting of Council |
| Location/Address: | Nil |
| Reporting Officer: | Peter Naylor, Chief Executive Officer |
| Enabling Legislation: | Nil |
| Council Policy: | Nil |
| Budget Implications: | Nil |
| File Reference: | Councils & Associations 5 |
| Voting Requirements: | Simple Majority |

Background

Inviting Council to formally nominate its voting delegates for the WALGA Annual General Meeting to be held as part of the 2009 Local Government Week Convention on Saturday 8 August 2009.

Comment

Pursuant to the WALGA Constitution, Council is entitled to register two (2) voting delegates for the Annual General Meeting (AGM). Voting delegates may be either elected members or serving officers.

In previous years Council has nominated the Shire President and Deputy Shire President as the voting delegates.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Shire President, Cr Wittwer, and the Deputy Shire President, Cr Brown, be registered as the voting delegates for the Shire of Cuballing at the Western Australian Local Government Association's Annual General Meeting to be held on Saturday 8 August 2009.

COUNCIL ACTION

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

CARRIED 7/0

8.1.5 REVIEW OF WARD BOUNDARIES AND REPRESENTATION

| | |
|------------------------------|---------------------------------------|
| Submission to: | Ordinary Meeting of Council |
| Location/Address: | North & South Wards of Shire |
| Reporting Officer: | Peter Naylor, Chief Executive Officer |
| Enabling Legislation: | Local Government Act 1995 |
| Council Policy: | Nil |
| Budget Implications: | Nil |
| File Reference: | Elections 10 |
| Voting Requirements: | Simple Majority |

Background

Schedule 2.2 (6) of the *Local Government Act 1995* provides that a Local Government which is divided into wards is to from time to time, and so that not more than eight (8) years elapses between reviews, carry out reviews of its ward boundaries, and the number of offices of councillor for each ward. The *Act* states that as part of the Ward Review Council is to have regards, where applicable to:

- Community of interests;
- Physical and topographic features;
- Demographic trends;
- Economic factors; and
- The ratio of councillors to electors in the various wards.

Comment

The Shire of Cuballing last undertook a review of its ward boundaries and representation in 2002, when the number of wards was reduced from seven to two and councillor representation changed from one councillor per ward to three councillors in the north ward and four in the south ward.

There has been some comment in the local government industry about not carrying out such reviews due to Local Government Reform process currently being undertaken, however whilst the Minister is requesting that Local Governments prepare a Reform submission by 31 August 2009, the reality is that the process of merging Local Governments, if this is to happen, could take up to two years and therefore it would be appropriate for Council to comply with the legislative requirements.

The current ward system and councillor representation appears to working fine, however there is a due process prescribed in legislation that must be followed.

Council must advertise, in a local publication, its intention to undertake a review, prepare a discussion paper and allow time for submissions to be presented (6 week period), and consider any submissions received, and then prepare a report to the Local Government Advisory Board.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **The Shire of Cuballing resolves to undertake a review of its ward boundaries and councillor representation, in accordance with Schedule 2.2 (6) of the Local Government Act 1995;**
- **Councils intention to undertake a review of its ward boundaries and councillor representation be advertised in accordance with Schedule 2.2 (7) of the Local Government Act 1995;**
- **Council endorses the Review of Ward Boundaries and Councillor Representation discussion paper, as prepared.**

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

Summer maintenance grading is proceeding throughout the Shire, the main emphasis being on school bus routes.

Brian Hare and Darryl Stanton continue to be tutored on grader operations, and they both seem confident to be able to perform maintenance grading operations.

Bitumen patching and other routine maintenance works are progressing throughout the Shire.

ROAD CONSTRUCTION

Final bitumen seal has been applied to Yornaning West and Yornaning East Roads, and also to Cowcher Street in Yornaning. This has been funded under the Royalties for the Regions program.

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.

VANDALISM

Recently, mainly over the school holiday period, there has been a number of vandalism and graffiti incidents within the Shire.

Reticulation equipment at the Cuballing Oval was tampered with when person(s) gained illegal access to the dam enclosure. Signs were removed and person(s) accessed the reticulation shed by smashing the lock and forcibly removing the shed door. The door was found in the dam. Electric pumps were turned on and it was fortunate that this was found by employee prior to any major damage being caused.

Graffiti had been painted and drawn on several items at the Cuballing Community Park; this has now been removed.

The doors to the toilets at Yornaning Dam were removed and stolen.

All incidents have been reported to Narrogin Police.

PRIVATE WORKS

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

Works staff and equipment (front end loader and three trucks) have been assisting the Shire of Wandering finalising their 2008/2009 Construction program.

Private works invoices for the month of April 2009, total \$6,662.51; Year to date \$65,833.99.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Managers 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

8.2.2 MAIN ROADS WA WHEATBELT SOUTH REGIONAL ROAD GROUP – LOCAL ROAD FUNDING USER MANUAL

| | |
|------------------------------|---------------------------------------|
| Submission to: | Ordinary Meeting of Council |
| Location/Address: | Not Applicable |
| Reporting Officer: | Peter Naylor, Chief Executive Officer |
| Enabling Legislation: | Local Government Act 1995 |
| Council Policy: | Nil |
| Budget Implications: | Nil |
| File Reference: | Roads 14 |
| Voting Requirements: | Simple majority |

Background

For some time, the Wheatbelt South Regional Road Group's Technical Committee has been working with Main Roads personnel to produce a manual to standardise the funding application and assessment process and to ensure critical deadlines are met.

At the Regional Road Group (RRG) meeting held in Kulin on Wednesday 13 May 2009, the Group was asked to adopt the Manual but it was referred back to constituent Councils for further comment which is then to be considered by the RRG Sub-Groups prior to formal adoption "out of session" by the RRG.

Of note is that the timelines contained in the Manual at section 2.5 will apply immediately.

Comment

A copy of the Manual has been circulated with the Council meeting agenda. It is essentially technical in nature. There has been some debate about the road count data and its interpretation but this may have been in an attempt to artificially inflate some counts to underpin claims for funding. A level playing field will now apply. Of importance is that funding will be withheld should Council not meet its obligations in terms of timelines, etc. It should be noted that this process, which will commence for the 2010/2011 Financial Year, will only apply to regional roads which are included on the Roads 2025 Strategy. In the case of the Shire of Cuballing this will specifically apply to the Wandering-Narrogin Road, which has been identified for works in the foreseeable future with estimated funding in the order of \$180,000 to \$200,000 per annum being made available.

It is recommended that the RRG Sub-Group be advised that Council endorses the draft Manual, as presented, and has no further comment to make.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Shire of Cuballing advises the Wheatbelt South Regional Road through it's Sub Group (Narrogin) that it endorses the draft Manual as presented.

COUNCIL ACTION

Moved Cr Bradford seconded Cr Meharry 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
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 was one (1) application approved and license issued for the month of March 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 |
|----------------------------|----------------------|--|------------------|-------------------------------------|
| 50-2008/09 | S J Graham | M Dyke | S/F Shed | Lot 1363 Boxsell Rd Cuballing |

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

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

COUNCIL ACTION

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

CARRIED 7/0

In receiving the Report, Council acknowledged the recent sad passing of Mr Neil Flood (Environmental Health Officer/Building Surveyor) and recognised his fine contribution to Shire of Cuballing.

8.3.2 MS SAMANTHA DODS, ADRENALIN 4 X 4 INC – APPLICATION TO CONDUCT 4WHEEL DRIVE EVENT

| | |
|------------------------------|---|
| Submission to: | Ordinary Meeting of Council |
| Location/Address: | Locations 6286 & 20957 Williams Road, Popanyinning West |
| Reporting Officer: | Neil Flood, Environmental Health Officer/Building Surveyor Peter Naylor, Chief Executive Officer |
| Enabling Legislation: | Health Act 1911 Health (Public Buildings) Regulations 1992 Health (Food Hygiene) Regulations 1993 Caravan Parks and Camping Grounds Regulations 1997 |
| Council Policy: | Shire of Cuballing Health Local Law 2007 Shire of Cuballing Town Planning Scheme No 2 |
| Budget Implications: | Nil |
| File Reference: | Town Planning 4 |
| Voting Requirements: | Simple majority |

Background

The Adrenalin 4x4 Inc Club have made an application to hold a 4 Wheel Drive (4WD) event at Locations 6286 & 20957 Williams Road, Popanyinning West, over a two-day period on the weekend of 12 & 13 September 2009. The properties are owned by Mr Kelvin Lange.

This is the third time that the 4Wheel Drive Club have conducted the event within the Shire of Cuballing, the first was in 2007. In previous years the event has been held at Lot 3536 Bunmulling Road, Popanyinning.

Comment

Council is requested to grant approval for the event under the provisions of the Health Act 1911 relating to public buildings.

Locations 6286 & 20957 are zoned General Agriculture under Town Planning Scheme No 2.

Vehicles used in the events will be either towed to the property or driven. Licensed 4WD vehicles will be modified at the property for the off road events.

Plans are required to show the location of the course/s and pit area, and of the camping and toilet areas. The event is to be conducted on location 6286 and location 20957 is to be the campsite area.

The organisers of the event are expecting about 700 people to attend.

The organisers are proposing to sell alcohol at the event and will be required to obtain a Licence from the Police. They will also be required to arrange suitable security personnel in accordance with the Police licensing conditions.

The gathering of persons for public events is controlled under the Health Act 1911 and more specifically under the Health (Public Buildings) Regulations 1992. The definition of a “Public Building” under the Act includes “a building or place or part of a building or place where persons may assemble”. This includes amongst other uses; social, entertainment, recreational or sporting purposes. Council may grant approval for public events under Section 177 of the Act and set conditions and the time for which approvals are valid.

The Health (Public Buildings) Regulations 1992 and the Health (Food Hygiene) Regulations 1993 set the statutory requirements for ensuring that public safety at events is provided. This

includes safe food handling, adequate toilet facilities and a risk management plan etc. These are administered by Council's Environmental Health Officer.
The Caravan Parks and Camping Grounds Regulations 1997 set the statutory requirements for camping on the property.

As in previous years the property owner will be requested to provide a letter to Council supporting the event.

The applicants have not at the time of writing this report provided copies of public liability insurances to cover this event. It is recommended that the event not be permitted to proceed if copies of all insurances are not provided to the Shire at least 7 days before the event.

The public safety, camping, food hygiene and noise legislation and any permits will be administered by Council's Environmental Health Officer in accordance with statutory requirements.

This event is supported subject to adherence with the legislative requirement being undertaken.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That approval be granted to the Adrenalin 4x4 Inc to hold a 4 Wheel Drive event at Locations 6286 & 20957 Williams Road, Popanyinning West, subject to the following conditions:

- **The event is restricted to the hours of 7.00am to 10 pm;**
- **Neighbouring property owners to given 7 days notice of the event;**
- **The event to be run in compliance with all legislative requirements stipulated to Adrenalin 4x4 Inc by Council's Environmental Health Officer;**
- **The event to be covered by comprehensive Public Liability Insurance to a minimum value of 10 million dollars and naming the Shire of Cuballing on the policy. The certificate of currency is to be sighted by the Shire at least 7 days prior to the event proceeding. In the event of not meeting this condition approval for the event is withdrawn;**
- **Plans to be submitted showing the location of the course/s and pit area, and of the camping and toilet areas;**
- **Provision of a Risk Management Plan;**
- **Letter to be submitted from the property owner, Mr Kelvin Lange, supporting the event on his property; and**
- **Application being made to WA Police to obtain licence to serve/sell alcohol at the event.**

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 WESTERN AUSTRALIAN PLANNING COMMISSION – PLANNING APPLICATION 139712

| | |
|------------------------------|---|
| Submission to: | Ordinary Meeting of Council |
| Location/Address: | Lot 6883 Short Road, Cuballing |
| Reporting Officer: | Peter Naylor, Chief Executive Officer Trevor Moran, Town Planning Consultant |
| Enabling Legislation: | Planning and Development Act 2005 |
| Council Policy: | Town Planning Scheme No 2 |
| Budget Implications: | Nil |
| File Reference: | Town Planning 12 |
| Voting Requirements: | Simple majority |

Background

Planning application received on behalf of property owner T R Short, to realign boundaries of four existing lots (being lots 6883, 8608, 7974 & 3824), to create four new lots.

Comment

The application has been forwarded to Council's Town Planning Consultant who has offered the following comment:

Application 139712 seeks to create four lots from four existing lots. Existing Lots 3824 and 6883 are land locked. The new configuration provides all the proposed lots with access to Short Road.

Accordingly I see no objection to the proposal. A condition should be implemented to ensure the construction of the battleaxe leg at the applicants cost.

Also please note that Lots 3824 and 6883 are within the Hotham River Environment Policy Area in Town Planning Scheme No 2, and it may be prudent to recommend an advice note to the WAPC as follows;

“The applicant is advised that Lots 3824 and 6883 (new proposed lots C & D) are in the Hotham River Environment Policy Area in the Shire of Cuballing TPS No 2 which contains certain restrictions to development and management measures may be required for particular development”.

The Shire of Cuballing Town Planning Scheme #2 (clause 4.2(b)) generally does not support the further breakdown or subdivision of land in the agricultural areas. The aim of this part of the Scheme is to protect the economic viability of rural zoned land through a presumption against subdivision except where such subdivision will enhance and/or promote the viability and diversity of general farming activity.

However the application does not intend to create additional lots and is proposing for minor boundary changes. Council has in the past supported planning applications where boundary realignments are proposed and no new lots created. The Western Australian Planning Commission (WAPC) has also supported such applications.

The Town Planning Consultant's comments in relation to construction of the battleaxe leg of proposed Lot C and the land in the Hotham River Environs Policy Area of Town Planning Scheme No 2 are very relevant and perhaps if Council is to support the application these could be recommended to the WAPC as a condition of approval.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Western Australian Planning Commission be advised that the Shire of Cuballing is prepared to support Planning Application 139712 subject to the following conditions being included as part of the planning approval process:

- **The battleaxe leg of proposed Lot C to be constructed at the applicants cost to a suitable trafficable standard to the satisfaction of the Shire of Cuballing; and**
- **A memorial be placed on the titles for proposed Lots C & D advising the owner(s) that the Lots are within the Hotham River Environs Policy Area of Shire of Cuballing Town Planning Scheme No 2, which contains certain restrictions to development and management measures may be required for particular development.**

COUNCIL ACTION

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

CARRIED 7/0

8.4.2 WESTERN AUSTRALIAN PLANNING COMMISSION – PLANNING APPLICATION 139482

| | |
|------------------------------|--|
| Submission to: | Ordinary Meeting of Council |
| Location/Address: | Lots 285 & 347 Cooke Road, Popanyinning East |
| Reporting Officer: | Peter Naylor, Chief Executive Officer |
| Enabling Legislation: | Planning and Development Act 2005 |
| Council Policy: | Town Planning Scheme No 2 |
| Budget Implications: | Nil |
| File Reference: | Lands 8b |
| Voting Requirements: | Simple majority |

Background

Correspondence from the WA Planning Commission (WAPC) advising that the Commission is prepared to endorse the planning application subject to compliance with certain condition(s).

The application was submitted by the Department of Environment and Conservation and is for excision of portion of two Lots 285 & 347 to be amalgamated with neighbouring Reserve 36413 to create a nature corridor.

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

Comment

In supporting the application, the WAPC has stipulated the following condition as part of the approval process:

Arrangements being made with the local government for the upgrading and/or construction of Cooke Road.

The condition was not requested by the Shire of Cuballing or the DEC during the planning process. The WAPC advise that it is their policy that where blocks are created by subdivision they should have access to a trafficable road. This condition would normally be agreed to by Council, however the remaining northern portions of Lots 285 & 347 are paddocks inside English's farm and at this time do not require constructed access.

For the DEC to get the condition removed from the planning approval it would require them to recommence the planning process, which could take a further 4 – 6 months. To short circuit this, the Chief Executive Officer has advised the DEC that he is prepared to sign off on the planning condition imposed by the WAPC as Cooke Road is already a somewhat constructed and trafficable road, however should Mr English in the future decide to sell off one or both of the two lots (being Lots 285 & 347) it will be his responsibility to construct the unmade road reserve off Cooke Road to service the lots.

The DEC has referred this proposal to Mr English and he is in agreement.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **Council endorses the Chief Executive Officers Actions; and**
- **The WA Planning Commission correspondence be received and information noted.**

COUNCIL ACTION

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

CARRIED 7/0

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

Nil

10. **OTHER URGENT BUSINESS**

10.1 **OPENING HOURS SHIRE ADMINISTRATION OFFICE**

The Chief Executive Officer requested Council consideration to changing the Administration Office opening hours, Monday to Friday, from 8:30am–5:00pm to 8:30am-4:30pm. This will allow staff 30 minutes to complete end of day procedures, without having to also serve customers, before leaving at 5:00pm.

COUNCIL ACTION

Moved Cr Haslam, seconded Cr Brown that the Shire of Cuballing Administration Office hours be changed to 8:30am-4:30pm, effective from 1 June 2009, and that the new hours be advertised in the Cuballing Newsletter and on local public notice boards.

CARRIED 7/0

CHANGE OF JUNE 2009 COUNCIL MEETING DATE

Due to possibility that both Councillors Bradford and Brown could be absent from the June 2009 Ordinary Meeting of Council, and that the June meeting is usually when Council first deliberates on the budget for the following year, Council considered changing the date of the Meeting from Thursday 18 June 2009 to Thursday 25 June 2009.

COUNCIL ACTION

Moved Cr Meharry seconded Cr Brown that the date of the June 2009 Ordinary Meeting of Council be changed from Thursday 18 June 2009 to Thursday 25 June 2009 and that the change be advertised in accordance with the provisions of the *Local Government Act 1995*.

CARRIED 7/0

11. **CLOSURE OF MEETING**

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