



SHIRE OF CUBALLING

**ORDINARY COUNCIL MEETING
HELD ON THURSDAY 25 JUNE 2009**

MINUTES

SHIRE OF CUBALLING

COUNCIL MEETING THURSDAY 25 JUNE 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 25 JUNE 2009**

1. OPENING – ANNOUNCEMENT OF VISITORS

The Shire President welcomed Councillors and declared the meeting open at 3:00pm.

2. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

ATTENDANCE

Shire President, Cr TH Wittwer
Deputy President, 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 20 MAY 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 May 2009 be confirmed.

COUNCIL ACTION

Moved Cr Haslam, seconded Cr Newman 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.

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 – JUNE 2009

Submission to:	Ordinary Meeting of Council
Location/Address:	Not applicable
Reporting Officer:	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 \$323,387.81:**

Vouchers 13041-13115	\$277,989.41
Electronic fund transfers	\$ 45,101.00
Credit Card	\$ 297.40
- **Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$242.49:**

Voucher T2066-T2069	\$ 242.49
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COUNCIL ACTION

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

CARRIED 7/0

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Shire of Cuballing Cheque Detail May 18 through June 17, 2009

Type	Num	Date	Name	Description	Original Amount
Bill Pmt -Cheque	13041	14/05/2009	B Flood	Travel Allowance for April 2009	371.20
Bill Pmt -Cheque	13042	05/01/2009	Australian Taxation Office	BAS Statement April 2009	3,482.00
Bill Pmt -Cheque	13043	20/05/2009	AIR LIQUIDE WA PTY LTD	Oxygen, acetylene, migshield	511.90
Bill Pmt -Cheque	13044	20/05/2009	AUSTRALIA POST	Postage and newspapers	137.10
Bill Pmt -Cheque	13045	20/05/2009	BEAUREPAIRES	Parts and Repairs CN1578	156.04
Bill Pmt -Cheque	13046	20/05/2009	BORAL CONSTRUCTION MATERIALS GROUP	CRS Emulsion 1001	2,772.00
Bill Pmt -Cheque	13047	20/05/2009	COURIER AUSTRALIA	CAU000015862, CB00758114	83.68
Bill Pmt -Cheque	13048	20/05/2009	D Wesley	Install septic at RV dump site	5,840.00
Bill Pmt -Cheque	13049	20/05/2009	GREAT SOUTHERN FUEL SUPPLIES	Fuel and oil charges April 09	8,240.19
Bill Pmt -Cheque	13050	20/05/2009	Great Southern Ranger Services	Animal Patrol 08/05/09	287.10
Bill Pmt -Cheque	13051	20/05/2009	JR & A HERSEY P/L	Piggrain rigger, storm jacket, crystal 5lt	308.94
Bill Pmt -Cheque	13052	20/05/2009	LANDVISION	Bush fire plans	566.19
Bill Pmt -Cheque	13053	20/05/2009	LO-GO Appointments	Wages L Thomas	2,851.60
Bill Pmt -Cheque	13054	20/05/2009	MAKIT NARROGIN HARDWARE	Plumbing and electrical parts	103.45
Bill Pmt -Cheque	13055	20/05/2009	MCDUGALL WELDMENTS	Flashing, custon orb, c purlin	3,097.43
Bill Pmt -Cheque	13056	20/05/2009	NARROGIN AGRICULTURAL REPAIRS	Housing	18.00
Bill Pmt -Cheque	13057	20/05/2009	NARROGIN AUTO ELECTRICS	Battery and battery charger	838.54
Bill Pmt -Cheque	13058	20/05/2009	NARROGIN BEARING SERVICE	Locking tab metric	15.84
Bill Pmt -Cheque	13059	20/05/2009	NARROGIN HIRE SERVICE AND RETICULATION	Plumbing Fittings	257.47
Bill Pmt -Cheque	13060	20/05/2009	NARROGIN PACKAGING	Bin Liners & Tallet Rolls & Ramps	526.75
Bill Pmt -Cheque	13061	20/05/2009	PARRYS	Protective Clothing	436.25
Bill Pmt -Cheque	13062	20/05/2009	PETTY CASH	Reimbursement for May 09	101.40
Bill Pmt -Cheque	13063	20/05/2009	Cancelled	Cancelled due to printing error	0.00
Bill Pmt -Cheque	13064	20/05/2009	QUICKFIT WINDSCREENS & NARROGIN GLASS	Pin protection lock Roadhouse noticeboard	67.44
Bill Pmt -Cheque	13065	20/05/2009	REINFORCED CONCRETE PIPES PTY LTD	450 RRJ Pipe, rubber rings	1,576.34
Bill Pmt -Cheque	13066	20/05/2009	TEL.STR.A	Phone charges April/May 2009	700.67
Bill Pmt -Cheque	13067	20/05/2009	WA Library Supplies	Black felt pin up board	40.00
Bill Pmt -Cheque	13068	20/05/2009	WALGA	Notice - Burt Dartnell	93.36
Bill Pmt -Cheque	13069	20/05/2009	WATER CORPORATION	Water use 20/01/09 to 05/05/09	607.55
Bill Pmt -Cheque	13070	20/05/2009	West Australian Outdoor Cinema	28/03 Alvin and the Chipmunks Pingelly	1,850.00
Bill Pmt -Cheque	13071	20/05/2009	WESTRAC EQUIPMENT	Part 1U-3252	767.01

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Shire of Cuballing Cheque Detail May 18 through June 17, 2009

Bill Pmt -Cheque	13072	20/05/2009	Cuballing Golf Club	2009 membership Peter Naylor	115.00
Bill Pmt -Cheque	13073	05/14/2009	Cancelled	Cancelled due to printing error	0.00
Bill Pmt -Cheque	13074	28/05/2009	AIR LIQUIDE WA PTY LTD	Migshield	155.87
Bill Pmt -Cheque	13075	20/05/2009	VI BARIHAM AWARD FOR EXCELLENCE	Annual donation 2009	125.00
Bill Pmt -Cheque	13076	20/05/2009	AIR LIQUIDE WA PTY LTD	Reissue Cheque No. 12873 unrepresented	320.34
Bill Pmt -Cheque	13077	26/05/2009	Dawson Bradford	Reimbursement LG Week	185.90
Bill Pmt -Cheque	13078	04/06/2009	Roger Newman.	LG Week Reimbursement	225.50
Bill Pmt -Cheque	13079	29/05/2009	Air Response	Repair office air conditioner	118.15
Bill Pmt -Cheque	13080	29/05/2009	BEAUREPAIRES	Fitting truck CN026	2,734.48
Bill Pmt -Cheque	13081	29/05/2009	Campervan and Motorhome Club	RV Friendly town signs	415.00
Bill Pmt -Cheque	13082	29/05/2009	COMMANDER AUSTRALIA LTD	Contract May 2009	152.74
Bill Pmt -Cheque	13083	29/05/2009	CORPORATE EXPRESS	Stationery May 2009	63.01
Bill Pmt -Cheque	13084	29/05/2009	COURIER AUSTRALIA	Allpack, WA Library Supplies	41.29
Bill Pmt -Cheque	13085	29/05/2009	DKF Contracting	Foundation pits for solar lights	130.00
Bill Pmt -Cheque	13086	29/05/2009	EDWARDS MOTORS PTY LTD	Fan belt, alcon belt, filter kit CN026	221.80
Bill Pmt -Cheque	13087	29/05/2009	HIF	Contr Peter Naylor May 2009	214.50
Bill Pmt -Cheque	13088	29/05/2009	Institute of Public Works Engineering Aus	Module 10 4-5 June Waste Management Richardson	660.00
Bill Pmt -Cheque	13089	29/05/2009	JASON SIGNMAKERS	Popo heritage trail sign	3,866.50
Bill Pmt -Cheque	13090	29/05/2009	JR & A HERSEY P/L	Timber for doors	429.38
Bill Pmt -Cheque	13091	29/05/2009	LANDGATE	UV GEN VALS May 2009	4,769.38
Bill Pmt -Cheque	13092	29/05/2009	METROCOUNT	Battery pack PO 5145	1,419.00
Bill Pmt -Cheque	13093	29/05/2009	PAGE TRUCK HIRE	PO 5137 Bunmulling Rd	396.00
Bill Pmt -Cheque	13094	29/05/2009	PARRYS	Work clothes Graeme Renfrey	76.41
Bill Pmt -Cheque	13095	29/05/2009	SHIRE OF CUBALLING.	Rates Terry Clark May 2009	100.00
Bill Pmt -Cheque	13096	29/05/2009	WALGSP	Super contr for May 2009	6,747.86
Bill Pmt -Cheque	13097	29/05/2009	Wheatbelt Development Commission.	Reimbursement of WDC funding	60.00
Bill Pmt -Cheque	13098	05/29/2009	Cancelled	Cancelled due to printing error	0.00
Bill Pmt -Cheque	13099	02/06/2009	BUILDERS REGISTRATION BOARD OF WA	BRB Payments for May 2009	100.50
Bill Pmt -Cheque	13100	01/06/2009	Allpack Signs	Signage at Yornaning Dam & RV area	324.50
Bill Pmt -Cheque	13101	01/06/2009	Avon Waste	Bulk Bin service and rent	481.41
Bill Pmt -Cheque	13102	01/06/2009	B & K Kakoschke Pty Ltd	Traineeship P Doyle	1,595.00
Bill Pmt -Cheque	13103	01/06/2009	BORAL CONSTRUCTION MATERIALS GROUP	Spray and cover C170 Bitumen on 5109	203,978.81
Bill Pmt -Cheque	13104	01/06/2009	BUTLER SETTINER!	Interim audit year ending June 2009	1,860.00

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Shire of Cuballing Cheque Detail

May 18 through June 17, 2009

Bill Pmt -Cheque	13105	01/06/2009	COURIER AUSTRALIA	8540145815, CEXP0103257	23.45	
Bill Pmt -Cheque	13106	01/06/2009	CUBALLING TAVERN	Council meeting 20/05/09	154.00	
Bill Pmt -Cheque	13107	01/06/2009	CUBY ROADHOUSE	Milk, fuel and gas April 2009	618.35	
Bill Pmt -Cheque	13108	01/06/2009	DEPT FOR PLANNING & INFRASTRUCTURE	Registration for Shire Vehicles	397.80	
Bill Pmt -Cheque	13109	01/06/2009	Fuji Xerox	Meter reading for May 2009	96.49	
Bill Pmt -Cheque	13110	01/06/2009	HANSON CONSTRUCTION MATERIALS	Washed granite - Redhill	1,937.22	
Bill Pmt -Cheque	13111	01/06/2009	Kareem Pty Ltd	53 loads sand on 5139	932.80	
Bill Pmt -Cheque	13112	01/06/2009	LO-GO Appointments	Wages L Thomas	3,168.44	
Bill Pmt -Cheque	13113	01/06/2009	Synergy	Electricity Popo Oval	322.30	
Bill Pmt -Cheque	13114	01/06/2009	TELSTRA	Phone charges mobile CEO, MOW, Leading hand	119.99	
Bill Pmt -Cheque	13115	01/06/2009	WATER CORPORATION	Water use for 05/02 to 25/05	1,109.80	
Trust	T2066		Cancelled	Cancelled due to printing error		0.00
Trust	T2067	20/05/2009	Bill & Bens Hot Bread Shop	Social Club BBQ		76.68
Trust	T2068	20/05/2009	Narrogin Country Fresh Meats	Social Club BBQ		30.81
Trust	T2069	27/05/2009	Dept of Planning and Infrastructure	Local Authority Plates		135.00
Direct	F905081067009	8/05/2009	G & T Campbell	House Rental Lot 25 Cuballing St	400.00	
Direct	F905141604597	14/05/2009	Lucille Van Wyk	Training Expenses	340.92	
Direct	F905221800520	22/05/2009	SW Aboriginal Land & Sea Council	Inv 213 Heritage Site	2,533.29	
Direct	F905221067010	22/05/2009	G & T Campbell	House Rental Lot 25 Cuballing St	400.00	
Direct	F905221081546	22/05/2009	SHIRE OF CUBALLING.	Social Club	200.00	
Direct	F905261847427	26/05/2009	Zelma Pty Ltd	Structerre Inv 562606 Compaction Test	336.05	
Direct	F905261856511	20/05/2009	SHIRE OF CUBALLING.	Wages 13/5/09 to 26/5/09	19,293.27	
Direct	F905281947991	28/05/2009	Cuballing Shire Trust	Social Club	140.00	
Direct	F906051067011	5/06/2009	G & T Campbell	House Rental Lot 25 Cuballing St	400.00	
Direct	F906092205561	9/06/2009	SHIRE OF CUBALLING.	Wages 27/05/2009 to 9/06/2009	19,676.91	
Direct	F906112274623	11/06/2009	TMS Global Services Pty Ltd	Social Club Lotto	200.00	
Direct	F906162371282	16/06/2009	A Ramsay	Wages 19th & 28th May & 4th June	1,180.56	
Credit Card	28052009	28/05/2009	Narrogin Floral Studio	Flowers Flood Family	117.50	
Credit Card	20052009	28/05/2009	Subiaco Hotel	Lunch CEO & Councillor Flood Funeral	179.90	
					\$323,387.81	\$242.49

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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 been prepared for period ending 31 May 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 May 2009, be received.

COUNCIL ACTION

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

CARRIED 7/0

8.1.3 SHIRE OF CUBALLING BUDGET 2009/2010 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:	Simple majority

Background

A copy of the Draft Budget, and associated supporting information/documentation, for the 2009/2010 Financial Year, has been provided to Councillors prior to the Council Meeting.

Comment

As in previous years it is not proposed to adopt the draft budget at this Council meeting, however it provides Council with the opportunity to peruse and give consideration to various items that have been included and to determine what changes can be made if considered necessary.

The Draft is currently showing a deficit of about \$616,000, however there are a couple areas within the draft document where this may be easily obtained as the draft budget does not include provision for an end of year surplus for 2008/2009 or a rate increase.

All items on the Shire of Cuballing Plan for the Future have been included

Included with the draft budget document are spreadsheets providing details of the various items included on the budget for Council consideration, and a detailed breakdown of works and services for 2009/2010. These documents will help to provide Councillors with a summarised overview of all the works and services not specifically relating to recurrent expenditure. Other supporting documentation is also available for Council perusal if considered necessary.

In respect to the rates, whilst no increase has been factored into the draft budget, Council needs to give consideration to an increase in accordance with the Consumer Price Index. Also Council needs to be mindful of the WALGA SSS Report and the fact that the Report has identified that Council is currently under rating and this is one of the reasons it was deemed to be unsustainable.

The draft budget has again this year been provided in a simplified format, to the statutory format, that provides Councillors with a better explanation of the information. Administration Costs and Administration Salaries and Superannuation have been allocated to the various areas in accordance with the principles of Activity Based Costing. Payment of Loans Principal has been included in the capital works section, whilst the interest component has been allocated directly to the areas in which the loans were raised. The Works Supervisors Salary has been directly allocated to Public Works Overheads section.

Council has been successful in obtaining Rates Payment Incentive Prize from the Esplanade Hotel in Fremantle, and is waiting response from several other Hotels contacted.

If any Councillor wishes to discuss the draft budget in detail or seek clarification on any particular item, please contact the Chief Executive Officer.

It may be necessary for some Councillors to declare a proximity interest due to owning or occupying land adjacent to roadworks included on the draft budget. Once this has been identified the Chief Executive Officer will write to the Department of Local Government and Regional Development seeking an exemption for those Councillors to participate in the draft budget deliberations, however this will not be received until the July 2009 Council meeting. Therefore it is proposed for Council to hold a special budget forum at the conclusion of the Council meeting to enable all Councillors to participate in the deliberations.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That deliberations on the Shire of Cuballing Draft Budget for the 2009/2010 Financial Year, agenda item 8.1.3, be deferred until closure of the Council meeting and considered in a Special Budget Forum.

COUNCIL ACTION

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

CARRIED 7/0

8.1.4 SHIRE OF CUBALLING EQUAL OPPORTUNITY MANAGEMENT PLAN

Submission to:	Ordinary Meeting of Council
Location/Address:	Nil
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Equal Opportunity Act 1984
Council Policy:	Shire of Cuballing Equal Opportunity Management Plan
Budget Implications:	Nil
File Reference:	Staff 11
Voting Requirements:	Simple Majority

Background

In June 2003, Council, in accordance with the provisions of the *Equal Opportunity Act 1984*, adopted an Equal Opportunity Management Plan for the Shire of Cuballing.

Comment

Section 1, clause 5, of the Equal Opportunity Management Plan provides for it (the Plan) to be reviewed annually on or before 30 June in each year.

The Chief Executive Officer and Administration Staff have reviewed the Plan for its current relevancy and there are no proposed changes other than bringing some of the staff numbers and salary scales up to date.

A copy of the updated Plan has been circulated to Councillors with the Council Meeting Agenda.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Shire of Cuballing Equal Opportunity Management Plan, as reviewed and updated by the Chief Executive Officer and Administration Staff and circulated to Councillors, be adopted without modification.

COUNCIL ACTION

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

CARRIED 7/0

8.1.5 JULY 2009 ORDINARY MEETING OF COUNCIL – PROPOSED CHANGE OF COUNCIL MEETING DATE

Submission to:	Ordinary Meeting of Council
Location/Address:	Not applicable
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Local Government Act 1995 Local Government (Administration) Regulations 1996
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	CMR 1
Voting Requirements:	Simple Majority

Background

Local Government Act 1995, Section 5.3, provides that Councils are to hold ordinary meetings and that the ordinary meetings are not to be held more than three (3) months apart.

Local Government (Administration) Regulations 1996, Regulation 12, provides that at least once each year a local government is to give local public notice of the dates on which and the time and place at which the ordinary council meetings are to be held in the next 12 months. The regulation also states that a local government is to give local public notice of any change to the date, time or place of a ordinary council meeting.

Comment

The Chief Executive Officer will be taking three weeks annual leave commencing on Monday 6 July 2009, which will include the scheduled ordinary council meeting date of Thursday 16 July 2009.

Cr Haslam will also be away from the district on Thursday 16 July 2009 and intended on seeking leave of absence for the meeting.

It was initially intended to appoint the Chief Executive Officer of the Shire of Wickepin to be acting Chief Executive Officer of the Shire of Cuballing to enable him to provide administration support for the 16 July council meeting.

However, as the July council meeting is very important to the Cuballing Shire in respect to annual Budget preparation, it is proposed that Council give consideration to changing the date of the meeting to Thursday 30 July 2009.

The change will enable the Chief Executive Officer on his return to work to effect any changes to the draft budget document as presented to the June meeting, include up dated year end amounts for the 2008/2009 financial year, and prepare some rate modelling for Council consideration.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- The ordinary council meeting of the Shire of Cuballing scheduled to be held on Thursday 16 July 2009 be changed to Thursday 30 July 2009; and
- The change of meeting date be advertised in accordance with the requirements of the Local Government (Administration) Regulations 1996.

COUNCIL ACTION

Moved Cr Newman, seconded Cr Haslam that:

- **The ordinary council meeting of the Shire of Cuballing scheduled to be held on Thursday 16 July 2009, at 3:00pm, be changed to Thursday 30 July 2009, commencing at 4:00pm; and**
- **The change of meeting date be advertised in accordance with the requirements of the Local Government (Administration) Regulations 1996.**

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

Winter grading maintenance is proceeding throughout the Shire, commencing on southern boundary and working northwards.

Both graders are working in similar area with one about two weeks behind the other to alleviate problems created by leaf and grass matter over the road due to winter grading processes.

Bitumen patching is progressing throughout the Shire.

ROAD CONSTRUCTION

Road construction program for 2008/2009 has been completed within budget parameters.

PLANT AND EQUIPMENT

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

CUBALLING OVAL

Lovegrove Turf Services carried maintenance works on the Cuballing Oval on Wednesday 10 & Thursday 11 June 2009. Works undertaken included planting Kikuyu lawn runners and fertilising. They plan to return in about 4-5 weeks and aggravate the oval; this involves coring and loosening the soil.

To enable the works to have maximum effect it is essential to try and keep the oval as damp as possible, something that may not be possible given the limited water supply available.

RECREATION VEHICLES AND MENS SHED PROJECTS

The new Recreation Vehicle area on reserve land adjacent to Ridley Street (Great Southern Highway) has been completed and will soon be advertised in Campervan & Motorhome Club of Australia publications to make their members aware of the facility.

Work has commenced on the Mens Shed project. Walls have been installed, toilet ordered, electrician quotation received, and depot staff will soon commence making the work benches.

VANDALISM

The recent spate of vandalism within the Shire has continued with gas barbecues at Yornaning Dam again damaged on weekend 13-14 June 2009. The door to the gas bottle area was smashed open and gas bottle (full) stolen.

This incident, along with previous incidents, has been reported to Narrogin Police, however no outcome to date.

PRIVATE WORKS

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

Private works invoices for the month of May 2009, total \$32,264.45; Year to date \$97,999.44.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Managers Report be received and information noted.

COUNCIL ACTION

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

CARRIED 7/0

8.2.2 SHIRE OF PINGELLY – APPOINTMENT OF DUAL FIRE CONTROL OFFICERS

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Bush Fires Act 1954
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	Bush Fire Control 5
Voting Requirements:	Simple majority

Background

Letter from the Shire of Pingelly advising of the appointment of Messrs Alan Parsons, Mark Watts, Neville Giles, Rodney Shaddick and Robert Kirk as Dual Fire Control Officers with the Shire of Cuballing for the 2009/2010 Fire Season.

Comment

Dual Fire Control Officers are appointed to provide legal cover for a Fire Control Officer in charge at a wildfire that burns across a Shire boundary. The Dual Fire Control Officer can stay in charge and follow the fire, or hand over control to a fire control officer from the second Shire (if one is available and in attendance).

Section 40 of the *Bush Fires Act 1954* empowers Council to appoint dual fire control officers with neighbouring local authorities and section 38(2) of the *Act* requires such appointments to be advertised in a local paper.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That pursuant to section 40 of the *Bush Fires Act 1954*, Messrs Alan Parsons, Mark Watts, Neville Giles, Rodney Shaddick and Robert Kirk be appointed as Dual Fire Control Officers for the Shire of Cuballing and Pingelly for the 2009/2010 Fire Season, subject to the officer possessing the appropriate accreditations, and further noting that the Dual Fire Control Officer is not permitted to issue burning permits for land within the Shire of Cuballing.

COUNCIL ACTION

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

CARRIED 7/0

8.3 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 four (4) application(s) approved and license(s) issued for the month of May 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
51-2008/09	R & P Hotz	OB	S/F Shed	Lot 7609 Great Southern Hwy Popanyinning
52-2008/09	H Elliott	Wake & Beacham Sheds	S/F Shed	Lot 2 Campbell Street Cuballing
53-2008/09	M Santich	OB	S/F Shed	Lot 4216 Oakley Road Popanyinning West
54-2008/09	T C Lundie-Jenkins	OB	Steel Framed Metal Roof & Vinyl Wall Clad Home	Lot 83 Weatherhead Road Popanyinning East

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

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

COUNCIL ACTION

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

CARRIED 7/0

8.4 REPORTS – TOWN PLANNING

8.4.1 WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) – PLANNING APPLICATION 139487

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 85 Weatherhead 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:	Town Planning 12
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 previously presented to the April 2009 meeting of Council, at which Council resolved to support the proposal as follows:

That the Western Australian Planning Commission be advised that Council is prepared to support Planning Application 139487 to create a homestead lot on Lot 85 Weatherhead Road, Popanyinning.

Comment

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

Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply service to the lot shown on the approved plan of subdivision.

They also provide two other Advice points relating to Western Power, however no provisions relating to the Shire of Cuballing.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the correspondence be received and information noted.

COUNCIL ACTION

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

CARRIED 7/0

8.4.2 WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) – PLANNING APPLICATION 139489

Submission to:	Ordinary Meeting of Council
Location/Address:	Lots 1614, 1731, 2750, 4591, 3359, 155, 370 & 3203 Popanyinning East 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:	Town Planning 12
Voting Requirements:	Simple majority

Background

Correspondence from the WA Planning Commission (WAPC) advising that the Commission is prepared to endorse the planning application. No conditions have been imposed as part of the approval process.

The application was previously presented to the April 2009 meeting of Council, at which Council resolved to support the proposal as follows:

That the Western Australian Planning Commission be advised that Council is prepared to support Planning Application 139489 subject to the following conditions:

- *The portion of proposed Lot 4 in the north-western corner that will be segregated by unmade road reserve be included as part of proposed Lot 3;*

- *Access to proposed Lot 4 be created off Popanyinning East Road along unmade road reserve, road to be constructed to a trafficable standard to the satisfaction of the Shire of Cuballing and be the responsibility of the applicant; and*
- *If as a result of the subdivision roads within the vicinity need to be upgraded or new roads constructed then they be the responsibility of the applicant (developer) and included as a condition of planning approval.*

Comment

As previously mentioned there have been no conditions imposed as part of the planning approval, however it has been noted on the correspondence as *Advice that if as a result of the subdivision, roads within the vicinity need to be upgraded or new roads constructed, they will be the responsibility of the applicant/developer.*

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the correspondence be received and information noted.

COUNCIL ACTION

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

CARRIED 7/0

**8.4.3 WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) –
PLANNING APPLICATION 140014**

Submission to:	Ordinary Meeting of Council
Location/Address:	Lots 326 & 59 Forrest Street, Popanyinning
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:	Town Planning 11
Voting Requirements:	Simple majority

Background

Planning Application has been received on behalf property owners F J Monet & D M Manning, to amalgamate Lots 326 & 59 Forrest Street in Popanyinning.

Comment

Mr Monet and Ms Manning have expressed interest to staff to construct a residence on the two properties that will cross the existing boundaries.

Whilst this may be possible to do without formally amalgamating the properties it will make things easier from an administrative perspective as obviously once the dwelling has been constructed the properties will not be able to be sold independently.

The application as submitted is quite straight forward and there appears to be no reason why it should not be supported by Council.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That planning application 140014 to amalgamate Lots 326 & 59 Forrest Street, Popanyinning, be supported.

COUNCIL ACTION

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

CARRIED 7/0

**8.4.4 WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) –
PLANNING APPLICATION 140021**

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 2 Bunmulling Road, Popanyinning
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:	Town Planning 11
Voting Requirements:	Simple majority

Background

Planning Application has been received on behalf property owners B B & J A Gray, to subdivide Lot 2 Bunmulling Road in Popanyinning.

Mr & Mrs Gray previously owned Lot 131 Bunmulling Road, Popanyinning, and have for some time been attempting to subdivide the property into three land parcels. Council has had some concerns about the low lying nature of the land and has on two previous occasions, February 2006 and December 2007, requested that an Environmental Impact Study be undertaken for the land. The outcome from this was a visit to the site by Mr Simon Davis from the WAPC which resulted in Mr & Mrs Gray amending their planning application to subdivide Lot 131 into two land parcels. This was agreed to by Council at the Ordinary Meeting held on 21 February 2008:

That the Western Australian Planning Commission be advised that Council is prepared to support Planning Application 136056, to subdivide Lot 131 into two separate land parcels, subject to the following conditions:

- *The applicant be responsible for costs to install a cross over to provide access from Bunmulling Road to service proposed Lot 2; and*
- *The applicant be required to inform prospective purchasers of the requirements of Clauses 5.12.7 and 5.12.8 of Town Planning Scheme No 2, pertaining to development in Rural Residential Zoned areas, and that no outbuilding will be approved unless a single dwelling is existing on the property or is to be constructed at the same time (Clause 4.2 (c)).*

The application now being presented to Council for consideration is to subdivide Lot 2, the larger eastern block from when Lot 131 was subdivided, into two separate lots. The proposal is to create a battleaxe block with access off Bunmulling Road. Both of the proposed new lots will exceed 4ha which means that reticulated water supply will not need to be installed (WAPC Development Control Policy 3.4).

Comment

The boundaries of proposed Lot B on the new application are very similar to the boundaries on previous applications that Council had concerns with, however the proposal for the lot to be battleaxed providing access off Bunmulling Road probably alleviates some concerns in respect to access to the property. Previously access to the lot was to be from unmade road reserves to the east and/or south of the land, this area is very low lying and in a very wet winter could be prone to flooding. This will/could still be a concern for the low lying part of the proposed lot, however will be the responsibility of the purchaser of the land. There is a section of the lot in its western part that should be high enough to have a dwelling constructed without being affected by season of heavy rainfall.

There appears no reason why Council cannot now support the application, however it may be prudent to request some conditions to be imposed to alleviate action against the Council in the future should a problem eventuate because of the fragile and low lying nature of the land.

The following conditions are presented for Council consideration:

- The applicant/owner of the land shall make arrangements to ensure that prospective purchasers of the proposed lot(s) are advised in writing that provision of reticulated water and sewerage service will not be available to the lot(s) and that all future dwellings on the lot(s) will need to be connected to on-site effluent disposal system(s);
- The applicant/owner of the land shall make arrangements to ensure that prospective purchasers of the proposed lot(s) are informed of the requirements of clauses 5.12.7 and 5.12.8 of Town Planning Scheme No 2, pertaining to development in Rural Residential Zoned areas, and that no outbuilding will be approved unless a single dwelling is existing on the property or is to be constructed at the same time;
- Subject to the applicant obtaining a Geotechnical Report during the wettest period of the year for proposed Lot B in relation to suitable area for effluent disposal in accordance with the *Draft Country Sewerage Policy*, and also defining a location suitable for a building envelope;
- Clearing of vegetation on proposed Lot B outside of the defined building envelope area is not permitted without prior Council approval; and
- The applicant/owner of the land shall make arrangements to ensure that prospective purchasers of the proposed lot(s) is/are advised in writing of the provision relating to the Geotechnical Report, building envelope and clearing restrictions, and also place a memorial on the certificate of title advising any future owners of the provision.

Advice note to WAPC:

The applicant should be advised that this latter condition has been imposed because of the fragile and low nature of portion of the land.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That planning application 140021 to subdivide Lot 2 Bunmulling Road, Popanyinning, be supported, subject to the following conditions:

- The applicant/owner of the land shall make arrangements to ensure that prospective purchasers of the proposed lot(s) are advised in writing that provision of reticulated water and sewerage service will not be available to the lot(s) and that all future dwellings on the lot(s) will need to be connected to on-site effluent disposal system(s);
- The applicant/owner of the land shall make arrangements to ensure that prospective purchasers of the proposed lot(s) are informed of the requirements of clauses 5.12.7 and 5.12.8 of Town Planning Scheme No 2, pertaining to development in Rural Residential Zoned areas, and that no outbuilding will be approved unless a single dwelling is existing on the property or is to be constructed at the same time;
- Subject to the applicant obtaining a Geotechnical Report during the wettest period of the year for proposed Lot B in relation to suitable area for effluent disposal in accordance with the *Draft Country Sewerage Policy*, and also defining a location suitable for a building envelope;
- Clearing of vegetation on proposed Lot B outside of the defined building envelope area is not permitted without prior Council approval; and
- The applicant/owner of the land shall make arrangements to ensure that prospective purchasers of the proposed lot(s) is/are advised in writing of the provision relating to the Geotechnical Report, building envelope and clearing restrictions, and also place a memorial on the certificate of title advising any future owners of the provision.

Advice note to WAPC:

The applicant should be advised that this latter condition has been imposed because of the fragile and low nature of portion of the land.

COUNCIL ACTION

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

CARRIED 7/0

8.4.5 APPLICATION TO CONDUCT INDUSTRY (GENERAL) BUSINESS IN CUBALLING

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 56 Austral Street, Cuballing
Reporting Officer:	Peter Naylor, Chief Executive Officer Allan Ramsay, EHO/BS
Enabling Legislation:	Environmental Protection (Noise) Regulations 1997
Council Policy:	Town Planning Scheme No 2
Budget Implications:	Nil
File Reference:	Town Planning 3
Voting Requirements:	Simple majority

Background

Application from Trevor Cox Welding & Fabrication to conduct an Industry (General) Business at Lot 56 Austral Street, Cuballing. The business is primarily involved in medium engineering, consisting of the production and repair of heavy duty vehicles.

Mr Cox is intending to purchase the property which was formerly the site of the Dryandra Timber Products business that has now ceased.

Prior to purchasing the property Mr Cox is seeking Council support and approval for the intended business.

The property is zoned as Rural Townsite in the Shire of Cuballing Town Planning Scheme (TPS) No 2.

The proposed business is categorised as Industry General in TPS No 2, with "A" use classification, which means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4 of the Scheme. *Notice of proposed use served on nearby owners and occupiers; and/or notice of proposed use published in a newspaper circulating in the local district; and/or a sign or signs displaying notice of proposed use to be erected in a conspicuous position on the land.*

Mr Cox has indicated the business will operate between the hours of 8:30am to 6:30pm Monday to Saturday.

Mr Cox has indicated they plan to establish there family home on the property.

Comment

In respect to the application the Environmental Health Officer/Building Surveyor requested further information/explanation from Mr Cox, and posed the following questions, answers are in italics:

1. How many trucks per day would be coming and going from the premises and would it be during the proposed operating time as specified?

On previous history a maximum of two trucks per day (during stated hours). Generally the truck or trailer would be left for repair (non mechanical) which can take between ½ day and ½ week to complete.

2. How big are the trucks, ie semi's, road trains, etc?
Generally semi's, tippers and car transporters.
3. What noise would generated from the operation?
Workshop equipment, the loudest would be a grinder.
4. Would the noise be from inside a shed or outside?
Inside shed.
5. How would you manage the noise?
Never found necessary to manage in past, business located in industrial area.
6. Would it affect you if your operation hours stop at 12:00 noon Saturday?
12:00 noon Saturday would not affect operation.

It does appear that the previous business operating from the property (timber yard) would have made similar if not more noise during operation than this proposed business will, and there are also other existing similar type industries operating within the vicinity, ie McDougall Weldments and Shire Works Depot. However it will be necessary for the business, if approved, to comply with the *Environmental Protection (Noise) Regulations 1997*. Given the zoning of the property it will need to be assessed in accordance with the residential property guidelines, as opposed to an industrial site, of the *Regulations*. These are more restrictive however given that there has been no complaints in the past for the timber yard operations and also McDougall Weldments it seems that the proposed business would be accepted by the local residents.

In considering the application and associated information, staff believe that the application can be supported by Council subject to complying with clause 9.4 of Town Planning Scheme No2, and considering the following conditions:

- It will be responsibility of the business proprietor to ensure compliance with the Environmental Protection (Noise) Regulations 1997;
- Business hours to be restricted to 8:30am to 6:30pm Monday to Friday, and 8:30am to 12:00noon Saturday;
- The business workshop to be located in the south eastern portion of the property (furtherest point from neighbouring residential properties);
- Business access to the property being from Alton Street (eastern side of property);
- Establishment of buffer growth around perimeter of property to assist with noise control and improve aesthetic of the area; and
- Plans be submitted to Council for approval in accordance the Building Code of Australia.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council, in acknowledging the requirement to comply with clause 9.4 of Town Planning Scheme No 2, provides in principle support to Trevor Cox Welding & Fabrication to commence a Industry (General) Business at Lot 56 Austral Street, Cuballing, subject to the following conditions:

- It will be responsibility of the business proprietor to ensure compliance with the Environmental Protection (Noise) Regulations 1997;
- Business hours to be restricted to 8:30am to 6:30pm Monday to Friday, and 8:30am to 12:00noon Saturday;
- The business workshop to be located in the south eastern portion of the property (furtherest point from neighbouring residential properties);
- Business access to the property being from Alton Street (eastern side of property);
- Establishment of buffer growth around perimeter of property to assist with noise control and improve aesthetic of the area; and
- Plans be submitted to Council for approval in accordance the Building Code of Australia.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Hawksley 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**

Nil

11. **CLOSURE OF MEETING**

There being no further business the Shire President declared the meeting closed at 3:50pm.