

SHIRE OF CUBALLING

COUNCIL MEETING THURSDAY 13 MAY 2010

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 13 MAY 2010**

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 RDJ Newman
Cr M Conley
Cr TP Haslam
Cr C Hawksley
Cr CJ McDougall
Cr JRA Meharry
Chief Executive Officer, Mr P T Naylor

3. APOLOGIES

Nil

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5. **MINUTES**

5.1 **CONFIRMATION OF 13 MAY 2010 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 15 April 2010 be confirmed.

COUNCIL ACTION

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

CARRIED 7/0

5.2 **BUSH FIRE ADVISORY COMMITTEE MEETING HELD ON THURSDAY 22 APRIL 2010**

Comment

This meeting was the Annual General Meeting of the Advisory Committee and the appointment of Office Bearers for the 2010/2011 Fire Season, which need to be endorsed by Council.

In addition to the appointment of office bearers, the following matters are raised for Council attention/consideration:

Item 6.9; Fire and Emergency Service Authority of WA authority to place total harvest and movement of vehicles bans on days of catastrophic weather forecast:

That:

- 1. Placement of total vehicle movement and harvest ban days should remain with FESA, however local governments to have the power to review, reduce and/or lift the ban if the forecasted weather does not eventuate.*
- 2. Shire of Cuballing does not support the proposal for the total fire ban days to be separated into various types of activities, ie rural activities as opposed to some other activities. The Committee feels that this would only create further confusion to the system.*

Item 7.1; Recommendation from recent Upper Great Southern District Operations and Advisory Committee meeting to canvas all members of Local Government in the Upper Great Southern Region to consider the adoption of a policy of imposing Harvest

and Machinery Movement Bans when the Grassland Fire Danger Index (FDI) reaches 32 based on wind gusts.

In response to this the Shire of Cuballing Bush Fire Advisory Committee is recommending to Council:

That the Shire of Cuballing does not support the motion. The Committee believes that all the variable factors of the weather conditions of the day (not just the wind gusts), to reach an overall index of 32 on the McArthur Scale, should be taken into consideration when implementing Harvest and Movement Vehicle Bans, and the bans should be at the discretion of individual local governments.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **The minutes of the meeting of the Shire of Cuballing Bush Fire Advisory Committee held on Thursday 22 April 2010, be received;**
- **The appointment of Office Bearers for the 2010/2011 Fire Season be endorsed;**
- **Letter of appreciation be written to retiring Chief Bush Fire Control Officer, Mr Mike Burges, thanking him for his contribution to the Shire of Cuballing Bush Fire Network; and**
- **The recommendations contained within items 6.9 and 7.1 of the minutes be endorsed.**

COUNCIL ACTION

Moved Cr Newman, seconded Cr Haslam 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.

Agenda Item 8.1.4: The Chief Executive Officer, Mr Peter Naylor, declared a Financial Interest in this item.

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 2010

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 \$159,933.11:**

Vouchers 13792-13849	\$93,810.50
Electronic fund transfers	\$65,827.07
Credit Card	\$ 295.54
- **Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$0.00:**

COUNCIL ACTION

Moved Cr Conley, seconded Cr McDougall that the Chief Executive Officers recommendation be adopted.

CARRIED 7/0

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 30 April 2010 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 2010, be received.

COUNCIL ACTION

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

CARRIED 7/0

8.1.3 SHIRE OF CUBALLING COMMON SEAL

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 9 Alton Street, Cuballing
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Local Government Act 1995
Council Policy:	Nil
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):

- Financial Assistance Agreement between the Shire of Cuballing and State of Western Australia via the Department of Regional Development and Lands for a Royalties for Regions Project for preparation of Forward Capital Works Program in accordance with the guidelines for round two of Country Local Government Fund.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council endorses the affixing of the Shire of Cuballing Common Seal to the Financial Assistance Agreement between the Shire of Cuballing and State of Western Australia (Department of Regional Development and Lands).

COUNCIL ACTION

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

CARRIED 7/0

8.1.4 CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE APPRAISAL

Mr Peter Naylor, Chief Executive Officer, declared a financial interest.

Mr Naylor departed the Council Chamber at 3:21pm.

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 in past years to appraise the Chief Executive Officers (CEO) performance.

Last year, however, Council utilised the Services of WALGA Workplace Solutions, Mr John Phillips, at cost of \$3,000 to carry out the CEO performance appraisal/review.

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

Mr Naylor re-entered the Council Chamber at 4:30pm

Whilst Mr Naylor was out of the Council Chamber, Council worked through a performance appraisal pro forma format and made various comments relating thereto.

The Shire President informed Mr Naylor that Council was generally satisfied with his performance over the past twelve months and that he (the Shire President) will be liaising with Mr Naylor and Council prior to the next Ordinary Meeting of Council, to be held on 17 June 2010, in respect to suitable salary increase to be effective from 1 July 2010.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

For Council consideration please.

COUNCIL ACTION

Resolved that the Shire President to liaise with the Chief Executive Officer and Council prior to the next Ordinary Meeting of Council, to be held on 17 June 2010, in respect to suitable salary increase to be effective from 1 July 2010.

8.1.5 REVIEW OF WARD BOUNDARIES AND REPRESENTATION

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:	Elections 10
Voting Requirements:	Absolute 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.

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.

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 (minimum 6 week period), and consider any submissions received, and then prepare a report to the Local Government Advisory Board.

Council at its Ordinary Meeting held in May 2009 resolved:

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.*

The process has been delayed due to Council, along with other local governments, working through the Minister for Local Government's reform process.

Comment

The Ward Boundary and Representation review process was advertised in the Narrogin Observer on Wednesday 3 March 2010, with closing date for submissions being 23 April 2010. At the close of the submission period none have been received.

Council is carrying out the review in accordance with the provisions of the Local Government Act 1995, and is not necessarily considering an adjustment to the existing ward boundaries and/or a reduction in elected members, however if during the review process an alteration to either of these becomes obvious then it will need to receive due consideration.

Whilst the current ward system and councillor representation appears to be working fine, there is a due process prescribed in legislation that must be followed and there are certain factors, as outlined below, that will need to be taken into consideration by Council.

The Shire of Cuballing covers an area of approximately 1,250 square kilometres and is located 180km south-east of Perth in the Wheatbelt South region of Western Australia. The Shire's adjoining local governments are the Shires of Narrogin, Pingelly, Wandering, Wickepin and Williams.

On the basis of the 2006 Census and 2010 population estimates, the Shire has a population of some 825 residents. 642 Electors (232 north ward & 410 south ward) were registered when the electoral rolls were prepared for the local government election held in October 2009, providing individual Councillor/Elector representation across the Shire of 1:92, however this equates to a ratio of 1:77 in the North Ward and 1:102 in the South Ward.

The Minister for Local Government (the Minister) has previously indicated that Councillor/elector ratios must be in the vicinity of plus or minus 10% of the average for each ward or will not be approved. Also that it is expected that a local government will have similar ratios of electors to Councillors across all of the wards of its district. Therefore perhaps the existing ward system cannot be maintained due to the current councillor to elector ratios being well outside the recommended % ratio deviation bench mark determined by the Minister. It should also be remembered that a ward system does not necessarily guarantee representation for a particular local area as under the provisions of the Local Government Act 1995 an eligible person can nominate in any of the Shire Wards regardless of their place of residence or property ownership.

At the conclusion of the review and following consideration of all public submissions that have been made to it (none received), Council is to determine what changes, if any, should be made. A report is to be submitted to the Local Government Advisory Board (LGAB), who in turn will make a recommendation to the Minister. The final decision on whether the recommendation is accepted or not will be made by the Minister.

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This review may result in new ward boundaries, a change in the number of Councillors per ward, a change to the names of the wards and/or the abolition of all wards.

The Minister for Local Government as part of the Local Government Reform process has asked local governments throughout the State of Western Australia to consider reducing the number of elected members to between six (6) and nine (9). Therefore during the process it may be worthwhile Council considering a reduction in Councillor numbers from seven (7) to six (6).

A number of possible options, as detailed below, are presented in this item for discussion/consideration. These options are presented as examples only, to encourage some debate.

- Option 1 Status Quo; Two wards with the current representation (7)
Councillor/Elector ratio; 1:77 (north ward), 1:102 (south ward)
Possible cost reduction; Nil

- Option 2 Two wards with reduced representation (6)
North Ward two (2) Councillors, Councillor/Elector ratio; 1:116
South Ward four (4) Councillors, Councillor/Elector ratio; 1:102
Possible cost reduction; \$5,903

- Option 3 No wards with current representation (7)
Councillor/Elector ratio; 1:92
Possible cost reduction; Nil

- Option 4 No wards with reduced representation (6)
Councillor/Elector ratio; 1:102
Possible cost reduction; \$5,903

The *Local Government Act 1995*, section 2.17 (2) states:

If the method of filling the office of mayor or president is election by the council, the council is to consist of not less than 6 nor more than 15 councillors of whom –

- (a) *One is to hold the office of mayor or president as well as the office of councillor; and*
- (b) *Another is to hold the office of deputy mayor or deputy president as well as the office of councillor.*

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

Council direction please.

COUNCIL ACTION

Moved Cr Meharry, seconded Cr Haslam that in accordance with Schedule 2.2 (9) of the Local Government Act 1995 it is recommended to the Local Government Advisory Board that:

1. An order be made under Section 2.2 (1) to abolish existing ward boundaries within the district of the Shire of Cuballing and create one ward boundary;
2. An order be made under Section 2.18 to designate the following number of offices of Councillor for the District (7) seven; and
3. That Council advise the Local Government Advisory Board that it does not support a complete spill of Councillors at the 2011 election as a result of changes to ward boundaries in the Shire of Cuballing, as it would not be in the interest of good governance of the community.

CARRIED 6/1

8.1.6 SHIRE OF CUBALLING ANNUAL BUDGET REVIEW

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Clare Thomson, Accountant Peter Naylor, Chief Executive Officer
Enabling Legislation:	Local Government (Financial Management) Regulations 1996
Council Policy:	Nil
Budget Implications:	Budget 2007/2008
File Reference:	Finance 9
Voting Requirements:	Absolute Majority

Background

The Local Government (Financial Management) Regulations 1996, regulation 33A, requires that between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.

A copy of the budget review, once adopted by Council, is to be provided to the Department of Local Government and Regional Development within 30 days.

Comment

Prior to carrying out the budget review staff have been waiting for the capital road works program to be completed to enable a meaningful review to be prepared, and also response from the State Government in relation to Round 2 of the Royalties for Regions Country Local Government Fund program (R4R CLGF).

Staff have endeavoured to undertake a review of the annual budget bearing in mind that the capital road works program, which is Council's largest budgeted expenditure item, has still not been completed.

The budget review notes which have been prepared by the Accountant, in conjunction with the Chief Executive Officer, are included in the agenda document.

In relation to the R4R CLGF program, due to the deferment of Round 2 of the program to the 2010/2011 financial year, Council requested consideration from the Minister for Regional Development for special consideration to allow retrospective funding for local governments whom have committed to a long term project (ie Dryandra Regional Equestrian Park) over the four year life of the program and therefore need to utilise CLGF funds in the 2009/2010 year to keep the project moving forward.

The Department of Regional Development and Land (RDL) have only recently responded to Council on this matter as they wouldn't make a commitment until the guidelines for Round 2 had been completed and endorsed by the State Government.

The RDL has advised that they are not able to approve any retrospective funding and that the expenditure on the DREP is the Shire's own financial

responsibility. This advice is very disappointing especially given that Council tried to do the right thing and commit to a major regional project over the life of the CLGF program, and also that when the Chief Executive Officer and Shire President discussed the matter the local Member for Wagin, Terry Waldron, he advised that he can't see any reason as to why retrospective funding for such a project wouldn't be approved.

This issue was previously discussed by Council at the March 2010 meeting and a contingency plan for budget adjustment was identified to cater for a negative response from the State Government.

Therefore it is recommended that Council considers the following budget adjustment to allocate funding of \$100,000 for the Dryandra Regional Equestrian Park in 2009/2010 Financial Year:

Expenditure Account E111020 Hall Maintenance be reduced by \$20,000 to new budget amount of \$24,150: there is provision of \$20,000 included in original budget amount of \$44,150 for installation of portico at the Popanyinning Community Hall. The budget adjustment is achievable as the installation of the portico has been completed utilising Round 1 funding from the CLGF program as the painting of the halls cost less than originally estimated.

Capital Works allocation of \$30,000 for extension to the machinery storage shed at the Shire Works Depot be deleted and works be deferred to the 2010/2011 Financial Year.

Capital Works allocation of \$50,000 for provision of headworks to seven Unallocated Crown Lots that Council is attempting to have released within the Cuballing townsite be deleted and works be deferred to the 2010/2011 Financial Year. Council is still working through the Native Title legislation to gain Conditional Purchase Lease for the seven lots and this won't be finalised until next financial year.

Expenditure Account E167203 Dryandra Regional Equestrian Park be increased by \$100,000 to \$202,420. The original budget allocation of \$102,420 is from Round 1 of the R4R CLGF program.

In addition to the above, the Chief Executive Officer has been discussing with Council the need to amend the current plant replacement program and for the three six wheel trucks to be traded prior to the two graders. The graders are in excellent working order and resale value for this type of machinery has recently dropped substantially in recent years. However the trucks, which are now 10 years old, are starting to require maintenance works to key parts. The plant replacement program is being amended and will be presented to Council as part of the draft working papers for the 2010/2011 budget. Council made provision on the 2009/2010 budget to changeover grader CN397. It is proposed that this course of action be deferred and following budget adjustment made to reflect the change:

Capital Works allocation of \$350,000 for purchase of new grader be deleted.

Capital Income allocation of \$250,000 to raise new loan funds to assist with purchase of new grader be deleted.

Capital Income allocation of \$100,000 for trade of existing grader CN397 be deleted.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **The Annual Budget Review, as presented, for the Shire of Cuballing for the nine (9) month period ending 30 April 2010, be adopted;**
- **The following adjustments be made to the 2009/2010 Shire of Cuballing Budget:**
 - Expenditure Account E111020 Hall Maintenance be reduced by \$20,000 to new budget amount of \$24,150.**
 - Capital Works allocation of \$30,000 for extension to the machinery storage shed at the Shire Works Depot be deleted.**
 - Capital Works allocation of \$50,000 for provision of headworks to seven Unallocated Crown Lots that Council is attempting to have released within the Cuballing townsite be deleted.**
 - Expenditure Account E167203 Dryandra Regional Equestrian Park be increased by \$100,000 to \$202,420.**
 - Capital Works allocation of \$350,000 for purchase of new grader be deleted.**
 - Capital Income allocation of \$250,000 to raise new loan funds to assist with purchase of new grader be deleted.**
 - Capital Income allocation of \$100,000 for trade of existing grader CN397 be deleted; and**
- **A copy of the Budget Review be forwarded to the Department of Local Government and Regional Development within 30 days of being considered and adopted by Council.**

COUNCIL ACTION

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

CARRIED 7/0

8.1.7 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) – 2010 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 on Saturday 7 August 2010, during the 2010 Local Government Week Convention.

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. Council can also register proxy delegates in the event that a voting delegate is unable to attend the AGM.

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

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

1. The Shire President, Cr Wittwer, and Deputy Shire President, Cr Newman, 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 7 August 2010; and
2. Councillors and to be registered as Proxy Voting Delegates in the event that the Shire President and/or the Deputy Shire President is unable to attend the Annual General Meeting.

COUNCIL ACTION

Moved Cr Hawksley, seconded Cr Haslam that:

- 1. The Shire President, Cr Wittwer, and Deputy Shire President, Cr Newman, 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 7 August 2010; and**
- 2. Councillors Hawksley and Haslam to be registered as Proxy Voting Delegates in the event that the Shire President and/or the Deputy Shire President is unable to attend the Annual General Meeting.**

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/GENERAL MAINTENANCE

Summer grading maintenance is proceeding throughout the Shire. A grader has also been working on occasional weekends to ensure the road network is maintained to a suitable standard.

Bitumen patching is still progressing throughout the Shire.

Ron Panting from the Department of Corrective Services, Community and Juvenile Justice, continues to assist Council with various light maintenance duties, mainly in the Popanyinning townsite area.

Following the storm on 22 March 2010, various minor works have been carried out to try and prevent future flooding problems should a similar event occur.

2009/2010 ROAD CONSTRUCTION PROGRAM

Reseal and final seal projects have been completed in accordance with the 2009/10 Capital Works Program.

Still some minor works remaining to be completed on the Cuballing East Road.

PLANT AND EQUIPMENT

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

Plans for the extension of the machinery shed are in the process of being drawn up by F Weston & Co, Narrogin.

STAFF

Breakfast meetings with the outside works crew on first Wednesday of each month have been continuing and these have proven to be successful.

PRIVATE WORKS

Various works requests are still being received and these are being done as time permits. The works crew have completed a number of reasonably large private works orders taken during the road construction period. Two staff members and machinery (truck and grader) are currently assisting the Shire of Wandering with works on the North Bannister-Wandering Road.

Private works invoices for month of April \$6,505.56; year to date total \$20,869.92.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Managers Report be received and information noted.

COUNCIL ACTION

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

CARRIED 7/0

8.2.2 CONFIDENTIAL MATTER TO BE DISCUSSED BEHIND CLOSED DOORS

Confidential matter to be discussed behind closed doors has been circulated with the Council Meeting Agenda in separate sealed envelope.

Moved Cr Haslam, seconded Cr Meharry that Council move to go behind Closed Doors.

CARRIED 7/0

Moved Cr Haslam, seconded Cr Newman that:

- **Letters of concern are respectfully acknowledged;**
- **Acknowledge his (the complainant) right to hold his opinions and views regarding the Management and Administration of Bush Fire Control in the Shire of Cuballing, but advise that the Shire of Cuballing believes reasonable attempts have been made to hear and resolve his grievances. If he wishes to pursue further action and is not satisfied with the Shire of Cuballing response advise him of his rights to pursue the matter through his own third party representation /advocacy;**
- **The Shire of Cuballing and its authorised officers do not concur with his aspersion of biasness, lack of procedural fairness, defamatory comments and the like;**
- **Council is of the view that matter has been adequately dealt with at this time, and that any further matters raised of a repetitive nature pertaining to previous correspondence or Council issues, respectfully will not be responded to;**
- **The Shire of Cuballing is required to ensure the operation and management of effective bush fire control management network, and as such will address all issues in an unbiased manner and on merit. It is unfortunate that he chooses to hold such personal views but it is a matter of choice, however the Shire of Cuballing believes and states for the record the matters of concern have had a fair hearing with a view to achieving a peaceful resolution.**

CARRIED 7/0

Moved Cr McDougall, seconded Cr Conley that Council move from behind Closed Doors.

CARRIED 7/0

8.2.3 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

Correspondence from the Shire of Pingelly advising of the appointment of Messrs Alan Parsons, Neville Giles, Mark Watts, Rodney Shaddick and Robert Kirk as Dual Fire Control Officers with the Shire of Cuballing for the 2010/2011 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, Neville Giles, Mark Watts, Rodney Shaddick and Robert Kirk be appointed as Dual Fire Control Officers for the Shire of Cuballing and Pingelly for the 2010/2011 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 Newman, seconded Cr Conley 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 April 2010. 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
26-2009/10	C Vanzijl	OB	Two Storey Barn Style Dwelling	Lot 4377 Williams Rd Popanyinning West
27-2009/10	P Merolla	OB	42m2 SF Garage/Shed extension	Lot 128 Bunmulling Rd Popanyinning
28-2009/10	G Merrit	OB	90m2 SF Garage/Shed	Lot 345 Popanyinning East Rd Popanyinning East
30-2009/10	G Baylis	OB	36m2 Birds Shelter	Lot 117 Beeston St Cuballing

Dog Attack – Cuballing Townsite

On Thursday 15 April 2010 there was a dog attack on Lot 332 Carton Street, Cuballing, in which one sheep was killed and another severely mauled. The property owner and neighbour witnessed the attack and detained the dogs (2) responsible. The Ranger was called to investigate the attack. The owners of the dogs surrendered the dogs on Friday 16 April and they were subsequently put down.

Whilst on this occasion the dog attack was witnessed and dogs responsible caught and surrendered, unfortunately there have been many similar incidents in the townsites and on neighbouring farming properties in recent times.

This most recent incident will be publicised in the Cuballing Newsletter to again make animal owners aware of their responsibility to ensure pets are restricted to their properties.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

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

COUNCIL ACTION

Moved Cr Hawksley, seconded Cr Newman 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 141944, FORREST STREET POPANYINNING

Submission to:	Ordinary Meeting of Council
Location/Address:	Lots 200, 39 & 40 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 received on behalf of property owner Wayne Gregory Bird, to amalgamate Lots 200, 39 & 40 Forrest Street, Popanyinning, into a single lot.

Comment

Mr Bird owns number properties in the immediate vicinity on which he runs steel fabricating business, Birds Silos and Shelters.

Mr Bird is looking to further establish and expand the business and construct additional shed on the adjoining properties of Lots 39 & 200.

Whilst it is still possible for Council to support the application without amalgamating the three lots, from a planning and administrative perspective it would be much simpler if the three lots became one.

Birds Silos & Shelters is the largest single business Popanyinning, employing some 15 persons, and it is not unreasonable for Council to support the planning application which in turn will help maintain and expand the business enterprise.

In recent times Mr Bird has endeavoured to work in with Council where possible and has recently undertaken works to improve the visual amenity of the business front onto Howard Street.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Planning Application 141944 to amalgamate Lots 200, 39 & 40 Forrest Street, Popanyinning, be supported.

COUNCIL ACTION

Moved Cr Meharry, seconded Cr MgDougall 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 5.55pm.