

SHIRE OF CUBALLING

COUNCIL MEETING THURSDAY 15 APRIL 2010

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 OF INTEREST
8. REPORTS
 - 8.1 FINANCE AND ADMINISTRATION
 - 8.2 WORKS
 - 8.3 HEALTH AND BUILDING
 - 8.4 TOWN PLANNING
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 THURSDAY 15 APRIL 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
Acting Chief Executive Officer, Mr AJ Leeson

3. APOLOGIES

Chief Executive Officer, Mr PT Naylor

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5. **MINUTES**

5.1 **CONFIRMATION OF 15 APRIL 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 18 March 2010 be confirmed.

COUNCIL ACTION

Moved Cr Meharry, 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.

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 – APRIL 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 \$94,095.47:**

Vouchers 13759-13791	\$72,882.28
Electronic fund transfers	\$21,213.19
Credit Card	\$ 0.00
- **Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$140.00:**

Voucher T2100	\$ 140.00
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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 26 March 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 26 March 2010, be received.

COUNCIL ACTION

Moved Cr Newman, seconded Cr Hawksley 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 Bruce Brennan, Leading Hand 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, at this stage on roads programmed for reseal or second coat seal as part of the 2009/2010 roads program.

The storm on the evening of Monday 22 March 2010 caused lot of damage to roads and property within the Shire. Works crew has been very busy tidying up and reinstating roads, road verges and culverts.

Ron Panting from the Department of Corrective Services, Community and Juvenile Justice, continues to assist Council with various light maintenance duties. Ron and his crew have assisted with the clean up in Popanyinning townsite following the storm on 22 March.

REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM, ROYALTIES FOR REGIONS AND MAJOR PROJECTS

The Recreation Vehicle Area, Yornaning Water Harvest, Cuballing Mens Shed, Popanyinning Fire Shed, Cuballing Cricket Practice, and maintenance to the Cuballing and Popanyinning Halls projects have all been completed.

Works are continuing at the Dryandra Regional Equestrian Park. The storm on 22 March caused quite a lot of erosion to the all purpose dressage arena on the southern and eastern sides. However in the main the arena and other areas of the park stood up to the huge water flow extremely well.

Popanyinning Tennis Courts project is almost completed with just minor earthworks to be carried out to tidy up the perimeter of the courts.

2009/2010 ROAD CONSTRUCTION PROGRAM

Works on the Popanyinning West Road has commenced and the shoulders were treated with primer seal on 23 March 2010.

Tender has been let for the reseal and final seal works included on the 2009/2010 capital works program. These works should be completed prior to end of April 2010.

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

John Ramage resumed from six (6) weeks of accrued long service leave entitlements on Monday 22 March 2010.

Alex Richardson, Works Manager, cleared two (2) weeks of annual leave from 23 March 2010, resuming on 6 April 2010.

Robert Walker cleared two (2) weeks of annual leave entitlements from 23 March 2010, resuming on 6 April 2010.

Darryl Stanton was employed in a temporary capacity to assist with the annual roadside spraying program, this was completed on Thursday 1 April 2010.

PRIVATE WORKS

Various works requests are still being received and these are being done as time permits. The works crew are in the process of carrying out a number of reasonably large private works orders taken during the road construction period.

Private works invoices for year to date total \$14,359.81.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Managers Report be received and information noted.

COUNCIL ACTION

Moved Cr Conley, seconded Cr McDougall 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 two (2) application(s) approved and license(s) issued for the month of March 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
24-2009/10	M Gullotto	OB	90m2 Shed	100 Reeds Rd Popanyinning
25-2009/10	R J & C J McDougall	OB	Patio & Carport	55 Russell St Cuballing

On-Site Effluent Disposal – Permits to Use

K Bullard – Lot 277 Campbell Street, Cuballing
 R & M James – Lot 3 Great Southern Highway, Popanyinning

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

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

COUNCIL ACTION

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

CARRIED 7/0

8.3.2 APPLICATION TO KEEP MORE THAN TWO DOGS AT TOWNSITE PROPERTY

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 25 Cuballing Street, Cuballing
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Dog Act 1976
Council Policy:	Shire of Cuballing Dogs Local Law 2004
Budget Implications:	Nil
File Reference:	Health 1
Voting Requirements:	Simple majority

Background

Correspondence received from Mr Mark Allan and Ms Tara Sykes requesting Council consideration to issuing an exemption for the keeping of up to three (3) dogs at the property they are renting, being Lot 25 Cuballing Street, Cuballing.

Comment

Mr Allan and Ms Sykes have recently moved into the above property in a rental capacity. They are seeking Council exemption to enable them to keep three dogs on the property as they recently acquired an abandoned dog from Narrogin. The new dog is not registered at this stage but will be if Council permission is granted for the three dogs at the property. The existing two dogs at the property are registered. The three dogs have been at the property for a short period of time and Council staff have not received any complaints in relation to noise (barking) and/or the dogs behaviour.

Shire of Cuballing Dogs Local Law 2004, section 3.2 (2) (a) states

“The limit on the number of dogs which may be kept on any premises is, for the purposes of section 26(4) of the Dog Act 1976, two dogs over the age of three months and the young of those dogs under that age if the premises are situated within a townsite”.

Dog Act 1976, section 26 (3) states

“Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption-

- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;*
- (b) shall not operate to authorise the keeping of more than 6 dogs on those premises; and*
- (c) may be revoked or varied at any time.*

Should Council be in favour of granting an exemption it may be appropriate for certain conditions to be imposed to provide an opportunity for the

exemption to be revoked or varied, in accordance with section 26(3)(c) of the Dog Act, as mentioned above.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council approve the application to keep the three (3) dogs at Lot 25 Cuballing Street, Cuballing, subject to the following conditions:

- The applicant must maintain and hold valid registrations for each dog kept on the premises;
- The exemption is only valid for the life of these three (3) dogs, should one (1) of the dogs die it cannot be replaced prior to seeking further approval from Council; and
- Should there be any significant breach of the Dog Act 1976 then the exemption may be withdrawn at anytime.

COUNCIL ACTION

Moved Cr Haslam, seconded Cr McDougall that Council decline the application to keep three (3) dogs at Lot 25 Cuballing Street, Cuballing, on the Basis that Council is not of the view the application for three dogs is in the best interest in upkeeping the residential amenity of the townsite.

CARRIED 7/0

Note: The applicant to be advised of their right to lodge an objection to Council's decision in accordance with the provisions of Section 9 of the *Local Government Act 1995*.

8.4 REPORTS – TOWN PLANNING

8.4.1 APPLICATION FOR EXPLORATION LICENCE E70/3760

Submission to:	Ordinary Meeting of Council
Location/Address:	Various localities within the Cuballing Shire
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Mining Act 1978
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	Permits & Licenses 1
Voting Requirements:	Simple majority

Background

Correspondence from Tenement Administration Services advising that on behalf their clients, Landtec Pty Ltd & Norman James Holmes, application has been submitted to the Department of Industry and Resources (DIR) for the abovementioned exploration licence.

The application has the capacity to impact on an area of land within the north eastern portion of the Shire.

Comment

Council, at the 15 May 2008 meeting, acknowledged that the number of exploration licenses within the Shire is increasing and therefore resolved to impose a number of conditions for consideration by the DIR when issuing exploration licenses. It is being recommended that the list of conditions again be presented to the DIR for consideration.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council acknowledges the application for Exploration Licence E70/3760, and requests the following conditions be imposed by the Department of Industry and resources if the exploration licence is to be issued:

- **All surface holes drilled for the purpose of exploration are to be capped, filled or otherwise made safe after completion.**
- **All costeans and other disturbances to the surface of the land made as a result of exploration, including drill pads, grid lines and access tracks, being backfilled and rehabilitated to the satisfaction of the district mining engineer. Backfilling and rehabilitation being required no later than six months after excavation unless otherwise approved in writing by the district mining engineer.**
- **Abandoned equipment and temporary buildings being removed from the mining tenement prior to or at the termination of exploration program.**
- **No activities taking place to the detriment of any roads, streets or verges.**
- **Minimum disturbance being made to natural vegetation.**

- Adequate dust suppression control methods and practices being used.
- Except with the approval of the Shire of Cuballing, all mining excavations or drilling operations being backfilled and the ground reinstated and revegetated at the completion of the operation to the satisfaction of the Shire of Cuballing.
- All works comply with the Environmental Protection (Noise) Regulations 1997.
- All waste materials, rubbish and plastic sample bags to be removed within 60 days of placement.

COUNCIL ACTION

Moved Cr Haslam, seconded Cr Conley 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 3.30pm.