

SHIRE OF CUBALLING

COUNCIL MEETING THURSDAY 17 JUNE 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 IF 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 17 JUNE 2010**

1. OPENING – ANNOUNCEMENT OF VISITORS

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

2. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

ATTENDANCE

Shire President, Cr TH Wittwer
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 13 May 2010 be confirmed.

COUNCIL ACTION

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

CARRIED 7/0

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

Mr Mike Burges, former Shire of Cuballing Chief Bush Fire Control Officer, joined with Councillors following the closure of the Council meeting, at 4:35pm.

The Shire President made a presentation to Mr Burges on behalf of Council and the community for his contribution to the Shire of Cuballing Bush Fire Network in the capacity of Chief Bush Fire Control Officer over period October 2001 to April 2010.

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 2010

Submission to: Ordinary Meeting of Council
Location/Address: Not applicable
Reporting Officer: Tanya Stobie, 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 \$392,110.59:**

Vouchers 13850-13875	\$ 39,037.06
Electronic fund transfers	\$350,795.13
Credit Card	\$ 2,278.40
- **Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$832.65:**

Vouchers T2101-T2102	\$ 832.65
-----------------------------	------------------

COUNCIL ACTION

Moved Cr Newman, seconded Cr Conley 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 31 May 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 31 May 2010, be received.

COUNCIL ACTION

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

CARRIED 7/0

8.1.3 WRITE OFF OF OUTSTANDING DEBTORS

Submission to:	Ordinary Meeting of Council
Location/Address:	Nil
Reporting Officer:	Peter Naylor, Chief Executive Officer Leanne Shields, Administration Officer
Enabling Legislation:	Local Government Act 1995
Council Policy:	Nil
Budget Implications:	Yes, outstanding amounts to be written off
File Reference:	Finance 13
Voting Requirements:	Simple Majority

Background

Local Government Act 1995, clause 6.12 provides for the power to defer, grant discounts, waive or write off debts, as follows:.

- (1) *Subject to subsection (2) and any other written law, a local government may —*
 - (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;*
 - (b) *wave or grant concessions in relation to any amount of money; or*
 - (c) *write off any amount of money,*

which is owed to the local government.

**Absolute majority required.*

- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) *The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*
- (4) *Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.*

Invoice #993 was raised on 8 August 2008 to Ms Tammi Kulker, for amount of \$200.00 (GST inclusive), for removal of damaged vehicle from Springhill Road. The vehicle was extensively damaged in an accident on 4 July 2008. Following several reminders being sent to Ms Kulker, and eventual telephone conversation with the Chief Executive Officer, she indicated that the account would be paid on an instalment plan. However this did not eventuate and the matter was referred to Austral Mercantile Collection Agency. Unfortunately Austral Mercantile also have not had any success in recovery of the outstanding debt and therefore suggest that it is uneconomical to proceed and the account be written off. It is understood that Ms Kulker is no longer residing in Narrogin and staff have not been able to obtain a forwarding address.

Invoice #1095 was raised on 30 January 2009 to Mr N R Smith, for amount of \$1,194.48 (GST inclusive), for the labour costs to repair bridge rail damage as

result of incident whereby Mr Smith ignored farmer warning signs and ran into mob of sheep being moved across Wandering-Narrogin Road. Following several reminders being sent to Mr Smith the account was eventually referred to Austral Mercantile Collection Agency. As a result of this Mr Smith commenced an instalment payment plan but failed to continue after three minor payments. The following payments were made: 10 July 2009 - \$20.00; 24 July 2009 - \$10.00; & 22 December 2009 - \$10.00. It is understood that Mr Smith is no longer residing in Narrogin and staff have not been able to obtain a forwarding address.

Comment

Given the amounts outstanding, the absence of current address details for future correspondence, and the cost to pursue the recovery of outstanding monies, it is being recommended to Council that the outstanding debtors be written off.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the following outstanding invoices be written off:

- Invoice #993 of 8 August 2008, Ms Tammi Kulker, for total amount of \$200 (GST inclusive); and
- Invoice 1095 of 30 January 2009, Mr N R Smith, for outstanding balance amount of \$1,154.48 (GST inclusive).

COUNCIL ACTION

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

CARRIED 7/0

8.1.4 **CHIEF EXECUTIVE OFFICER RESIGNATION**

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
Voting Requirements:	Simple majority

Background

On Tuesday 15 June 2010, the Shire Chief Executive Officer, Mr Peter Naylor, informed the Shire President and Deputy Shire President that he will be tendering his resignation to take up a position as Director of Corporate and Community Services with the Shire of Broome.

Mr Naylor advised the Shire President and Deputy President that he is prepared to give the obligatory three (3) month notice period as per the current Contract of Employment, however request that Council be lenient in this respect and a shorter mutual date be agreed to.

CEO Contract of Employment:

14.TERMINATION OF EMPLOYMENT

14.2 Termination by Either Party

Either party may terminate this contract by giving three months written notice to the other party. Council may approve a payment to the CEO of up to the value of one years remuneration if the contract has one year or more to run, or, if the contract has less than one year to run, a payment not exceeding the value of remuneration the CEO would have received if the contract had been completed.

The CEO retains the right to recourse for unfair dismissal remedies if termination is harsh, unjust or unreasonable.

The *Local Government Act 1995*:

5.36. Local government employees

- (1) *A local government is to employ —*
- (a) *a person to be the CEO of the local government; and*
 - (b) *such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.*

- (2) *A person is not to be employed in the position of CEO unless the council —*
- (a) *believes that the person is suitably qualified for the position; and*
 - (b) *is satisfied* with the provisions of the proposed employment contract.*
- * Absolute majority required.*
- (3) *A person is not to be employed by a local government in any other position unless the CEO —*
- (a) *believes that the person is suitably qualified for the position; and*
 - (b) *is satisfied with the proposed arrangements relating to the person's employment.*
- (4) *Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.*
- (5A) *Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.*
- (5) *For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.*

Comment

Council commenced the CEO Annual Performance Appraisal at the previous May 2010 Council Meeting, however as the CEO has resigned it is not necessary to complete this process.

Issues for Council to consider in looking for a replacement CEO:

- Interim appointment of Acting CEO and advertise for replacement CEO; or
- Interim appointment of Acting CEO and investigate possibility of entering into Shared CEO arrangement with neighbouring local government.

In either of the above scenarios Council should possibly form a CEO Selection Panel to determine a suitable salary package to be advertised/offered in whatever circumstance it wishes to pursue.

There are a number of former local government CEO's that do part time relief work and would be available to act in the capacity of CEO for an agreed period of time.

Should Council be interested in investigating a shared CEO arrangement then will possibly need to consider the appointment of a joint Deputy CEO/Accountant to oversee corporate structure of the participating local governments.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council:

- Accepts the Chief Executive Officers (CEO) Resignation;
- Agrees to CEO resignation being effective from
- Agrees for Shire President and Deputy Shire President to engage in discussions with a neighbouring local government with a view to Joint CEO arrangement;
- Considers appointing an Acting CEO in an interim capacity until final decision is made on a replacement CEO;
- Forms a CEO Selection Panel consisting of Councillors

COUNCIL ACTION

Moved Cr Haslam, seconded Cr Conley that Council:

- **Accepts the Chief Executive Officers (CEO) Resignation;**
- **Agrees to CEO resignation being effective from Friday 30 July 2010;**
- **Appoints an Acting CEO in an interim capacity until final decision is made on a replacement CEO;**
- **Forms a CEO Selection Panel, consisting of Councillors Wittwer, Newman and Haslam, to formally investigate the appointment of a new CEO.**

CARRIED 7/0

8.1.5 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 Hawksley, seconded Cr Haslam that the Chief Executive Officers recommendation be adopted.

CARRIED 7/0

8.1.6 ROYALTIES FOR REGIONS COUNTRY LOCAL GOVERNMENT FUND - FORWARD CAPITAL WORKS PLAN

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Nil
Council Policy:	Financial Assistance Agreement, Shire of Cuballing and Department of Regional Development & Lands
Budget Implications:	Nil
File Reference:	Community Development 5
Voting Requirements:	Simple majority

Background

It is a requirement of the Royalties for Regions Country Local Government Fund (CLGF) Round Two for each Council to prepare a Forward Capital Works Plan (FCWP) prior to being able to claim funding for future projects.

Council signed an agreement with the Department of Regional Development and Land (RDL) on 23 April 2010, to prepare the FCWP and financial provision of \$35,000 has been allocated by RDL for the process. \$30,000 of the funds is to employ services of consultant, and \$5,000 for Shire staff time to assist with the process.

The FCWP, which is to be integrated with Councils Strategic Plan and Asset & Financial Management Plan, is to be submitted to the DRL by 31 December 2010.

Comment

The Chief Executive Officer recently attended a Local Government Managers meeting in Brookton which was addressed by Ms Alison Dalziel of Morrison Low Consultants. Ms Dalziel's company has attended the departmental briefing sessions on the FCWP and soon to be released Strategic and Asset & Financial Management Plans guidelines. Ms Dalziel gave a brief overview of the company and processes to complete the required work on behalf of interested Councils. The Department of Local Government has indicated that Morrison Low will be named as an approved consultancy company when the list of consultants is released along with the guidelines for the preparation of the required plans.

Since the address in Brookton the CEO had a meeting with Ms Dalziel on Friday 11 June 2010, to discuss the possibility of Morrison Low carrying out work for the Shire of Cuballing. On the same day Ms Dalziel also met with the CEO's from Narrogin, Williams & Wagin Shires and the Town of Narrogin. Obviously if Morrison Low is employed to prepare FCWP and other associated documents on behalf of a number of Councils within this area the costs per Council should be at a reduced rate.

The CEO requested Ms Dalziel to provide a costing for Council consideration to prepare the FCWP and other plans on behalf of the Cuballing Shire.

Council's existing strategic plan is now superseded, having been prepared in June 2005, and Council doesn't currently have an extensive Asset and Financial Management Plan.

Morrison Low have provided Council with a brief detail of the project scope and their fee structure:

- For undertaking the assignment if two or more Councils cluster together is \$28,000 (excl GST) plus disbursements.
- For undertaking the assignment for the Shire of Cuballing alone is \$31,000 (excl GST) plus disbursements.

The fee structure provided is quite reasonable and fit within the budget allowance of \$35,000.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Morrison Low be appointed to prepare Forward Capital Works Plan and Strategic and Asset & Financial Management Plans on behalf of the Shire of Cuballing in accordance with the relevant guidelines issued by the Department of Regional Development and Lands and the Department of Local Government, at a cost not exceeding the amount of grant funding available for the project.

COUNCIL ACTION

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

CARRIED 7/0

8.2 REPORTS – WORKS

8.2.1 WORKS MANAGERS REPORT

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

GRADING/GENERAL MAINTENANCE

Winter grading maintenance is proceeding throughout the Shire.

2009/2010 ROAD CONSTRUCTION PROGRAM

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

Cement stabiliser works and bitumen sealing has been carried out on the section of Cuballing East Road damaged by heavy vehicle traffic (grain carting) during March 2010.

PLANT AND EQUIPMENT

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

Maintenance works has been carried out on two of the 6 wheel trucks, CN026 & CN047, rear suspension bushes.

STAFF

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

Darryl Stanton has been re-employed for a three month period to assist with Councils road verge spraying program.

PRIVATE WORKS

Various works requests are still being received and these are being done as time permits. Two staff members and machinery (truck and grader) continue to assist the Shire of Wandering with works on the North Bannister-Wandering Road.

Private works invoices for month of May \$17,125.26; year to date total \$37,612.09.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Managers Report be received and information noted.

COUNCIL ACTION

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

CARRIED 7/0

8.2.2 BUSH FIRE INCIDENT REPORT/S

Submission to: Ordinary Meeting of Council
Location/Address: Various, Cuballing Shire
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Bush Fires Act 1954
Council Policy: 6.1
Budget Implications: Nil
File Reference: Bush Fire Control 10
Voting Requirements: Simple majority

Background

The following Bush Fire Incident Report/s has been received for recent fire/s within the Shire of Cuballing.

Comment

A summary of the fire/s is hereunder:

Date	Property Owner	Details
2 May 2010	R Myles Lot 384 Munro St Cuballing	Fire escaped whilst burning household debris. Fire quickly suppressed by Cuballing Town Brigade and neighbouring property owner.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Bush Fire Incident Report/s be noted and copy forwarded to the Fire and Emergency Services Authority of WA.

COUNCIL ACTION

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

CARRIED 7/0

8.2.3 SHIRE OF WANDERING – 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 Wandering advising of the appointment of Messrs Peter Monk, Melvin Schorer and Bruce Penny 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 Peter Monk, Melvin Schorer and Bruce Penny be appointed as Dual Fire Control Officers for the Shire of Cuballing and Wandering 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 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 three (3) application(s) approved and license(s) issued for the month of May 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
31-2009/10	P George	Wayne Parker	Extension of veranda	36 Derby St Cuballing
32-2009/10	I Finlay	Ranbuild Sheds	Colorbond Shed	131 Hart St Cuballing
33-2009/10	K Sexton	Arigato Pty Ltd Reg #S289	SF Dwelling	Lot 347 Doust St Cuballing

On-Site Effluent Disposal Systems

Permit to use: J & B Burtenshaw, Lot 89 Lord Street, Popanyinning

Approval to construct: K Sexton, Lot 347 Doust Street, Cuballing

Food Premises Inspections

Popanyinning General Store and Kitchen

An inspection was carried out on 12 May 2010. Several items required attention in the caravan kitchen. A further inspection will be carried out within one month to ensure that the outstanding items have been rectified.

Cuballing Road House

An inspection was carried out on the 26 May 2010 and the premise was found to be clean and tidy.

Removal of Asbestos

All Worksafe/WorkCover agencies throughout Australia have amended their Regulations to lower the licensing threshold for non friable “bonded” asbestos to 10m2 and above. WA Worksafe has recently amended their Regulations to do the same. This means that no one can remove over 10m2 of asbestos in an occupational situation unless they are licensed.

The Environmental Health Department proposes to do the same and amend the Health (Asbestos) Regulations that would apply to non occupational situations eg restricting householders from removing more than 10m2 of asbestos.

For more information please read the attachments to the agenda.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

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

COUNCIL ACTION

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

CARRIED 7/0

8.4 REPORTS - TOWN PLANNING

8.4.1 APPLICATION FOR PLANNING APPROVAL FOR OVERSIZED OUTBUILDING AND RURAL HOME BUSINESS

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 561 Cowcher Street, Yornaning
Reporting Officer:	Allan Ramsay, EHO/BS
Enabling Legislation:	Shire of Cuballing Town Planning Scheme No 2
Council Policy:	Local Planning Policy - Outbuildings
Budget Implications:	Nil
File Reference:	Town Planning 5
Voting Requirements:	Simple majority

Background

Council has received an application for Planning Consent from Mr Jarrad Bilman (the applicant) for the construction of a 300m² Outbuilding on Lot 561 Cowcher Street, Yornaning.

The applicant has indicated that the outbuilding is to be used as a truck depot and workshop plus office for his trucking business.

Comment

The land is zoned General Agriculture under the Shire of Cuballing Town Planning Scheme No.2. Under the Local Planning Policy for Outbuildings, Colorbond clad sheds cannot exceed a total area of 120m² on General Agricultural lots with an area of 2 ha or less. Furthermore, a trucking business would be deemed a Rural Home Business under the zoning table of the Shire of Cuballing Town Planning Scheme No.2 and consequently would also require Council discretionary approval.

Council has previously approved oversized outbuildings. Mr Bilman has indicated that he is willing to submit a house plan with his shed application for approval. The size of the shed and the trucking business proposed will not affect the amenity of the area. The location is adjacent to the Yornaning Cooperative Bulk Handling Receival Point where heavy vehicular traffic already exists.

Mr Bilman has not indicated whether the proposed shed will be clad in Zinalume or Colorbond, however, it would be preferable that it is clad in Colorbond.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council will support the construction of a 20m long and 15m deep outbuilding on Lot 561 Cowcher Street, Yornaning, subject to the following conditions:

1. The issue of an approved building licence for the construction of the outbuilding;
2. The shed to be clad in Colorbond walls;

3. The issue of an approved licence for the construction of a house;
4. The house plans to be submitted at the same time as the shed plans;
5. Plans for the shed and house to be in accordance with the Building Code of Australia; and
6. The outbuilding to be sited in accordance with the Shire of Cuballing Town Planning Scheme No 2.

COUNCIL ACTION

Moved Cr Newman, seconded Cr Hawksley that Council will support the construction of a 20m long and 15m deep outbuilding on Lot 561 Cowcher Street, Yornaning, subject to the following conditions:

1. **The issue of an approved building licence for the construction of the outbuilding;**
2. **The issue of an approved licence for the construction of a house;**
3. **The house plans to be submitted at the same time as the shed plans;**
4. **Plans for the shed and house to be in accordance with the Building Code of Australia; and**
5. **The outbuilding to be sited in accordance with the Shire of Cuballing Town Planning Scheme No 2.**

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 4.30pm.