

SHIRE OF CUBALLING

COUNCIL MEETING THURSDAY 21 OCTOBER 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 21 OCTOBER 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
Cr C Hawksley
Cr JR A Meharry
Cr RD Newman
Cr TP Haslam
Cr CJ McDougall
Cr M Conley
Chief Executive Officer, Eva Haydon
Mr A J Middleton

LEAVE OF ABSENCE

Nil

3. APOLOGIES

Nil

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5. **MINUTES**

5.1 **CONFIRMATION OF 16th SEPTEMBER 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 16 September 2010 be confirmed.

COUNCIL ACTION

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

CARRIED 7/0

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

Nil

7. **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.

Cr Wittwer and Cr McDougall declared an interest in item 8.2.4 tender for surplus plant and equipment.

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 – OCTOBER 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 \$281566.21:**
 - | | |
|----------------------------------|---------------------|
| Vouchers 13926-13947 | \$ 33,340.91 |
| Electronic fund transfers | \$248225.30 |
| Credit Card | \$ Nil |
- **Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling Nil:**

\$ Nil

COUNCIL ACTION

Moved Cr Hawksley, 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 30 September 2010 in accordance with the abovementioned legislation and circulated with the Council Meeting Agenda.

See attachment "A"

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Statement of Financial Position, as circulated, for the Shire of Cuballing for period ending 30 September 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 **LOCAL GOVERNMENT REFORM**

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Allan Middleton, A/Chief Executive Officer
Enabling Legislation:	Local Government Act 1995
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	C&A 7
Voting Requirements:	Absolute majority

Background

As a result of the decision by the Shire of Cuballing to enter into a Regional Transition Group (RTG), it will be necessary for all parties to sign an agreement. This item refers to that agreement and recommends a number of Council representatives to serve on the Regional Transition Group Board.

In addition

Council is aware the Minister for Local Government has received and considered the “Local Government reform Steering Committee Report” date May 2010. Councillors were advised that a copy of the report was available via the Department of Local Governments website.

The Western Australian Local government Association has endorsed the majority of the recommendations, however has stopped short of endorsing recommendations that remove the voluntary reform provisions.

The recommendations contained within that report are as follows:

Recommendations to Further Progress Reform

That the Minister:

1. Note that the voluntary reform process has not yielded the scale of reform required to deliver meaningful benefits to the State.
2. Consider options for targeted Government intervention, including through proposals to the Local Government Advisory Board for major boundary adjustments, and /or legislation to trigger reform activity in critical areas for reform including, but not limited to, the following areas :
 - (a) Western suburbs of the metropolitan area
 - (b) Fremantle area
 - (c) Bassendean/Bayswater
 - (d) Geraldton area
 - (e) Narrogin area
 - (f) Northam area
 - (g) Katanning area
 - (h) Bunbury area
 - (i) Mandurah area

3. Consider the following legislation options to facilitate the implementation of Recommendation 2:
 - (a) Remove the poll provisions from the *Local Government Act 1995*;
 - (b) Retain the poll provisions, but amend so that poll is of all affected districts and votes combined;
 - ©. Retain the poll provisions, but amend so that poll is of all affected districts and votes averaged;
 - d. Introduce specific restructuring legislation.
4. To ensure the ongoing reform of the local government sector initiate legislation for the appointment of an independent panel of three specialist persons to review local government boundaries every eight years.
5. Support Councils willing to take part in structural reform but who have been unable to secure partners, by providing funding support for capacity building and reform initiatives, and request that the Department of Local Government, in collaboration with WALGA and LGMA, continue to engage regarding possible Regional Transition Groups or Regional Collaborative Groups and other reform initiatives.
6. Request the Local Government Grants Commission to undertake a review of the disincentives to amalgamation resulting from Grants Commission formulae and policy.
7. Request the Local Government Reform Implementation Committee to develop and implement a communication strategy for local communities and elected members to address perceived reform concerns, including loss of local identity and loss of grant income.
8. Initiate amendments to legislation to change the prescribed number of elected members to between six and nine.
9. Refer the *Reducing the Burden: Report of the Red Tape Reduction Group* to the Department of Local Government with a view to implementing measures to reduce the compliance burden on local government.

Recommendations Supporting Reforming Local Governments

That the Minister:

10. Refer the two proposals for amalgamation to the Local Government Advisory Board once they have been submitted by:
 - a. The Shires of Carnamah and Coorow; and
 - b. The Shires of Westonia and Yilgarn.

11. Refer boundary change proposals submitted as part of this reform process to the Local Government Advisory Board (where those proposals would not trigger the poll provisions).
12. Request local governments that have proposed councillor reductions (and are not impacted by amalgamation activity) to commence the processes to achieve the reduction in councillor numbers.
- 13 Support the formation of Regional Transition Groups as agreed by local governments by providing State financial assistance and seeking Commonwealth funding and other assistance for:
 - a. The Shires of Beverley, Cunderdin, Quairading, Tammin and York;
 - b. The Shires of Brookton and Pingelly;
 - c. The Shires of Esperance and Ravensthorpe; and
 - e. The Towns of Claremont and Cottesloe.
- 14 Support the formation of Regional Collaborative Groups as agreed by local governments by providing State financial assistance and seeking Commonwealth funding and other assistance for:
 - (a) The Shires of Broome, Derby–West Kimberley, Halls Creek and Wyndham-East Kimberley;
 - (b) The Town of Port Hedland, Shires of Ashburton, East Pilbara and Roebourne;
 - © The Shires of Murchison, Upper Gascoyne and potentially Yalgoo;
 - (d) The Shires of Carnarvon, Exmouth and Shark Bay; and
 - (e) The City of Kalgoorlie-Boulder, Shires of Coolgardie, Dundas and potentially, Laverton, Leonora and Menzies.

Recommendations Supporting Capacity Building

That the Minister:

- 15 Note the Working Groups' recommendations and refers them to the Department of Local Government and other relevant government agencies for advice.
- 16 Endorse the Legislation Working Groups recommendations to the Local Government Act 1995 and Regulations identified by the Legislative Working Group, subject to advice from the Department of Local Government on specific issues
17. Note the critical role local government plays in fulfilling the urban and regional planning function and endorse further reform and enhancement in this area in collaboration with the local government sector.
18. Endorse that the following further work be undertaken by the Department of Local Government or relevant implementation Working Groups to:

- Research the definition of charitable land that comes under the Commonwealth *Aged Care Act 1997*, to ascertain if the *Local Government Act 1995* could use that definition; and
- examine if the *Associations Incorporation Act 1987* can be used as a vehicle for the delivery of services by local governments on a regional basis, and if so, develop a draft model constitution for such an entity. If this is not viable, then other types of models could be investigated further.

19. Support amendment to the *Local Government Act 1995* to require that each local government develop and adopt:

- a Strategic Community Plan; a principal planning document for the local government establishing community aspirations and priorities; and
- A Corporate Business Plan; a financial planning instrument that would demonstrate the capacity to deliver and/or achieve the key focus areas and objectives identified within the Strategic Community Plan.

20 Endorse the development of lead performance indicators for local governments.

21 Endorse Actions 13, 14, 15 of the Systemic Sustainability Study that:

- the local government sector endorses the rate setting process as outlined in the Study, as an example of best practice in rate setting;
- the Department of Local Government establish a website for the purpose of providing local governments with access to comparable information on rates in terms of a set of standard ratios to be agreed; and
- The local government sector seek a change to S6.41(2)(b) of the *Local Government Act 1995* to increase a local governments flexibility to offer a monthly payment of property rates without an individual installment notice.

22 Endorse removal of provisions regarding a referendum to be held prior to a council changing the way a Mayor is elected and being replaced with a requirement for an absolute majority decision of council.

23 Endorse amendments to the *Local Government Act 1995* prescribing the number of electors required to initiate elector participation so that they are increased as follows:

- from 250 (or 5% of electors) to 500 (or 5% of electors) for a proposal to be made to the Local Government Advisory Board in relation to district boundary, wards or representation proposals; and
- From 100 (or 5% of electors) to 500 (or 5% of electors) to call a special electors' meeting.

24. Endorse allowing extraordinary vacancies to remain unfilled where a local government has lodged a proposal with the Local Government Advisory Board to reduce its number of elected members.

25. Endorse amendment to the legislation enabling the employment of senior employees to be determined by the Chief Executive Officer and the current requirement for agreement by Council be removed.

Officers Comment

At the WALGA Central Country Zone Meeting held in Wandering on the 1st October 2010, the Presidents of the Narrogin, Cuballing and Wickepin Shires, and the Mayor of the Town of Narrogin, met with Tim Fowler from the Department of Local Government.

Mr Fowler outlined the process now that the local government have agreed to the Regional Transition Group process. The State Government has a draft agreement that it is using for the establishment of an RTG. It can be varied to suit the needs of the parties involved. Once agreement is reached on the content the State Government and the local governments will sign it.

The Chief Executive Officers of the four local governments met to review the draft agreement. They agreed to one change, being that the Board of the Regional Transition Group will have two elected members and one deputy member. Also the CEO's will be non-voting members. The reason for expanding the Board, which under the original draft agreement had only one elected member from each local government, was to ensure greater input and better reporting back to the councils.

Once the agreement is signed the Board has three months in which to have its inaugural meeting. A timeline of nine months has been set for completion of the Regional Business Plan. Funding for preparation of the Plan is available from the State Government.

Council would have noted from the report the Narrogin Region of local governments were criticised for not participating in the reform programme, the collective decision should now stifle that criticism and when due process has been carried out all councils will be in a better position to make an informed decision.

The report did highlight the efficiencies of managing fewer local governments and in particular the funding local government is missing out on through Regional and Local Community Infrastructure Programme - Strategic Programme and the Better Regions Programme.

Council has now agreed to enter into a Regional Transition Group Agreement with the Shire of Wickepin, Narrogin and the Town of Narrogin. All Councils have now agreed to that proposal.

The Shire of Narrogin has volunteered to undertake secretariat duties to progress the agreement and to act as banker for the group.

As the Shire of Cuballing has resolved to participate in the transitional process, formalities now need to be progressed. Attached (**Attachment B**) is

a copy of the formal agreement that has been vetted by the Chief Executive Officers and is ready for endorsement by each Council. As mentioned above under the agreement each local government is required to nominate two councillors plus one deputy or proxy delegate to the Regional Transition Group Board. The Chief Executive Officer will also be a non- voting member.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The contents of the document titled “Local Government Reform Steering Committee Report” is noted.

Council accepts the agreement for the transitional group titled “Agreement for the Cuballing-Narrogin-Wickepin Regional Transition Group” and authorises the Shire President and Chief Executive Officer to affix the Common Seal of the Shire of Cuballing.

Cr. T. Wittwer and Cr. R. Newman are hereby appointed as Shire of Cuballing Board Members. Cr. T. Haslam is hereby appointed as the nominated Deputy or Proxy Board Member.

COUNCIL ACTION

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

CARRIED 7/0

8.1.4 VINTAGE MACHINERY SHED

Submission to: Ordinary Meeting of Council
Location/Address: Reserve 10329
Reporting Officer: Allan Middleton
Enabling Legislation: Local Government Act
Council Policy: Nil
Budget Implications: Item not identified in the budget
File Reference: Com.org.4
Voting Requirements: Simple majority

Background

The Cuballing Townscape Committee at its meeting held on 11th August 2010 recommended the ends of the vintage machinery shed be enclosed to protect the machinery from the elements of weather. It appears rain, in particular, is entering the building and causing the machinery to deteriorate.

The A/Chief Executive Officer obtained a quotation to have the ends enclosed from eave height to gable; the price came in at \$2,600. A letter to the Committee advised the quotation and asked if it was their intention to pay for the work. A request has now been received (see attached) seeking Council assistance to have the work completed.

Officers Comment

No provision has been made in the budget to undertake the work, however there are accounts within the budget which may not be used to their yearly estimate these include Town Planning Legal Fees (\$2,500), Town Planning Services (\$5,000) and Dryandra Regional Equestrian Park operation costs (\$6,000). In addition it is noted the projected figure for expenditure on Reserve Maintenance (E113070) has increased by \$42,000. The Acting Chief Executive Officer believes there is scope within the budget to undertake the work.

CHIEF EXECUTIVES OFFICER'S RECOMMENDATION

Council agrees to provide funding to undertake the work to enclose both ends of the Vintage Machinery Shed. Provision to be made at the budget review meeting to accommodate the expenditure from an under expended account.

COUNCIL ACTION

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

ABSOLUTE MAJORITY

8.1.5 POPANYINNING RAILWAY AND WAR MEMORIAL PRECINCT PROJECT

Submission to: Ordinary Meeting of Council
Location/Address: Popanyinning Railway Reserve
Reporting Officer: Allan Middleton, A/Chief Executive Officer
Enabling Legislation: Local Government Act 1995
Council Policy: Nil
Budget Implications: Provided for in Budget
File Reference: G.1.g
Voting Requirements: Simple majority

Background

Under Round 3 of Regional and Community Infrastructure Programme Council has made application to undertake work to restore the station building, fence the platform, beautify the area and assist in the construction of war memorial.

The majority of the planning has been undertaken by the Popanyinning Progress Association and a grant has been obtained from the Department of Veteran Affairs to assist with the construction of a War Memorial.

Before any work can commence it is necessary to have some tenure of the land where the work is to take place. To this end negotiations have been undertaken with WestNetRail to release by way of licence, permission to use a corridor of land. An agreement has been received and is tabled for

Council's perusal. The A/Chief Executive Officer has perused the document and although heavily weighted in WestNetRails favour the agreement appears to satisfy Council's needs and provided access to the land to allow the work to proceed.

Officers Comment

The licence requires Council to obtain WestNetRail permission to undertake the work proposed and this will be undertaken once Council has agreed to the contract. The usual provisions apply whereby Westnet is not liable for any claim arising from injury or damage that may occur on the land, the area must be kept tidy, WestNet always has right of entry. The licence may be cancelled by WestNet by giving twelve months notice.

The Authority has been most cooperative and the agreement does give Council possession of the land for the purposes intended.

The licence is for a five year period with an option to renew.

Council is hereby advised on action taken to date; quotations have been obtained to undertake restoration to the building, fencing of the railway station and provision of solar lighting.

Ron Panting from the Department of Corrective Services has been requested to make manpower available to undertake some labour intensive work to the area e.g. laying of slabs to the front of building as requested by the Popanyinning Progress Association and possible erection of the fence.

The Progress Association are determining the design and cost of the War Memorial.

The licence agreement is tabled for Council's inspection.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

Council agrees to the agreement proposed by WestNetRail to effect a Licence for the Shire of Cuballing to take possession of the corridor of land as described in the licence agreement and hereby authorises the affixation of the Seal of the Shire of Cuballing by the Shire President and the Chief Executive Officer.

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 STREET NAMES

Submission to:	Ordinary Meeting of Council
Location/Address:	Beetson Street
Reporting Officer:	Allan Middleton
Enabling Legislation:	Local Government Act
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	Roads 5
Voting Requirement	Simple majority

Background

During February 2010 Council wrote to residents in Brundell (west) and Beetson Street suggesting that the western end of Brundell Street be renamed Beetson Street. The reasoning behind the suggestion was because Brundell Street has not been constructed for its entire length from the intersection with Austral Street (eastern end) to the intersection with Beetson Street (western end) and it was unlikely that section of Brundell Street would be opened. When driving the road it appeared Brundell Street west was a continuation of Beetson Street.

Officers Comment

After an inspection of roads involved it is the officer's opinion that to a visitor the western end of Brundell (that section constructed but separated) would believe the street was a continuation of Beetson.

Street signage has been ordered to readily identify Beetson Street and in the authors opinion this should suffice. Any person giving directions to a visitor or emergency vehicle would easily describe access to the western end.

It will not be recommended that further directional signs be erected. To provide such signage would create a precedent, in addition additional signage may confuse the motorist. The sign suggested by the residents would have to be of a reasonable size to read and would be expensive.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The residents be thanked for their comments and suggestions however in view of the visitor use on the road and the upgrade of signage to Beetson Street, Council has decide not to take any action.

COUNCIL ACTION

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

CARRIED 7/0

8.2.2 BUNMULLING BRIDGE 3179

Submission to:	Ordinary Meeting of Council
Location/Address:	Popanyinning – Bunmulling Bridge 3179
Reporting Officer:	Allan Middleton
Enabling Legislation:	Local Government Act
Council Policy:	Nil
Budget Implications:	Provision of \$99,000 has been provided through the funding arrangements.
File Reference:	Engineering 1
Voting Requirement	Simple majority

Background

Bridge 3179 situated on Bunmulling Road is now some 100 years old, is in need of refurbishment work or replacement. One stringer is currently propped and the bridge is showing its age.

Council has received a report and issues statement on the structure and the report indicates the following action is required.

- Need to determine alignment. (Council)
- If existing alignment is maintained then a detour will be required when future works are undertaken,
- A new alignment will alleviate the need for a detour and would improve sight distance.
- Decide on a road design. (Council)
- Survey site and the river channel (Main Roads W.A.)
- Community and Ethnographic consultation (Council and Main Roads)
- Undertake Geog tech investigation (Main Roads)
- Develop detailed design. (Main Roads)
- Cost estimates for bridge replacement (Main Roads)

Officer Comment

The bridge is narrow and the road does not have good alignment. Main Roads and Council staff have undertaken an inspection and concur that action needs to be taken. Apart from the bridge being on a poor alignment it is very narrow and traffic movements are restricted, especially for large farm machinery.

The attached aerial photograph shows the current alignment and surrounding roads and reserve. Two options need to be considered :-

- (1) Commence the alignment off Popanyinning East Road and terminate at the existing railway crossing as shown on the plan (shown as option 1) or
- (2) Keep the existing alignment but realign the road north of the railway station and create a “T” junction on the highway (option 2).

The options shown have not been scaled, and are only a concept for discussion purposes, Council will need to meet on site to determine exactly where it believes each option should commence and terminate.

Option 1 would create Popanyinning Road as the major road with Bunmulling Road being the terminating Road. Option 2 effectively leaves the Popanyinning Road and Bunmulling Road intersections as they currently are with a new crossing being created north of the railway station and the existing crossing closed. WestNetRail would need to be involved in any discussions should this option be preferred.

The expected expenditure for the project is in excess of two million dollars. An amount of \$99,000 has been allocated for this year's work.

Council needs to be mindful of the conditions of Commonwealth and State funding. Effectively the funds will only replace like with like, in other words the proposed work does not allow for bridge widening. Representation will need to be made to the Department or a higher level if the proposal was to widen the bridge structure, and the funding was to come from Commonwealth and State funding as currently exists. If Council requested widening under the current rules then such funds would need to be sourced from Roads to Recovery, possibly Royalties for Regions and obviously Shire of Cuballing.

Council will need to decide fairly quickly what its preferred option is to allow Main Roads to undertake the investigatory survey work. It is respectfully recommended that WestNet Rail and possibly Main Road W.A. representatives be invited to discuss the project when Council meets.

OFFICERS RECOMMENDATION

Council meet on site to investigate the options available and to consider other alternatives to allow a recommendation to be made to Main Roads (W.A.). WestNet Rail and Main Roads (W.A.) to be invited to that on site meeting to allow departmental comment on both options or any other option that may be recommended.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

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

CARRIED 7/0

8.2.3 WATER SHORTAGE AND FARMER WELFARE

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Allan Middleton
Enabling Legislation:	Not applicable
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	Com. Dev. 3
Voting Requirement	Simple majority

Background

The State Government, through several of its agencies and advisory bodies, have identified a coming crises with regards water supplies and the affect the dry season may have on parts of the farming community.

The Department of Water has requested information on water supplies and expected water use in the coming months. Standpipe water can obviously be used where available; however water from standpipes should only be used as a last resort, short term emergency use option,

The Department is keen to gain knowledge about on farm water supplies, particularly in respect to livestock and general farm requirements and whether there is a likelihood of large scale water carting from public supplies during the summer months. To this end Council has been asked to assist in gathering the information to ensure arrangements are in place to meet emergency farmland water requirements.

Together with the concern over water shortage and the high possibility of crop failure the government has identified that stress may be an issue as the season progresses and crops do not yield the return hoped for.

Officer Comment

At the Central Country Zone meeting held in Wandering on Friday the 1st October, Mr. Dexter Davies, Chairman of the Dry Seasons Advisory Committee stressed the importance of identifying farmers that may be under stress and identified the assistance that is available to the farming community through that committee. The assistance includes Farm Family Income Support, Financial and Business Support Services and Support for Rural Families and Communities. In addition crisis care and young people online counselling and information services are available. It was suggested Councils may wish to hold community forums to gauge the community's welfare. Councillors will be aware of the level of confidence or despair in the district as the season progresses.

Council may need to consider undertaking a role in bringing farmers together to discuss the season and what assistance is available should the season prove to be as disastrous as it appears.

Council has recently received correspondence from the Minister for Agriculture and Food (copy attached) advising the establishment of the Dry Seasons Advisory Committee and what that committee's role is.

The Shire of Cuballing needs to monitor both the water usage from standpipes and sources of water available in the district. The survey may reveal other sources of water available for use should the need arise.

Council staff has distributed questionnaires on what on farm water is available and the possible draw on water supplies (standpipes) that may be expected during this summer. Councillors are encouraged to promote the questionnaire to residents. The Department of Water has requested information to be forwarded to them by the 31st October.

With the expected increase in water drawing from standpipes Council may wish to consider the installation of card activated access and recording devices on standpipes within its boundary. Preliminary enquiries with the Department of Water have not provided a great deal of information however discussions with Katanning has revealed card activated facilities are available at approximately \$3,800 plus plumbing a standpipe. Although expenses such devices does control unauthorised use and allows council to bill the consumer when the standpipe is used. Card would obviously be made available to emergency vehicles and to farmers when they register. A bond would need to be charged when a card is issued. The Shire of Katanning are installing such devices on all their standpipes

Council needs to seek other sources of water, apart from scheme water, when undertaking road works. The Manager for Works has been instructed to ask landowners if brackish water is available and to use that water for road work.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Shire of Cuballing co-operate fully with the Department of Water in its endeavour to develop response plan for the provision of emergency water.

Council to be mindful of the need to monitor the health of its residence during stressful times and strategies to be developed for consideration at the November/December meeting to ensure assistance is available should the need arise.

COUNCIL ACTION

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

CARRIED 7/0

Cr McDougall and Cr Wittwer left the Council Chambers at 4:04 and did not participate in the discussions or debate.

Cr Newman Deputy President took the Chair.

8.2.4 SALE OF SURPLUS PLANT AND EQUIPMENT

Submission to: Ordinary Meeting of Council
Location/Address: Whole of Shire
Reporting Officer: Allan Middleton
Enabling Legislation: Local Government Act and Regulations
Council Policy: Nil
Budget Implications: Little impact
File Reference: Tenders and Contract 5
Voting Requirement: Simple majority

Background

At the September meeting Council resolved to dispose of several items of plant and various scrape items.

Tenders were invited with a closing date of 12th October 2010.

Not all items were tendered on

The following tenders were received.

TENDER 2/2010

ITEM

NUMBER	NAME	AMOUNT
1	Three point Steel Roller	No Tender received
2	Truck Mounted Cherry Picker	
	ROBERT WALKER	\$ 3,300.00
	DOUBLE L CONSTRUCTION PTY LTD	\$ 2,683.00
	RODNEY TYSOE	\$ 1,750.00
	BALLARD SEEDS	\$ 1,000.00
3	Kubota L2250D Tractor with Front End Loader	
	EDWARD GRUZDOWSKI	\$ 7,500.00
	ROBERT WALKER	\$ 4,480.00
	V SIMITSIS METAL	\$ 2,750.00
	GREG RAMSAY	\$ 3,200.00
	SYDNEY GRAHAM	\$ 5,600.00
	JOSHUA MARTIN	\$ 1,000.00
	GEFF STONE	\$ 1,000.00

Ordinary Council Meeting Minutes 21 October 2010

DOUBLE L CONSTRUCTION PTY LTD	\$	1,530.00
BALLARD SEEDS	\$	2,500.00

4 1 Roll And 1 Part Roll Cyclone Wire Mesh

GREG RAMSAY	\$	110.00
CAROL McDOUGALL	\$	15.00
M METTERNICK-JONES	\$	25.00
BALLARD SEEDS	\$	30.00

5 Quality Armco Type Safety Railings

V SIMITSIS METAL	\$	22.00
-------------------------	-----------	--------------

6 Scrap Steel and Linked Chain

V SIMITSIS METAL	\$	22.00
-------------------------	-----------	--------------

7 Quality Old Aluminum Signs

CAROL McDOUGALL	\$	21.50
V SIMITSIS METAL	\$	11.00

8 Drag Blade

TIM STONE	\$	101.00
NH WITTWER & CO	\$	85.00
V SIMITSIS METAL	\$	22.00
NH WITTWER & CO	\$	75.00

9 Scrap Steel

V SIMITSIS METAL	\$	5.50
-------------------------	-----------	-------------

10 3 Small Galvanised Tanks

ROBERT WALKER	\$	58.00
GREG RAMSAY	\$	40.00
V SIMITSIS METAL	\$	11.00

11 One Large Yellow Bin

No tender received

12 One Large Yellow Bin

No tender received

13 Towed Broome Frame

No tender received

14 Old 3 Point Linkage Broome

BALLARD SEEDS	\$	100.00
V SIMITSIS METAL	\$	22.00

15 Truck Mounted Spreader Box with Drives

V SIMITSIS METAL	\$	11.00
-------------------------	-----------	--------------

Ordinary Council Meeting Minutes 21 October 2010

16	Metal Tool Box		
	ROBERT WALKER	\$	20.00
	V SIMITSIS METAL	\$	11.00
17	Assorted Wire		
	V SIMITSIS METAL	\$	11.00
18	Water Tank approx 4000L		No tender received
19	Water Tank approx 7000L		
	ROBERT WALKER	\$	140.00
20	Steel and Wood Shelf Frame		No tender received
21	Assorted New Steel Sheeting		No tender received
22	Metal Cage off Small Truck		
	V SIMITSIS METAL	\$	55.00
	ROBERT WALKER	\$	40.00
23	Ripper Tyne		
	JOSHUA MARTIN	\$	150.00
	V SIMITSIS METAL	\$	5.50
24	Whipper Snipper		
	JOSHUA MARTIN	\$	50.00
25	Drawn Hand Roller		No tender received
26	Whipper Snippers, Poor to Fair Condition		
	GEFF STONE	\$	51.00
27	Chain Saws, Poor to Fair Condition		
	GEFF STONE	\$	75.00
	BALLARD SEEDS	\$	50.00
28	Lawn Mowers, Fair Condition		
	ROBERT WALKER	\$	150.00
	JOSHUA MARTIN	\$	100.00
	GEFF STONE	\$	20.00
29	Pumps and Motors, Dismantled, Suitable Parts only		
	ROBERT WALKER	\$	30.00

Officer Recommendation

Council accept the highest tender received for each of the following items.

TENDER 2/2010

ITEM

NUMBER	NAME	AMOUNT
2	ROBERT WALKER	\$ 3,300.00
3	EDWARD GRUZDOWSKI	\$ 7,500.00
4	GREG RAMSAY	\$ 110.00
5	V SIMITSIS METAL	\$ 22.00
6	V SIMITSIS METAL	\$ 22.00
7	CAROL McDOUGALL	\$ 21.50
8	TIM STONE	\$ 101.00
9	V SIMITSIS METAL	\$ 5.50
10	ROBERT WALKER	\$ 58.00
14	BALLARD SEEDS	\$ 100.00
15	V SIMITSIS METAL	\$ 11.00
16	ROBERT WALKER	\$ 20.00
17	V SIMITSIS METAL	\$ 11.00
19	ROBERT WALKER	\$ 140.00
22	V SIMITSIS METAL	\$ 55.00
23	JOSHUA MARTIN	\$ 150.00
24	JOSHUA MARTIN	\$ 50.00
26	GEFF STONE	\$ 51.00
27	GEFF STONE	\$ 75.00
28	ROBERT WALKER	\$ 150.00
29	ROBERT WALKER	\$ 30.00

COUNCIL'S ACTION

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

Carried 5/0

Cr Wittwer and Cr McDougall returned to the Chambers at 4:06.

8.2.5 WORKS MANAGERS REPORT

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

WORKS MANAGERS REPORT

SUMMER GRADING

Maintenance grading is proceeding throughout the shire especially where the roads have higher traffic volumes.

DRYANDRA EQUESTRAIN PARK

There have been ongoing discussions onsite in regards to the facilities and location of the covered arena.

ROAD WORKS

Works have started on both the Wandering-Narrogin Road and Popanyinning West Road with most of the culvert work and cleaning of the areas prior to gravel widening being undertaken.

PLANT AND EQUIPMENT

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

Surplus plant items and other items have been put to tender.

Tenders have been received from various truck dealers for the replacement of the trucks.

The attached schedule is submitted for Council's consideration.

STAFF

Outside staff is working well with main emphasis on major construction projects on the budget 2010/ 2011.

PRIVATE WORKS

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

Private works invoices for the three months ended 30th September 2010 total \$5663.08.

WORKS SCHEDULE

Attached is a schedule of works timetable which gives an indication when programmed works will be carried out. The schedule is a living document that may change throughout the year if circumstances determine changes are necessary

**8.2.6 TENDERS FOR SUPPLY OF TWO TANDEM TIPPING SIDE
LOADER TRUCKS**

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Alex Richardson, Works Manager
Enabling Legislation:	Local Government Act 1995
Council Policy:	Nil
Budget Implications:	Budget does not provide sufficient funding
File Reference:	Tenders 12
Voting Requirements:	Absolute majority

BACKGROUND

Council provided on the 2010/2011 budget provision to replace two tandem axle trucks.

Provision on the budget estimated the trucks would cost \$165,000 each with the trades attracting bids of \$57,000.

Tenders have been call and the attached spreadsheets assessed and provided by Mr Alex Richardson Works Manager show the trucks are above the amount provided for in the budget.

OFFICERS RECOMMENDATION

Council accept the offer from Truck Centre to Supply two UD Nissan GW 400 trucks with tipping bodies as tendered at \$211,510 each including GST and trading the two Isuzu tipping trucks at \$66,000 each including GST. The Nett price to the Shire of Cuballing for both vehicles will \$303020.

OR

Council accept the offer from Truck Centre WA to Supply one UD Nissan GW 400 truck with tipping body at \$211,510 and trade the Nissan CN.047 at a trade price of \$66,000 including GST. The Nett Changeover price will be \$151,500

Council make provision on the 2011/2012 budget to replace CN.026 with a new side tipping truck.

COUNCIL ACTION

Council not accept any of the tenders submitted.

The Western Australian Local Government Association (WALGA) to be approached, under the Preferred Supplier Agreement, to negotiate the supply of two trucks and trade CN.026 and CN.047.

Acceptance or refusal of the offer under the Preferred Supplier Agreement to be delegated to Cr Tom Wittwer and the Chief Executive Officer Mrs Eva Haydon.

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
 Health Act 1911
 Building Code of Australia, Building Regulations 1989
 Builders Registration Act 1939
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 six (6) applications approved and license issued for the month of September 2010. Listed below is a summarized breakdown of the applications and proposed structure:

Approval License No.	Name of Owner	Builder (RB) or Owner Builder (OB)	Structure	Location of Building
9/10-11	S & P Sexton	OB	Swimming Pool	49 Pauley Road, Cuballing
10/10-11	John Street	OB	Shed	101 Reed Road, Popanyinning
11/10-11	Lance Smith	OB	Colourbond Shed	39 Beeston St, Cuballing
12/10/11	Edward Gruzdowski	OB	Sea Container for Storage	39 Cuballing Street, Cuballing
13/10-11	D&S Bradford	OB	Swimming Pool and Retainer wall	Lot 1563 Yornaning Rd, Cuballing
14/10-11	Wayne Bird	OB	Shed	40 Forrest St, Cuballing

On site Effluent Disposal System

Permit to Use:

- **Wayne Bird – 40 Forrest Street, Popanyinning**

COUNCIL ACTION

Moved Cr Haslam, seconded Cr McDougall that the Environmental Health/Building Surveyor report be read.

8.4 TOWN PLANNING REPORT

8.4.1 SEA CONTAINER POLICY

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Allan Middleton
Enabling Legislation:	Shire of Cuballing - Town Planning Scheme
Council Policy:	New Policy
Budget Implications:	Not applicable
File Reference:	Com.org.4
Voting Requirements:	Simple majority

Background

Council at its meeting held on 16th September requested staff to research and recommend to Council a policy to regulate the use of sea containers to ensure they do not detract from the amenity of the area.

To this end staff have examined policies from a number of local governments and have determined the following policy would best suit the needs of the Shire of Cuballing. The document is largely based on that adopted by the Shire of York.

SHIRE OF CUBALLING – SEA CONTAINER POLICY

Purpose

The purpose of this Policy is to outline Council's development standards in regards to the location and use of sea containers within the Shire. The Policy does not address the placement of transportable dwellings, relocated dwellings, railway carriages, or transportable offices, or the type of building commonly referred to as "Dongas".

Interpretation

For the purpose of this Policy, a sea container is a metal transportable structure designed for the storage and transport of goods from one location to another by road and sea, but can be used generally in 3 different ways:

- a) Road and Sea Transport: Used by transport and shipping companies to transport and store goods or are temporarily used for storage on private or public property.
- b) Temporary storage of materials on a building site.
- c) Conversion to a building for personal or commercial storage on a property.

A sea container is not deemed to be an outbuilding or minor structure exempted from Planning Approval under the Shire of Cuballing Town Planning Scheme No. 2. All other terms within this Policy shall have the same meaning given under the provisions of the Shire of Cuballing Town Planning Scheme No. 2.

Application

An application is required for Council's Planning Consent prior to siting a sea container on a property (unless it is being used for temporary storage on a building site), and the following details shall be submitted:

- a) A completed Application for Planning Consent and payment of the minimum fee.
- b) A neatly drawn and scaled site plan showing the proposed location of the sea container and detailing setbacks to boundaries. The site plan shall also include other buildings, access ways, watercourses and vegetation on the property.
- c) The proposed size and use of the sea container and if approval is being sought for a temporary period (state time period) or on a permanent basis.
- d) Evidence by way of photos to show that the sea container will be adequately screened from view and shall not be easily seen from nearby roads, other public places, or adjoining properties.
- e) If a sea container can be easily seen from nearby roads, other public places, or adjoining properties, then details of any upgrading and/or colour to be painted shall be provided. The applicant attention is drawn to clause (g) under the heading Assessments and Proposals.
- f) Letters of comment from adjoining neighbors are to accompany the application to place a sea container on a property.

Assessment of Proposals

- a) Road and Sea Transport.

Council may approve the temporary storage of sea containers in all zones (not permitted in a designated heritage precinct or on properties listed on the Municipal Inventory, Category 1 and 2) subject to sea containers not being located within the front boundary setback area or in areas designated for car parking, landscaping, effluent control or storm water control. How many sea containers permitted will be assessed on application.

The floor area of the container shall be calculated as a contribution to the total floor area of structures in accordance with Town Planning Scheme No. 2.

Sea containers must be stored in neat rows (not stacked) and shall be screened by landscaping, fencing or other means acceptable to Council, to ensure that storage areas are not exposed to view from nearby roads or other public places.

- b) Temporary storage of materials on a building site.

In all zones, a sea container may be placed on a property to store building materials while construction of a house or commercial building is being carried out on the property, without requiring town planning approval or a building licence. A sea container must not be placed on the property prior to the issue of a building licence for the construction and must be removed immediately upon completion of construction or expiry of the building licence. (A letter stating intentions will suffice.)

- c) Conversion to a building for personal or commercial storage on a property.

An application to permanently place a sea container on a property shall not be supported unless the following is met:

- a) The property is zoned either:
 - i) Rural Townsite, Rural Residential or General Agriculture; and
 - ii) Is not abutting a Heritage Precinct or Place of Cultural Significance under Section 7 of Town Planning Scheme No. 2.

Advice Note: Approval may be issued for those properties appropriately zoned within the townsite boundary; however these will be assessed on the merits of each application.

- b) The sea container is not being used for habitable purposes.
- c) The sea container must be screened from view and shall not be easily seen from nearby roads, other public places, or adjoining properties;

and/or

- d) If the sea container will be easily seen from nearby roads, other public places, or adjoining properties, then the exterior of the sea container shall be in a state of good repair or shall be upgraded (i.e. painted to blend in with the surrounding development or landscape) within three (3) months of being placed on site.
- e) The sea container is not located within the front setback and is setback a minimum of three (3) metres from any side or rear boundary.
- f) A maximum of one (1) sea container per property shall be permitted.
- g) The Shire of Cuballing, at its discretion, may require the container to be fitted with a minimum 12 degree pitched roof should Council believe the container does not meet the amenity of the area.
- h) The sea container must be easily opened from the inside for the safety of those inside the container.

The Shire of Cuballing reserves the right to refuse any application for a sea container on a property where it is compromising the amenity of an area or impacts on public safety.

Approval Conditions

Conditions of approval shall be applicable as deemed necessary by the Chief Executive Officer. Without limiting the generality of the foregoing, approvals are to contain the following conditions:

- a) The development hereby approved shall occur in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of Council.
- b) The exterior of the sea container shall be upgraded to blend with the surrounding development or landscape in terms of color and finish within three (3) months of being placed on site to the satisfaction of Council's Chief Executive Officer.
- c) The sea container is permitted to be used for (insert use) only and shall not be used for habitable purposes.
- d) This approval shall expire (insert date or insert "if the development hereby permitted is not completed within 3 months"). The sea container shall be removed from the subject site at the expiry of the approval or after the expiry of any extension of that time which, upon written application (made at least 21 days after the expiry of the approval) to Council, is granted by it in writing.

Advice to Applicant

A Building Licence is required prior to the placement of the sea container on site and shall include certification from a professional engineer as to the method of providing structural tie down, if it is to be used for or be for conversion to a building for personal or commercial storage on a property.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

Council, in accordance with clause 2.4 of the Shire of Cuballing's Town Planning Scheme No. 2, adopt (subject to public comment and consideration) the policy titled SHIRE OF CUBALLING SEA CONTAINER POLICY setting out the use and conditions of sea containers and proceeds to advertise the policy in accordance with the requirements contained in the scheme's provisions.

COUNCIL'S ACTION

The paragraph headed Advice to Applicant and reading:

A Building Licence is required prior to the placement of the sea container on site and shall include certification from a professional engineer as to the method of providing structural tie down, if it is to be used for or be for conversion to a building for personal or commercial storage on a property.

Is to be deleted.

Council, in accordance with clause 2.4 of the Shire of Cuballing's Town Planning Scheme No. 2, adopt (subject to public comment and consideration) the policy titled SHIRE OF CUBALLING SEA CONTAINER POLICY (as amended) setting out the use and conditions of sea containers and proceeds to advertise the policy in accordance with the requirements contained in the scheme's provisions.

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

CARRIED 7/0