



SHIRE OF CUBALLING

**ORDINARY COUNCIL MEETING
HELD ON THURSDAY 17 APRIL 2003**

MINUTES

CHIEF DEPUTY

DATE

SHIRE OF CUBALLING

COUNCIL MEETING THURSDAY 17 APRIL 2003

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ORDINARY COUNCIL MEETING MINUTES

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE SHIRE
OF CUBALLING HELD IN THE COUNCIL CHAMBERS, CAMPBELL
STREET, CUBALLING ON THURSDAY
17 APRIL 2003**

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

President welcomed Councillors, declared meeting open 2.00 pm.

2. RECORD OF ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

ATTENDANCE

President I L Watts
Cr C R Hawksley
Cr R J Newman
Chief Executive Officer P T Naylor

Deputy President D S Bradford
Cr C J Browne
Cr T H Wittwer

APOLOGIES

Nil

LEAVE OF ABSENCE

Cr J D Brown

3. PUBLIC QUESTION TIME

Nil

4. APPLICATION FOR LEAVE OF ABSENCE

Nil

5. MINUTES

5.1 CONFIRMATION OF 20 MARCH 2003 MEETING OF COUNCIL

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the minutes (as circulated) of the ordinary meeting of the Shire of Cuballing held in the Council Chambers on 20 March 2003 be confirmed.

COUNCIL ACTION

Moved Cr Bradford, seconded Cr Wittwer that the Chief Executive Officers Recommendation be adopted.

CARRIED 6/0

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5.2 NARROGIN & DISTRICTS TOURIST BUREAU INC

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the minutes of the meetings of the Narrogin & Districts Tourist Bureau Inc held on Wednesday 19 February 2003 and Wednesday 19 March 2003, be received and information noted.

5.3 CENTRAL SOUTH TOURISM ASSOCIATION (INC)

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the minutes of the meeting of the Central South Tourism Association (Inc) held on Tuesday 25 February 2003, be received and information noted

5.4 NARROGIN DISTRICT CONSULTATIVE GROUP/ZONE CONTROL AUTHORITY

Comment

It is noted that Councils Delegate to the Zone Control Authority, Cr Newman, was absent from the meeting but may be able to provide background information on some of the issues if required.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the minutes of the meeting of the Narrogin District Consultative Group/Zone Control Authority held on Tuesday 4 March 2003, be received and information noted.

5.5 UPPER GREAT SOUTHERN DISTRICT OPERATIONS ADVISORY COMMITTEE

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the minutes of the meeting of the Upper Great Southern District Operations Advisory Committee held on Tuesday 18 March 2003, be received and information noted.

5.6 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION STATE COUNCIL

Comment

Cr I Watts, the Central Country Zone Delegate to the State Council, was in attendance at the meeting and may be able to provide further information to Council on a specific issue if required.

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CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Summary Minutes of the meeting of the Western Australian Local Government Association State Council held on Wednesday 2 April 2003, be received and information noted.

COUNCIL ACTION

Moved Cr Bradford, seconded Cr Newman that the Chief Executive Officers Recommendations for items 5.2, 5.3, 5.4, 5.5 and 5.6 be adopted.

CARRIED 6/0

5.7 SHIRE OF CUBALLING BUSH FIRE ADVISORY COMMITTEE

Comment

Item 4.2 in relation to the restructuring of the existing Bush Fire Brigade Structure will be of particular interest to Council. The proposal is to disband the current eight Bush Fire Brigades and form one Brigade to be known as the Shire of Cuballing Bush Fire Brigade. Two Fire Control Officers will then be appointed to coordinate the activities in each of six Bush Fire Brigade Sectors to be named Cuballing East, Cuballing Town, Cuballing West, Popanyinning East, Popanyinning Town and Popanyinning West. The Bush Fires Service has been contacted and they are checking into the legality of the proposal and what financial implications it may have on funding associated with the FESA Levy. However, Council could endorse the proposal but should there be some negative impact the matter will be revisited.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the minutes of the meeting of the Shire of Cuballing Bush Fire Advisory Committee held on Tuesday 8 April 2003, be received and the recommendation (item 4.2) and appointment of Officer Bearers for the 2003/04 year be endorsed.

COUNCIL ACTION

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

CARRIED 6/0

6. PETITIONS, DEPUTATIONS, PRESENTATIONS

Nil

2.20 pm Mr Darryle Baxter, Councils Building Surveyor, entered the Council Chamber.

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7.3.2 CLASSIFICATIONS OF LARGE FARM BUILDINGS

File Reference: 1.2 Classifications of Large Farm Buildings.

Applicant:

General information

Location:

The whole of the Shire

File Reference:

Disclosure of Interest:

Nil

Date:

7-4-2003

Author:

Darryle Baxter

CEO's Signature

Summary:

A Notice was received from the Department of Local Government and Regional Developments concerning the classification that are given to Farm Buildings.

The Classification of 10a has now been revised by the Department of Local Government and now Farm Structures will probable be rated as either Class 7b for hay and machinery shed and Class 8 for Workshops, Shearing Sheds and Feeding Shed (Piggery and Poultry Shed).

If these structures a used for Primary Production (on the Farm) and not a Commercial Production Line (International Hay Exporter or the like), they can be built with out a Registered Builder but if they are for Commercial Use as described above then they will come under the Control of the Builder Registration Board and a registered builder will be required to build these structures.

If they are built on the farm for farm use the requirements will be substantially reduced because of the nature of their use and the regularity of their use but if constructed for commercial use then the rules will be as for their use and they will have to comply with the provisions of the Building Code of Australia and other legislation that the State Government has put into place for the safety and well being of the community.

Question have been raised and these are as follows-

1. Explanation of the shed classifications.
2. Class 10a is for house sheds, patio, verandahs and the like,
3. Class 7b is for Storage Sheds of goods or produce for sale by wholesale.
4. Class 8 is a laboratory, or a building for the production, assembling, altering, repairing; packing, finishing or cleaning of goods or produce is carried on for trade sale or gain.
5. What other options exist for fire safety that would still comply with the performance guidelines.
6. The performance options suggested are the absolute minimum that one could use and be able to offer safety for the people who are using these structures. (The BCA is designed to protect people and not the structures that they are working in. Safe and equitable access are the aims of the BCA, after people are evacuated then the safety and security of the Fire Fighter is next on the agenda)
7. What has been the reaction of other Local Governments?
8. This has been in place for many years in Coastal Strip Shires like The Shire of Harvey, the Shire of Dardanup, the Shire of Capel and The Shire of Manjimup.

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The service that the Town of Narrogin has provided for the respective shires has been working on the understanding that all farm shed were class 10a based on a Court ruling in the State of Queensland. The Department of Local Government however has handed down this ruling now and as an employee of Local Government the Building Surveyor is duty bound to work within the guidelines as set out in the Local Government Act.

Note: The Building Surveyor will be in attendance at the Council meeting to address this matter.

Mr Baxter addressed Council on this matter in relation to the powers that the new classifications provide to Local Government to control the development of buildings on rural properties. Council can adopt a policy to exempt certain rural buildings from the classifications or consider a performance base solution to control such development.

3.10 pm Mr Baxter departed the Council Chamber.

COUNCIL ACTION

Moved Cr Newman, seconded Cr Bradford that Council:

- **Investigate what policies and/or actions other rural Councils have taken in respect to formulating a position on the development of buildings on rural properties;**
- **Investigate with the Department of Local Government and Regional Development what exemptions may be obtained in relation to the various classifications; and**
- **Enquiries be made with Councils insurers in relation to Councils insurance liabilities to fully comply with the new classifications.**

CARRIED 6/0

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7. REPORTS OF OFFICERS

7.1 REPORTS – FINANCE AND ADMINISTRATION

7.1.1 LIST OF ACCOUNTS SUBMITTED FOR COUNCIL APPROVAL AND PAYMENT – APRIL 2003

V	NAME	PARTICULARS	MUNI	TRUST
WP458	TIMBARRA TRADING TRUST	Oil Mallees		1925.00
8637	IAN WATTS	WALGA Meeting Fees & Travel Allowance	214.00	
8638	ATO	BAS Statement Feb 2003	6513.00	
T1770	MARK GRAHAM	Earthworks – BWMP		2464.00
T1771	DON ALEXANDER	Upper Hotham L/Scape Resilience Project		600.00
T1772	D H DRAGE	Oil Mallees – UHL/SRP		1000.00
T1773	ANDA-LEA TREE NURSERY	Chq Cancelled – refer to chq T1781		
8639	SALARIES & WAGES	Wages 120303 – 250303	21194.29	
8640	WA LOCAL GOVT ASSOCIATION	Chq Cancelled – refer to chq T1774		
T1774	WA LOCAL GOVT ASSOCIATION	March 2003 Contributions		4370.16
T1775	AUSTRALIAN SERVICES UNION	March 2003 Deductions		30.20
8686	PETTY CASH	Petty Cash Recoup	376.60	
T1776	DEPT OF TRANSPORT (CUBY)	R Freeman – Local Authority Plates		110.00
T1777	GROUNDLINK PLAN CONSULT.	Farm Forestry Course		4983.00
8687	CENTRAL SOUTH EISTEDDFORD	Donation to Eisteddford	100.00	
T1778	PETER DREW	Reimburse Bond – Cuby Hall Pd 280303		100.00
T1779	NATURAL HERITAGE TRUST	Balance For Unexpended Funds		8928.05
T1780	GROUNDLINK PLAN CONSULT.	Farm Forestry Course		808.50
8688	LOVEGROVE TURF SERVICES	Roll-on Lawn – Shire House	644.80	
8689	NGN RETRAVISION	Fridge – Popo Hall	1349.00	
T1781	ANDA-LEA TREE NURSERY	Deposit – UHL/SRP		2907.63
T1782	LINDSAY SIMS	UHL/SRP		1310.40
8690	FORPARK AUSTRALIA	Playground Equipment	6517.50	
8691	SALARIES & WAGES	Wages 260303 – 080403	23049.41	
8692	HAINES NORTON	Financial Reporting Manual & Disk	352.00	
8693	ATO	BAS Statement March 2003	843.00	
8696	ACCIDENTAL FIRST AID SUPPLIES	2 x First Aid Kits – Office & Depot	479.60	
8697	ANTHONY MORT GARDENING	Landscaping Shire House	305.00	
8698	AUSCO BUILDING SYSTEMS	Depot Amenities Room	31827.40	
8699	AUSTRALIAN COMMUNICATIONS	Land Mobile System	648.20	
8700	BURGESS RAWSON	Water Charges	42.24	
8701	COLES	Council Shopping	71.96	
8702	COURIER AUSTRALIA	Freight	101.05	
8703	CUBALLING TAVERN	Centenary Celebrations & Council Lunch	963.85	
8704	CUBY ROADHOUSE	Refreshments	27.60	
8705	DOLA	Valuations	178.50	
8706	DEWS MINI EXCAVATIONS	Excavate For Sewer Pipes	143.00	
8707	DRYANDRA ELECTRICAL	Electrical Work For Depot Lunchroom	969.10	
8708	EDWARDS MOTORS	Parts & Repairs	121.00	
8709	FRANK WESTON & CO	Parts & Materials	22.05	
8710	GRT STHRN COMMUNICATIONS	2way Maintenance	221.20	
8711	GRT STHRN DINGO SERVICES	Trenching For Depot Lunchroom	121.00	
8712	GRT STHRN DISTRICT DISPLAY	Donation – Display at Perth Royal Show	200.00	
8713	GRT STHRN FUEL SUPPLIES	Fuels	7779.59	
8714	INGERSLEY ELECTRICAL	Cuby Hall Lighting Maintenance	26.27	
8715	INGREY MITSUBISHI	CN1 Service	147.25	
8716	JASOL AUSTRALIA	Halls Maintenance – Toilet Paper & Towels	174.48	
8717	JR & A HERSEY	Protective Clothing	181.20	
8718	KULKER PLUMBING SERVICE	Plumbing Work For Depot Lunchroom	1493.09	
8719	LANDVISION	Planning Consultancy Services	1856.25	

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8720	MAKIT NGN HARDWARE	Depot – Materials	266.50	
8721	MALCOLM THOMPSON PUMPS	Rec Centre Maintenance – Capacitor	28.28	
8722	MANSELL P/L	Rate Comparison Report	110.00	
8723	MCDUGALL WELDMENTS	Depot – Materials	125.97	
8724	MCLEODS BARRISTERS	Darden, J.C. – Health Act Prosecution	685.30	
8725	MEDIA BYTE	Office Equipment Maintenance	133.00	
8726	NGN BEARING SERVICE	Parts	60.98	
8727	NGN HIRE SERVICE	Centenary Celebrations & Parts – Hire	1666.85	
8728	NGN OBSERVER	Advertisements – Bush Fires Act & Tender	239.36	
8729	NGN PACKAGING	Centenary Celebrations – Equipment Hire	605.51	
8730	P & F KULKER BUILDING	Shire House Works	7499.36	
8731	PARRYS P/L	Protective Clothing	104.95	
8732	PIONEER CONSTRUCTION	Supply Materials – Blue Metal	5845.74	
8733	PIONEER ROAD SERVICES	Road Maintenance – Bitumen Emulsion	12673.24	
8734	ROCLA PIPELINE PRODUCTS	Pipes	147.36	
8735	SHIRE OF NGN	Materials	5368.00	
8736	SHIRE OF PINGELLY	Centenary Celebrations – Bus Hire	58.52	
8737	SHIRE OF WANDERING	CLC Expenses March 03	684.64	
8738	SOS BUNBURY	Photocopier Charges & Maintenance	141.65	
8739	SUNNY SIGN COMPANY	Road Maintenance – Sign	632.50	
8740	TELSTRA	Phone A/C	38.75	
8741	THE PAPER COMPANY	Paper	352.73	
8742	TOWN OF NGN	Building Inspection Fees Feb & March 03	3028.33	
8743	WATER CORPORATION	Water A/C	1003.70	
8744	WESFARMERS LANDMARK	Materials	775.41	
8745	WESTERN POWER	Power A/C	454.45	
8746	WESTRAC EQUIPMENT	Parts	311.43	
T1783	BUILDERS REGISTRATION BOARD	Building Dispute Levy Feb 2003		147.00
T1784	BUILDERS REGISTRATION BOARD	Building Dispute Levy March 2003		24.50
T1785	BUILD & CONSTRUCT I.T. FUND	BCITF Levy Feb 2003		154.23
T1786	BUILD & CONSTRUCT I.T. FUND	BCITF Levy March 2003		183.00
	ELECT TSFRS			
160403	ENVIRO MONITORING SYST.	Environmental Health Service Feb 03	2037.97	
	CREDIT CARD TRANSACTIONS			
270203	NEWSREEL NEWSAGENCY	Centenary Celebrations	15.90	
010303	COLES	Centenary Celebrations	44.71	
040303	MELVILLE NURSERIES	Shire House	159.30	
060303	COLES	Centenary Celebrations	34.14	
		TOTALS \$	154589.01	30045.67

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That payment of Accounts Vouchers WP458, T1770 – T1786, 8637 - 8640, 8686 – 8693, 8696 – 8746, Electric Transfer/s 160403 and Credit Card Transaction/s 270203, 010303, 040303 & 060303 totalling \$184,634.68, as presented, be endorsed.

Creditors invoices processed and outstanding as at 17 April 2003 and not included in the cheque list presented to the Council meeting on 17 April 2003 total \$23,273.28.

COUNCIL ACTION

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

CARRIED 6/0

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7.1.2 SHIRE OF CUBALLING FINANCIAL REPORTS AS AT 31 MARCH 2003

		Annual Budget 2002/03 \$	Actual YTD 2002/03 \$
OPERATING ACTIVITIES	Sch		
Income			
General Purpose Funding	3	7,070	498,056
Governance	4	-600	3,283
Law, Order & Public Safety	5	1,150	1,858
Health	7	950	905
Education and Welfare	8	0	0
Housing	9	49,500	35,771
Community Amenities	10	8,400	13,279
Recreation and Culture	11	2,080	4,081
Transport	12	21,020	11,487
Economic Services	13	8,130	21,501
Other Property and Services	14	82,000	37,988
Total Operating Income		179,700	628,209
Expenditure			
General Purpose Funding	3	-18,850	-11,235
Governance	4	-180,860	-142,969
Law, Order & Public Safety	5	-24,790	-20,897
Health	7	-11,600	-11,640
Education and Welfare	8	-1,750	-80
Housing	9	-37,230	-13,924
Community Amenities	10	-127,190	-36,614
Recreation and Culture	11	-93,900	-61,048
Transport	12	-712,010	-497,069
Economic Services	13	-84,270	-29,725
Other Property and Services	14	-80,970	-279,039
Total Operating Expenditure		-1,373,420	-1,104,240
ADJUSTMENTS FOR CASH REPORTING REQUIREMENTS:			
Depreciation (Assets Register)		521,320	411,937
Profit/Loss on Sale of Assets		-62,940	-42,386
Capital Expenditure & Income			
Proceeds on Sale of Assets		206,000	157,030
Capital Grants and Subsidies		835,180	576,704
Land and Buildings		-245,630	-178,219
Infrastructure Assets - Roads		-544,480	-246,733
Plant and Equipment		-298,000	-127,693
Furniture and Equipment		-12,800	-9,985
Proceeds from New Loans		0	0
Loan Repayments		-26,320	-19,579
Transfer to Reserves		-183,000	-12,146
Reserves (Cash Backed)		182,800	0
Opening Funds		325,000	332,058
Less Closing Funds		-3,000	-365,031
CLOSING POSITION		-499,590	-74

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BANK RECONCILIATION

	Municipal Fund	Trust Fund	Reserve Accts
Opening balance	\$412,705.28	\$107,507.95	\$447,115.40
Income	\$116,537.06	\$43,567.62	\$0.00
	\$529,242.34	\$151,075.57	\$447,115.40
Expenditure	-\$129,356.54	-\$51,749.41	-\$0.00
Closing balance	\$399,885.80	\$99,326.16	\$447,115.40
Bank account	\$207,521.84	\$104,229.67	\$1,633.76
Investments	\$203,606.90	\$3,888.59	\$445,481.64
	\$411,128.74	\$108,118.26	\$447,115.40
Plus O/S deposits	\$865.97	\$578.60	\$0.00
	\$411,994.71	\$108,696.86	\$447,115.40
Less O/S cheques	-\$11,036.00	-\$9,205.31	-\$0.00
	\$400,958.71	\$99,491.55	\$447,115.40
Less O/S licensing	-\$631.10	-\$0.00	-\$0.00
	\$400,327.61	\$99,491.55	\$447,115.40
Adjustments	-\$441.81	-\$165.39	\$0.00
Closing balance	\$399,885.80	\$99,326.16	\$447,115.40
Ledger No.	1.5.901	5.21.961	1.5.903

SHIRE OF CUBALLING INVESTMENTS

Account	Maturity	Interest	Fund/Account		
			Municipal	Trust	Reserve
Number	Date	Rate			
652250052472	21 April 2003	4.35%		\$3,888.59	\$445,481.64
652250052579	4 April 2003	4.10%	\$203,606.90		
			\$203,606.90	\$3,888.59	\$445,481.64

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ROADWORKS REPORT

MAINTENANCE			
Details	Job No	Budget \$	Actual YTD \$
Parks and Reserves	1100.9	53,450	31,884
Road Maintenance General	1201.31	51,350	224,691
Tree Lopping/Mulching	1201.34	51,350	24,626
Town Maintenance - Cuballing	1201.35	51,350	7,876
Town Maintenance - Popanyinning	1201.36	51,350	1,520
Bitumen Patching	1201.37	51,350	10,105
Bridges & Culverts - General	1201.38	3,615	131
Bridges & Culverts - Cuballing	1201.39	3,615	0
Bridges & Culverts - Popanyinning	1201.40	3,620	0
Grading Maintenance - Winter	1201.41	79,096	50,797
Grading Maintenance - Shoulder	1201.42	79,046	230
Grading Maintenance - Summer	1201.43	79,048	42,659
Weed Control – Declared Plants	1300.1	15,970	4,665
Weed Control - Roadside	1300.3	15,970	2,586
Total Maintenance		590,180	401,770
CONSTRUCTION			
Cuballing East (RRG) – completed	1200.30	74,710	67,070
Pop West/Dowling (BS) – completed	1200.40	23,400	23,722
Bunmullg/Pop East (BS) – completed	1200.41	0	15,638
Popanyinning East (DG) – completed	1200.50	59,970	63,145
Congellin (R2R) – in progress	1200.60	59,950	16,945
Alton Street (R2R) – not commenced	1200.61	39,980	134
Nebrikinning (R2R) – completed	1200.63	0	1,905
Bunmulling (Own) – not commenced	1200.70	55,420	864
Yornaning West (Own) – completed	1200.71	49,950	56,876
Brundell Street (Own) – not commence	1200.72	52,550	0
Morrell Street (Own) – not commence	1200.73	52,550	0
Total Construction		468,480	246,299
GRAND TOTAL		1,058,660	648,069

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RATING INFORMATION

	Budget 2002/03	Actual 2002/03
UV Rates Levied	\$391,770	\$396,308
GRV Rates Levied	\$41,370	\$41,834
UV Minimum Rates Levied	\$0	\$0
GRV Minimum Rates Levied	\$66,450	\$66,450
Interim Rates UV	\$0	\$381
Interim Rates GRV	\$0	\$518
	\$499,590	\$505,491
Rates o/s from previous years (1 July)	\$8,960	\$8,957
Rates Written Off	\$0	\$0
Discount Allowed	-\$35,000	-\$35,885
Net Rates Receivable	\$473,550	\$478,563
Less Rates Paid		-\$464,891
RATES OUTSTANDING		\$13,672
UV Rates as a % of total rates		79%
GRV Rates as a % of total rates		21%
Payment Discount as a % of total rates		7%
Rates Paid as a % of net rates receivable		97%
Rates Outstanding as a % of net rates		3%

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Financial Reports for the period ended 31 March 2003 be adopted by Council.

COUNCIL ACTION

Moved Cr Bradford, seconded Cr Wittwer that the Chief Executive Officers Recommendation be adopted.

CARRIED 6/0

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7.1.3 CUBALLING ART AND ROSE COMPETITION

Background

Letter received from Mr Graham Cardell and Mr Peter Denton, organisers of the Cuballing Art and Rose Competition, requesting Council to continue with their support for the event in 2004 and consideration to be given for Council to acquire a winning piece of art to be displayed in the Shire Offices.

Comment

Council provided support for the competition in the form of advertising and photocopying of relevant information distributed prior to and at the event. This support was not in a monetary form and there is no reason as to why it could not be continued next year. The request for Council to purchase an art prize is reasonable and would also provide Council with some "colour" in the Administration Offices, the Town of Northam provided similar support for the Avon Valley Arts Festival for a number of years. The winning art prize this year was for sale for \$295.00 and perhaps Council could give consideration to including this item on the 2003/04 Budget.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Shire of Cuballing continues to provide support in a similar way as in 2003 for the 2004 Cuballing Art and Rose Competition, and gives consideration during budget deliberations for 2003/04 to purchase the winning art prize, up to the value of \$350.00, as further support to the Competition.

COUNCIL ACTION

Moved Cr Newman, seconded Cr Wittwer that the Chief Executive Officers Recommendation be adopted.

CARRIED 6/0

7.1.4 POPANYINNING PROGRESS ASSOCIATION – 2003/004 BUDGET REQUESTS

Background

Letter received from the Popanyinning Progress Association requesting Council consideration to including the development of several items for Popanyinning in the 2003/04 Budget.

Comment

The items being requested for consideration include:

- Upgrade the footpath along the main street (Francis Street);
- Erection of a rear fence for McGarrigal Park Playground;

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- Erection of a shelter, cricket practise wicket and basketball hoop in McGarrigal Park Playground;
- Completion of a walkway around the town and installation of picnic tables enroute; and
- Installation of an electric barbecue in the parking/picnic area adjacent to the General Store.

Upgrading of the footpath and erection of a shelter, practise wicket and basketball hoop are already being planned for Council consideration, however all items are not unreasonable and can at least be included in Budget deliberations.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The suggestions put forward by the Popanyinning Progress Association be costed and presented to Council for consideration during Budget deliberations for the 2003/04 Financial Year.

COUNCIL ACTION

Moved Cr Browne, seconded Cr Bradford that the Chief Executive Officers Recommendation be adopted.

CARRIED 6/0

7.1.5 PRINCIPAL ACTIVITIES PLAN 2003 - 2007

Background

In accordance with the provisions of the Local Government 1995 Council has to in each financial year prepare a plan of its Principal Activities for the next four financial years. The Plan is a summary of proposed major works to be undertaken during the time as well as major services provided, and also demonstrates the sources of funds for these works and services.

Comment

Once prepared, the Plan is required to be advertised locally and be available for public inspection for 42 days from the advertisement. Submissions are to be invited and any submissions received are to be considered. The Plan is then to be accepted by Council with or without modification.

To ensure this process is finalised prior to the Budget process, it is appropriate that consideration of the Principal Activities Plan commences.

A draft Plan has been prepared and a copy provided to each Councillor for consideration.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Draft Principal Activities Plan for the four years 2003 to 2007 as presented be advertised locally for 42 days and submissions be invited in accordance with the provisions of the Local Government Act 1995.

COUNCIL ACTION

Moved Cr Browne, seconded Cr Newman that the Chief Executive Officers Recommendation be adopted.

CARRIED 6/0

7.1.6 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – PUBLIC LIABILITY LAW REFORMS

Background

Correspondence from the WA Local Government Association (WALGA) advising that the State Government has just introduced into Parliament the Civil Liability Amendment Bill 2003, which would bring in a second stage of liability and negligence reforms to add to those in the Civil Liability Act enacted last year.

Comment

The main focus of the proposed legislation is to place greater responsibilities on individuals for their own actions, and to provide a more specific direction to courts on the determination of public liability claims. The good news for local government is that the proposed legislation is set to provide protection from policy decisions made in good faith by public authorities being used against them in negligence actions.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The correspondence from the Western Australian Local Government Association be received and information noted.

COUNCIL ACTION

Resolved that the Chief Executive Officers Recommendation be adopted.

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7.1.7 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – RURAL SUMMIT

Background

Correspondence received from the WA Local Government Association (WALGA) with a copy of the Workshop Outcomes Executive Summary from the Rural Summit held in Pinjarra on 14 February 2003.

Comment

Since the Rural Summit there have been a number of concerns expressed from local government practitioners on where the Summit was held and the lack of accountability by the State Government representatives.

A special joint meeting of the Local Government Managers Australia Central Wheatbelt and Narrogin Zones was called to discuss the matter. Several members whom attended the Summit expressed their concern at the meeting being held in Pinjarra, which can be considered a fringe metropolitan area and some distance from rural areas suffering hardships. It is believed the Summit should have been held in a more appropriate location in the Wheatbelt, possibly at Kulin/Kondinin or Lake Grace. Other issues included the lack of question time available with the Minister, and the recognised population decline in Rural areas being a driving force behind the many changes to Government Services provided.

The Rural Summit was again raised at the Central Country Zone meeting held in Wagin on Friday 28 March 2003, where members strongly urged that WALGA be requested to urgently pursue the various issues identified at the Summit.

At the WALGA State Council meeting held on 2 April 2003, it was resolved to convene a Regional Development Policy Forum, reporting directly to the Community Policy Team, to progress issues identified at the Rural Summit and to develop strategies to improve the viability of country Western Australia.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The correspondence from the Western Australian Local Government Association on the Rural Summit held on 14 February 2003, be received and information noted.

COUNCIL ACTION

Resolved that the Chief Executive Officers Recommendation be adopted.

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7.1.8 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – REFERENDUM, ENTITLEMENT TO THE PRESIDENCY, WA LOCAL GOVERNMENT ASSOCIATION

Background

Letter from the WA Local Government Association requesting Councils determination on the election of the Presidency of the Association.

Comment

When the Single WA Local Government Association was formed from the various representative bodies two alternative methods for determining the entitlement to President were supported. These two alternatives are ‘the best person for the job’ (the merit principle) or a rotational policy whereby the entitlement to President alternates every two years between the metropolitan and country constituencies.

The rotational policy has been used to date with Cr Mickle from the Shire of Esperance being appointed President for the first years of the Association and being succeeded by Cr Robartson from the City of Melville in 2002. I believe that Council should favour this method as it will ensure that the country always has a voice, and that rural areas will not be dictated to by the larger metropolitan Councils.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Shire of Cuballing supports the Rotational Policy whereby the President of the Western Australian Local Government Association alternates every two years between the metropolitan and country constituencies.

COUNCIL ACTION

Moved Cr Browne, seconded Cr Wittwer that the Chief Executive Officers Recommendation be adopted.

CARRIED 5/1

7.1.9 TOWN OF NARROGIN REGIONAL CULTURAL CENTRE FEASIBILITY STUDY

Background

The Town of Narrogin has received financial assistance to employ the services of consultants to undertake a Feasibility Study for the future development of a Regional Cultural Centre within Narrogin townsite.

Comment

I was invited to sit on the Project Steering Committee along with:

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- Chief Executive Officers from the Shires of Narrogin and Wickepin;
- The Director of Community Services, Town of Narrogin;
- A Town of Narrogin Councillor;
- The Senior Regional Officer, Wheatbelt Development Commission; and
- Town of Narrogin Community Development Officer/Cultural, and Regional Librarian.

The objectives of the Project Steering Committee are:

- To provide guidance and advice to the consultants throughout the project;
- To provide strategic direction for the project, including assisting the consultants to prioritise groups and stakeholders with whom to consult;
- To provide information to the consultants such as government policy, key stakeholders or initiatives of which the consultants should be aware; and
- To act as a conduit of information to and from the consultants, Councils and the community.

The initial meeting of the Project Steering Committee with the consultants was held on Thursday 27 March 2003, and then the members of the Committee have met individually with the consultants on Thursday 3 April 2003 to discuss the various issues that need to be addressed as part of the Feasibility Study. A copy of the Issues paper is included in the meeting agenda.

Whilst the project is in its very early stages and no financial assistance has been requested from the Shire of Cuballing at this stage, I have indicated to both the consultants and the Town of Narrogin that Council has a commitment to further develop and improve the local facilities within the Shire of Cuballing over the next few years.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Chief Executive Officers involvement with the Project Steering Committee for the Town of Narrogin Regional Cultural Centre Feasibility Study be endorsed and the information noted.

COUNCIL ACTION

Moved Cr Bradford, seconded Cr Hawksley that the Chief Executive Officers Recommendation be adopted.

CARRIED 6/0

7.1.10 R GRAHAM BELL, ONE NATION – AUSTRALIA/USA FREE TRADE DISCUSSIONS ON SINGLE DESK TRADING FOR WHEATBELT

Background

Letter received from Mr Bell seeking Councils support for One Nations demand to the Federal Government that in discussions with the USA on a bilateral Trade agreement the Australian Wheat Boards single desk marketing system is not altered.

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Comment

Mr Bell believes that the single desk marketing system used by the Australian Wheat Board is the best system available for Australian wheat growers as the system continues to be the only way Australia can supply international customers with a regular source of highest standard grain as well as negotiate on equal terms with multinational grain traders on behalf of Australian farmers. The concern is that if the weighted trade agreements being sought by the USA are agreed to it will be to the detriment of the existing successful marketing system.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

A letter be forwarded to the One Nation Party stating Councils support for the retention of the Australian Wheat Boards single desk marketing system and that the Federal Government does not enter into a weighted trade agreement with the USA.

COUNCIL ACTION

Resolved that the correspondence be received and information noted.

7.1.11 OFFICE OF THE PUBLIC SECTOR STANDARDS COMMISSIONER – PUBLIC INTEREST DISCLOSURE LEGISLATION

Background

Letter received from the Office of the Public Sector Standards Commissioner advising that the new Public Interest Disclosure Bill 2002 should soon be passed by Parliament and will be operative from 1 July 2003.

Comment

The proposed legislation covers all public authorities, including State and local government, and provides the Commissioner for Public Sector Standards to:

- Establish a code setting out minimum standards of conduct and integrity to be complied with by persons to whom a public interest disclosure is made;
- Prepare guidelines on internal procedures that organizations must adhere to when public interest disclosures are received;
- Assist public authorities and public officers to comply with the Act, the code and the guidelines; and
- Monitor and report compliance with the Act and the code.

The Commissioners Office is currently preparing drafts of the code and the guidelines and it is anticipated they will be launched on 26 June 2003. Awareness sessions will be held following the

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launch to assist officers that will have the responsibility to implement and maintain the public interest disclosure procedures.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the letter from the Office of the Public Sector Standards Commissioner be received and information noted.

COUNCIL ACTION

Resolved that the Chief Executive Officers recommendation be adopted.

7.1.12 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – VACANCIES ON VARIOUS COMMITTEES

Background

Correspondence received from the WA Local Government Association (WALGA) advising of various vacancies that exist on Local Government Representative Committees.

Comment

The various Committees are listed hereunder and relevant information is attached. Of the vacancies possibly the most significant is in relation to the Bush Fire Brigade Capital Grants Committee and the State Emergency Service Capital Grants Committee. The terms of reference for the two committees includes the allocation of funds for additional and replacement of capital assets in respect to the Emergency Services Levy. The closing date for nominations is at the close of business on Wednesday 14 May 2003.

- Bush Fire Brigade Capital Grants Committee – 3 members;
- State Emergency Service Capital Grants Committee – 3 members;
- Fire and Emergency Services Authority Board;
- Peel-Harvey CATCHMENT Council Board;
- Visitor Centre Association of WA Executive Committee;
- Community, Affordable and Sustainable Housing Standing Committee; and
- Department of Justice Advisory Council.

Reporting Officer

Peter Naylor, Chief Executive Officer

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CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The correspondence received from the Western Australian Local Government Association be received and information noted.

COUNCIL ACTION

Resolved that the Chief Executive Officers Recommendation be adopted.

7.2 REPORTS – WORKS

7.2.1 WORKS SUPERVISORS REPORT

DOWLING STREET/POPANYINNING ROAD WEST BLACK SPOT

The Dowling Street intersection has now been constructed, sand bags have been placed to define the actual new section of road, and more permanent signage will be installed in the future. It is also planned to kerb and lay some bitumen seal at the intersection to finish the project.

ALTON STREET, CUBALLING

The road shoulders on Alton Street, including the car park area adjacent to the Tavern has now been sealed. To complete the works the whole of the street will be resealed and an asphalt walkway will be installed on the Westrail Reserve side of the road and car park.

BRIDGE MAINTENANCE

The bridge on the Yornaning East Road and one on the Wardering Road have been painted as part of our ongoing maintenance programme.

CUBALLING OVAL

The A Grade Cricket Grand Final was played in Cuballing recently and a number of comments were passed about the high standard of the oval. This is very pleasing.

ROADSIGNS

Road signs and guideposts are continually monitored and are being replaced or installed where required.

PLANT AND EQUIPMENT

All items of plant and equipment are being serviced and maintained as required.

The tender to replace Isuzu Tip Truck CN272 closed at 4.00pm on Friday 11 April 2003 and the following details were presented to the Council meeting:

Vehicle Tender 1/03 Supply and Trade of Tip Truck CN272

Background

Council included in the Budget for 2002/03, provision for changeover of Tip Truck CN 272. The Tender was advertised closing at 4.00 pm on Friday 11 April 2003. The Tenders received were duly opened by the Chief Executive Officer in the presence of the Works Supervisor and Damen Sprigg of JEM Truck Sales, Wagin.

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Comment

At the close of Tenders the following were received:

Tenderer	Details	Purchase	Trade	C/Over	Net C/Over
		Incl GST	Incl GST	Incl GST	Excl GST
Trucks with Body					
JEM Truck Sales	Isuzu FVZ 1400	\$140,243	\$91,343	\$48,900	\$44,455
JEM Truck Sales	Isuzu GIGA385 CXZ	\$166,594	\$91,894	\$74,700	\$67,909
AV Truck Services	MAN HK	\$162,203	\$75,000	\$87,203	\$68,182
Scania Australia	Scania P94GB	\$165,251	\$0	\$165,251	\$150,228
Purchase Trade	Vehicle	Only			
W&P Truck and Machinery Sales			\$77,611		\$70,555
Raytone Motors			\$81,289		\$73,899
City Bus and Truck Centre			\$82,769		\$75,245
Smith Broughton			\$76,747		\$69,770
Supply Body only					
Howard Porter		\$18,733			\$17,030
P&G Bodybuilders		\$19,635			\$17,850
SFM Engineering		\$18,414			\$16,740

The most suitable tender has been submitted by JEM Truck Sales, with net changeover of \$44,455, which is within the budgeted provision of \$60,000 and is for supply of truck and body the same as the trade vehicle and the same as the two trucks Council purchased in January 2002. Councils Works Supervisor is satisfied with the performance of this particular model truck and believes they suit the purpose of Council operations.

Full details pertaining to the tenders received will be tabled at the Council meeting for Council inspection.

Reporting Officer

Peter Naylor, Chief Executive Officer

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CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Tender submitted by JEM Truck Sales of Wagin for supply of an Isuzu FVZ 1400 Truck Cab and Chassis fitted with an SFM Engineering 11 cubic metre drop side tipping body for purchase price of \$140,243.00 (GST Incl), and trade of Shire of Cuballing vehicle CN272 for trade price of 91,343.00 (GST Incl), with total changeover price of \$44,454.55 (GST Excl), be accepted by Council.

COUNCIL ACTION

Moved Cr Bradford, seconded Cr Hawksley that the Chief Executive Officers Recommendation be adopted.

CARRIED 6/0

PRIVATE WORKS

The amount of Private works being done is slowing a due to the present weather conditions and the need for Councils staff to attend to other more urgent matters.

Private works invoices for the month of March have been issued for the value of \$5,252.50.

STORM DAMAGE

The Shire has been hit by a number of severe thunderstorms over the past couple of weeks and these have caused considerable damage to the road network. Many of the roads and culverts were repaired following the first storms only to be hit again a week later. We have been monitoring the weather and done sufficient repairs on school bus routes where possible.

The Chief Executive Officer, Shire President and myself met with Alan French from Main Roads WA on Wednesday 9 April 2003, and it appears the damage caused to the two culverts on Williams Road will meet the criteria for financial assistance under the Main Roads "Flood Damage" program. We now have to prepare estimates of the costs and submit to Main Roads for formal assessment.

Reporting Officer

Alex Richardson, Works Supervisor

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Supervisors Report be received and information noted.

COUNCIL ACTION

Resolved that the Chief Executive Officers Recommendation be adopted.

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7.2.2 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – ROAD RAGE, ROAD FUNDING ADVOCACY CAMPAIGN

Background

Correspondence received from the WA Local Government Association (WALGA) advising of the Road Rage advocacy and lobbying campaign established to maintain at least the current level of State funds to Local Government road projects in 2003/04.

Comment

WALGA has received advice that the State Government plans to reduce State funding to the Local Government Roads Program in 2003/04 by \$18m. This entails a \$6m reduction in the total quantum available for the local road network and a reallocation of \$12m from Local Road Project grants into the State Initiatives fund.

There is additional concern for Local Governments in that the Government initiated Functional Review Taskforce recommendations currently being considered by Cabinet may further impact on road funding levels and this concern is further compounded by indications from the State Government that it may be May 2003 before the final State Government funding available for Local Government road projects is known. This is going to have severe implications on the ability of Councils to adopt their Budgets by the prescribed time.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

Council writes a letter to the local member of Parliament expressing concern at the proposed State Government plans to reduce funding to the Local Government Roads Program in 2003/04, and also that the State as a matter of urgency needs to finalise the road funding for 2003/04 to enable Local Governments sufficient time to finalise their budgets.

COUNCIL ACTION

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

CARRIED 6/0

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7.2.3 MAIN ROADS WESTERN AUSTRALIA – USE OF EXHAUST BRAKES BY TRUCKS

Background

Letter received from Main Roads WA in relation to the erection of signage to reduce noise emissions from trucks.

Comment

Council, at the February 2003 meeting, resolved to erect signage on the Cuballing West and East Roads approaches to the Great Southern Highway requesting Trucks to reduce their braking noise. I have followed this matter up with Main Roads WA to determine the most appropriate signage to be erected and suitable distances etc from the intersection. Main Roads WA have written to advise that in their experiences the erection of such signage has minimal impact on noise emissions and in fact can generate the reverse response from drivers.

The Main Roads WA letter alludes to Regulations that have been introduced and that set noise limits and have the capacity to reduce such noise levels, however Council does not have the power and/or resources to police such regulations and I do not believe they would be of assistance in this case.

Does Council wish to proceed with the erection of signage and/or make further investigations into how it can be properly controlled?

If Council, based on the Main Roads WA information, does not wish to now erect the noise signage perhaps consideration could be given to erecting signage indicating they are approaching a residential area and a major intersection and therefore please slow down. This may have a twofold effect.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

Council investigates the placement of suitable signage on the Cuballing West and East Roads approaches to the Great Southern Highway indicating that the Traffic is approaching a residential area and a major intersection and that they please slow down and drive carefully.

COUNCIL ACTION

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

CARRIED 6/0

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7.2.4 DEPARTMENT OF LAND ADMINISTRATION, GEOGRAPHICAL NAMES COMMITTEE – NEW ROAD NAMES, POPANYINNING

Background

Letter received from the Geographical Committee advising that approval has been given to naming the two newly constructed roads south off Bunmulling Road.

Comment

The two road names approved are:

- Browne Road; and
- Quartermaine Road.

The Department has lodged a Ministerial Order Document to this effect on 19 March 2003.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The letter from the Department of Land Administration Geographical Names Committee be received and information noted.

COUNCIL ACTION

Resolved that the Chief Executive Officers Recommendation be adopted.

7.2.5 SHIRE OF CUBALLING LANDFILL REFUSE SITES – CUBALLING AND POPANYINNING

Background

Inspection of Cuballing and Popanyinning Landfill Refuse Sites by Waste Management Consultant Harold McKenzie.

Comment

Mr McKenzie met with myself, the Works Supervisor and Environmental Health Officer on Tuesday 25 March 2003, and inspected the two landfill sites.

Mr McKenzie made a number of proposals during the visit on how the sites could be better managed and operated to prolong the life of the tips. This included restricting the operating hours and having the sites manned when opened. This is a matter Council has been considering and which will be pursued to enable estimated costs to be obtained. Mr McKenzie will be presenting a proposal to Council for a Waste Management Plan to be prepared. This may be a very costly exercise for the whole process and one I do not believe is necessary (the proposal should be available for tabling at

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the Council meeting). Mr McKenzie should be able to provide Council with a simple and straightforward report based on the findings of his visit and this should be sufficient to provide Council with the basis for the future better management of the refuse sites.

In addition the Shires of Brookton and Pingelly, and many other Shires are experiencing similar problems to the Shire of Cuballing. Some of these Shires are soon to commence discussions on the eventual development of a regional refuse site and I have requested to be included in these discussions.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Waste Management Consultant, Mr Harold McKenzie, be requested to provide Council with a report on the two Shire of Cuballing Landfill Refuse Sites based on his inspection of the sites on 25 March 2003.

The Chief Executive Officer and Environmental Health Officer to investigate and provide Council with a proposal and estimated costs to restrict the opening hours of the Cuballing and Popanyinning Refuse Sites and for the Sites to be managed when opened.

COUNCIL ACTION

Resolved that the Chief Executive Officers Recommendation be adopted.

7.3 REPORTS – BUILDING

7.3.1 BUILDING SURVEYOR REPORT

Summary:

There were 2 building applications for the month of March. Councils Building Surveyor has issued building licenses as all the information required has been supplied.

Comment:

Listed below are the application details of the proposed structure.

Approval Date	Lic No	Name & Address of Owner	Name & Address of Contractor. If owner-builder please indicate	Structure	Situation of Building Lot or Street No & Town or Suburb
11-3-03	29/02.03	RC & PF ROADS 25 LITTLEJOHN ROAD ARMADALE 6112	O/B	House	LOT 121 BRIDGE ST POPANYINNING
24-3-03	30/02.03	RJ & PG FREEMAN 12 CORRIE STREET CUBALLING	O/B	House	LOT 123 CORRIE STREET CUBALLING

Consultation:

Nil.

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Statutory Environment:

Nil.

Policy Implication:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Reporting Officer

Darryle Baxter, Building Surveyor

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Building Surveyors report be received and information noted.

COUNCIL ACTION

Resolved that the Chief Executive Officers Recommendation be adopted.

7.3.2 CLASSIFICATIONS OF LARGE FARM BUILDINGS

Matter dealt with earlier in the meeting.

7.4 REPORTS – HEALTH

7.4.1 MR TULLIO DE DOMENICO – APPLICATION TO KEEP MORE THAN SIX DOGS ON A PROPERTY

Background

Mr & Mrs De Domenico are considering the purchase of a 41.5 hectare lot on the Popanyinning Road and are requesting Council permission to keep nine (9) long haired show Poodles on the property.

Comment

Mr & Mrs De Domenica are considering the purchase of one or more of Lots 6293, 6292, 6661, 7244 on the Popanyinning West Road, however currently favour Lot 6292.

The Dog Act 1976 precludes the keeping of more than six dogs on a property without a Kennel license being approved. The dogs are being kept and bred for show purposes only and not for sale and/or commercial purposes. There are six adult dogs and three pups.

The keeping of dogs and/or the issuing of a Kennel license is not specifically covered in the Shire of Cuballing Town Planning Scheme #1, however, section 3.2.5 allows Council to give discretionary approval for such a request. The proponents plan to submit a building application to develop a Kennel complex for the dogs.

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Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

Mr Tullio De Domenica be informed that Council is prepared to grant approval and issue a Kennel license in accordance with section 3.2.5 of the Shire of Cuballing Town Planning Scheme #1 for the keeping of up to nine long haired Poodle dogs on the property they purchase, providing the property is one of those as mentioned in their correspondence.

Should the purpose of the Kennels be changed at a future time to be for commercial purposes then a separate application will need to be lodged with Council for consideration.

COUNCIL ACTION

Moved Cr Bradford, seconded Cr Wittwer that the Chief Executive Officers Recommendation be adopted.

CARRIED 6/0

7.4.2 ENVIRONMENTAL HEALTH OFFICERS REPORT

PURPOSE

To advise Council of Environmental Health inspections that have been carried out in the District.

REPORT

The following inspections have been carried out during the month of March 2003.

Food Premises

- (i) Cuballing Tavern – Altone Street, Cuballing
Premises found to be operating within legislative requirements.
- (ii) Lot 128 Bunmulling Road, Popanyinning
Site inspection of proposed food premises.

Rubbish Tips

- (i) Popanyinning Rubbish Tip
Windblown litter around site.
*Action required – 1. Rubbish needs to be covered on a more regular basis.
2. Pick up windblown litter in bush around site.*
Annual monitoring report provided to the Department of Environmental Protection.

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- (ii) Cuballing Rubbish Tip
Windblown litter around site.
*Action required – 1. Rubbish needs to be covered on a more regular basis.
2. Pick up windblown litter in bush around site.*
Annual monitoring report provided to the Department of Environmental Protection.

The rubbish tips should be inspected monthly by the local Fire Control Officer to assess compliance with bushfire safety requirements.

Illegal Dwelling

- (i) Lot 88 Hotham Street, Popanyinning
Inspection of property – illegal camping on-site.

Caravan Park

- (i) Lazeaway Caravan Park – Great Southern Highway, Popanyinning
Premises found to be operating within legislative requirements.

Infectious Disease Notifications

- (i) One infectious disease (enteric) notification investigated in March 2003.
Contaminated drinking water and/or food most likely cause of infection.

CORPORATE PLAN/POLICY IMPLICATIONS

Nil.

FINANCIAL/BUDGET IMPLICATIONS

None anticipated.

Reporting Officer

Maurice Walsh, Environmental Health Officer

ENVIRONMENTAL HEALTH OFFICERS RECOMMENDATION

That Council note the above information.

COUNCIL ACTION

Resolved that the Environmental Health Officers Recommendation be adopted.

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7.4.3 PROPOSED OLIVE PROCESSING PLANT LOT 128 BUNMULLING ROAD POPANYINNING

Background

Council resolved at its last meeting to support the above application subject to the applicant lodging a formal planning application to Council and providing full details on the proposed operations of the olive processing plant.

Report

This report is to advise Council that the applicant has lodged a formal planning application to Council for approval to develop an olive processing plant on his property at Lot 128 Bunmulling Road, Popanyinning. The applicant has also provided details of how the olive processing plant will operate. These details are provided in response to Council's previous concerns and are as follows:

1. Location of the shed (where the olive processing plant will be situated) and buffers to nearest adjoining residences:
 - (i) the shed is located approximately 20 metres East of the applicant's house, 60 metres from Bunmulling Road and 34 metres from the Eastern boundary,
 - (ii) the North East (45 metres) and South East (34metres) boundaries are currently adjoin vacant land,
 - (iii) the closest residences are 400 metres to the South West and 500 metres due West.
2. The applicant has advised that the size of the olive processing plant within the existing shed will be 7.8 x 6 metres which will conform to the maximum size of 55 m² permitted under the Shire's Town Planning Scheme.
3. The applicant has advised that noise levels within the olive processing plant should not exceed 70 dB(A).
4. The applicant has advised that the proposed hours of operation will be between 8.30 am and 4.30 pm 6 days a week during processing time.
5. The applicant has advised that waste generated consists of dry vegetable matter which will be used as a mulch/fertilizer on the olive grove and water used to wash down the inside of the premises after production.

Comment

The applicant has stated that he will be processing olives from his own olive grove for his own personnel use and should the venture prove to be commercially viable over the next few years he will seek further planning approval from Council to change the zoning of the land under the Shire's Town Planning Scheme.

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Reporting Officer

Maurice Walsh, Environmental Health Officer

ENVIRONMENTAL HEALTH OFFICER'S RECOMMENDATION

Council note the above report and grant approval to the applicant to develop an olive processing plant on Lot 128 Bunmulling Road, Popanyinning subject to compliance with the provisions of the Health Act, Building Code of Australia, Environmental Protection (Noise) Regulations and the Shire of Cuballing's Town Planning Scheme.

COUNCIL ACTION

Moved Cr Bradford, seconded Cr Wittwer that the Environmental Health Officers Recommendation be adopted.

CARRIED 6/0

7.4.4 APPLICATION TO OCCUPY CARAVAN ON LOTS 291 & 292 BRUNDELL STREET CUBALLING

Background

Council has received an application from the owner of Lots 291 and 292 Brundell Street Cuballing requesting approval to be able to live in a caravan on-site. The applicant has advised that he will be applying for a building licence to construct a residence in the near future.

Legal

The Health Act 1911 (as amended) and the Caravan Parks and Camping Grounds Regulations 1997 (as amended) control the manner in which people live on both private and crown land. The Caravan Parks and Camping Grounds Regulations make provision for general camping at approved facilities and temporary camping on private property. A person may camp either in a tent or in a caravan on private property for up to 3 consecutive nights. A person wishing to camp for more than 3 nights, must either obtain Council approval or approval from the Minister. Council can grant approval for a person to camp on private land for up to 3 months in any 12 month period. The Minister has the power to extend this period and grant approval for more than 3 months in any 12 month period.

Council Policy

The Shire of Cuballing building policy states:

1. The first building that may be approved on town-site land must be a residential building.
2. Camping on land to effect building construction must be approved by Council in writing. No application for camping will be approved unless septic and bathroom facilities in accordance with Health Act Regulation has been installed, which must include a potable and adequate water supply. Maximum approval will be for 3 months.
- 2a. Except where a reticulated water supply is provided, a person shall not construct a dwelling house unless a concrete water tank of not less than 54,000 litres, (12,000 gallons) or other type of

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domestic water supply approved by the Council is incorporated in the plans and specifications thereof and constructed at the same time as the dwelling house.

3. Connection of electricity must be made before the house is occupied.
4. No dam is permitted on residential land without written approval of Council.
5. The owner of any land should ensure that plans for building are aesthetically compatible with the surrounding area. In the event of this not being so, Council may refuse applications.
6. Council refusal of building plans will be advised to the applicant.
7. Payment of appropriate fees and charges must be paid before construction is commenced.
8. Council reserves the right to alter or amend these proposals without notice.

Comment

The applicant previously obtained a building licence to construct an ablution block and an effluent disposal system on his property in Cuballing. Prior to the building licence and on-site effluent disposal application being approved Council staff queried the applicant intentions and advised him that he could not live on the property in any structure other than in an approved dwelling.

The author believes that should approval be given to the applicant to occupy/live in a caravan on his property Council will most likely receive criticism from ratepayers for making such a decision. The basis for this assumption is founded by the fact that residents in the Shire of Cuballing do not live in caravans or tents largely due to a standard that has previously been enforced and maintained by Council. Furthermore, Lots 291 & 292 Brundell Street are adjacent to the Cuballing Rubbish Tip and are therefore in full view of ratepayers who visit the tip.

The applicant may wish to reside in the approved/licenced caravan parks located at Narrogin, Popanyinning or Pingelly.

ENVIRONMENTAL HEALTH OFFICER'S RECOMMENDATION

Council refuse the applicants request to able to occupy/live in a caravan on Lot 291 & 292 Brundell Street, Cuballing, until such time as a building application has been submitted and licence issued, and the building is in process.

COUNCIL ACTION

Moved Cr Hawksley, seconded Cr Browne that the Environmental Health Officers Recommendation be adopted.

CARRIED 6/0

7.4.5 MR K P EVANS – PERMISSION TO CAMP IN A CARAVAN ON LOT 89 BEESTON STREET, CUBALLING

Background

Letter received from Mr Evans requesting Council permission to camp in a caravan on his property at Lot 89 Beeston Street, Cuballing whilst he is constructing a shed on the land.

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Comment

Clause 11 (2) of the Caravan Parks and Camping Ground Regulations 1997, makes provision for this practise, wherein it states that the local government can grant approval for a person to camp for a period of up to three months if the person owns the land and is to camp in a caravan while a building license issued to that person in respect of the land is in force.

A Building Application has been submitted for construction of a shed on the property and this has been approved and a building license issued in favour of Mr Evans as owner/builder. Mr Evans in his correspondence indicates that the shed will not be lived in and is to be used for storage whilst they plan for the future construction of a dwelling on the property, within two years.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

Approval be granted to Mr K P Evans to camp in a caravan on Lot 89 Beeston Street, Cuballing, for a period of three months only whilst he as owner/builder constructs a shed on the property in accordance with the building license issued by the Shire of Cuballing.

COUNCIL ACTION

Moved Cr Browne, seconded Cr Newman that the Chief Executive Officers Recommendation be adopted.

CARRIED 6/0

7.5 REPORTS – TOWN PLANNING

7.5.1 K G DOWDELL – APPLICATION TO SUBDIVIDE LOT 110 BULLARA STREET, CUBALLING

Background

Letter of application from K G Dowdell requesting Council support for the subdivision of Lot 110 Bullara Street, Cuballing, into three one hectare lots.

Comment

This application has been provided to Councils Town Planning Consultants for their professional advise and this information was tabled at the Council meeting.

The land is zoned Rural Residential in both the Shire of Cuballing Town Planning Scheme #1 and draft Town Planning Scheme #2. However under TPS #1 the definition for subdivision is ambiguous and the Town Planning Consultants have been recommended by the Department of Planning and Infrastructure (WA Planning Commission) to assess the application under the provisions of draft TPS #2.

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Draft TPS #2 states that for Rural Residential zones (in the Townsite) that "ALL subdivision shall have a minimum lot size of 2 ha unless the lots can be connected to a reticulated water supply". The minimum lot size, which is not stipulated in the TPS, would be about 1.0 ha, which would be subject to a reticulated public water supply to be consistent with the State Planning Policy #11, Rural and Agricultural Land Use Planning.

Based on the above information, and as further explained in his correspondence, Councils Town Planning Consultant is recommending that Council support the subdivision of Lot 110 to a minimum lot size of 1.0 ha subject to the lots being connected to a reticulated public water supply in accordance with draft Town Planning Scheme #2. The consultant also suggests that Mr Dowdell be informed that it is possible that other conditions, such as road upgrading, drainage and/or crossovers if deemed necessary, may be included by Council as a recommendation to the WA Planning Commission in response to a subdivision application.

Reporting Officer

Peter Naylor, Chief Executive Officer
Peter Driscoll, Landvision, Town Planning Consultant

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Mr K Dowdell be informed that Council is prepared to support an application to the WA Planning Commission for subdivision of Lot 110 Bullara Street, Cuballing, to a minimum lot size of 1.0 ha subject to the lots being connected to a reticulated public water supply in accordance with the Shire of Cuballing draft Town Planning Scheme #2,

Mr Dowdell also be informed that Council may make further recommendations to the WA Planning Commission in response to a subdivision application for Lot 110, to impose such conditions as the provision of crossovers to the lots, upgrading of drainage (if necessary), and other conditions if deemed appropriate.

COUNCIL ACTION

Moved Cr Hawksley, seconded Cr Browne that the Chief Executive Officers Recommendation be adopted.

CARRIED 6/0

8. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

9. OTHER URGENT BUSINESS

9.1 CHIEF EXECUTIVE OFFICER REMUNERATION

Moved Cr Hawksley, seconded Cr Newman that the Chief Executive Officers remuneration be increased in accordance with the Consumer Price Index for the 12 month period ending 31 March 2003, to be effective from 1 July 2003.

CARRIED 6/0

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9.2 COUNCILLOR BROWNE

The Shire President acknowledged this meeting as the last for Cr Browne as he has not renominated for Council. The President thanked Cr Browne for his valuable input over the past two years and wished him well with his future endeavours.

9.3 OTHER GENERAL BUSINESS

- Cr Wittwer provided a brief report to Council on the activities of the Hotham Catchment Group.
- Cr Wittwer enquired as to the operation of the silt gates at Yornaning Dam. Chief Executive Officer to follow up.

The Chief Executive Officer advised that a report on the Yornaning Dam prepared by university student Ella Massop has been tabled for Council information. The report is quite in depth and provides some recommendations that Council may like to pursue. Councillor Wittwer volunteered to peruse the document.

10. CLOSURE OF MEETING

There being no further business the Shire President declared the meeting closed at 5.20 pm.

CONFIRMED AS A TRUE RECORD OF PROCEEDINGS ON _____

PRESIDENT

SHIRE PRESIDENT

DATE