



# SHIRE OF CUBALLING

ORDINARY COUNCIL MEETING  
HELD ON THURSDAY 20 MARCH 2003

# MINUTES

# **SHIRE OF CUBALLING**

## **ORDINARY COUNCIL MEETING** **THURSDAY 20 MARCH 2003**

### MINUTES

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SHIRE PRESIDENT

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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 20 MARCH 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 J D Brown  
Cr R J Newman

Deputy President D S Bradford  
Cr C J Browne  
Cr T H Wittwer  
Chief Executive Officer P T Naylor

Mr Trevor Moran, Town Planning Consultant (to 3.10 pm)

Mr Derek Nichols (3.10 pm to 3.25 pm)

##### APOLOGIES

Nil

##### LEAVE OF ABSENCE

Nil

#### 3. PUBLIC QUESTION TIME

Nil – refer to later in meeting (Mr D. Nichols).

#### 4. APPLICATION FOR LEAVE OF ABSENCE

Moved Cr Wittwer, seconded Cr Newman that Cr Brown be granted leave of absence for the April 2003 ordinary meeting of Council.

*CARRIED 6/0*

Cr Brown did not vote.

#### 5. MINUTES

##### 5.1 CONFIRMATION OF 20 FEBRUARY 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 February 2003 be confirmed.

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## **COUNCIL ACTION**

**Moved Cr Brown, seconded Cr Bradford that the Chief Executive Officer's Recommendation be adopted.**

***CARRIED 7/0***

### **7.5 REPORTS – TOWN PLANNING**

#### **7.5.1 ENVIRONMENTAL PROTECTION AUTHORITY AND DEPARTMENT OF PLANNING INFRASTRUCTURE – SHIRE OF CUBALLING DRAFT TOWN PLANNING SCHEME #2 AND DRAFT LOCAL PLANNING STRATEGY**

##### **Background**

Comments have been received from the Environmental Protection Authority and the Department of Planning and Infrastructure in relation to the Shire of Cuballing draft Town Planning Scheme #2 and draft Local Planning Strategy. This information has previously been reported to Council and has also been forwarded to Councils Town Planning Consultant.

##### **Comment**

The Town Planning Consultants (TPC) comments relating to the Department of Planning and Infrastructure letter have previously been circulated to Council, however are again included in the meeting Agenda. The TPC (Trevor Moran) will be in attendance at today's meeting to discuss and work through the various matters raised.

I have not put a recommendation to Council on this matter because Councils decision will depend upon the outcome of the discussions with Mr Moran.

It would be appreciated if Councillors could please bring to the meeting their copies of the draft Town Planning Scheme #2 and draft Local Planning Strategy.

Mr Moran addressed Council on the Draft Town Planning Scheme and Local Planning Strategy, and the various comments/recommendations received from the Department of Planning and Infrastructure and the Environmental Protection Authority. Mr Moran further explained that the Draft Scheme and Strategy were still in the early part of the process and possibly could take 18 months to 2 years before completed and adopted in the statutory format.

Mr Moran suggested that it may be appropriate for Council to consider deleting certain areas from the draft scheme and strategy in accordance with the DPI and EPA comments and prepare Shire of Cuballing Town Planning Policies in lieu there of.

##### **Reporting Officer**

Peter Naylor, Chief Executive Officer  
Trevor Moran, Landvision, Town Planning Consultant

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## **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

Nil

## **COUNCIL ACTION**

Moved Cr Bradford, seconded Cr Newman that the Town Planning Consultants be requested to make the necessary amendments to the Shire of Cuballing Draft Town Planning Scheme No. 2 and Local Planning Strategy in accordance with the Department of Planning and Infrastructure and Environmental Protection Authority requirements and the recommendations and comments provided to Council by Mr Moran. The Town Planning Consultants also be requested to prepare suitable draft Town Planning Policies for Council consideration in accordance with his address to Council.

*CARRIED 7/0*

3.10 pm Mr Moran departed the meeting.

### **3. PUBLIC QUESTION TIME (CONTINUED)**

3.10 pm Mr Derek Nichols entered the meeting.

Mr Nichols addressed the Council on the naming of the two newly constructed access roads running south of Bunmulling Road. Mr Nichols suggested one of the roads be named Browne Road in respect for the former property owners.

Mr Nichols also addressed Council on a philosophy he has on how to try and overcome salinity problems with the dumping of household refuse.

3.25 pm Mr Nichols departed the meeting.

### **5. MINUTES (CONTINUED)**

#### **5.2 NARROGIN & DISTRICTS TOURIST BUREAU INC**

##### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

That the minutes of the meeting of the Narrogin & Districts Tourist Bureau Inc held on Wednesday 15 January 2003 be received and information noted.

#### **5.3 SHIRE OF CUBALLING TOWNSCAPE COMMITTEE**

##### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

That the minutes of the meeting of the Shire of Cuballing Townscape Committee held on Tuesday 11 February 2003 be received and information noted

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**5.4 LOCAL EMERGENCY MANAGEMENT ADVISORY COMMITTEE (LEMAC)**

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

That the minutes of the meeting of the Local Emergency Management Advisory Committee (LEMAC) held on Thursday 27 February 2003 be received and information noted.

**COUNCIL ACTION**

Moved Cr Brown, seconded Cr Newman that the Chief Executive Officer's Recommendation for items 5.2, 5.3 and 5.4 be adopted.

*CARRIED 7/0*

**6. PETITIONS, DEPUTATIONS, PRESENTATIONS**

Nil

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## 7.1 REPORTS – FINANCE AND ADMINISTRATION

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

V	NAME	PARTICULARS	MUNI	TRUST
8548	ATO	Jan 03 BAS	6849.00	
8549	WESTNET	2002/03 User Fees (Internet)	440.00	
T1760	SHIRE OF CUBALLING	P. Southey Bond paid for water use		100.00
8550	I L WATTS	ILUA Meeting & Travel Allowance	318.00	
8625	PETTY CASH	Petty Cash Recoup	336.90	
8626	MAJOR MOTORS P/L	CN026 – Insurance Excess	500.00	
T1761	KM & LH SEXTON	Deposit on Seedlings (U.H.L.R.P.)		1000.00
T1762	RA SPRIGG & CO	Deposit on Seedlings (U.H.L.R.P.)		1000.00
T1763	RJ & CJ MCDOUGALL	Deposit on Seedlings (U.H.L.R.P.)		800.00
T1764	P & E GEORGE	Deposit on Seedlings (U.H.L.R.P.)		3800.00
8627	SALARIES & WAGES	Wages 120203 – 250203	20793.17	
8628	WA LOCAL GOVT SUPER	Feb 02 Super Contributions	4487.56	
T1765	AUST SERVICES UNION	Feb 02 ASU Deductions		30.20
8629	SHIRE OF QUAIRADING	Country Zone Bowls Day 140303	60.00	
8630	A. RICHARDSON	02/03 Clothing Allowance	600.00	
8631	CUBALLING GOLF CLUB	Donation – Centenary W/end	300.00	
8632	CUBALLING TENNIS CLUB	Donation – Centenary W/end	300.00	
T1766	KJ WILES	Overpayment on licensing 270203		25.60
T1767	SHIRE OF CUBALLING	Local Authority Plates – Sayles		110.00
8633	SALARIES & WAGES	Wages 260203 – 110303	21176.63	
T1768	CASH	Social Club Lotto		100.00
T1769	DEPT OF TRANSPORT	Local Authority Plates – W. Shaw		110.00
8634	MRS JANET BODLE	Hardcover 'Numbat Country' Money	50.00	
8635	CUBALLING CRICKET CLUB	Donation – Centenary & Rec Centre	1425.00	
8636	MAIN ROADS WA	3 Annual Oversize Permits	30.00	
8641	ALBERT FACEY MOTOR INN	Centenary Celebrations	106.00	
8642	AUS-RHO PAINTS	Materials	144.00	
8643	AUSTRALIA POST	Postage	12.00	
8644	BEAUREPAIRES	Tyres	344.67	
8645	RD & RA BETTELEY	Push Gravel	3388.00	
8646	BOISE CASCADE	Stationery	79.79	
8647	COLES	Council Shopping & Centenary	628.69	
8648	COLLIER KNYN & ASSOC	Annual Gold Support	2535.64	
8649	COUNTRY PAINT SUPPLIES	Paints & Materials	99.67	
8650	COURIER AUSTRALIA	Freight	13.71	
8651	CUBALLING TAVERN	Council luncheon & Catering	766.68	
8652	DANDI DESIGNS	Centenary Luncheon – Menus	136.50	
8653	DOLA	Rating Valuation	40.00	
8654	DEPT OF TRANSPORT	Licenses	2560.75	
8655	DRYANDRA ELECTRICAL	Office Maintenance & Centenary	657.25	
8656	DUGALD FERGUSON	Parts & Repairs	586.20	
8657	EDWARDS MOTORS P/L	Parts & Repairs	359.20	
<b>8658</b>	<b>ENVIRON MONITORING</b>	<b>Chq Cancelled - refer to Elect Tsfr</b>		
8659	FILTERS PLUS	Oil Filter	79.70	
8660	GREAT SOUTHERN FUELS	Fuels	8103.88	
8661	GT RADIATOR & MACHINING	Sharpen Mulcher Blades	88.00	
8662	HILLSIDE MEATS	Centenary Celebrations	137.50	
8663	MAJOR MOTORS P/L	Parts	56.75	

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8664	MAKIT NGN HARDWARE	Centenary Celebrations	225.50	
8665	MCDUGALL WELDMENTS	Fire Trailer	96.04	
8666	NGN AG REPAIRS	Parts & Repairs	178.30	
8667	NGN AUTO ELECTRICS	Parts & Repairs	142.16	
8668	NGN BEARING SERVICE	Parts	19.80	
8669	NGN LIQUID WASTE DISPOSAL	Centenary Celebrations	168.00	
8670	NGN OBSERVER	Advertisements	556.34	
8671	NGN PUMPS SALES & SERVICE	Clear Hose	149.75	
8672	PINGELLY VOLUNTEER SES	Catering Centenary Luncheon	2695.00	
8673	QUALUP BELL NURSERY	New Shire House – Landscaping	687.00	
8674	SHIRE OF WANDERING	CLC Expenses Feb 03	699.92	
8675	SOS BUNBURY	Photocopier Charges	456.69	
8676	STAR TRACK EXPRESS	Freight	171.09	
8677	SUNNY SIGN COMPANY	Signs	800.69	
8678	TELSTRA	Phone A/C	866.10	
8679	TIMES PRINT	Cuballing History Books	13482.00	
8680	RJ & PJ TOMBLESON	Popo Ablutions	197.80	
8681	TOWN OF NGN	Building Inspection Fees Jan 03	858.17	
8682	WATER CORPORATION	Water Usage A/C	667.50	
8683	WESFARMERS LANDMARK	Parts & Supplies	982.76	
8684	WESTERN POWER	Power A/C	2172.70	
8685	WESTRAC EQUIPMENT	Parts	133.12	
	<b>ELECT TSFRS</b>			
190303	ENVIRO MONITORING SYST.	Environmental Health Service Feb 03	1981.26	
		<b>TOTAL</b>	<b>106978.53</b>	<b>7075.80</b>

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That payment of Accounts Vouchers T1760 – T1769, 8548 - 8550, 8625 – 8636, 8641 – 8685 and Electric Transfer/s 190303 totalling \$114,054.33, as presented, be endorsed.**

**Creditors invoices processed and outstanding as at 20 March 2003 and not included in the cheque list presented to the Council meeting on 20 March 2003 total \$3,604.31.**

### **COUNCIL ACTION**

**Moved Cr Brown, seconded Cr Bradford that the Chief Executive Officer's Recommendation be adopted.**

***CARRIED 7/0***

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## 7.1.2 SHIRE OF CUBALLING FINANCIAL REPORTS AS AT 28 FEBRUARY 2003

		Annual Budget 2002/03 \$	Actual YTD 2002/03 \$
<b>OPERATING ACTIVITIES</b>	Sch		
<b>Income</b>			
General Purpose Funding	3	7,070	494,281
Governance	4	-600	2,603
Law, Order & Public Safety	5	1,150	1,858
Health	7	950	775
Education and Welfare	8	0	0
Housing	9	49,500	0
Community Amenities	10	8,400	5,006
Recreation and Culture	11	2,080	3,161
Transport	12	21,020	10,741
Economic Services	13	8,130	20,750
Other Property and Services	14	82,000	32,736
<b>Total Operating Income</b>		<b>179,700</b>	<b>571,911</b>
<b>Expenditure</b>			
General Purpose Funding	3	-18,850	-10,975
Governance	4	-180,860	-117,808
Law, Order & Public Safety	5	-24,790	-17,926
Health	7	-11,600	-9,839
Education and Welfare	8	-1,750	-80
Housing	9	-37,230	-12,123
Community Amenities	10	-127,190	-21,771
Recreation and Culture	11	-93,900	-45,662
Transport	12	-712,010	-444,944
Economic Services	13	-84,270	-27,624
Other Property and Services	14	-80,970	-238,078
<b>Total Operating Expenditure</b>		<b>-1,373,420</b>	<b>-946,830</b>
ADJUSTMENTS FOR CASH REPORTING REQUIREMENTS:			
Depreciation (Assets Register)		521,320	321,820
Profit/Loss on Sale of Assets		-62,940	-6,616
<b>Expenditure &amp; Income</b>			
Proceeds on Sale of Assets		206,000	92,217
Capital Grants and Subsidies		835,180	576,703
Land and Buildings		-245,630	-142,944
Infrastructure Assets - Roads		-544,480	-197,912
Plant and Equipment		-298,000	-131,388
Furniture and Equipment		-12,800	-8,562
Proceeds from New Loans		0	0
Loan Repayments		-26,320	-15,782
Transfer to Reserves		-183,000	-12,146
Reserves (Cash Backed)		182,800	0
Opening Funds		325,000	332,058
Less Closing Funds		-3,000	-432,439
<b>CLOSING POSITION</b>		<b>-499,590</b>	<b>90</b>

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## BANK RECONCILIATION

	Municipal Fund	Trust Fund	Reserve Accts
Opening balance	\$351,342.25	\$112,943.53	\$447,115.40
Income	\$187,351.19	\$43,994.21	\$0.00
	\$538,693.44	\$156,937.74	\$447,115.40
Expenditure	-\$125,988.16	-\$49,429.79	-\$0.00
Closing balance	<b>\$412,705.28</b>	<b>\$107,507.95</b>	<b>\$447,115.40</b>
Bank account	\$222,484.66	\$109,408.27	\$1,633.76
Investments	\$203,606.90	\$3,888.59	\$445,481.64
	\$426,091.56	\$113,296.86	\$447,115.40
Plus O/S deposits	\$859.84	\$0.00	\$0.00
	\$426,951.40	\$113,296.86	\$447,115.40
Less O/S cheques	-\$12,331.72	-\$5,788.51	-\$0.00
	\$414,619.68	\$107,508.35	\$447,115.40
Less O/S licensing	-\$1,885.80	-\$0.00	-\$0.00
	\$412,733.88	\$107,508.35	\$447,115.40
Adjustments	-\$28.60	-\$0.40	\$0.00
<b>Closing balance</b>	<b>\$412,705.28</b>	<b>\$107,507.95</b>	<b>\$447,115.40</b>
Ledger No.	1.5.901	5.21.961	1.5.903

## Shire of Cuballing Investments

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

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## ROADWORKS REPORT

MAINTENANCE			
Details	Job No	Budget \$	Actual YTD \$
Parks and Reserves	1100.9	53,450	49,406
Road Maintenance General	1201.31	51,350	130,617
Tree Lopping/Mulching	1201.34	51,350	24,626
Town Maintenance - Cuballing	1201.35	51,350	3,151
Town Maintenance - Popanyinning	1201.36	51,350	301
Bitumen Patching	1201.37	51,350	9,083
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	37,222
Weed Control – Declared Plants	1300.1	15,970	12,919
Weed Control - Roadside	1300.3	15,970	1,121
Total Maintenance		<b>590,180</b>	<b>319,604</b>
CONSTRUCTION			
Cuballing East (RRG)	1200.30	74,710	67,070
Popanyinning West/Dowling (BS)	1200.40	23,400	17,237
Bunmulling/Popanyinning East (BS)	1200.41	0	15,638
Popanyinning East (DG)	1200.50	59,970	20,942
Congellin (R2R)	1200.60	59,950	16,945
Alton Street (R2R)	1200.61	39,980	0
Nebrikinning (R2R)	1200.63	0	1,905
Bunmulling (Own)	1200.70	55,420	864
Yornaning West (Own)	1200.71	49,950	56,876
Brundell Street (Own)	1200.72	52,550	0
Morrell Street (Own)	1200.73	52,550	0
Total Construction		<b>468,480</b>	<b>197,477</b>
<b>GRAND TOTAL</b>		<b>1,058,660</b>	<b>517,081</b>

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## RATING INFORMATION

	<b>Budget 2002/03</b>	<b>Actual 2002/03</b>
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
	<b>\$499,590</b>	<b>\$505,491</b>
Rates o/s from previous years (1 July)	\$8,960	\$8,957
Rates Written Off	\$0	\$0
Discount Allowed	-\$35,000	-\$35,829
Net Rates Receivable	<b>\$473,550</b>	<b>\$478,619</b>
Less Rates Paid		-\$463,862
<b>RATES OUTSTANDING</b>		<b>\$14,757</b>
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 28 February 2003 be adopted by Council.

### COUNCIL ACTION

Moved Cr Bradford, seconded Cr Newman that the Chief Executive Officer's Recommendation be adopted.

*CARRIED 7/0*

### 7.1.3 CENTRAL SOUTH EISTEDDFOD INC – REQUEST FOR FINANCIAL DONATION

#### **Background**

Letter received from the Central South Eisteddfod Inc advising of the dates for the 2003 Eisteddfod and requesting Council consideration to providing a financial donation towards the running costs of the program.

#### **Comment**

Council has in the past made the following financial contributions to the event, \$50 per year for the period 1996 to 1999, and \$100 in 2000. No contribution was made in 2001 and 2002. Council has included on the 2002/03 Budget amount of \$250 for donations of this

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kind and to date only \$80 has been expended. As stated in the letter there are a number of people from the Cuballing district that perform at the Eisteddfod and perhaps Council could consider making a donation of \$100.

**Reporting Officer**

Peter Naylor, Chief Executive Officer

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**The Shire of Cuballing makes a financial donation of \$100 to the 2003 Central South Eisteddfod scheduled to be held in Narrogin from 17 to 25 May 2003.**

**COUNCIL ACTION**

**Moved Cr Brown, seconded Cr Browne that the Chief Executive Officer's Recommendation be adopted.**

***CARRIED 7/0***

**7.1.4 TOWN OF NARROGIN – ADDITIONAL CONTRIBUTION TO NARROGIN REGIONAL RECREATION CENTRE**

**Background**

Letter received from the Town of Narrogin requesting Council consideration to making an additional contribution of \$56,541 to help fund 15% of the construction shortfall for the Narrogin Regional Recreation Centre. The letter is also requesting Council to consider if in the future it would be prepared to meet 15% of the possible shortfall if funding pledges are not met and forthcoming.

**Comment**

When Council committed itself to this project the Town of Narrogin and the Project Management Committee were informed quite adamantly that the Shire of Cuballing was prepared to make a one off contribution of \$300,000 and that there would be no further funds available. Therefore, and given the local projects planned to be undertaken in developing and improving the facilities and amenities within this district over the next few years, I don't believe Council is in the position to offer further contributions at this time or should be prepared to commit to future payments if funding pledges are not forthcoming.

**Reporting Officer**

Peter Naylor, Chief Executive Officer

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**The Town of Narrogin be informed that the Shire of Cuballing will not be making any future financial contributions to the Narrogin Regional Recreation Centre for capital**

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works, maintenance, or to help fund shortfalls attributed to funding pledges not being met.

### **COUNCIL ACTION**

Moved Cr Hawksley, seconded Cr Brown that the Chief Executive Officer's Recommendation be adopted.

*CARRIED 7/0*

#### **7.1.5 NATIONAL PARTY OF WA – LABOR PARTY ELECTORAL REFORM**

##### **Background**

Correspondence received from the WA National Party requesting Councils financial support for the WA Country Alliance to help fight the Labor Governments High Court bid to have the Supreme Court decision overturned which blocked their electoral reform bill.

##### **Comment**

The Labor Party's Electoral Reform Bill was to introduce One Vote One Value and effectively reduce the number of rural representatives, up to eight, on the Legislative Assembly. The Bill was blocked by the Supreme Court and they are now appealing to the High Court to overturn the decision.

Whilst Council should probably support the National Party and WA Country Alliance endeavours against the Labor Party to maintain rural representation in the Western Australian Parliament, I don't think that Council can reasonably utilise ratepayer funds for this purpose. When this matter was previously brought before Council the general consensus was that Council will support the WA Country Alliance, however, will not make a financial contribution but if residents of the Shire wished to make a personal donation Council will act as a collection point. I believe this would again be the most appropriate stance for Council to adopt.

##### **Reporting Officer**

Peter Naylor, Chief Executive Officer

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

The Shire of Cuballing supports the National Party and WA Country Alliance endeavours to defeat the Labor Party's bid to the High Court to have the Supreme Courts decision on the electoral reform bill overturned, however is not prepared to make a financial contribution to the cause. Council is prepared to be a collection point should residents of the district wish to make a personal contribution to the WA Country Alliance.

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## **COUNCIL ACTION**

Moved Cr Bradford, seconded Cr Hawksley that the Chief Executive Officer's Recommendation be adopted.

*CARRIED 7/0*

### **7.1.6 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – FEDERAL BUDGET SUBMISSION**

#### **Background**

Correspondence received from the Australian Local Government Association (ALGA) on their submission for the 2003/04 Federal Budget.

#### **Comment**

Key recommendations included in ALGA's submission are:

- for the Federal Government to address the unfair tax sharing arrangements between the Commonwealth and local government;
- address cost-shifting;
- continue the highly successful Roads to Recovery program beyond 2004/05;
- more actively promote regional development and investigate a Drought Relief Employment Program;
- work with local government on the challenges of an ageing population and find an 'Ageing In Place' pilot program;
- allocate a stronger role to local government in natural resource management programs;
- assist local government attract doctors to areas of need; and
- find a Learning Communities Program.

A full copy of the Budget submission has been circulated with the Agenda document.

#### **Reporting Officer**

Peter Naylor, Chief Executive Officer

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

The Australian Local Government Associations submission for the 2003/04 Federal Budget be received and information noted.

## **COUNCIL ACTION**

Resolved that the Chief Executive Officer's Recommendation be adopted.

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SHIRE PRESIDENT

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## 7.1.7 GREATER DRYANDRA AND CENTRAL SOUTH TOURISM STATE OF THE INDUSTRY REPORT

### **Background**

The Dryandra Woodlands Focus Group received funding under the Wheatbelt Development Commission's Regional Development Program to prepare a Tourism Industry Report for the Dryandra and Central South areas. This report was prepared by Ms Dale Sanders and launched at a function at the Cuballing Tavern on Thursday 23 January 2003.

### **Comment**

The report focuses on Tourism generally in the Dryandra and Central South area and investigates the best possible alternatives to establish a tourism structure to best serve and promote the areas. There are nine key recommendations contained within the report:

- That the Narrogin and Districts Tourist Bureau restructures and becomes the Dryandra Visitor Centre with committee representation endorsed from each of the participating local governments if required;
- That the Dryandra Visitor Centre becomes the primary tourist information point for the region and remains open 7 days a week;
- The Dryandra Visitor Centre employ 1 FTE tourism development and marketing manager to facilitate the requirements of the WATC to become a WA Tourism Network Visitor Centre. The Dryandra Visitor Centre will also license and use the Brand WA image;
- That unmanned satellite tourist information points be set up at Telecentres or other suitable locations in each of the regions towns. These satellite information hubs will carry like WA Brand signage as the parent centre, with an individual touch added which links the locality or icon with the region. It will be the role of the Dryandra Visitor Centre to liaise with and assist coordinating activities in satellite visitor information centres;
- That the new Dryandra Visitor Centre applies to become the booking agent for Westrail bus services and facilities like the Barna Mia Animal Viewing enclosure and receives a commission for these services;
- That the participating local governments pay a membership fee directly to the Dryandra Visitor Centre, which in turn negotiates a corporate membership fee, that covers the local governments contributions to ZTA;
- That the Dryandra Woodland Focus Group is dissolved and all its assets, equipment and valuable tourism knowledge are transferred to the new Dryandra Visitor Centre Association;
- That the new Dryandra Visitor Centre Association maintain strong network linkages with neighbouring local governments, regions and relevant tourism associations; and
- That following the conclusion of the first year of operation as a visitor centre with 1 FTE that the local governments enter into a funding contract that will provide the centre with \$50,000 per annum for three years, to enable it to enter into a fixed term employment contract(s) for that period of time.

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The projected budgetary allocation by the Shire of Cuballing for the 2003/04 and 2004/05 financial years is \$4,000 and \$5,000 respectively. This is not a major increase on the \$3,500 allocated for the Dryandra Woodlands Focus Group in the 2002/03 Budget. The success of the Report is subject to the local governments in the area adopting it and committing to the funding contributions for the 2003/04 and 2004/05 financial years.

A full copy of the Report has been circulated with the Agenda document.

### **Reporting Officer**

Peter Naylor, Chief Executive Officer

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**The Shire of Cuballing endorses the Greater Dryandra and Central South Tourism State of the Industry Report, and will consider financial allocations of \$4,000 and \$5,000 respectively in the 2003/04 and 2004/05 financial years when adopting the Budget for those years.**

### **COUNCIL ACTION**

**Moved Cr Newman, seconded Cr Bradford that the Chief Executive Officer's Recommendation be adopted.**

***CARRIED 7/0***

## **7.1.8 MINISTER FOR SPORT AND RECREATION – COMMUNITY SPORTING AND RECREATION FACILITIES FUND, CUBALLING TENNIS/NETBALL COURTS**

### **Background**

Letter received from the Minister For Sport and Recreation, Alan Carpenter MLA, advising that the grant application submitted by Council under the Community Sporting and Recreation Facilities Fund (CSRFF) to upgrade the Cuballing Tennis and Netball Courts has been successful. Amount of \$40,000 (GST exclusive) has been allocated for the project.

### **Comment**

The grant application submitted by Council on behalf of the Tennis and Netball Clubs was for amount of \$55,000 (GST exclusive), however this was to upgrade the courts to the absolute best standard and the lesser amount allocated will still allow a very realistic project to be completed. The Tennis Club now needs to determine if they want all four courts upgraded to synthetic surface, which will require the construction of a new netball court, or complete only three of the courts with synthetic and resurface the other court with an acrylic cover and move the western perimeter fence out to allow sufficient room for netball. This matter will be followed up with the two clubs and I will further report to Council on their preferences.

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SHIRE PRESIDENT

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## **Reporting Officer**

Peter Naylor, Chief Executive Officer

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

The letter from the Minister for Sport and Recreation be received and information noted.

### **COUNCIL ACTION**

Resolved that the Chief Executive Officer's Recommendation be adopted.

## **7.1.9 CENTRAL COUNTRY ZONE – ORDINARY MEETING FRIDAY 28 MARCH 2003**

### **Background**

Advice received from the Central Country Zone that the next Ordinary Meeting is to be held at the Wagin Golf Club on Friday 28 March 2003.

### **Comment**

Councillor Watts and myself will be attending the meeting and other Councillors are also welcome to attend. A copy of the meeting agenda has been circulated with the Council Agenda document. Further background information is also available and if Councillors would like a copy please advise.

Are there any matters of concern within the listed agenda items that Council would specifically like raised and/or commented on?

## **Reporting Officer**

Peter Naylor, Chief Executive Officer

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

The information pertaining the Ordinary meeting of the Central Country Zone to be held in Wagin on Friday 28 March 2003, be received and information noted.

### **COUNCIL ACTION**

Resolved that the Chief Executive Officer's Recommendation be adopted.

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SHIRE PRESIDENT

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## **7.1.10 CENTRAL COUNTRY ZONE – INDIGENOUS LAND USE AGREEMENT**

### **Background**

The Central Country Zone has provided to Council a copy of the various documents (Summary and Agreement) that make up the Indigenous Land Use Agreement (ILUA) for perusal and comment, if deemed appropriate.

### **Comment**

A copy of the Wheatbelt ILUA Summary is included in the meeting Agenda, however the remaining documentation, because of its bulk, has been circulated with the Agenda.

The South West Aboriginal Land and Sea Council is taking the ILUA to the three claimant working groups to review during March and this should be completed by 20 March 2003. They believe it is unlikely the claimants will seek changes to the drafts. The next process is then for the ILUA to be presented to the State for signing.

Marcus Holmes of Deacons will be in attendance at the Central Country Zone meeting in Wagin on 28 March 2003, to answer queries and further clarify any matters.

Are there any matters within the ILUA documents that Council would like further information and/or clarification on?

### **Reporting Officer**

Peter Naylor, Chief Executive Officer

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**The correspondence from the Central country Zone and the draft Indigenous Land Use Agreement documents be received and endorsed by the Shire of Cuballing.**

### **COUNCIL ACTION**

**Resolved that the Chief Executive Officer's Recommendation be adopted.**

## **7.1.11 WESTERN AUSTRALIAN ELECTORAL COMMISSION – APPOINTMENT OF RETURNING OFFICER, LOCAL GOVERNMENT ORDINARY ELECTIONS 3 MAY 2003**

### **Background**

Letter received from the WA Electoral Commission (WAEC) advising that Mr Ken Head has been appointed by the Commission as Returning Officer for the forthcoming Local Government Elections.

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## **Comment**

In normal circumstances if Council had resolved to have an In Person election the Chief Executive Officer becomes the Returning Officer under the provisions of the Local Government Act 1995, unless Council chooses to appoint another person. When Council adopted to have a Postal Vote run by the WAEC the appointment of a Returning Officer becomes their responsibility. Mr Head has been in contact with me and will endeavour to work as closely as possible to enable all candidates to be kept informed of the processes involved.

Nominations for the seven Councillor positions will open on Thursday 20 March 2003, and close at 4.00 pm on Thursday 3 April 2003. Advertising to this effect commenced on 12 March 2003.

## **Reporting Officer**

Peter Naylor, Chief Executive Officer

## **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**The letter from the Western Australian Electoral Commission be received and information noted.**

## **COUNCIL ACTION**

**Resolved that the Chief Executive Officer's Recommendation be adopted.**

## **7.1.12 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – 2003 ASSOCIATION HONOURS**

### **Background**

Correspondence received from the WA Local Government Association (WALGA) inviting nominations for the various WALGA Honours for 2003.

### **Comment**

Nominations, which close on 24 April 2003, can be submitted in the following categories:

- Local Government Medal;
- Life Membership;
- Certificate of Appreciation;
- Meritorious Service Award; and
- Distinguished Service Award.

Full details pertaining to the Awards and associated information has been circulated to Councillors with the Agenda document.

Does Council wish to consider nominating a Councillor/s (current or former) for an Award?

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## **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 Officer's Recommendation be adopted.

## **7.1.13 ANNUAL REVIEW OF DELEGATION OF AUTHORITY TO THE CHIEF EXECUTIVE OFFICER AND OTHER OFFICERS OF COUNCIL**

### **Background**

Provisions within section 5.42 of the Local Government Act 1995 deal with the Delegation of Authority to the Chief Executive Officer and other Officers of Council. Section 5.46 of the Act states that at least once in every financial year the Delegations are to be reviewed.

### **Comment**

A copy of the Delegated Authority issued by Council to the Chief Executive Officer and other Officers of the Shire of Cuballing is circulated with the Agenda document for Councillor information.

The previous review of the Delegated Authority Register was at the ordinary meeting of Council on 21 February 2002, and on this occasion some minor amendments. The majority of the Delegations are satisfactory and have not caused any operational problems in the past twelve months.

## **Reporting Officer**

Peter Naylor, Chief Executive Officer

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

The Delegated Authority Register for the Chief Executive Officer and other Officers of the Shire of Cuballing, as circulated and presented to the meeting, be adopted.

### **COUNCIL ACTION**

Moved Cr Wittwer, seconded Cr Bradford that the Chief Executive Officer's Recommendation be adopted.

***CARRIED 7/0***

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SHIRE PRESIDENT

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## **7.2 REPORTS – WORKS**

### **7.2.1 WORKS SUPERVISORS REPORT**

#### **POPANYINNING ROAD EAST**

Bitumen sealing works (two km's approximately) has been completed on this road up to the culvert adjacent to Patten's property. The culvert needs to be extended further and this will be done when time permits. There has been very positive feed back in respect to the widening of roads and sealing works done so far this financial year.

#### **ROADSIDE SPRAYING**

Spraying has been completed on all roads where tree mulching has been done in past years. It is envisaged that the spraying programme now in practice will help reduce the need to frequent these areas as often as the amount of regrowth will be lessened.

#### **TOWN SITES**

Cuballing townsite has been tidied up and there has been a reduction in the number of car bodies in some house yards. This program was undertaken to generally clean up the townsite but also helped with preparations for the centenary celebrations, which by all accounts was a huge success

#### **BAYLISS STREET (DOWLING ROAD)**

Trees have been pushed over to allow for the new alignment of this street for a safer passage for the public to access the Popanyinning West Road. Boundary Road has also been completed to reduce the amount of heavy vehicular traffic in the Popanyinning townsite. This work has been funded by the State Black Spot program.

#### **ROADSIGNS**

Signs are being monitored on a regular basis and along with guideposts being replaced and erected where necessary. Bitumen patching is also being done as required and as manpower allows.

#### **PLANT AND EQUIPMENT**

All items of plant and equipment are being serviced and maintained as required. A new Mobile Fire Hydrant Trailer has been completed and delivered to the Popanyinning West area. This is similar to the Cuballing unit and was partially funded by an Emergency Services grant.

#### **PRIVATE WORKS**

Private Works are being done as the need arises and only when the time permits. When requested to undertake private works we request they try to get an outside contractor if possible so that Council is not competing with local contractors who have established their business for these specific purposes.

Private works invoices for the month of February have been issued for the value of \$4,991.

#### **Reporting Officer**

Alex Richardson, Works Supervisor

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## **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

That the Works Supervisors Report be received and information noted.

## **COUNCIL ACTION**

Resolved that the Chief Executive Officer's Recommendation be adopted.

### **7.2.2 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – CYCLING ON FOOTPATHS IN WESTERN AUSTRALIA, OFFICE OF ROAD SAFETY DISCUSSION PAPER**

#### **Background**

Correspondence received from the WA Local Government Association in relation to an Office of Road Safety Discussion Paper on the use of footpaths by cyclists.

#### **Comment**

The Review and subsequent Discussion Paper has emanated from the Western Australian Bicycle Committee seeking a change in traffic regulations to allow families to ride on footpaths as opposed to the existing legislation which currently only permits children under the age of 12 to do so.

The Discussion Paper examines all aspects and possible consequences if the legislation was to be changed to allow all cyclists to ride on footpaths. These include Cyclist Numbers and Travel Patterns, Pedestrian/Cyclist Conflicts, Cyclist Safety, Enforcement and Clarity for Users, Legal Liability of Local Government, and Potential High Conflict Areas. Taking all matters into consideration there is a recommendation in the Discussion Paper that consideration be given to extending the current regulations governing the use of footpaths by cyclists from children under the age of 12 years to all ages.

Should Councillors require a copy of the Discussion Paper please advise and it will be provided at the Council meeting.

#### **Reporting Officer**

Peter Naylor, Chief Executive Officer

## **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

The letter from the Western Australian Local Government Association and the Office of Road Safety Discussion Paper entitled "Cycling on Footpaths in Western Australia" be received and information noted.

## **COUNCIL ACTION**

Resolved that the Chief Executive Officer's Recommendation be adopted.

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### **7.2.3 AUSLINK GREEN PAPER “TOWARDS THE NATIONAL LAND TRANSPORT PLAN”**

#### **Background**

The Western Australian Local Government Association (WALGA) has provided a copy of their Submission to the Federal Minister for Transport and Regional Services on the Auslink Green Paper. This matter was previously presented to the December 2002 meeting of Council.

#### **Comment**

A copy of WALGA's submission has been circulated with the Agenda document for Council information.

#### **Reporting Officer**

Peter Naylor, Chief Executive Officer

#### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**The Submission on the Auslink Green Paper by the Western Australian Local Government Association to the Federal Minister for Transport and Regional Services be received and information noted.**

#### **COUNCIL ACTION**

**Resolved that the Chief Executive Officer's Recommendation be adopted.**

### **7.2.4 SHIRE OF NAREMBEEN – SKELETON WEED MEETING 26 MARCH 2003**

#### **Background**

Letter received from the Shire of Narembeen advising that the next Skeleton Weed meeting is scheduled to be held in Narembeen on Wednesday 26 March 2003, commencing at 11.00 am. A copy of the meeting Agenda is also provided.

#### **Comment**

Nil

#### **Reporting Officer**

Peter Naylor, Chief Executive Officer

#### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**The correspondence from the Shire of Narembeen be received and information noted.**

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## **COUNCIL ACTION**

**Resolved that the Chief Executive Officer's Recommendation be adopted.**

### **7.2.5 2003 ANNUAL ROADS FORUM**

#### **Background**

Correspondence received from the Western Australian Local Government Association advising that the 2003 Annual Roads Forum is scheduled to be held in Kalgoorlie on 27/28 June 2003, to coincide with the National Local Roads Congress.

#### **Comment**

In previous years this Forum is held in Perth during March, and has been attended by Councillors Watts and Brown, and the Chief Executive Officer. The program for this years Forum and registration forms will be available in the near future, however given the location and timing (Budget preparation) it may prove difficult to attend.

Further information was presented to the meeting in relation to the Annual Roads Forum and the National Local Roads Congress to be held in Kalgoorlie.

#### **Reporting Officer**

Peter Naylor, Chief Executive Officer

## **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

The information pertaining to the 2003 Annual Roads Forum and 2003 ALGA National Roads Conference be received and information noted.

## **COUNCIL ACTION**

**Resolved that Crs Watts and Brown, and the Chief Executive Officer be nominated to attend 2003 Annual Roads Forum scheduled to be held in Kalgoorlie on 27 and 28 June 2003.**

### **7.2.6 DEPARTMENT OF LAND ADMINISTRATION – POPANYINNING LOT 313**

#### **Background**

Letter received from the Department of Land Administration (DOLA) requesting Council consideration to accepting a Management Order for Popanyinning Lot 313, which is the former Popanyinning School and now utilised by the Popanyinning CWA. The Management Order would be for "Community Purposes".

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## **Comment**

The land has quite a history and property status and ownership/management has changed several times.

- From 1904 to 1978 it was allocated as the Popanyinning School Site on Reserve 9412 (also Popanyinning Lot 61);
- In 1978 portion of Lot 61 was excised and became Reserve 35567 (Popanyinning Lot 313). This land was Vested with the CWA for the purpose of "Hall Site";
- In 1986 the Vesting Order was revoked and the purpose of the Reserve changed to use and requirements of the Minister for Works;
- In 1987 a Freehold Title was created for Lot 313; and
- In 1990 Reserve 35567 was cancelled.

The CWA have been utilising the premises for a number of years on the understanding they had a lease arrangement with Council, however this does not appear to be the case and there is no lease on file. DOLA is offering the Management of the land to Council but perhaps this should be taken up by the Popanyinning CWA as the occupants of the property. If the CWA was then to disband in the future the land could be handed back to the crown. If Council accepted the Order and entered into a lease with the CWA the land would always remain Councils responsibility. Mrs Dorothy Cunningham, Secretary of the Popanyinning CWA, has indicated that she believes they would be happy to accept a Management Order for the property. Council can still provide assistance as in the past.

However, given that it is the former School site perhaps Council may feel it has some historical significance and would like to accept the Management Order.

## **Reporting Officer**

Peter Naylor, Chief Executive Officer

## **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**The Department of Land Administration be informed that the Shire of Cuballing is willing to accept the Management Order for Popanyinning Lot 313 but requests that the Management Order in the first instance be offered to the Popanyinning CWA as they are the occupants of the property.**

## **COUNCIL ACTION**

**Moved Cr Browne, seconded Cr Wittwer that the Chief Executive Officer's Recommendation be adopted.**

***CARRIED 7/0***

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### **7.3 REPORTS – BUILDING**

#### **7.3.1 HERITAGE COUNCIL OF WESTERN AUSTRALIA – REGISTER OF HERITAGE PLACES, CUBALLING CWA HALL (FORMER ROADS BOARD BUILDING) AND CUBALLING AGRICULTURAL HALL**

##### **Background**

Advice received from the Heritage Council of Western Australia that the Cuballing CWA Hall (former Roads Board Building) and the Cuballing Agricultural Hall are being considered for inclusion on the State Heritage Register, and inviting Council representatives to the Heritage Council meeting at which the matter will be considered. The date and time of the meeting is yet to be confirmed.

##### **Comment**

The two buildings have played a significant role in the history of Cuballing and their listing on the State Heritage Register, along with the former Post Office, is wonderful recognition for the quality in which they have been maintained over the years and their value to the local community (both former and current).

Unfortunately because the date of the Heritage Council meeting is not known it is difficult for Council to commit being in attendance.

##### **Reporting Officer**

Peter Naylor, Chief Executive Officer

##### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**The Heritage Council of Western Australia be informed that the Shire of Cuballing supports the inclusion of the Cuballing CWA Hall (former Roads Board Building) and the Cuballing Agricultural Hall being included on the State Heritage Register, however will not be able to be represented at the meeting of the Heritage Council at which the matter will be considered.**

##### **COUNCIL ACTION**

**Moved Cr Brown, seconded Cr Bradford that the Chief Executive Officer's Recommendation be adopted.**

***CARRIED 7/0***

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## 7.3.2 BUILDING SURVEYORS REPORT

### Summary:

There were 6 building applications for the month of January. Councils Building Surveyor has issued building licenses as this proposal as all the information required has 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
11-2-03	21/02.03	B & L JENNINGS LOT 7115 NAPPINGPOOL ROAD POPANYINNING	GARBUK PTY LTD 105 KELVING ROAD MADDINGTON	House	LOC 6291 POPANYINNIN G ROAD WEST CUBALLING
7-2-03	23/02.03	RS & PG FREEMAN 15 CORRIE STREET CUBALLING	O/B	SHED EXTENSION	LOT C32 Great Sourther Highway CUBALLING
11-2-03	24/02.03	DR & MJ FERREL PO BOX 527 CANARVON 6701	O/B	TOILET BLOCK	LOT 292 BRUNDELL ST CUBALLING
13-2-03	25/02.03	MR. & MRS COLEMAN 50 FORREST ST POPANNINING	NEIL ARMSTRONG LOT 665 BROCKMAN WAGIN	PATIO	LOT 50 FORREST ST POPANNINING
11-2-03	26/02.03	LYNETTE CARROL LOT 245 & 421 CAMPBELL ST CUBALLING	O/B	SHED	LOT 421 CAMPBELL ST CUBALLING
11-2-03	27/02.03	B OSBORNE LOT 108 WANDERING RD, CUBALLING	A W HODGE PO BOX 115 CUBALLING	CAR PORT	LOT 108 WANDERING RD, CUBALLING

### Consultation:

Nil.

### Statutory Environment:

Nil.

### Policy Implication:

Nil.

### Financial Implications:

Nil.

### Strategic Implications:

Nil.

### Reporting Officer

Darryle Baxter, Building Surveyor

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## CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Building Surveyor's Report be received and information noted.

## COUNCIL ACTION

Resolved that the Chief Executive Officer's Recommendation be adopted.

### 7.3.3 BUILDING REPORT FOR 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:**

4-3-2003

**Summary:**

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

**Background:**

At the present moment, people feel that they do not need a building licence for the structures other than a house on a farm.

This is now a misconception as the BCA has been in place since 1996 and these classifications and description have also been in place for this period of time.

The current thought is that Farm Shed is a 10a building. If you look at the description that is given in the BCA we can see that this does not apply. I have included the following section of the BCA.

*Building Code of Australia 1996 – Volume One*

*A3.1 Principles of classification*

***The classification of a building or part of a building is determined by the purpose for which it is designed, constructed or adapted to be used.***

*A3.2 Classifications*

*Buildings are classified as follows:*

*Class 10: a non-habitable building or structure-*

*1. Class 10a - a non-habitable building being a private garage, carport, shed, or the like;  
or*

As can be seen from this classification it is dealing with private garage, carport, shed or the like. The description does not seem to indicate a shed of several hundred to over several thousand square meters in size.

Below is the sections of the BCA, that is D3.1 and the appropriate table from Table D3.2 Deemed-to-Satisfy Provisions

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*Building Code of Australia 1996 – Volume One*

**D3.1** *Application of Part*

*The Deemed-to-Satisfy Provisions of this Part apply to Class 3, 5, 6, 7, 8, 9 or 10a buildings other than-*

**D3.2** *General building access requirements*

*(a) Buildings must be accessible as required by [Table D3.2](#).*

*(b) Parts of buildings required to be accessible must comply with this Part and [AS 1428.1](#).*

*(c) External access to a building required to be accessible must be in accordance with this Part and [AS 1428.1](#), and must be provided-*

*(i) from the allotment boundary at the main points of entry; and*

*(ii) from any accessible carparking space on the allotment in accordance with [D3.5](#); and*

*(iii) from any adjacent and associated accessible building on the allotment; and*

*(iv) through the principal public entrance.*

**PART D3 – ACCESS FOR PEOPLE WITH DISABILITIES**

*Deemed-to-Satisfy Provisions*

*Building Code of Australia 1996 – Volume One*

*Table D3.2*

**REQUIREMENTS FOR ACCESS FOR PEOPLE WITH DISABILITIES**

*Class of building Access requirements*

*Class 5, 6, 7 and 8 To and within-*

*(i) the entrance floor; and*

*(ii) any other floor to which vertical access by way of a ramp, step ramp or kerb ramp complying with [AS 1428.1](#) or a passenger lift is provided.*

Another concern is what facilities are to be incorporated in the construction of these building so that they comply with the additional fire safety measures needed in each class of building.

There are provisions that need to be met for these structures to comply. The sections that are of concern are as follows.

**PART C2 – COMPARTMENTATION AND SEPARATION**

*Deemed-to-Satisfy Provisions*

*Building Code of Australia 1996 – Volume One*

**C2.3** *Large isolated buildings*

*The size of a fire compartment in a building may exceed that specified in [Table C2.2](#) where-*

*(a) the building does not exceed 18 000 m<sup>2</sup> in floor area nor exceed 108 000 m<sup>3</sup> in volume, if-*

*(i) the building is Class 7 or 8, it contains not more than 2 storeys and is provided with open space complying with [C2.4\(a\)](#) not less than 18 m wide around the building -*

**C2.4** *Requirements for open spaces and vehicular access*

*(a) An open space required by [C2.3](#) must-*

*(i) be wholly within the allotment except that any road, river, or public place adjoining the allotment, but not the farthest 6 m of it may be included; and*

*(ii) include vehicular access in accordance with [\(b\)](#); and*

*(iii) not be used for the storage or processing of materials; and*

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The other additional requirements that would need to be accommodated are the provision of Fire Fighting Equipment for these buildings.

#### Deemed-to-Satisfy Provisions

*Building Code of Australia 1996 – Volume One*

#### **E1.3** Fire hydrants

*(a) A fire hydrant system must be provided to serve a building-*

*(i) having a total floor area greater than 500 m<sup>2</sup> ; and*

*(iii) where an on-site pumpset is provided to achieve the performance requirements of AS 2419.1, the pumpset must comprise-*

*(A) two pumps with at least one driven by a compression ignition engine or an electric motor supplied from an emergency power generator; or*

*(A) having direct egress to a road or open space; and*

*(vi) where the water supply system is taken from a static source, suitable connections and vehicular access must be provided to permit fire brigade personnel to draw water from that source and a fire-service booster connection must be provided adjacent to allow boosting of the system; and*

All of the above is great if you have a lot of money and live near a built up area where there is a lot of resources.

Most of the building that are constructed on a farm fall into the following BCA classes of structure-

*Class 7: a building which is-*

*(a) Class 7a - a carpark; or*

*(b) Class 7b - for storage, or display of goods or produce for sale by wholesale.*

*Class 8: a laboratory, or a building in which a handicraft or process for the production, assembling, altering, repairing, packing, finishing, or cleaning of goods or produce is carried on for trade, sale, or gain.*

A Hay Shed or Machinery Shed would be a Class 7B.

*If persons are likely to be employed to stack or remove materials from storage building(s) then, in this instance, a classification of 7b may be appropriate.*

A Shearing Shed, Poultry Shed, Processing or Production Shed (stock feed manufacture) and Workshop would fall into the Class 8.

*1. If persons are likely to be employed to pack or process materials within building(s) then, in this instance, a classification of 8 may be appropriate.*

*2. If persons are likely to be employed to feed, clean or collect produce from animals or plants within the building(s) then, in this instance, a classification of 8 may be appropriate.*

The BCA has Deemed-to-Satisfy provisions but it also has Performance Solutions.

A Solution that could be acceptable to Councils Building Surveyor might be the following-  
For Large Hay Sheds and Machinery Storage Sheds the following solutions might be suggested-

3. 18 meters between buildings so that there is no chance of fires spreading from one building to the next.

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4. An undertaking that there be a Fire Tender Vehicle with a minimum of 2000 litres capacity in the vicinity whenever there is any work done in these large storage buildings which would have a Classification of a 7B Building.

For Shearing Sheds, Production Sheds and Workshops the following solutions might be suggested-

5. A 20,000 litre tank be installed 4 meters away from the structure with Hard Stand outlets positioned at either end of the structure so that the water is accessible so that the fire tenders can tap into it.

6. An undertaking that there be a Fire Tender Vehicle with a minimum of 2000 litres capacity in the vicinity whenever there is any activities to be carried out in these structures, if more water was required, they would be able to tap into the above water tank.

7. That the appropriate fire extinguishers be installed in the immediate area that would best serve the location e.g. see the accompanying information.

Each building application would have to be assessed on its merits and its performance solutions.

**Comment:**

The Building Code of Australia, which has been accepted by all Local Authorities, states that these structures are to be rated as either Class 7 or Class 8 depending on their use and Class 10A is only shed associated with a Dwelling. It has also been noted and recommended by the Department of Local Government and Regional Development in the Building Note NUMBER 5-2002 dated 2 December 2002 that these issues be given careful consideration.

**Consultation:**

Department of Local Government

See attachment 1a

Building Code of Australia

**Statutory Environment:**

This is a requirement of the BCA and State Legislation.

**Policy Implication:**

Council has adopted the Building Code of Australia and could we be held responsible if we did not adhere to it.

**Financial Implications:**

Could Council be held liable if a compensation claim was lodged for losses incurred due to structural failure or negligence?

**Strategic Implications:**

The financial liabilities far out way the minor incontinence of getting a Building Licence to have the structures comply with legislation and the BCA.

**Voting Requirements-**

**Simple Majority.**

**Reporting Officer**

Darryle Baxter, Building Surveyor

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## **BUILDING SURVEYOR'S RECOMMENDATION**

That Council accepts the recommendations proposed by Councils Building Surveyor. Most Farm Sheds are not Class 10a but are indeed Class 7B or Class 8 and thus as a Council we have a duty of care to protect our rate payers from litigation and loss.

## **COUNCIL ACTION**

**Resolved that the Building Surveyor be invited to attend the April 2003 ordinary meeting and address Council on the new classifications of large farm buildings.**

**Attachment. 1a**

### ***BUILDING NOTE***

***NUMBER 5-2002            2 December 2002***

### ***CLASSIFICATION OF LARGE FARM BUILDINGS***

*The Department of Local Government and Regional Development has been requested to provide a view on the classification of large farm buildings. Concerns have been raised that some buildings classed, as 10a are in fact structures built for commercial purposes in which varying numbers of people are employed.*

*The Building Regulations 1989, states that "Every building shall be classified by the local government in accordance with Part A3 of Volume One of the Building Code." It is therefore the responsibility of the local governments to ensure that a building is correctly classified.*

*The Building Code of Australia Guide, under the heading of 'Difficult Classifications', states that "In some States or Territories, appropriate authorities may classify farm buildings as Class 10a, which covers non-habitable buildings. They would only make this decision if a classification of Class 7b or Class 8 would not be more appropriate." Using this criteria, it would seem appropriate that local governments should rule out the other classifications of 7b and 8 before adopting a 10a classification for a large farm building.*

*It's been suggested that some applicants propose to install services such as exit signs, fire hose reels or extinguishers in order to satisfy the concerns of the local government that such large farm buildings may pose a significant fire safety threat. Local governments need to exercise caution when relying on such services being placed as a condition on a building licence for a Class 10a development. Such conditions, imposed on a Class 10a building, may not be enforceable, as they are not required by the BCA. If a local government is of the opinion that some form of additional fire safety measures are needed in a Class 10a building, then it should reconsider the 10a classification.*

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*It is the Department's view that issues such as low fire load, low occupant risk and low risk of fire spread should not be used as justification for choosing a less stringent classification for a building. These issues should be utilised when assessing an Alternative Building Solution to the Deemed-to-Satisfy provisions of the BCA. Such Alternative Building Solutions may only require minimal fire safety measures for Class 7b or 8 buildings.*

**Recommendation:**

*The following recommendations by the Department may assist local governments in determining the classification of large farm buildings:*

- 8. If persons are likely to be employed to stack or remove materials from storage building(s) then, in this instance, a classification of 7b may be appropriate.*
- 9. If persons are likely to be employed to pack or process materials within building(s) then, in this instance, a classification of 8 may be appropriate.*
- 10. If persons are likely to be employed to feed, clean or collect produce from animals or plants within the building(s) then, in this instance, a classification of 8 may be appropriate.*

**Other BCA requirements:**

*As well as fire safety issues associated with large farm buildings local government should also consider other BCA requirements such as access for persons with a disability and the provision of sanitary facilities. It should also be noted that access for persons with disability is required for some Class 10a buildings, as per D3.1 and Table D3.2 of the BCA.*

*Where Deemed-To-Satisfy provisions of the BCA are considered inappropriate, local government should consider Alternative Building Solutions that meet the performance requirements of the BCA.*

*Cheryl Gwilliam  
DIRECTOR GENERAL*

**7.4 REPORTS – HEALTH**

**7.4.1 DEPARTMENT OF RACING, GAMING AND LIQUOR – SUNDAY TRADING FOR HOTELS ON LONG WEEKENDS**

**Background**

Letter received from the Department of Racing, Gaming and Liquor advising that a new policy has been developed for applications lodged by hotel licensees for late-night trading on Sundays that fall within a public holiday long weekend.

**Comment**

The major changes in the new policy is the requirement for licensees to certify that the relevant local government and police are supportive of the application, and if a licensee is

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seeking permission to trade in excess of one hour after the normal permitted closing time they need to give notification to all residents and businesses located within a 200 metre radius of the licensed premises.

### **Reporting Officer**

Peter Naylor, Chief Executive Officer

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

The correspondence from the Department of Racing, Gaming and Liquor be received and information noted. A copy of the information be provided to the proprietors of the Cuballing Tavern for their information.

### **COUNCIL ACTION**

Resolved that the Chief Executive Officer's Recommendation be adopted.

## **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 February 2003.

### **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.*
- (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.*

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.  
Notice served on owner/occupier to vacate property.

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## **On-site effluent Disposal**

- (i) Lot 25 Lukin Street, Cuballing  
Inspection of on-site effluent disposal system.
- (ii) Loc 6291 West Popanyinning Road, Cuballing  
Site-inspection of proposed on-site effluent disposal system.

## **Reporting Officer**

Maurice Walsh, Environmental Health Officer

## **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That the Environmental Health Officer's Report be received and information noted.**

## **COUNCIL ACTION**

**Moved Cr Brown, seconded Cr Wittwer that the Chief Executive Officer's Recommendation be adopted.**

***CARRIED 7/0***

## **7.5 REPORTS – TOWN PLANNING**

### **7.5.1 ENVIRONMENTAL PROTECTION AUTHORITY AND DEPARTMENT OF PLANNING INFRASTRUCTURE – SHIRE OF CUBALLING DRAFT TOWN PLANNING SCHEME #2 AND DRAFT LOCAL PLANNING STRATEGY**

Matter dealt with earlier in the meeting.

### **7.5.2 BLUE SUN INDUSTRIES (MR J C DARDEN) – APPLICATION FOR PLANNING APPROVAL FOR AQUACULTURE BUSINESS AT LOT 88 HOTHAM STREET POPANYINNING**

#### **Background**

A planning application to develop an Aquaculture business at number 1 (Lot 88) Hotham Street, Popanyinning, was received at the office of Council on 28 February 2003. The unsigned information was forwarded to Councils Town Planning Consultant (Trevor Moran) for professional advice on the application.

#### **Comment**

The response from Mr Moran indicated that the information provided by the proponent was insufficient to allow Council to make a proper assessment and an informed decision on the proposal, and that further information should be sought, (as per the information included in the meeting Agenda), including a proper and formal application.

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Enquiries to the office by the proponent have mostly been via unsigned email transmissions and it has been quite difficult to determine exactly what they plan for the property. On one occasion when Mr Darden did visit the office I advised him that Council will be willing to assist him where possible and that the Building Surveyor and Environmental Health Officer are available to discuss what development plans they may have, but this offer has not been pursued.

### **Reporting Officer**

Peter Naylor, Chief Executive Officer  
Trevor Moran, Landvision, Town Planning Consultant

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**The planning application submitted by Blue Sun Industries, Mr J C Darden, to develop an Aquaculture Business on the property situated at 1 (Lot 88) Hotham Street, Popanyinning, be rejected until such time as a formal application has been submitted providing all the necessary information, in accordance with the comments made by the Town Planning Consultant, to enable Council make a proper assessment of the proposal and an informed decision.**

### **COUNCIL ACTION**

**Moved Cr Bradford, seconded Cr Brown that the Chief Executive Officer's Recommendation be adopted.**

***CARRIED 7/0***

### **7.5.3 MR L (TONY) SUCCI – PLANNING APPLICATION TO DEVELOP OLIVE PROCESSING PLANT AT LOT 128 BUNMULLING ROAD POPANYINNING**

#### **Background**

Letter received from Mr Succi requesting Council consideration to granting permission for him to establish an Olive Oil processing plant at his property Lot 128 Bunmulling Road, Popanyinning.

#### **Comment**

Mr Succi did not provide a great deal of information with his letter, however is seeking advise as to whether Council would view the proposal favourably prior to preparing a full and detailed planning application. The matter has been referred to the Town Planning Consultant and Mr Moran's comments should be available for presentation to the Council meeting.

Councils Environmental Health Officer has also contacted Mr Succi on the proposal and discussed what the health requirements may be.

I have not provided Council with a recommendation on this matter as it needs to be discussed further with the Town Planning Consultant and Mr Succi.

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Advice has been received from Councils Town Planning Consultant, Trevor Moran, on Mr Succi's planning application to develop an Olive Processing Plant on his property at Popanyinning.

Mr Moran believes that the proposal to operate the Olive Processing Plant as a personal use business will place it under the definition of "cottage industry" which is an "AA" use in a Rural Residential zone and can be supported by Council provided advertising is undertaken in accordance with clause 6.2 of the Scheme. Should Mr Succi eventually expand the business for commercial purpose, as indicated in his letter of application, the zoning use will change and more likely fit the definition of "industry – rural". Mr Moran suggests that if this happens Mr Succi be requested to submit a further planning application.

Mr Moran indicates that noise level, smells, emissions and hours of operation are matters that need to be clearly determined. He further suggests that Mr Succi be requested to submit an application in the prescribed format (using forms drafted for the new Town Planning Scheme) and addressing the following:

- The location of the shed in relation to the property and adjoining residences;
- The size of shed limited to 55m<sup>2</sup> of floor area in accordance with the Town Planning Scheme;
- The management of noise levels;
- Stipulate hours of operation; and
- Describe how waste is to be disposed of.

### **Reporting Officer**

Peter Naylor, Chief Executive Officer  
Mr Trevor Moran, Landvision, Town Planning Consultant

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**Mr Succi be informed that Council will be prepared to favourably consider a planning application for the development of an Olive Processing Plant (for personal use) on his property at Lot 128 Bunmulling Road, Popanyinning, subject to a formal application being lodged in the prescribed format providing full details pertaining to the proposed operations including the following, in which:**

- **The location of the shed is indicated in relation to the property and adjoining properties/residences;**
- **The size of the shed is limited to 55m<sup>2</sup> floor area (in accordance with Schedule 1 of the Town Planning Scheme);**
- **The management of noise to DEP standards is described;**
- **The hours of operation are stipulated; and**
- **The disposal of waste is described.**

**Mr Succi also be informed that should he wish to change the purpose of the Processing Plant in the future for commercial purposes then a new planning**

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application will need to be submitted for Council consideration as the zoning use of the land will change under the Shire of Cuballing Town Planning Scheme.

**COUNCIL ACTION**

Moved Cr Brown, seconded Cr Bradford that the Chief Executive Officer's Recommendation be adopted.

**CARRIED 7/0**

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

Nil

**9. OTHER URGENT BUSINESS**

**9.1 CHIEF EXECUTIVE OFFICERS ANNUAL PERFORMANCE APPRAISAL**

Prior to the commencement of the ordinary meeting Council carried out the Annual Performance Appraisal for the Chief Executive Officer.

Details pertaining to the process and results were discussed with the Chief Executive Officer. Council advised that an increase in employment conditions has been discussed and the Shire President will negotiate this with the Chief Executive Officer and report back to Council.

**9.2 OTHER GENERAL BUSINESS**

- Moved Cr Brown, seconded Cr Newman that a soft cover copy of the Shire of Cuballing History Book, "Numbat Country", be donated to the Narrogin, Wickepin and Pingelly libraries.

**CARRIED 7/0**

- Cr Bradford advised that there are bad pot holes on the Wandering Narrogin Road approximately 2 to 5km south of the Dryandra entrance.
- Cr Wittwer queried the road verge spraying program and commented that perhaps the methodology and chemical used needs to be reviewed.
- Cr Browne stated that the bitumen on Stratherne Road (near the 5 roads junction) is starting to break up.

**10. CLOSURE OF MEETING**

There being no further business the Shire President declared the meeting closed at 5.12 pm.

**CONFIRMED AS A TRUE RECORD OF PROCEEDINGS ON \_\_\_\_\_**

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**PRESIDENT**

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