



SHIRE OF CUBALLING

**ORDINARY COUNCIL MEETING
HELD ON THURSDAY 18 MARCH 2004**

MINUTES

SHIRE OF CUBALLING
ORDINARY COUNCIL MEETING
THURSDAY 18 MARCH 2004

MINUTES

TABLE OF CONTENTS

1. **OPENING - ANNOUNCEMENT OF VISITORS**
2. **ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE**
3. **PUBLIC QUESTION TIME**
4. **APPLICATIONS FOR LEAVE OF ABSENCE**
5. **MINUTES**
 - 5.1 Confirmation of 19 February 2004 Meeting of Council (as circulated)
6. **PETITIONS, DEPUTATIONS, PRESENTATIONS**
7. **REPORTS OF OFFICERS**
 - 7.1 **FINANCE AND ADMINISTRATION** (Beige)
 - 7.2 **WORKS** (Blue)
 - 7.3 **BUILDING** (Green)
 - 7.4 **HEALTH** (Pink)
 - 7.5 **TOWN PLANNING** (Yellow)
8. **ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
9. **OTHER URGENT BUSINESS**
10. **CLOSURE OF MEETING**

SHIRE PRESIDENT

DATE

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
18 MARCH 2004**

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 McKenzie
Cr T H Wittwer

Cr J D Brown
Cr C R Hawksley
Chief Executive Officer P T Naylor

APOLOGIES

Nil

LEAVE OF ABSENCE

Leave of absence was granted to Cr Bradford and Cr Newman at the February 2004 ordinary meeting of Council.

3. PUBLIC QUESTION TIME

Nil

4. APPLICATION FOR LEAVE OF ABSENCE

Nil

5. MINUTES

5.1 CONFIRMATION OF 19 FEBRUARY 2004 ORDINARY MEETING OF COUNCIL

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the minutes (as circulated) of the ordinary meeting of the Shire of Cuballing held in the Council Chambers on 19 February 2004 be confirmed.

COUNCIL ACTION

Moved Cr McKenzie, seconded Cr Brown that the Chief Executive Officers Recommendation be adopted.

CARRIED 5/0

SHIRE PRESIDENT

DATE

6. PETITIONS, DEPUTATIONS, PRESENTATIONS

Mr Trevor Moran, Council's Town Planning Consultant, met with Councillors and the Chief Executive Officer prior to the Council meeting (11.00am) to explain modifications to the Shire of Cuballing Draft Town Planning Scheme No. 2 as required by the Department for Planning and Infrastructure.

Following the closure of the Council meeting (5.00pm) Certificates of Recognition were presented to past Councillors who served eight or more years of service as a Councillor with the Shire of Cuballing since 1961.

7. REPORTS OF OFFICERS

7.1 CHIEF EXECUTIVE OFFICER

7.1.1 LIST OF ACCOUNTS SUBMITTED FOR COUNCIL APPROVAL AND PAYMENT – MARCH 2004

V	NAME	PARTICULARS	MUNI	TRUST
9283	SAI GLOBAL LTD	Roadworks Handbooks	133.10	
9284	PETTY CASH	Petty Cash Reoup	221.15	
9285	AL FONZARELLI	Community Concert - Band	3300.00	
9286	SALARIES & WAGES	Wages 11/2/04 – 24/2/04	23303.44	
9287	SHIRE OF PINGELLY	Central Country Zone Bowls Day	60.00	
9288	SHIRE OF WICKEPIN	Contribution - Reg. Recycling Program	300.00	
9289	CENTRAL SOUTH ESTEDDFOD	Donation to Esteddfod Sat 22/5/04	100.00	
9341	ATO	Feb 2004 Bas Cuballing Shire	5302.00	
9342	SALARIES & WAGES	Wages 25/2/04 – 9/3/04	22366.75	
9343	GREG CAMPBELL'S COMPAC MUZIC	Hire of DJ for Community Concert	280.00	
T1877	AUSTRALIAN SERVICES UNION	Deductions February 2004		31.00
T1878	WA LOCAL GOV SUPER PLAN	February 2004 Contributions		4698.80
T1879	GROUNDLINK	Farm Forestry - Final Report Costs		550.00
9361	ARGUS PEST CONTROL	Termite Treatment - Beeston Street	87.00	
9362	AUSTRALIAN POST	Renewal Post Box - Cuballing Box 13	13.00	
9363	A BLYTH	Chq cancelled - reissue chq 9414		
9364	BOISE CASCADE	Chq cancelled - reissue chq 9415		
9365	BURGESS RAWSON	Chq cancelled - reissue chq 9416		
9366	COFFEY GEOSCIENCES P/L	Chq cancelled - reissue chq 9417		
9367	COLES	Chq cancelled - reissue chq 9418		
9368	CORNERS AUTO ELECTRICS	Chq cancelled - reissue chq 9419		
9369	COURIER AUSTRALIA	Chq cancelled - reissue chq 9420		
9370	CUBALLING TAVERN	Refreshments	179.60	
9371	CUBALLING ROAD HOUSE	Refreshments & Gas	277.42	
9372	DEPT FOR PLANN & INFRASTRUCTURE	Shire Vehicle Renewals	2726.00	
9373	R DEWS MINI EXCAVATIONS	Earthworks Cuballing Tennis Courts	1796.30	
9374	DRYANDRA ELECTRICAL	Supply & Install Lighting - Tennis Courts	3910.06	
9375	EDWARDS MOTORS PTY LTD	Parts & Repairs	654.25	
9376	FRANK WESTON & CO	Materials	10.34	
9377	GR & VL WILLIAMS	Water Truck Hire	5148.00	

SHIRE PRESIDENT

DATE

9378	GREAT SOUTHERN DINGO	Fencing - Tennis Courts	211.75
9379	GREAT SOUTHERN FUELS	Fuels & Oils	7521.21
9380	JR & A HERSEY PTY LTD	Chq Cancelled - reissue chq 9421	
9381	MAKIT NARROGIN HARDWARE	Materials	581.80
9382	MCDUGALL WELDMENTS	Parts & repairs	605.36
9383	METAL ARTWORK CREATIONS	Council Badges	22.55
9384	NARROGIN AG REPAIRS	Parts & Repairs	257.80
9385	NARROGIN AUTO ELECTRICS	Parts & Repairs	525.92
9386	NARROGIN BEARING SERVICE	Parts	8.47
9387	NARROGIN COMPUTERS	Office Equipment Maintenance	66.00
9388	NARROGIN LIQUID WASTE DISPOSAL	Pump out portable toilets from Community Concert	123.20
9389	PARRYS PTY LTD	Protective Clothing	108.95
9390	PIONEER CONST MATERIALS	Road Construction Materials	2276.98
9391	PIONEER CREDIT MANAGEMENT	Debt Collections	39.60
9392	POPO GENERAL STORE	Fuel CN1/Fire Fighter	59.20
9393	QUALIP BELL NURSERY	Paint Entry Statement Figurines x 6	526.35
9394	SHIRE OF NARROGIN	Works at Cuballing Cemetery	626.73
9395	SHIRE OF WANDERING	CLC Expenses February 2004	194.23
9396	SHIRE OF WICKEPIN	Recycling Costs	330.00
9397	S O S BUNBURY	Photocopier Charges	99.91
9398	SOUTHWEST PRINTING & PUBL	Advertising	62.48
9399	STAR TRACK EXPRESS	Freight	30.54
9400	SWIFT RUBBER STAMPS	Council Stamps	62.97
9401	TED CARPET CLEANING SERVICE	Clean Carpets Council Offices	165.00
9402	TELSTRA CORPORATION	Phone A/C	339.67
9403	THE STENNING GROUP	Computer Equipment Maintenance	1217.83
9404	TIMES PRINT	Business Cards - Alex and Peter	396.00
9405	TOWN OF NARROGIN	Building Inspection Fees Jan 2004	2119.57
9406	VALUERS GENERALS OFFICE	Rating Valuations	92.50
9407	WA LOCAL GOVT ASSOC	Advertising	228.75
9408	WA TREASURY CORPORATION	Loan Repayments	6146.55
9409	WATER CORPORATION	Water A/C	1154.95
9410	WESTERN POWER CORP	Power A/C	2255.47
9411	WESTNET	Telecentre Access Point - Popanyinning	904.82
9412	WESTRAC EQUIPMENT	Parts & Repairs	1502.07
9413	WOTTOS TRANSPORT	Cartage	1210.00
9414	A BLYTH	Tree Lopping	220.00
9415	BOISE CASCADE	Stationery	65.32
9416	BURGESS RAWSON	Water A/C - War Memorial	32.07
9417	COFFEY GEOSCIENCES PL	Laboratory Testing	189.20
9418	COLES	Council Shopping	117.25
9419	CORNERS AUTO ELECTRICS	Fit & Wire Mobile Phone	211.75
9420	COURIER AUSTRALIA	Freight	61.38
9421	JR & A HERSEY PL	Safety Equipment	1155.20
9422	WESTRAC EQUIPMENT	Chq Cancelled	
	ELEC TSFR TRANSACATIONS		
180304	ENVIRO MONITORING SYSTEMS	EHO Service February 2004	2648.75
	CREDIT CARD TRANSACTIONS		
050204	AMPOL - GNOWANGERUP	Refreshments - CEO Visit	47.60

TOTAL

106992.11

5279.80

SHIRE PRESIDENT

DATE

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That payment of Accounts Vouchers T1877 - T1879, 9283 - 9289, 9341 - 9343, 9361 - 9422, Electric Transfer/s 180304, and Credit Card Transaction/s 050204, totalling \$112271.89, as presented, be endorsed.

Creditors invoices processed and outstanding as at 18 March 2004 and not included in the cheque list presented to the Council meeting on 18 March 2004 total \$30,243.74.

COUNCIL ACTION

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

CARRIED 5/0

7.1.2 SHIRE OF CUBALLING FINANCIAL REPORTS AS AT 29 FEBRUARY 2004

RATING INFORMATION 2003/2004

	Budget 2003/04	Actual 2003/04
UV Rates Levied	\$407,360	\$411,616
GRV Rates Levied	\$44,380	\$44,108
UV Minimum Rates Levied	\$2,250	\$2,500
GRV Minimum Rates Levied	\$67,450	\$67,120
Interim Rates UV	\$0	-\$169
Interim Rates GRV	\$0	\$0
Mining Tenement	\$250	\$250
	\$521,690	\$525,425
Rates o/s from previous years (1 July)	\$10,630	\$10,631
Rates Written Off	\$0	\$0
Discount Allowed	-\$37,000	-\$38,596
Net Rates Receivable	\$495,320	\$497,460
Emergency Services Levy	\$17,850	\$17,790
Net Rates & ESL Receivable	\$513,170	\$515,250
Less Rates & ESL Paid		-\$493,756
RATES OUTSTANDING		\$21,494
Pensioner Deferred Rates		\$1,791
UV Rates as a % of total rates		79.0%
GRV Rates as a % of total rates		21.0%
Payment Discount as a % of total rates		7.3%
Rates Paid as a % of net rates receivable		95.8%
Rates Outstanding as a % of net rates		4.2%
Pensioner Deferred Rates as a % of O/S Rates		8.3%

SHIRE PRESIDENT

DATE

BANK RECONCILIATION

	Municipal Fund	Trust Fund	<u>Reserve Accts</u>
Opening balance	\$234,168.21	\$77,151.02	\$508,930.20
Income	\$341,277.19	\$47,395.04	\$0
	\$575,445.40	\$124,546.06	\$508,930.20
Expenditure	-\$132,787.94	-\$45,507.95	-\$0.00
Closing balance	\$442,657.46	\$79,038.11	\$508,930.20
Bank account	\$290,659.00	\$72,185.22	\$701.06
Investments	\$154,190.41	\$11,697.00	\$508,229.14
	\$444,849.41	\$83,882.22	\$508,930.20
Plus O/S deposits	\$4,009.67	\$0	\$0
	\$448,859.08	\$83,882.22	\$508,930.20
Less O/S cheques	-\$2,007.97	-\$4,844.11	-\$0
	\$446,851.11	\$79,038.11	\$508,930.20
Less O/S licensing	-\$4,165.05	\$0	\$0
	\$442,686.06	\$79,038.11	\$508,930.20
Adjustments	-\$28.60	\$0	\$0
Closing balance	\$442,657.46	\$79,038.11	\$508,930.20

INVESTMENTS

Account Number	Maturity Date	Interest Rate	Fund/Account		
			Municipal	Trust	Reserve
652250053782	8 April 2004	5.15%			\$508,229.14
652250054259	8 April 2004	5.15%	\$154,190.41		
652250055120	8 April 2004	5.15%		\$11,697.00	
			\$154,190.41	\$11,697.00	\$508,229.14

SHIRE PRESIDENT

DATE

		Annual Budget 2003/04 \$	Actual YTD 2003/04 \$
OPERATING ACTIVITIES	Sch		
Income			
General Purpose Funding	3	5,070	511,128
Governance	4	10,420	5,113
Law, Order & Public Safety	5	24,550	40,614
Health	7	1,200	1,122
Education and Welfare	8	0	312
Housing	9	0	75
Community Amenities	10	2,900	2,435
Recreation and Culture	11	2,350	1,908
Transport	12	4,350	16,291
Economic Services	13	3,750	5,230
Other Property and Services	14	42,500	52,268
Total Operating Income		97,090	636,496
Expenditure			
General Purpose Funding	3	-19,870	-6,046
Governance	4	-188,440	-158,940
Law, Order & Public Safety	5	-27,980	-34,051
Health	7	-18,300	-8,929
Education and Welfare	8	-1,550	-852
Housing	9	-22,380	-8,603
Community Amenities	10	-104,720	-30,497
Recreation and Culture	11	-116,170	-126,097
Transport	12	-875,000	-463,015
Economic Services	13	-102,750	-50,670
Other Property and Services	14	-83,340	-103,234
Total Operating Expenditure		-1,560,500	-990,934
ADJUSTMENTS FOR CASH REPORTING REQUIREMENTS:			
Depreciation (Assets Register)		548,680	331,901
Profit/Loss on Sale of Assets		-4,100	-11,779
Capital Expenditure & Income			
Proceeds on Sale of Assets		65,000	46,903
Capital Grants and Subsidies		1,063,530	596,464
Land and Buildings		-271,900	-64,029
Infrastructure Assets - Roads		-543,490	-280,881
Plant and Equipment		-199,700	-160,479
Furniture and Equipment		-8,000	-5,620
Proceeds from New Loans		0	0
Loan Repayments		-16,000	-7,883
Transfer to Reserves		-123,000	-12,408
Reserves (Cash Backed)		180,700	0
Opening Funds		250,000	250,016
Less Closing Funds		0	-317,637
CLOSING POSITION		-521,690	10,130

SHIRE PRESIDENT

DATE

ROADS MAINTENANCE AND CONSTRUCTION

MAINTENANCE				
Details	Job No	Status	Budget \$	Actual YTD \$
Refuse Sites (Cuby & Popo)	1000.1/2		58,710	18,410
Parks and Reserves	1100.9		68,310	16,416
Road Maintenance General	1201.31		196,190	140,337
Tree Lopping/Mulching	1201.34		30,000	11,919
Tree Lopping (Contract)	1201.34		15,970	11,760
Town Maintenance - Cuballing	1201.35		10,000	14,712
Town Maintenance - Popanyinning	1201.36		5,000	13,065
Bitumen Patching	1201.37		20,000	8,639
Bridges & Culverts - General	1201.38		75,000	7,358
Grading Maintenance - Winter	1201.41		91,500	79,132
Grading Maintenance - Shoulder	1201.42		67,090	5,742
Grading Maintenance - Summer	1201.43		90,000	38,127
Storm Damage (Williams Road)	1201.44		90,000	0
Weed Control – Declared Plants	1300.1		12,060	8,712
Weed Control - Roadside	1300.3		12,060	2,340
Total Maintenance			841,890	376,669
CONSTRUCTION				
Cuballing East (RRG)	1200.30	IP	91,260	82,277
Nebrikinning/Congelin (BS)	1200.42	IP	76,470	5,757
Popanyinning East (DG)	1200.50	Comp	60,250	86,940
Congelin (R2R)	1200.60		63,300	0
Nebrikinning (R2R)	1200.63		60,880	244
Springhill (R2R)	1200.64	IP	64,540	59,798
Yornaning West (Own)	1200.71		60,340	0
Stratherne (Own) - Comp	1200.74	Comp	30,610	36,549
Town Streets (Own)	1200.72	IP	33,820	13,452
Total Construction			541,470	285,017
GRAND TOTAL			1,383,360	661,686

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Financial Reports for the period ended 29 February 2004 be adopted by Council.

COUNCIL ACTION

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

CARRIED 5/0

SHIRE PRESIDENT

DATE

7.1.3 THE COUNTRY WOMENS ASSOCIATION OF WESTERN AUSTRALIA (INC) – LEASE OF CUBALLING CWA ROOMS

Background

Letter from the General Secretary of the State CWA advising that the existing lease between the Shire of Cuballing and the Cuballing CWA for the Cuballing CWA premises expired on 1 November 2001, and requesting Council consideration into entering into a new lease agreement.

Comment

The original lease was taken out on 1 November 1980 with yearly rental of One Peppercorn, payable on demand, for a period of 21 years. Correspondence leading up to the lease being prepared indicated that the lease would be for a period of 50 years, however this was changed during the formal lease process.

The Cuballing CWA is continuing to function very strongly with excellent membership, and they are maintaining the premises and surrounds in a neat and tidy condition. In addition they have recently added to the capital value of the building with the installation of an air conditioner unit.

A copy of the lease agreement is circulated with the Council meeting agenda for information and consideration for renewal of the lease with the existing conditions.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Country Women’s Association of Western Australia be informed that the Shire of Cuballing is prepared to enter into a new lease agreement with the Cuballing CWA for the Cuballing CWA premises for a period of 20 years and in accordance with the conditions of the lease agreement, which expired on 1 November 2001.

COUNCIL ACTION

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

CARRIED 5/0

7.1.4 FIRE & EMERGENCY SERVICES AUTHORITY OF WESTERN AUSTRALIA (FESA) – EMERGENCY MANAGEMENT TRAINING FOR LOCAL GOVERNMENT

Background

Correspondence from FESA calling for registration for attendance at a Local Government Emergency Management course scheduled to be held at the University of WA on 25-28 May 2004.

SHIRE PRESIDENT

DATE

Comment

The course is for the duration of four days and there are no registration fees. In addition some travel and accommodation costs may be met by FESA. It is expected the course will be similar to the one attended by Councillor Brown in Victoria about 18 months ago. At this time the Chief Executive Officer was supported by Council to attend the course with Cr Brown, however this did not eventuate and perhaps it may be appropriate for him to attend this particular course.

Local leadership in emergency management is becoming more important with the State Government attempting to offload their responsibilities in this area onto local government.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

Council supports and endorses the Chief Executive Officer registering to attend the FESA Local Government Emergency Management Course scheduled to be conducted at the University of WA on 25-28 May 2004.

COUNCIL ACTION

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

CARRIED 5/0

7.1.5 LOCAL GOVERNMENT ACT 1995 – 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 Council meeting agenda for Councillor information.

Council previously reviewed this document in March 2003. The existing delegations appear to be satisfactory and in the past twelve months have not created any operational problems.

Reporting Officer

Peter Naylor, Chief Executive Officer

SHIRE PRESIDENT

DATE

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 Council meeting, be adopted.

COUNCIL ACTION

Moved Cr Brown, seconded Cr McKenzie that the Chief Executive Officers Recommendation be adopted.

CARRIED 5/0

7.1.6 INDIGENOUS LAND USE AGREEMENT (ILUA)

Background

The Shire of Cuballing in association with the Central Country Zone of WALGA has for some time been negotiating with the South West Aboriginal Land and Sea Council (Aboriginal Corporation Native Title representative body), Native Title claimants and the State Government to establish an Indigenous Land Use Agreement (ILUA).

As reported to the February 2004 meeting of Council the Central Country Zone held a special meeting in Narrogin on Tuesday 2 March 2004 to further discuss and review the ILUA document. The meeting resolved for Marcus Holmes and Niel Mitchell to continue negotiations to finalise the ILUA.

Comment

A copy of the draft ILUA was provided to Councillors at the February meeting of Council. This draft has changed moderately and an updated copy is circulated with the Council meeting agenda. Whilst the document is quite comprehensive, it's intent is simple in that it provides a mechanism for Council to negotiate native title issues and also Aboriginal Heritage Act issues which need to be negotiated on the development of land.

In exchange for the processes put in place by the ILUA, Council is within 12 months of execution of the Agreement required to initiate "cross cultural" training for staff and Councillors. It is also necessary for Council to offer "cross cultural" training to the Noongar Working Party relating to the functions and procedures of local government.

It is important to note that the draft Agreement is for ten years, to be reviewed after five years.

The proposal is for a joint signing ceremony to be held in Narrogin in late May 2004, which is likely be attended by 3-4 State Ministers and the other parties to the ILUA.

Reporting Officer

Peter Naylor, Chief Executive Officer

SHIRE PRESIDENT

DATE

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That, subject to the final draft of the Indigenous Land Use Agreement, Council indicates to the Central Country Zone of WALGA that it will be a signatory to the ILUA.

COUNCIL ACTION

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

CARRIED 5/0

7.1.7 WRITE OFF OF OUTSTANDING PRIVATE WORKS INVOICES

Background

The Chief Executive Officer is requesting Council consideration to writing off of three outstanding private works invoices totalling \$462.00. The invoices all relate to the supply and delivery of mulch and attempts by Council staff and the debt collection agency to contact the persons and recover amounts due has proven unsuccessful.

Comment

Details of the invoices are:

Invoice MU293 11 October 2000 J McQueen, Wickepin Mulch \$104.50

Invoice MU397 26 November 2001 G James, Pingelly Mulch \$264.00

Invoice MU408 23 January 2002 J Smith, Wagin Mulch \$93.50

The addresses shown are the last known address of the person, at which they no longer reside. It is believed that McQueen and Smith are of the same family (possibly defacto), whilst Mr James did reside in Pingelly but his wife passed away some time ago and he has moved on.

In each of the situations letters forwarded to the addresses on file have been returned to Council and the debt collection agency.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That three Private Works Invoices MU293, MU397 and MU408 totalling \$462.00 be written off.

COUNCIL ACTION

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

CARRIED 5/0

SHIRE PRESIDENT

DATE

7.2 REPORTS – WORKS

7.2.1 WORKS SUPERVISORS REPORT

CUBALLING EAST ROAD

Most of the works (realignment and sealing of corner, and fencing) have been completed on this project.

CONGELIN BLACK SPOT

Work has started on this project. The bulldozer is clearing trees and vegetation from the new alignment and a new fence on the southern side is being erected. A gravel supply on site has been tested and found to be very suitable for the sub grade which will help reduce transportation costs.

SPRINGHILL ROAD

The widening and sealing of this project has been completed to 9.2 metres. This allows for the installation of a 2 metre dual path on the south side linking with the path on Alton Street to the Cemetery.

WILLIAMS ROAD

A detour has been installed through the property of Dean Watts ready for the excavation of the box culverts from the site. Quotations were requested from the Narrogin Works Unit and L R Archibald & Co to undertake some of the works. L R Archibald & Co have provided the lowest quotation and commenced work on 10 March 2004.

GENERAL MAINTENANCE

General maintenance is continuing throughout the Shire, although has been a bit slow due to the amount of construction works to be undertaken.

PARKS

The new netball court area has now been fenced in preparation of the season and the whole project is nearing completion. The court will be marked with lines for netball and tennis in the near future.

PLANT AND MACHINERY

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

PRIVATE WORKS

Various private works orders are still being received and these are being completed as time permits.

Private works invoices for the month of February 2004, totaling \$1,162.00.

Reporting Officer

Alex Richardson, Works Supervisor

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Supervisors Report be received and information noted.

SHIRE PRESIDENT

DATE

COUNCIL ACTION

Moved Cr Brown, seconded Cr McKenzie that the Chief Executive Officers Recommendation be adopted.

CARRIED 5/0

7.3 REPORTS – BUILDING

7.3.1 BUILDING SURVEYORS REPORT

Summary:

There was one (1) building application approved and license issued for the month of February 2004.

Listed below are the application details of the proposed structures.

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
24 Feb 04	22/03.04	R Sayles 1 Derby Street Cuballing	Owner Builder	House Extension	Lot 50 Derby Street Cuballing

Comment: Nil

Consultation: Nil

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

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

CARRIED 5/0

SHIRE PRESIDENT

DATE

7.4 REPORTS – HEALTH

7.4.1 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 2004.

Food Premises

Cuballing Roadhouse – Ridley Street, Cuballing
Premises found to be operating within legislative requirements.

Rubbish Tips

- (i) Cuballing Rubbish Tip
Site found to be operating within legislative requirements..
- (ii) Popanyinning Rubbish Tip
Wind blown litter around site.
Action required – 1. 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.

On-site Effluent Disposal

- (i) Loc 9916 Turton Road, Popanyinning
Inspection of proposed on-site effluent disposal system.
- (ii) Lot 397 Beeston Street, Cuballing
Inspection of proposed on-site effluent disposal system.
- (iii) Lot 119 Popanyinning East Road, Popanyinning
Inspection of proposed on-site effluent disposal system
- (iv) Loc 4052 Hassell Road, Popanyinning
Inspection of proposed on-site effluent disposal system
- (v) Loc 10432 Great Southern Highway, Popanyinning
Inspection of on-site effluent disposal system

CORPORATE PLAN/POLICY IMPLICATIONS

Nil.

SHIRE PRESIDENT

DATE

FINANCIAL/BUDGET IMPLICATIONS

None anticipated.

Reporting Officer

Maurice Walsh, Environmental Health Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Environmental Health Officers Report be received and information noted.

COUNCIL ACTION

Moved Cr Brown, seconded Cr McKenzie that the Chief Executive Officers Recommendation be adopted.

CARRIED 5/0

7.4.2 MR ROBIN SAYLES, OAKPOINT PTY LTD – PERMISSION TO EXTEND HOME BUSINESS

Background

Request from Mr Sayles for permission to extend his existing home business at 1 Derby Street, Cuballing, for the manufacture of conveyor belt scrapers to include the supply, manufacture and installation of patios and sheds.

Comment

Council granted approval for Mr Sayles to manufacture conveyor belt scrapers in December 2002. This business has proved to be very slow but there have been no complaints made to Council on the nature of the business.

Mr Sayles recently purchased a new business for the supply, manufacture and installation of patios and sheds from Mr Tony Hodge. The operations of the new business can be catered for in his existing infrastructure and it is not planned or needed to add another building or extensions. All materials will be ordered to size and the only manufacturing on site will be the preparation of struts, etc. The sheds and patios will then be completed and installed at the individual work sites. Mr Sayles does not plan to work on the property outside of the existing hours of 8.00am to 5.00pm as prescribed by Council when approving his previous application.

When approving Mr Sayles previous application in December 2002, Council imposed some conditions, however the nature of the new business is similar to the existing and therefore it should not be necessary to go through the process again but simply bring them to Mr Sayles attention.

Reporting Officer

Peter Naylor, Chief Executive Officer

SHIRE PRESIDENT

DATE

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

Approval be granted to Mr Robin Sayles, Oakpoint Pty Ltd, for the extension of his home business at 1 Derby Street, Cuballing, to include the supply, manufacture and installation of patios and sheds, subject to the previous conditions as imposed by Council in December 2002.

COUNCIL ACTION

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

CARRIED 5/0

7.4.3 DOG ATTACK, WILLIAMS LOCATION 3339, PROPERTY OF MR R W LOWE, SATURDAY 13 MARCH 2004

Background

As Council is aware a dog attack occurred on the property of Mr Robert William Lowe, Williams Location 3339 Bunmulling Road, Popanyinning, on Saturday 13 March 2004. It is believed that Mrs Nicole Page, whom resides at location 3340 with her husband, visited the property of Mr Lowe to check the dogs for water when the attack occurred. It appears that two of the German Shepherd dogs escaped from their yards and attacked Mrs Page. It is not known whether any of the other dogs on the property were party to the attack but this cannot be totally ruled out. Mr Lowe was not at the property at the time of the attack.

Comment

In relation to this incident the Chief Executive reports as follows:

- A full report on the dog attack and the whole series of events since Mr Lowe's arrival at the Popanyinning property will be tabled at the Council meeting along with a report prepared by Councils appointed Ranger, John Ayton.
- A legal opinion is being obtained from Mr Julius Skinner of McLeods Barristers & Solicitors in relation to legal obligations Council may have under the Dog Act 1976. It does appear that Council has the capacity to, but is not obliged to, charge Mr Lowe, however if Mr & Mrs Page intend on taking civil action perhaps Council may not need to pursue the matter.
- Council some time ago discussed the option of adopting a Dogs Local Law. Perhaps further consideration needs to be given to this matter in light of the dog attack incident as Councils options to implement restrictions under the provisions of the Dog Act 1976 are very limited. A copy of the Shire of Pingelly Dogs Local Law is tabled for information. These Local laws were updated to include the Dangerous Dogs Breed legislation, and adopted in 2003. The adoption of a Local Law is a long and drawn out process.

The dog attack created a lot of media hype (throughout Australia) and the Shire President and Chief Executive Officer were placed under enormous pressure from the moment the attack became known until the sorting out of the dogs on Monday 15 March 2004. This was an extremely hectic situation and one both learnt a lot about in terms of dealing with the media.

SHIRE PRESIDENT

DATE

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

Council direction please.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Hawksley that the Kennel Licence issued to Robert Lowe on 20 November 2003 for the keeping of more than six dogs on Williams Location 3339 Bunmulling Road, Popanyinning be revoked on the grounds of the dog attack which occurred on Saturday 13 March 2004 and Mr Lowe's inaction in having all of the dogs registered.

CARRIED 5/0

Moved Cr Watts, seconded Cr McKenzie that Council writes to the Department of Local Government and Regional Development expressing concern at the inadequacy of the Dog Act in relation to limiting the number of dogs on a property if no Local Laws are adopted and requesting an amendment to section 26 of the Dog Act 1976.

This matter to also be referred to the WA Local Government Association Central Country Zone meeting to be held in Darkan on Friday 2 April 2004.

CARRIED 5/0

Moved Cr Watts, seconded Cr McKenzie that as the Narrogin Police are conducting a full investigation into the dog attack which occurred on Saturday 13 March 2004, Council does not instigate action under section 33D(1) of the Dog Act 1976 at this time.

CARRIED 5

7.5 REPORTS – TOWN PLANNING

7.5.1 WESTERN AUSTRALIAN PLANNING COMMISSION – APPLICATION 124462 RIDLEY STREET CUBALLING

Background

The Western Australian Planning Commission (WAPC) has received an application for planning approval for the subdivision of 7,130m² from the Railway Reserve along Ridley Street in Cuballing, and is seeking Council comments on the proposal.

Comment

The land being subdivided from the Railway Reserve is being purchase by Ms Carole Barrett and includes the land containing the former railway cottage. The map indicates the land will go to the edge of the roads at the intersection of Ridley and Campbell Streets, however this is not the case and there will be some set back to allow for footpaths, etc. Ms Barrett has also indicated that she has no desire to totally preclude access through the treed area to the north of the land and is

SHIRE PRESIDENT

DATE

prepared to enter into an agreement with Council for the continued use of part of the land, however possibly not to the same extent as now.

Apart from the access issue there is no reason for Council to not support the proposal.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Western Australian Planning Commission be informed that the Shire of Cuballing supports Planning Application 124462 providing sufficient set back is allowed on the verges bordering Ridley and Campbell Streets for pedestrian access paths to be installed.

COUNCIL ACTION

Moved Cr Brown, seconded Cr McKenzie that the Chief Executive Officers Recommendation be adopted.

LOST 2/3

Moved Cr Hawksley, seconded Cr Wittwer that the Western Australian Planning Commission be informed that the Shire of Cuballing is prepared to support Planning Application 124462, however requests that portion of the area of land to the north incorporating group of trees and gravel walk trail not be included and this land be vested with Shire of Cuballing for public purposes.

CARRIED 3/2

7.5.2 WESTERN AUSTRALIAN PLANNING COMMISSION AND LANDVISION – TOWN PLANNING SCHEME (NO 2) REVIEW

Background

Correspondence from the WA Planning Commission (WAPC) and Landvision, Trevor Moran, providing Council with an update of Shire of Cuballing Draft Town Planning Scheme No 2, and modifications and recommendations to the draft scheme in accordance with the WA Planning Commission (WAPC) requirements and Mr Moran's own suggestions to provide greater flexibility in the scheme.

Comment

As pointed out in his correspondence, Mr Moran has been liaising with Ms Judi Bell, of the WAPC to make necessary amendments to the draft scheme in an effort to finalise it for advertising. The WAPC has given consent to the scheme being advertised subject to the various modifications being effected prior to advertising.

A copy of the amended draft Scheme and Local Planning Strategy is circulated with the Council meeting agenda for Councillor information.

SHIRE PRESIDENT

DATE

Mr Moran will be in attendance at the Council Chamber at 11.00am on Thursday 18 March 2004 to brief Council on the Scheme and modifications made thereto.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council adopts the draft Town Planning Scheme No 2, and maps, and Local Planning Strategy (as circulated and presented to the Council meeting):

- As modified in accordance with the Directions of the Minister for Planning; and
- Subject to the acceptance of the modifications by the Minister for Planning, advertises the Scheme and Strategy for a period of 90 days.

COUNCIL ACTION

Moved Cr Wittwer, seconded Cr McKenzie that Council adopts the draft Town Planning Scheme No 2, and maps, and Local Planning Strategy:

- **As modified in accordance with the Directions of the Minister for Planning; and**
- **Subject to the acceptance of the modifications by the Minister for Planning, advertises the Scheme and Strategy for a period of 90 days.**

CARRIED 5/0

7.5.2 DEPARTMENT FOR PLANNING AND INFRASTRUCTURE – REQUEST TO PURCHASE POPANYINNING LOT 320 FORREST STREET POPANYINNING

Background

Correspondence from the Department for Planning and Infrastructure (DPI) advising they have received a request for the purchase of Popanyinning Lot 320, by the owner of the adjoining properties, and seeking Councils comments/objections to the proposal.

Comment

Lot 320 is currently unallocated crown land and situated between Lots 39 and 329, which are owned by Ms Adele Johnson, whom also owns Lot 40 and resides in the house on that land. The purchase of Lot 320 will give Ms Johnson the ownership of four adjoining lots.

At the December 2003 and February 2004 meetings of Council, when Council has considered similar requests in the Cuballing townsite (property owners requesting to purchase adjoining land from the DPI), Council has resolved to support the purchase of the unallocated crown lot as a separate land parcel and not for the land to be amalgamated with an adjoining lot.

Reporting Officer

Peter Naylor, Chief Executive Officer

SHIRE PRESIDENT

DATE

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Department for Planning and Infrastructure be informed that Council supports the private sale of Popanyinning Lot 320 (Unallocated Crown Land) as a separate land parcel and not amalgamated with Lots 40, 39 and 329.

COUNCIL ACTION

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

CARRIED 5/0

7.5.4 BIRD'S SILOS & SHELTERS, POPANYINNING – APPLICATION TO ERECT STEEL FRAMED ZINCALUME SHED

Background

In February 2004, Council considered an application from Bird's for the construction of a new shed on Lots 35 & 36 Forrest Street, Popanyinning. Council resolved to support the application subject to comment being sought from adjoining land owners/occupiers in accordance with section 6.2 of the Shire of Cuballing Town Planning Scheme No 1.

Comment

In accordance with Council instructions letters were forwarded to A M Johnson, A R Smith, K W & P V Thomas, and B S & M J Collins. The letters advised the recipients of the application and Councils intention to support it, and offered them the opportunity to comment on the proposal. The closing date for comments was on Friday 12 March 2004.

At this time only one response was received from K W & P V Thomas. Mr & Mrs Thomas are not opposed to the application, however wished to point at the visual amenity of the operations and request that the hours of operation be restricted.

Mr Bird advises that under normal circumstances their business operations commence at about 7.30am daily and they seldom work on a Sunday. This however depends on the seasonal demands and for a rural manufacturing business located within a rural area it would be difficult for them to work within structured hours. In relation to the visual impact Bird's initial correspondence indicated that one of the uses of the new shed is for the storage of materials and product and therefore should help to maintain a tidier environment.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

Approval be granted to Bird's Silos & Shelters to construct a steel framed, Zincalume clad shed 16m x 20m x 4.5m on Lots 35 & 36 Forrest Street, Popanyinning, subject to suitable plans being lodged with Council in accordance with the Building Regulations.

SHIRE PRESIDENT

DATE

Bird's Silos & Shelters be informed that Popanyinning is a growing town with an increasing population and as such it would be appreciated if appropriate measures could be taken to address the visual amenity of their operations and their hours of operations during non-peak periods.

COUNCIL ACTION

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

CARRIED 5/0

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

Nil

9. OTHER URGENT BUSINESS

Nil

10. CLOSURE OF MEETING

There being no further business the Shire President declared the meeting closed at 3.45pm.

CONFIRMED AS A TRUE RECORD OF PROCEEDINGS ON _____

PRESIDENT

SHIRE PRESIDENT

DATE