



# SHIRE OF CUBALLING

**ORDINARY COUNCIL MEETING  
HELD ON THURSDAY 21 OCTOBER 2004**

# MINUTES

\_\_\_\_\_  
SHIRE PRESIDENT

\_\_\_\_\_  
DATE

**SHIRE OF CUBALLING**

**ORDINARY COUNCIL MEETING**  
**THURSDAY 21 OCTOBER 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 16 September 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**

**Ordinary Council Meeting Minutes October 2004**  
**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**  
**21 OCTOBER 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**

Deputy President Cr D S Bradford	Cr C R Hawksley
Cr C R McKenzie	Cr R J D Newman
Cr T H Wittwer	
Chief Executive Officer P T Naylor	

**APOLOGIES**

Apology received by Cr Watts.

**LEAVE OF ABSENCE**

Leave of absence was granted to Cr Brown at the September 2004 ordinary meeting of Council.

**3. PUBLIC QUESTION TIME**

Nil

**4. APPLICATION FOR LEAVE OF ABSENCE**

Nil

**5. MINUTES**

**5.1 CONFIRMATION OF 16 SEPTEMBER 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 16 September 2004 be confirmed.**

---

SHIRE PRESIDENT

---

DATE

**COUNCIL ACTION**

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

*CARRIED 5/0*

5.2 **SHIRE OF CUBALLING BUSH FIRE ADVISORY COMMITTEE MEETING HELD ON TUESDAY 12 OCTOBER 2004**

**Comment**

The minutes contain a recommendation from the Bush Fire Advisory Committee (item 4.6) in relation to the appointment of a Fire Control Officer for the Popanyinning Townsite.

**Reporting Officer**

Peter Naylor, Chief Executive Officer

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That:**

- The Minutes of the Shire of Cuballing Bush Fire Advisory Committee meeting held on Tuesday 12 October 2004 be received;
- Mr Steve Cunningham be appointed as Deputy Fire Control Officer for the Popanyinning Townsite subject to him undertaking a FESA FCO Course as soon as possible; and
- The appointment of Mr Shane Wyatt as a fire Control Officer for the Popanyinning Townsite be cancelled.

**COUNCIL ACTION**

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

*CARRIED 5/0*

6. **PETITIONS, DEPUTATIONS, PRESENTATIONS**

Nil

**Ordinary Council Meeting Minutes October 2004**

**7.1 REPORTS – FINANCE AND ADMINISTRATION**

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

V	NAME	PARTICULARS	MUNI	TRUST
9732	WA LOCAL GOVT ASSOCIATION	Conference Expenses	6635.00	
9733	CASH	Reimburse Employee Travel Expenses	297.95	
9734	ADVANTAGE SETTLEMENTS	Refund Overpayment of Rates Ass: 25	29.07	
9735	RN & LG GAMBRELL	Refund Overpayment of Rates Ass: 955	41.52	
9736	JULIA CLARKE-SMITH	Bevan George Reception - Banner Materials	50.50	
9737	TERRACE SETTLEMENTS	Refund Overpayment of Rates Ass: 670 & 632		
9738	KC & PA BUFTON	Refund Overpayment of Rates Ass: 171	182.77	
9739	PETTY CASH	Petty Cash Recoup	301.15	
9740	JOHN MORRISON	Refund Overpayment of Rates Ass: 5	63.30	
9741	HEATHER NAYLOR	Bevan George Reception – Refreshments	303.25	
9742	ATO	August 2004 BAS	7234.00	
<b>9793</b>	<b>WG &amp; PC MUDD</b>	<b>Cheque Cancelled – Refer to Chq 9793</b>		
9794	N J ROBERTSON	Pensioner/Senior Rebate Rates Ass: 775	69.20	
9795	R H RYAN	Pensioner/Senior Rebate Rates Ass: 58	179.59	
9796	AUSTRALIAN SERVICES UNION	ASU Deductions September 2004	31.80	
9797	WA LOCAL GOVT SUPER PLAN	Super Contributions September 2004	4935.76	
9798	TELSTRA	Phone A/C	837.98	
9799	SHIRE OF CUBALLING	Social Club Deductions September 2004	165.00	
9800	DEPT FOR PLANNING & INFRAS.T.	New Registration – Shire Vehicle 0CN	178.35	
9801	ATO	September 2004 BAS	5969.00	
9802	WG & PC MUDD	Pensioner/Senior Rebate Rates Ass: 700	50.40	
9803	INFRINGEMENT PAYMENT CENTRE	Traffic Infringement Notices – Overload CN047 & CN272	800.00	
9804	SKAWA SKATE TRAINERS	Skate Park Training Session 14/10/04	1500.00	
<b>9805</b>	<b>ATO</b>	<b>Cheque Cancelled</b>		
9806	BEAUREPAIRES	Parts, Tyres & Repairs	1176.68	
9807	BELVEDERE NURSERY	Shire House Maintenance – Gardens	525.00	
9808	BERENDSEN FLUID POWER P/L	Test & Report Hydraulic Motor – CN143	378.95	
9809	BHW MANAGEMENT CONSULTANT	Preparation of Dogs Local Law	935.00	
9810	BOISE CASCADE OFFICE PROD.	Stationery	340.73	
9811	CENTRAL COUNTRY ZONE	Subscription 2004-05	770.00	
9812	COLES	Refreshments	292.63	
9813	COURIER AUSTRALIA	Freight	41.60	
9814	CUBY ROADHOUSE	Refreshments & Fuel	46.40	
9815	CUTTING EDGES P/L	Parts – Grader Blades	7216.00	
9816	DEPT FOR PLANNING & INFRAS.T.	MVL Renewal – PN4249 (Fire Tender)	56.10	
9817	DOWD CORPORATION	Staff Uniform	459.00	
9818	DUGALD FERGUSON MACHINERY	Materials	206.50	
9819	E & MJ ROSHER P/L	Parts & Repairs	244.70	
9820	EDWARDS MOTORS P/L	Change-over - Shire Vehicle 0CN	3500.00	
9821	FARMWORKS AUSTRALIA P/L	Materials	864.55	
9822	FRANK WESTON & CO.	Materials	67.78	
9823	GREAT SOUTH. DINGO SERVICES	Trenching & Backfilling – Cuby Oval Retic	528.00	
9824	GREAT SOUTH. FUEL SUPPLIES	Fuels & Oils	9348.65	
9825	GT RADIATOR & MACHINING	Sharpen Mulcher Blades	88.00	
9826	HANSON CONSTRUCTION MATER.	Materials - Blue Metal	623.36	
9827	JASOL AUSTRALIA	Materials	152.12	

\_\_\_\_\_  
SHIRE PRESIDENT

\_\_\_\_\_  
DATE

### Ordinary Council Meeting Minutes October 2004

9828	JAY-AY SERVICES	Animal Control – Ranger Services	206.50	
9829	JR & A HERSEY P/L	Materials & Protective Clothing	3756.50	
9830	LANE, BUCK & HIGGINS	Lease Preparation – Darkan Golf Club	429.00	
9831	LELY WEST – VERMEER	Parts & Materials	905.58	
9832	MAKIT NARROGIN HARDWARE	Materials & Signs	432.50	
9833	MCDOUGALL WELDMENTS	Materials & Multi Tyre Roller Hire	1803.02	
9834	MIDALIA STEEL P/L	Materials – Cuballing Oval Reticulation	654.89	
9835	MUNICIPAL PROPERTY SCHEME	Insurance 2004/05 – 2 <sup>nd</sup> Instalment	3699.30	
9836	NGN AGRICULTURAL REPAIRS	Parts & Materials	441.20	
9837	NGN BEARING SERVICE	Parts & Materials	181.52	
9838	NGN COMPUTERS	Office Equipment & Stationery	202.50	
9839	NGN LIQUOR STORE	Bevan George Reception – Refreshments	232.97	
9840	NGN QUARRY OPERATIONS	Materials – Blue Metal	60.50	
9841	OAKPOINT P/L	Parts – Water Tank	385.00	
9842	PIONEER CREDIT MANAGEMENT	Debt Collection Fees	201.79	
9843	RAM PAPER PRODUCTS	Stationery – Paper	75.30	
9844	SHERIDAN'S FOR BADGES	Dog Registration Discs – 2007 Expiry	37.95	
9845	SOS BUNBURY	Photocopier Charges	208.87	
9846	SOUTH WEST PRINTING & PUBL.	Advertising	998.00	
9847	STAR TRACK EXPRESS	Freight – Signs	41.32	
9848	STATE LAW PUBLISHER	Gazettal – Dogs Local Law 2004	726.00	
9849	STEWART & HEATON CLOTHING	Staff Clothing – Outside	2615.58	
9850	SUNNY SIGN COMPANY P/L	Signs	585.20	
9851	TELSTRA	Phone & Mobile A/C	1025.68	
9852	TIMESPRINT	Stationery – Business Cards	110.00	
9853	WA LOCAL GOVT ASSOCIATION	Staff Training – M. Grieve	621.50	
9854	WESTERN POWER	Power A/C	272.45	
9855	WESTNET	Internet A/C 2004/05	440.00	
9856	WESTRAC EQUIPMENT	Parts & Repairs	2924.80	
9857	AARON'S AUTO AIR	Parts & Repairs	335.50	
9858	MUNICIPAL WORKCARE SCHEME	Insurances 2004/05 – 2 <sup>nd</sup> Instalment	11483.50	
T1903	CASH	Social Club Lotto		100.00
T1904	PAT MCDOUGALL	Reimburse Bond Paid for Rec Hire 130904		100.00
T1905	RW LOWE	Refund Overpayment of Dog Licence Fees		5.00
T1906	PAT COOPER-DAVIS	Reimburse Bond Paid for Hall Hire 300804		100.00
<b>ELEC TSFR TRANSACATIONS</b>				
210904	SALARIES & WAGES	Wages 08/09/04 – 21/09/04	17236.05	
280904	WA TREASURY CORPORATION	Loan 59 Repayment – Admin Office	1150.77	
280904	WA TREASURY CORPORATION	Loan 60 Repayment – NRO Rec Complex	4995.78	
290904	ENVIRON. MONITORING SYSTEMS	Environmental Health Services July & August 2004	3247.20	
051004	SALARIES & WAGES	Wages 22/09/04 – 05/10/04	16824.17	
081004	AJ RAMSAY	EHO/Building Surveyor Travel Expenses September 2004	223.02	
<b>CREDIT CARD TRANSACTIONS</b>				
040904	PARRYS P/L	Staff Clothing Allowance	73.00	
<b>TOTAL</b>			<b>137,561.75</b>	<b>305.00</b>

\_\_\_\_\_  
SHIRE PRESIDENT

\_\_\_\_\_  
DATE

**Ordinary Council Meeting Minutes October 2004**  
**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

That payment of Accounts Vouchers 9732 - 9742, 9793 - 9858, T1903 – T1906, Electric Transfer/s 210904, 280904, 290904, 051004 & 081004, and Credit Card Transaction/s 040904, totalling \$137,866.75, as presented, be endorsed.

Creditors invoices processed and outstanding as at 21 October 2004 and not included in the cheque list presented to the Council meeting on 21 October 2004 total \$\_\_\_\_\_.

**COUNCIL ACTION**

**Moved Cr Wittwer, seconded Cr Newman that payment of Accounts Vouchers 9732 - 9742, 9793 - 9858, T1903 – T1906, Electric Transfer/s 210904, 280904, 290904, 051004 & 081004, and Credit Card Transaction/s 040904, totalling \$137,866.75, as presented, be endorsed.**

**Creditors invoices processed and outstanding as at 21 October 2004 and not included in the cheque list presented to the Council meeting on 21 October 2004 total \$10,647.94.**

*CARRIED 5/0*

**7.1.2 SHIRE OF CUBALLING FINANCIAL REPORTS AS AT 30 SEPTEMBER 2004**

**BANK RECONCILIATION**

	Municipal Fund \$	Trust Fund \$	<u>Reserve Accts</u> \$
Opening balance	175,408.24	53,829.27	477,153.65
Income	608,507.45	546.83	0.00
	783,915.69	54,376.10	477,153.65
Expenditure	-186,454.89	-1,258.01	0.00
<b>Closing balance</b>	<b>597,460.80</b>	<b>53,118.09</b>	<b>477,153.65</b>
Bank account	594,992.50	41,327.10	153.65
Investments	0.00	11,946.30	477,000.00
	594,992.50	53,273.40	477,153.65
Plus O/S deposits	9,337.83	90.00	0.00
	604,330.33	53,363.40	477,153.65
Less O/S cheques	-1,752.98	-245.31	0.00
	602,577.35	53,118.09	477,153.65
Less O/S licensing	-1,779.35	0.00	0.00
Less Adjustments	-3,337.20	0.00	0.00
<b>Closing balance</b>	<b>597,460.80</b>	<b>53,118.09</b>	<b>477,153.65</b>

\_\_\_\_\_  
SHIRE PRESIDENT

\_\_\_\_\_  
DATE

**Ordinary Council Meeting Minutes October 2004**

		<b>Annual Budget 2004/05 \$</b>	<b>Actual YTD 2004/05 \$</b>
<b>OPERATING ACTIVITIES</b>	Sch		
<b>Income</b>			
General Purpose Funding	3	3,100	534,725
Governance	4	11,310	662
Law, Order & Public Safety	5	40,750	23,221
Health	7	1,200	760
Education and Welfare	8	750	234
Housing	9	0	0
Community Amenities	10	2,000	215
Recreation and Culture	11	2,410	406
Transport	12	11,400	-2,057
Economic Services	13	5,800	3,832
Other Property and Services	14	61,990	7,607
<b>Total Operating Income</b>		<b>140,710</b>	<b>569,605</b>
<b>Expenditure</b>			
General Purpose Funding	3	-39,440	-39,556
Governance	4	-236,270	-98,156
Law, Order & Public Safety	5	-55,650	-15,168
Health	7	-14,750	-4,201
Education and Welfare	8	-3,000	-136
Housing	9	-18,990	-3,513
Community Amenities	10	-96,000	-7,394
Recreation and Culture	11	-96,220	-18,753
Transport	12	-961,110	-245,512
Economic Services	13	-85,350	-20,081
Other Property and Services	14	-35,300	-37,550
<b>Total Operating Expenditure</b>		<b>-1,642,080</b>	<b>-490,020</b>
<b>ADJUSTMENTS FOR CASH REPORTING REQUIREMENTS :</b>			
Depreciation (Assets Register)		568,650	142,918
Profit/Loss on Sale of Assets		-9,860	3,306
<b>Capital Expenditure &amp; Income</b>			
Proceeds on Sale of Assets		159,000	12,727
Capital Grants and Subsidies		898,940	213,512
Land and Buildings		-132,690	-20,555
Infrastructure Assets - Roads		-480,450	-30,746
Plant and Equipment		-465,000	-27,063
Furniture and Equipment		-11,000	-99
Proceeds from New Loans		0	0
Loan Repayments		-16,990	-4,153
Transfer to Reserves		-131,000	-0
Reserves (Cash Backed)		302,190	0
Opening Funds		278,750	278,750
Less Closing Funds		0	-648,182
<b>CLOSING POSITION</b>		<b>-541,330</b>	<b>0</b>

\_\_\_\_\_  
SHIRE PRESIDENT

\_\_\_\_\_  
DATE



**Ordinary Council Meeting Minutes October 2004**

**RATING INFORMATION**

	<b>Budget 2004/05</b>	<b>Actual 2004/05</b>	<b>Actual 30 Sept 03</b>
UV Rates Levied	\$424,510	\$422,214	\$411,616
GRV Rates Levied	\$44,930	\$47,504	\$44,108
UV Minimum Rates Levied	\$2,860	\$2,600	\$2,500
GRV Minimum Rates Levied	\$69,030	\$67,370	\$67,120
Interim Rates UV	\$0	\$3,541	\$0
Interim Rates GRV	\$0	\$0	\$0
Mining Tenement	\$0	\$0	\$250
	<b>\$541,330</b>	<b>\$543,229</b>	<b>\$525,594</b>
Rates o/s from previous years (1 July)	\$7,619	\$7,619	\$10,631
Rates Written Off	\$0	\$0	\$0
Discount Allowed	-\$38,000	-\$37,834	-\$38,491
<b>Net Rates Receivable</b>	<b>\$510,949</b>	<b>\$515,014</b>	<b>\$497,734</b>
Emergency Services Levy	\$18,000	\$17,820	\$17,820
<b>Net Rates &amp; ESL Receivable</b>	<b>\$528,949</b>	<b>\$530,834</b>	<b>\$515,554</b>
Less Rates & ESL Paid		-\$472,027	-\$462,920
<b>RATES OUTSTANDING</b>		<b>\$58,807</b>	<b>\$52,634</b>
Pensioner Deferred Rates		\$2,000	\$1,354
UV Rates as a % of total rates		78.7%	79.0%
GRV Rates as a % of total rates		21.3%	21.0%
Payment Discount as a % of total rates		7.0%	7.3%
Rates Paid as a % of net rates receivable		88.9%	89.8%
Rates Outstanding as a % of net rates		11.1%	10.2%
Pensioner Deferred Rates as a % of O/S Rates		3.4%	2.6%

**INVESTMENTS**

<b>Account Number</b>	<b>Maturity Date</b>	<b>Interest Rate</b>	<b>Fund/Account</b>		
			<b>Municipal</b>	<b>Trust</b>	<b>Reserves</b>
652250055120	8 November 2004	5.30%		\$11,946.30	
652250055147	30 January 2005	5.18%			\$477,000.00
			<b>\$0.00</b>	<b>\$11,946.30</b>	<b>\$477,000.00</b>

\* Since the preparation of this report amount of \$450,000 from the Municipal Fund has been placed on a two month term deposit at 5.19%.

\_\_\_\_\_  
SHIRE PRESIDENT

\_\_\_\_\_  
DATE

**Ordinary Council Meeting Minutes October 2004**  
**ROADS MAINTENANCE AND CONSTRUCTION**

MAINTENANCE				
Details	Job No	Status	Budget 2004/05 \$	Actual YTD \$
Refuse Sites (Cuby & Popo)	1000.1/2		72,670	6,550
Parks and Reserves	1100.9		48,700	5,201
Road Maintenance General	1201.31		301,350	46,186
Tree Lopping/Mulching	1201.34		47,600	10,249
Tree Lopping (Contract)	1201.34		25,000	0
Town Maintenance - Cuballing	1201.35		18,380	2,905
Town Maintenance - Popanyinning	1201.36		18,380	17,093
Bitumen Patching	1201.37		23,050	10,374
Bridges & Culverts - General	1201.38		9,810	2,007
Grading Maintenance - Winter	1201.41		93,070	63,337
Grading Maintenance - Shoulder	1201.42		34,560	13,025
Grading Maintenance - Summer	1201.43		116,450	5,681
Storm Damage	1201.44		5,150	3,286
Weed Control – Declared Plants	1300.1		14,160	2,645
Weed Control - Roadside	1300.3		14,150	3,751
Total Maintenance			<b>842,480</b>	<b>192,290</b>
CONSTRUCTION				
Cuballing East (RRG)	1200.30		47,870	0
Cuballing West (RRG)	1200.31		37,570	332
Popanyinning East (DG)	1200.50		60,600	0
Congellin (R2R)	1200.60		51,700	0
Bunmulling (Own)	1200.70		20,080	0
Yornaning West (Own)	1200.71	IP	40,520	25,886
Town Streets (Own)	1200.72		49,980	0
Congellin (Own)	1200.75		47,870	0
Popanyinning West (Own)	1200.76		72,380	0
Springhill (Own)	1200.77		29,880	0
<b>Total Construction</b>			<b>458,450</b>	<b>26,218</b>
<b>GRAND TOTAL</b>			<b>1,300,930</b>	<b>218,508</b>

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

The Financial Reports for the period ended 30 September 2004 be adopted by Council.

**COUNCIL ACTION**

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

*CARRIED 5/0*

\_\_\_\_\_  
SHIRE PRESIDENT

\_\_\_\_\_  
DATE

7.1.3 **AUSTRALIA'S GOLDEN OUTBACK – 2005 HOLIDAY PLANNER**

**Background**

Correspondence advising of plans to prepare a 2005 Holiday Planner for the Golden Outback and requesting Council consideration to making a financial contribution of \$1,650 (GST incl) to help fund the publication.

**Comment**

The proposed Planner is an excellent concept that will no doubt provide the Golden Outback region with far reaching publicity, however the request has been initiated and received after Council has adopted its budget for 2004/05 without any prior advice and therefore no allocation made.

This matter has been followed up with the Manager of the Dryandra Country Visitor Centre, Shannon Hampton, with a view to informing the Board of the Golden Outback that they will most probably find it very difficult in obtaining the requested funds from many of the Councils within their region. Shannon is to continue liaising with the Golden Outback Board with perhaps the likely outcome being a contribution from the Visitor Centre in a regional capacity on behalf of all its members promoting the various tourism features in the region.

**Reporting Officer**

Peter Naylor, Chief Executive Officer

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**The Shire of Cuballing does not make a financial contribution of \$1,650 (GST incl) to Australia's Golden Outback for the preparation of a 2005 Holiday Planner.**

**COUNCIL ACTION**

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

*CARRIED 5/0*

7.1.4 **FIRE AND EMERGENCY SERVICES AUTHORITY – LOCAL GOVERNMENT  
CEO/CBFCO PRESEASON PREPAREDNESS FORUM**

**Background**

The Chief Executive Officer and Chief Bush Fire Control Officer attended the above forum held in Narrogin on Tuesday 21 September 2004. Whilst the forum specifically addressed a number of operational matters, it also included information and discussion on Acts and Policies (ie Bush Fires Act and SEMC Policy Statements), Preseason Preparedness, and Summary of the findings from recent Coronial enquiries and implications for Local Government.

## Ordinary Council Meeting Minutes October 2004

### Comment

A number of the matters raised, including recommendations from the recent Coronial enquiries and preparation of Standard Operating Procedures (SOP's) for the Shire of Cuballing Bush Fire network will be raised directly with the Bush Fire Advisory Committee, however another issue that was raised and requires Council consideration is the ability of FESA Bush Fire Liaison Officers to take control, or be requested to take control, in an emergency situation.

Section 13 of the Bush Fires Act provides, in relation to duties and powers of bush fire liaison officers:

- (4) Where a bush fire is burning in the district of a local government the Authority may, at the request of the local government, authorise a bush fire liaison officer to take control of all operations in relation to that fire.
- (5) If a bush fire liaison officer takes control of all operations in relation to a fire, all –
  - (a) bush fire control officers; and
  - (b) officers and members of a bush fire brigade,who are present at the fire are in all respects subject to, and are to act under, the bush fire liaison officer's orders and directions.

Whilst this would be a rare occurrence, the problem that section 13 (4) of the Bush Fires Act creates is that for the Shire of Cuballing to request a bush fire liaison officer to take control a specially convened meeting of Council will need to be called at the time of the emergency, which is totally impractical. Therefore the best solution would be for Council to formally delegate that power to the Chief Executive Officer as part of its delegations register.

It is not proposed that the Chief Executive Officer would act alone and any decision made would be in consultation with the Chief Bush Fire Control Officer (CBFCO), and the Fire Control Officer who may be in charge of the emergency at that time, if not the CBFCO or the CBFCO is not in attendance.

### Reporting Officer

Peter Naylor, Chief Executive Officer

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

That the functions of the Shire of Cuballing in respect of Section 13 (4) & (5) of the Bush Fires Act 1954 be delegated to the Chief Executive Officer to exercise only in an emergency situation and only in conjunction with the Chief Bush Fire Control Officer.

### **COUNCIL ACTION**

**Moved Cr Hawksley, seconded Cr McKenzie that the functions of the Shire of Cuballing in respect of Section 13 (4) & (5) of the Bush Fires Act 1954 be delegated to the Chief Executive Officer, and/or the Shire President in the Chief Executive Officers absence, to exercise only in an emergency situation and only in conjunction with the Chief Bush Fire Control Officer.**

*CARRIED 5/0*

**7.1.5 DEPARTMENT OF LOCAL GOVERNMENT AND REGIONAL DEVELOPMENT – COMPLAINT REGARDING DOG ATTACK AT POPANYINNING ON 13 MARCH 2004**

**Background**

Correspondence from the Executive Director of the Department of Local Government and Regional Development (DLGRD) in response to a complaint received regarding a dog attack in Popanyinning on Saturday 13 March 2004.

**Comment**

The contents of the letter from the DLGRD is disappointing given that the Shire President and Chief Executive Officer met with representatives of the Departments Investigations Branch and provided relevant information on the dog attack and explained the limited action Council could take in relation to the number of dogs on the property because no Dogs Local Law was in place. It appears that in some instances that information has been either misinterpreted or ignored. Also in respect to the last paragraph of the letter it appears that there could be some belief from the Department that all information pertaining to the dog attack and subsequent actions have not been brought to the attention of Council.

**Reporting Officer**

Peter Naylor, Chief Executive Officer

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That:**

- **The Shire President and Chief Executive Officer be requested to meet with the Executive Director of the Department of Local Government and Regional Development to discuss the contents of the letter of 15 September 2004; and**
- **It be emphasised to the Executive Director of the Department of Local Government and Regional Development that Council has been kept fully informed and up to date on all issues pertaining to the dog attack, actions being taken regarding the number of dogs on the property and actions being taken in respect to the living conditions of the property owner/occupant.**

**COUNCIL ACTION**

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

*CARRIED 5/0*

**7.1.6 BUTLER SETTINERI – AUDIT REPORT 2003/2004 FINANCIAL YEAR**

**Background**

Butler Settineri have completed their Audit of Council's functions and operations for the 2003/2004 Financial Year.

## Ordinary Council Meeting Minutes October 2004

### Comment

The Audit has been conducted in accordance with the Australian Audit Standards, and the Audit Report states that during this process they did not become aware of any instances where the Shire did not comply with the statutory requirements and the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.

### Reporting Officer

Peter Naylor, Chief Executive Officer

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**The Audit Report for the Shire of Cuballing for the 2003/2004 Financial Year be received.**

### **COUNCIL ACTION**

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

*CARRIED 5/0*

## 7.1.7 **SHIRE OF CUBALLING ANNUAL REPORT 2003/2004 FINANCIAL YEAR**

### Background

Sections 5.53 and 5.54 of the Local Government Act 1995, requires local authorities to prepare an Annual Report in each financial year, the Report is to be received by the local government by the 31 December. The Report is to be prepared in accordance with the provisions of the Act and the Local Government (Financial Management) Regulations 1996.

### Comment

A copy of the draft Annual Report prepared for the Shire of Cuballing for the 2003/2004 Financial Year has been circulated with the Council meeting agenda for comment and/or amendment as considered necessary.

Section 5.26 of the Local Government Act 1995 requires that a General Electors meeting be held within 56 days of Council receiving the annual report. Section 5.29 of the Act requires public notice of 14 days of the meeting. Therefore it is proposed that the General Electors meeting for the Shire of Cuballing be held immediately following the November 18, 2004, meeting of Council, commencing at 7.30pm.

### Reporting Officer

Peter Naylor, Chief Executive Officer

---

SHIRE PRESIDENT

---

DATE

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That:**

- Pursuant to section 5.54 of the Local Government Act 1995, the draft Annual Report for the Shire of Cuballing for the 2003/2004 Financial Year as circulated and presented to the Council meeting be received and accepted; and
- The General Electors meeting be held in the Shire of Cuballing Council Chambers on Thursday 18 November 2004, commencing at 7.30pm.

**COUNCIL ACTION**

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

*CARRIED 5/0*

**7.2 REPORTS – WORKS**

**7.2.1 WORKS SUPERVISORS REPORT**

**YORNANING WEST ROAD**

Gravel sheeting in parts where the sub grade was below standard has been completed. Roadside delimiting and clearing of the back slopes has been undertaken to provide improved vision. Signs and guide posts still have to be installed as time permits.

**POPANYINNING EAST ROAD**

Clearing of the road verge and pushing of gravel is due to commence within the next week. The upgrading of culverts will undertaken as this work proceeds.

**NEBRIKINNING ROAD**

Work has now recommenced on this road to complete the project.

**ROADSIDE SPRAYING**

Roadside spraying for declared plants such as Cape Tulip, Bridal Creeper and Soursob, as required by the Department of Agriculture, has been completed. It appears that the annual spraying program is proving successful as plant infestations seem to be on the decline.

**PLANT AND MACHINERY**

All items of plant and machinery are being serviced and maintained as required, and all plant is in good working order.

**PRIVATE WORKS**

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

Private works invoices for the month of September 2004, totaling \$2,348.

**Reporting Officer**

Alex Richardson, Works Supervisor

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That the Works Supervisors Report be received and information noted.**

**COUNCIL ACTION**

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

*CARRIED 5/0*

**7.2.2 DEPARTMENT OF LAND INFORMATION – CHANGE OF ROAD NAME, STRATHERNE ROAD**

**Background**

Correspondence advising that the portion of Kerruish Road from its intersection with Stratherne Road to the Wickepin-Pingelly Road has been renamed Stratherne Road.

**Comment**

A representative of the Geographical Names Committee contacted the Chief Executive Officer on this matter and suggested the formal name change to avoid confusion with the Rural Road Numbering program and also given that Stratherne Road is generally considered the through road to the Shire boundary.

**Reporting Officer**

Peter Naylor, Chief Executive Officer

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**The Shire of Cuballing supports and endorses the Geographical Names Committees actions in renaming the portion of Kerruish Road from its intersection with Stratherne Road to the Wickepin-Pingelly Road to Stratherne Road.**

**COUNCIL ACTION**

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

*CARRIED 5/0*



7.2.3 **SHIRE OF WICKEPIN – DUAL FIRE CONTROL OFFICER 2004/2005**

**Background**

Letter from the Shire of Wickepin advising of their appointment of Mr Steve Rose as Dual Fire Control Officer with the Shire of Cuballing for the 2004/2005 Fire Season.

**Comment**

Dual Fire Control Officers are appointed to provide legal cover for a Fire Control Officer in charge at a wildfire that burns across a Shire boundary. The dual Fire Control Officer can stay in charge and follow the fire, or hand over control to a fire control officer from the second Shire (if one is available).

Section 40 of the Bush Fires Act 1954 empowers Council to appoint dual fire control officers with neighbouring local authorities and section 38 (2) of the Act requires such appointments to be advertised in a local paper.

**Reporting Officer**

Peter Naylor, Chief Executive Officer

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That pursuant to section 40 of the Bush Fires Act 1954, Mr Steve Rose be appointed as dual Fire Control Officer with the Shire of Cuballing.**

**COUNCIL ACTION**

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

*CARRIED 5/0*

**7.3 REPORTS – BUILDING**

**7.3.1 BUILDING SURVEYORS REPORT**

**Summary:**

There were four (4) building applications approved and licenses issued for the month of September 2004.

Listed below is a summarised breakdown of the applications and proposed structures.

<b>Approval Date</b>	<b>License No</b>	<b>Name &amp; Address of Owner</b>	<b>Registered Builder or Owner Builder</b>	<b>Structure</b>	<b>Situation of Building Lot or Street No &amp; Town</b>
19/09/2004	11/04.05	Andre Vanderwesthuizen	OB	Garden Shed	25 Ridley Street Cuballing
19/09/2004	12/04.05	G Maddison	OB	Free Standing Carport	Loc 13451 Springhill Rd Cuballing
19/09/2004	13/04.05	Graham Cardell	OB	Verandah	Lot 391 Austral St Cuballing
30/09/2004	14/04.05	McGrath Homes	Registered Builder	Transportable Home	Lot 2 Neamutin Rd Popanyinning

**Comment:** Nil

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implication:** Nil

**Financial Implications:** Nil

**Strategic Implications:** Nil

**Reporting Officer**

Allan Ramsay, Building Surveyor

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That the Building Surveyors Report be received and information noted.**

**COUNCIL ACTION**

**Moved Cr Wittwer, seconded Cr Newman 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 during the month of September 2004.

**On-site Effluent Disposal**

- (i) One approval was issued to install a septic tank and leach drain system at Lot 2 Neamutin Road, Popanyinning.
- (ii) One approval was issued to use a septic tank system at Lot 391 Austral Street, Cuballing.

**Cattle Feedlot**

R W Dowling & Co has forwarded a detailed proposal to expand their feedlot facilities at Popanyinning. Full details pertaining to the application are included in the meeting agenda. The Environmental Health Officer has inspected the current operation and noted that it is being run in a professional manner. Further research will be carried out to assess the proposal in full prior to any further action. This report is for information only at this stage.

**Illegal Camping**

The Environmental Health Officer has been inspecting the property of Mr R W Lowe at Lot 3339 Bunmulling Road, Popanyinning, and assessing it in accordance with the provisions of the Health Act and Caravan Parks and Camping Ground Regulations. Council will be further advised if legislative action is taken or deemed necessary.

**Reporting Officer**

Allan Ramsay, Environmental Health Officer

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**The Environmental Health Officers Report be received and information noted.**

**COUNCIL ACTION**

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

*CARRIED 5/0*

7.4.2 **MR R W LOWE – REQUEST FOR EXEMPTION TO PERMIT THE KEEPING OF MORE THAN FOUR DOGS**

**Background**

Part 3, clause 3.2 of the Shire of Cuballing Dogs Local Law 2004, allows for the keeping of 4 dogs over the age of 3 months, and the young of those dogs under that age if the premises are situated outside a townsite.

Section 26 (3) of the Dog Act 1976 allows for the owner of a premises to seek an exemption from Council for the keeping of more than 4 dogs up to a maximum of 6 dogs on the premises. Sections 26 (5) (6) makes provision for a person who is aggrieved by the refusal of a local government to grant such an exemption to appeal to the Minister within 28 days after the day on which notice of the decision that is appealable is served on the person affected by that decision.

Mr Lowe is seeking an exemption from Council to permit him to keep 6 dogs on his premises, being location 3339 Bunmulling Road, Popanyinning.

**Comment**

When the Shire of Cuballing Dogs Local Law 2004 came into effect on Friday 1 October 2004, the Shire of Cuballing Dog Catcher, John Ayton, visited Mr Lowe and informed him of the new Law and requirements pertaining thereto. Mr Ayton advised Mr Lowe that 4 dogs must be registered immediately and that a request will need to be presented to Council for consideration seeking an exemption to keep more than 4 dogs, up to a maximum of 6 dogs. The extra (seventh) dog on the premises will need to be relocated prior to Council giving consideration to the matter. This was confirmed in a letter to Mr Lowe dated 6 October 2004, which was hand delivered by the Chief Executive Officer and Environmental Health Officer on Thursday 7 October 2004, the letter gave Mr Lowe until Friday 15 October 2004 to reduce the number of dogs on his property to 4, or to 6 and write to Council seeking the abovementioned exemption. The Dog Catcher again visited Mr Lowe's property on Friday 8 October 2004. On this occasion Mr Lowe gave John Ayton amount of \$55.00 in cash to register 4 dogs.

The Chief Executive Officer and Dog Catcher visited Mr Lowe's property on Friday 15 October 2004. It was noted that there were still 7 dogs on the property and Mr Lowe had not prepared a letter for presentation to Council. The conditions of Councils letter of 6 October 2004 were reinforced to Mr Lowe.

On Monday 18 October 2004, letter and audiocassette tape were delivered to the office of Council on behalf of Mr Lowe. The letter and tape are requesting Council consideration to granting Mr Lowe an exemption for the keeping of more than 4 dogs on his property, up to a maximum of 6. However it appears from listening to the tape that he may still have 7 dogs at the property and is requesting special consideration because the seventh dog is old and may not have much time to live. This is not an acceptable situation within the provisions of the Dog Act and it has been pointed out to Mr Lowe on several occasions that 6 is the maximum number of dogs he can be permitted to have. The issuing of a kennel licence is not the answer because of the conditions that now have to be complied with in accordance with the Dogs Local Law and the possible inability for Mr Lowe to comply with those conditions given his own existing living arrangements.

### **Ordinary Council Meeting Minutes October 2004**

The Dog Catcher, John Ayton, visited Mr Lowe's property on Wednesday 20 October 2004, at 9.30am, and confirms that there are still 7 dogs at the property. Given the fact that Mr Lowe has on several occasions been informed of the provisions of the Dogs Local Law 2004 and the Dog Act 1976 it is not recommended that Council agree to his request.

The audiocassette tape provided by Mr Lowe to support his letter of application was played to the Council meeting. It was noted that Mr Lowe requested the cassette player and cassette tape be returned to him however the tape is now a public record and as such will have to be retained by Council in accordance with the State Records Office requirements. A verbatim copy of the tape will be prepared and provided to Mr Lowe for his records.

#### **Reporting Officer**

Peter Naylor, Chief Executive Officer

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

##### **That:**

- **The Shire of Cuballing does not grant an exemption to Mr Lowe to permit the keeping of more than four dogs on his property, being location 3339 Bunmulling Road, Popanyinning;**
- **Mr Lowe be informed of his right of appeal to the Minister in accordance with section 26 (5) of the Dog Act 1976; and**
- **Should Mr Lowe fail to appeal to the Minister within the prescribed legislative time frame, Council instigate appropriate legal action to reduce the number of dogs on the property to four.**

#### **COUNCIL ACTION**

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

***CARRIED 5/0***

Note: In reaching its decision Council took into account:

- Mr Lowe's apparent reluctance to adhere to Council's many requests to try and reduce the number of dogs on the property, and have the dogs registered, since his occupation of the land in October 2003; and
- The fact that seven dogs remain on the property (as at 20 October 2004 and no advice received to the contrary) even though Council employees have advised Mr Lowe that six is the maximum number of dogs permitted under the provisions of the Dog Act 1976.

---

SHIRE PRESIDENT

---

DATE

7.5 **REPORTS – TOWN PLANNING**

7.5.1 **WESTERN AUSTRALIAN PLANNING COMMISSION – APPLICATION 126245  
FORREST STREET CUBALLING DR & KF BUCKLE**

**Background**

Planning application received to subdivide Lot 357 Corrie Street, Cuballing, to create a battleaxe block for access to Lot 356.

**Comment**

D R & K F Buckle are the owners of both Lots 356 and 357 and proposing to create a battleaxe block for access to Lot 356 to enable the property to be developed. The planned access for Lot 356 is for the extension of Corrie Street, however this provides a problem because it will then be necessary to gain access over the creek to the western side of the block. In addition to this the owners will have to have the power and water extended along Corrie Street at added expense. At present the services are to the boundary of Lot 357 and creating the battleaxe will enable them to get contractors to install additional meters and then run the services to a new building.

From a Council perspective the subdivision will mean that Corrie Street will not need to be constructed past it's current point.

An alternative to the subdivision could be that the applicants to arrange for an easement over Lot 357 in favour of Lot 356. However this may only be a short -term solution and could create problems particularly if one of the Lots is sold in the future.

Should Council favour the subdivision application consideration needs to be given to construction and drainage of the battleaxe leg and relocation of any services if needed.

**Reporting Officer**

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

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That the subdivision application be supported with condition that the applicant be responsible for construction and drainage of the battleaxe leg to Councils satisfaction and if relevant cover the cost of any relocation of services.**

**COUNCIL ACTION**

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

*CARRIED 5/0*

7.5.2 SHIRE OF CUBALLING TOWN PLANNING SCHEME NO 2

**Background**

The public submission period for the Shire of Cuballing Draft Town Planning Scheme No 2 closed on Thursday 16 September 2004.

**Comment**

A detailed submission has been received from the Water Corporation and items identified by the Council administration staff and the town planning consultants were forwarded to the consultants for addressing.

In relation to these matters the town planning consultants (TPC) advise that the Water Corporation has been passed to the WA Planning Commission (WAPC) for their input as to how they wish to deal with issues seeking modifications to the standard scheme text. When a response has been received from the WAPC the TPC will prepare a report to Council requesting minor modifications to the Scheme.

Discussions have also been had with the TPC in relation to the Local Planning Policies in the draft Scheme and it is considered that it may be prudent to add a paragraph to Council's outbuildings policy to ensure an appropriate setback for outbuildings on a secondary street. It is recommended that Local Planning Policy, Outbuildings, clause (h) be amended to include:

*(iii) For corner lots outbuildings will be setback on the secondary street in accordance with the general front setback for that street or as varied by Council.*

**Reporting Officer**

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

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That:**

- **Local Planning Policy, Outbuildings, included in the draft Town Planning Scheme No 2 text, clause (h) be amended to include the following:**  
*(iii) For corner lots outbuildings will be setback on the secondary street in accordance with the general front setback for that street or as varied by Council.*
- **The information pertaining to draft Town Planning Scheme No 2 be noted.**

**COUNCIL ACTION**

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

*CARRIED 5/0*

Ordinary Council Meeting Minutes October 2004

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

Nil

9 **OTHER URGENT BUSINESS**

➤ **CUBALLING WAR MEMORIAL**

Council enquired as to the progress for upgrading of the Cuballing War Memorial to include conflicts of war after World War 1.

The Chief Executive Officer advised that Mr Reece Chattillon, President of the Narrogin RSL, is assisting with the provision of names. The matter will be followed up.

➤ **YORNANING HALL**

Council commented on previous discussions in relation to the future of the Yornaning Hall and possible demolition of the building as it is not used and is in a state of disrepair.

**Moved Cr Hawksley, seconded Cr Wittwer that tenders be called for the demolition and removal of the Yornaning Hall. A plaque be placed at the hall site as recognition of its significance to the area.**

*CARRIED 5/0*

10 **MEETING CLOSURE**

There being no further business the Shire President declared the meeting closed at 4.40 pm.

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

\_\_\_\_\_  
**PRESIDENT**

\_\_\_\_\_  
SHIRE PRESIDENT

\_\_\_\_\_  
DATE