



SHIRE OF CUBALLING

**ORDINARY COUNCIL MEETING
HELD ON THURSDAY 17 MARCH 2005**

MINUTES

CHIEF PRESIDENT

DATE

SHIRE OF CUBALLING

ORDINARY COUNCIL MEETING
THURSDAY 17 MARCH 2005

MINUTES

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ORDINARY COUNCIL MEETING MINUTES

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE SHIRE OF CUBALLING
HELD IN THE COUNCIL CHAMBERS, CAMPBELL STREET, CUBALLING ON THURSDAY
17 MARCH 2005**

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

President welcomed Councillors, declared meeting open 2.01 pm.

2. RECORD OF ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

ATTENDANCE

Shire President Cr I L Watts	Cr J D Brown
Cr C R Hawksley	Cr C R McKenzie
Cr R J D Newman	Cr T H Wittwer
Chief Executive Officer P T Naylor	

APOLOGIES

Nil

LEAVE OF ABSENCE

Cr Bradford was granted Leave of Absence at the February 2005 ordinary meeting of Council.

3. PUBLIC QUESTION TIME

Nil

4. APPLICATION FOR LEAVE OF ABSENCE

Nil

5. MINUTES

5.1 CONFIRMATION OF 17 FEBRUARY 2005 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 17 February 2005 be confirmed.

COUNCIL ACTION

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

CARRIED 6/0

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6. PETITIONS, DEPUTATIONS, PRESENTATIONS, DECLARATIONS

The Chief Executive Officer declared an interest in item 7.1.6 Tender 2-04/05 as one of the tendering parties, D & J Young, are his parents in law.

7. REPORTS OF OFFICERS

7.1 CHIEF EXECUTIVE OFFICER

V	NAME	PARTICULARS	MUNI	TRUST
10018	NATASHA HOBBS	Certificate 3 Financial Services	289.39	
10052	P & F KULKER BUILDING	Office – New Kitchen	7236.90	
10053	NGN RETRAVISION	Office Equipment – New Kitchen	598.00	
10054	SHIRE OF WICKEPIN	LGMA Conference Expenses & Recycling Costs Dec 2004	306.00	
10055	TELSTRA	Phone A/C	880.47	
10056	WESTERN POWER	Power A/C	26.60	
10057	PETER SLATTER	Summer Concert - Band	3000.00	
10058	SHIRE OF CUBALLING	Building Licence – Shire House Patio	70.00	
10059	CENTRAL SOUTH EISTEDDFOD	Donation 2005 Eisteddfod	100.00	
10060	OAKPOINT P/L	Supply & Erect Fire Shed	11398.75	
10061	SHIRE OF WICKEPIN	Central Country Zone Bowls Day 05	49.50	
10062	AUSTRALIAN SERVICES UNION	ASU Deductions February 2005	31.80	
10063	WA LOCAL GOVT SUPER PLAN	Super Contributions February 2005	4590.11	
10064	SHIRE OF CUBALLING	Social Club Deductions February 05	150.00	
10065	ATO	February 2005 BAS	10591.00	
10066	CASH	Petty Cash Recoup	232.20	
10076	AARON'S AUTO-AIR	Parts & Repairs	96.80	
10077	AUSTRALIA POST	Post Office Box Annual Renewal Fee	13.00	
10078	BEAUREPAIRES	Tyres	5984.75	
10079	BURGESS RAWSON	Water A/C – Memorial Park	37.40	
10080	CENTRE FORD	Parts & Repairs (CN1 Service)	185.00	
10081	COURIER AUSTRALIA	Freight	104.18	
10082	CUBALLING TAVERN	Council Luncheon, Refreshments & Summer Concert Band Expenses	643.90	
10083	DEPT FOR PLANNING & INFRAST	Shire Vehicle Licence Renewals	2184.80	
10084	DUGALD FERGUSON MACHINE.	Parts & Repairs	126.05	
10085	EARTHWORKS TRAINING ASSESSMENT SERVICE	Staff Training – Works Supervisor	176.00	
10086	EDWARDS MOTORS P/L	Parts & Repairs – OCN Accessories	341.15	
10087	ENVIRONMENTAL PRODUCTS	Materials – Depot	341.00	
10088	GREAT SOUTHERN FUELS	Fuels & Oils	8139.81	
10089	GREAT SOUTHERN WASTE DISP.	Summer Concert – Empty Port. Loos	429.00	
10090	HIGHBURY TAVERN	Popo Cemetery – Digging Grave	160.00	
10091	INGERSLEY ELECTRICAL	New Kitchen Electrical Works & Depot Maintenance	747.02	
10092	J & S KULKER	New Kitchen - Paint	297.00	
10093	LR ARCHIBALD & CO P/L	Carting Gravel	2150.50	
10094	MAKIT NGN HARDWARE	Materials – Depot, Office etc.	120.12	
10095	MCDOUGALL WELDMENTS	Hire of Roller	962.70	
10096	MCLEODS BARRISTERS & SOLIC.	Legal Fees	1163.25	
10097	NGN BEARING SERVICE	Parts & Repairs	105.10	

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10098	NGN HIRE SERVICE	Summer Concert – Portable Loos	393.20	
10099	PRACSYS	Strategic Planning Facilitation	3300.00	
10100	SHIRE OF WICKEPIN	Recycling Costs Jan 2005	330.00	
10101	SOS OFFICE CHOICE	Photocopier Charges & Stationery	171.95	
10102	SOUTH WEST PRINTING & PUBL.	Advertising	232.00	
10103	STEWART & HEATON CLOTHING	Protective Clothing – Fire Fighting	1669.14	
10104	SUNNY SIGN COMPANY	Signs	222.20	
10105	TELSTRA	Mobile A/C	50.00	
10106	WATER CORPORATION	Water A/C	867.10	
10107	WESTERN POWER	Power A/C	1888.80	
10108	WESTRAC EQUIPMENT	Parts & Repairs	723.86	
10109	WHITFORD FERTILISERS – NGN	Cuballing Oval – Turf Mix	442.00	
T1919	WA FARMERS FEDERATION	Reimburse Bond Paid 070205 – Rec.		100.00
T1920	CASH	Social Club Lotto		100.00
	ELECT TSFR TRANSACTIONS			
220205	SALARIES & WAGES	Salaries & Wages 090205 – 220205	16500.53	
080305	SALARIES & WAGES	Salaries & Wages 230205 – 080305	16896.94	
	CREDIT CARD TRANSACTIONS			
280105	APRIL FLOWER/BASKETS	Flowers for Cr Brown	110.00	
090205	PARRYS	Clothing Allowance	40.90	
	TOTALS \$		107897.87	200.00

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That payment of Accounts Vouchers 10018, 10052 - 10066, 10076 - 10109, T1919 - T1920, Electric Transfer/s 220205 - 080305, and Credit Card Transaction/s 280105 - 090205, totalling \$108,097.87, as presented, be endorsed.

Creditors invoices processed and outstanding as at 17 March 2005 and not included in the cheque list presented to the Council meeting on 17 March 2005 total \$_____.

COUNCIL ACTION

Moved Cr McKenzie, seconded Cr Newman that payment of Accounts Vouchers 10018, 10052 - 10066, 10076 - 10109, T1919 - T1920, Electric Transfer/s 220205 - 080305, and Credit Card Transaction/s 280105 - 090205, totalling \$108,097.87, as presented, be endorsed.

Creditors invoices processed and outstanding as at 17 March 2005 and not included in the cheque list presented to the Council meeting on 17 March 2005 total \$4156.08.

CARRIED 6/0

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7.1.2 SHIRE OF CUBALLING FINANCIAL REPORTS AS AT 28 FEBRUARY 2005

		Annual Budget 2004/05 \$	Actual YTD 2004/05 \$
OPERATING ACTIVITIES	Sch		
Income			
General Purpose Funding	3	3,100	551,890
Governance	4	11,310	2,653
Law, Order & Public Safety	5	40,750	37,577
Health	7	1,200	1,926
Education and Welfare	8	750	234
Housing	9	0	0
Community Amenities	10	2,000	3,896
Recreation and Culture	11	2,410	4,173
Transport	12	11,400	4,453
Economic Services	13	5,800	14,451
Other Property and Services	14	61,990	39,859
Total Operating Income		140,710	661,112
Expenditure			
General Purpose Funding	3	-39,440	-47,722
Governance	4	-236,270	-181,019
Law, Order & Public Safety	5	-55,650	-40,920
Health	7	-14,750	-12,773
Education and Welfare	8	-3,000	-776
Housing	9	-18,990	-14,908
Community Amenities	10	-96,000	-37,320
Recreation and Culture	11	-96,220	-67,487
Transport	12	-961,110	-478,485
Economic Services	13	-85,350	-29,623
Other Property and Services	14	-35,300	-146,953
Total Operating Expenditure		-1,642,080	-1,057,986
ADJUSTMENTS FOR CASH REPORTING REQUIREMENTS:			
Depreciation (Assets Register)		568,650	377,878
Profit/Loss on Sale of Assets		-9,860	1,958
Capital Expenditure & Income			
Proceeds on Sale of Assets		159,000	69,782
Capital Grants and Subsidies		898,940	632,286
Land and Buildings		-132,690	-60,081
Infrastructure Assets - Roads		-480,450	207,052
Plant and Equipment		-465,000	-87,300
Furniture and Equipment		-11,000	-7,896
Proceeds from New Loans		0	0
Loan Repayments		-16,990	-8,368
Transfer to Reserves		-131,000	-15,040
Reserves (Cash Backed)		302,190	0
Opening Funds		278,750	278,750
Less Closing Funds		0	-578,043
CLOSING POSITION		-541,330	0

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BANK RECONCILIATION

	Municipal Fund	Trust Fund	<u>Reserve Accts</u>
	\$	\$	\$
Opening balance	456,466.26	52,632.65	492,194.13
Income	172,866.99	431.50	0.00
	612,333.25	53,064.15	492,194.13
Expenditure	-91,552.80	-4,425.41	0.00
Closing balance	520,780.45	48,638.74	492,194.13
Bank account	327,911.70	36,523.45	2,738.29
Investments	200,000.00	12,365.60	489,455.84
	527,911.70	48,889.05	492,194.13
Plus O/S deposits	1,197.75	0.00	0.00
	529,109.45	48,889.05	492,194.13
Less O/S cheques	-8,190.75	-250.31	0.00
	520,918.70	48,638.74	492,194.13
Less O/S licensing	-138.25	0.00	0.00
Less Adjustments	0.00	0.00	0.00
Closing balance	520,780.45	48,638.74	492,194.13

RATING INFORMATION

	Budget 2004/05	Actual 2004/05
UV Rates Levied	\$424,510	\$418,612
GRV Rates Levied	\$44,930	\$47,504
UV Minimum Rates Levied	\$2,860	\$2,600
GRV Minimum Rates Levied	\$69,030	\$67,370
Interim Rates UV	\$0	\$3,541
Interim Rates GRV	\$0	\$422
Mining Tenement	\$0	\$0
	\$541,330	\$540,049
Rates o/s from previous years (1 July)	\$7,619	\$7,619
Rates Written Off	\$0	\$0
Discount Allowed	-\$38,000	-\$38,028
Net Rates Receivable	\$510,949	\$509,640
Emergency Services Levy	\$18,000	\$17,820
Net Rates & ESL Receivable	\$528,949	\$527,460
Less Rates & ESL Paid		-\$506,687
RATES OUTSTANDING		\$20,773
Pensioner Deferred Rates		\$2,000
UV Rates as a % of total rates		78.7%
GRV Rates as a % of total rates		21.3%
Payment Discount as a % of total rates		7.0%
Rates Paid as a % of net rates receivable		96.1%
Rates Outstanding as a % of net rates		3.9%
Pensioner Deferred Rates as a % of O/S Rates		9.6%

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ROADS MAINTENANCE AND CONSTRUCTION

MAINTENANCE				
Details	Job No	Status	Budget 2004/05 \$	Actual YTD \$
Refuse Sites (Cuby & Popo)	1000.1/2		72,670	32,292
Parks and Reserves	1100.9		48,700	30,262
Road Maintenance General	1201.31		301,350	176,801
Tree Lopping/Mulching	1201.34		47,600	11,158
Tree Lopping (Contract)	1201.34		25,000	0
Town Maintenance - Cuballing	1201.35		18,380	5,607
Town Maintenance - Popanyinning	1201.36		18,380	19,096
Bitumen Patching	1201.37		23,050	16,147
Bridges & Culverts - General	1201.38		9,810	4,390
Grading Maintenance - Winter	1201.41		93,070	64,937
Grading Maintenance - Shoulder	1201.42		34,560	13,025
Grading Maintenance - Summer	1201.43		116,450	67,819
Storm Damage	1201.44		5,150	3,286
Weed Control – Declared Plants	1300.1		14,160	4,522
Weed Control - Roadside	1300.3		14,150	4,476
Total Maintenance			842,480	453,818
CONSTRUCTION				
Cuballing East (RRG)	1200.30		47,870	141
Cuballing West (RRG)	1200.31		37,570	2,994
Popanyinning East (DG)	1200.50	IP	60,600	13,725
Congellin (R2R)	1200.60	IP	51,700	39,160
Bunmulling (Own)	1200.70		20,080	2,828
Yornaning West (Own)	1200.71	Comp	40,520	51,242
Town Streets (Own)	1200.72		49,980	245
Congellin (Own)	1200.75		47,870	647
Popanyinning West (Own)	1200.76	IP	72,380	50,608
Springhill (Own)	1200.77		29,880	0
Total Construction			458,450	161,590
GRAND TOTAL			1,300,930	615,408

INVESTMENTS

Account Number	Maturity Date	Interest Rate	Fund/Account		
			Municipal	Trust	Reserves
652250055120	8 July 2005	5.29%		\$12,365.60	
652250055147	30 April 2005	5.12%			\$489,455.84
652250055155	6 March 2005	5.18%	\$200,000.00		
			\$200,000.00	\$12,211.70	\$489,455.84

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CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Financial Reports for the period ended 28 February 2005 be adopted by Council.

COUNCIL ACTION

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

CARRIED 6/0

7.1.3 NARROGIN REGIONAL BUSINESS ENTERPRISE CENTRE AND DRYANDRA COUNTRY VISITOR CENTRE

Background

Correspondence advising of a proposal to co-locate the Narrogin Regional BEC and Dryandra Country Visitor Centre into the Railway Institute Hall in Narrogin.

Comment

The proposal to co-locate the two bodies is a positive move and will allow them to operate from a larger and more user friendly office complex and share certain costs and services, and also forge a closer working relationship.

Presently the two bodies do not have funds available to purchase the premises or pay a commercial lease rate, however the Town of Narrogin Chief Executive Officer has indicated that the Town of Narrogin has agreed to provide the premises in accordance with the minimal rent paid for their existing accommodation.

The Shire of Cuballing currently contributes annually amount of \$1,000 to the BEC, and \$5,000 to the Dryandra Visitor Centre to assist with the employment of the Centre Manager.

The BEC and Visitor Centre are requesting a letter of support from Council towards the co-location proposal. No additional cash contribution is being requested, however if possible Council may be asked to assist with them relocating to the new premises and with the purchase and erection of signage, etc.

Reporting Officer

Peter Naylor, Chief Executive Officer

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CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **The Shire of Cuballing supports the proposed co-location of the Narrogin Regional BEC and the Dryandra Country Visitor Centre to the Narrogin Railway Institute Hall;**
- **The Shire of Cuballing does not increase its annual financial contribution to each of the organization as a result of the co-location, however is prepared to assist with relocation of office furniture/equipment, and installation of signage, etc.**

COUNCIL ACTION

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

CARRIED 6/0

7.1.4 LOCAL GOVERNMENT INSURANCE SERVICES WA – CENTRAL COUNTRY RISK MANAGEMENT PROJECT

Background

Correspondence inviting Council to participate in the formation of a Regional Risk Management arrangement based upon a co-funded model that will supply participating Councils with a dedicated Risk Manager to look after all risk related issues and Occupational Safety and Health matters for the group.

Comment

Council's individual contribution to the proposed program will be based on a region-wide contribution of 50% of the costs, fixed at \$75,000 (the remaining is funded by the Schemes), at this stage the cost to the Shire of Cuballing is estimated at \$2,947. The \$75,000 will be apportioned on a pro rata basis using payroll as the medium across the region, a three year commitment is sought.

The long term benefit to the participating Councils is reduced insurance premiums, particularly in workers compensation, and development of Occupational Health and Safety guidelines and Risk Management strategies to meet the high demands being placed on industry in accordance with Australian Standards.

The proposed program has been instigated in three country regions and appears to be working well although feedback is that they have not been in place for long enough to enable cost savings to be realised.

The proposed program could be worthwhile and should have professional and cost saving benefits, however if all Councils do not agree to participate there could be some change to the cost structure which could make it non viable for Council.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- The Shire of Cuballing agrees in principal to participate in the proposed Central Country Risk Management Project subject to the cost structure as indicated in the correspondence being maintained and all 14 Councils being involved; and
- Should the proposal change in any way then the matter will have to be referred back to Council for further consideration.

COUNCIL ACTION

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

CARRIED 6/0

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 2004. 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

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 6/0

7.1.6 TENDER 2-04/05 – DISPOSAL OF CUBALLING LOT 138

2.25pm Peter Naylor left the Council Chambers.

2.32pm Peter Naylor re-entered the meeting.

Background

In accordance with Council resolution of 18 November 2004, Tender 2-04/05 was advertised in the Narrogin Observer on 9 February and 2 March 2005, and the West Australian on 9 February 2005, for the sale of Lot 138 in Cuballing townsite.

Comment

At the close of the tender period at 4.00pm on Wednesday 9 March 2005, two tenders were received, as follows:

- G & C Cardell \$22,000 (GST inclusive)
- D & J Young \$17,000 (GST inclusive)

The reserve price set by Council for the sale of the property was \$16,500 plus GST, total amount of \$18,150.

During previous discussions on the sale of this property the Chief Executive Officer indicated that perhaps Council could consider placing the funds into a Refuse Site Reserve Account to commence setting aside funds for the future upgrade or establishment of a central refuse site within the Shire.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- The tender submitted by G & C Cardell of \$22,000 (GST incl) for the purchase of Lot 138 Cuballing townsite be accepted; and
- A Refuse Site Reserve Account be established for the future upgrade/development of refuse site/s within the Shire of Cuballing and the funds from sale of the property be placed into that Reserve Account.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Newman that the tender submitted by G & C Cardell of \$22,000 (GST incl) for the purchase of Lot 138 Cuballing townsite be accepted.

CARRIED 6/0

Moved Cr Brown, seconded Cr Hawksley that a Refuse Site Reserve Account be established for the future upgrade/development of refuse site/s within the Shire of Cuballing and the funds from sale of the property be placed into that Reserve Account.

CARRIED 6/0

7.2 **REPORTS – WORKS**

7.2.1 **WORKS SUPERVISORS REPORT**

POPANYINNING WEST ROAD

The widening of this road to a seven (7) metre seal width from the Popanyinning townsite boundary to Patullo Road is now complete. It is planned to further clear the south side of the road to Pennys Road to work in with fencing program for Steve Lynham. This work should commence within the next couple of months.

CONGELIN ROAD

Work is continuing on this road to upgrade (reconstruct) the section of road bypassed last year and to lay a second seal the whole section of road from last and these years' programs. The sealing works are expected to be completed on 15 March 2005.

CUBALLING EAST ROAD

The bitumen re sealing from Short Road to the finish of the new alignment (with Pauley Road) is to be completed on the 8 March 2005. Once this is done line marking will be reinstated.

REFUSE SITES

Wind blown litter has been picked out of the bush surrounding both refuse sites. Extensive work has been done to comply with the new regulations of tip management. Part of these requirements it that all rubbish is buried on a weekly basis, the refuse face is only 30 metres wide and the waste is separated.

PLANT AND EQUIPMENT

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

PRIVATE WORKS

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

Private works invoices for the month of February 2005, totaling \$5,638.

Reporting Officer

Alex Richardson, Works Supervisor

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Supervisors Report be received and information noted.

COUNCIL ACTION

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

CARRIED 6/0

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Moved Cr Wittwer, seconded Cr Hawksley that congratulations be passed onto the Works Supervisor and Outside Works Staff on the excellent standard of works program being undertaken throughout the Shire.

CARRIED 6/0

7.3 REPORTS – BUILDING

7.3.1 BUILDING SURVEYORS REPORT

Summary:

There were no building applications approved and/or licenses issued for the months of February 2005.

Cuballing Tavern

The Building Surveyor is currently working through some issues at the Cuballing Tavern in relation to the function room and it's non-compliance with statutory building requirements for a public building. The property owner is cooperating fully and the works are in progress.

A full report will be presented to Council at the completion of the required works to bring the building up to the necessary standard.

Reporting Officer

Allan Ramsay, Building Surveyor

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the information be noted.

COUNCIL ACTION

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

CARRIED 6/0

7.4 REPORTS – HEALTH

7.4.1 ENVIRONMENTAL HEALTH OFFICERS REPORT

Purpose

To advise Council of Environmental Health inspections that has been carried out in the district during the month of February

Waste Disposal Sites

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Council may recall in the Environmental Health Officer's report of February 2005, officers from the Department of Environment (DoE) made an unannounced visit to the Cuballing Waste Disposal site in December 2004.

As a consequence of their first visit various works has been undertaken at both waste disposal sites and a newsletter sent to all residents pointing out the new procedures in tipping recyclable material and normal household rubbish.

Apart from some material being dumped in the wrong areas designated, it is encouraging to see that the majority of the residents are carrying out the correct dumping procedure.

Another visit by three Department of Environment Officers was made on the 3 March 2005. The main purpose of the inspection was to follow up on required work and to discuss possible long-term alternative waste disposal sites centrally located within the Shire of Cuballing. Both the Chief Executive Officer and the Environmental Health Officer attended the inspection.

A letter will be sent to Council from the DoE regarding the inspection.

On – Site Effluent Disposal

Two permits to use an on-site effluent disposal system were issued during February 2005, as follows:

Approval Date	Name & Address
24 February 2005	D Giles & R Morton Lot 2 Neamutin Road, Popanyinning
1 February 2005	G Dean 54 Cuballing Street, Cuballing

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

CARRIED 6/0

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

Background

Further request from Mr Lowe for Council to consider granting him an exemption to keep more than four dogs on his property at Popanyinning.

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Comment

Mr Lowe first presented this matter to the October 2004 ordinary meeting of Council for consideration. At this meeting Council resolved:

“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”.

Note: In reaching its decision Council took into account:

- Mr Lowe’s apparent reluctance to adhere to Councils 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.

Following Councils resolution a letter was forwarded to Mr Lowe on 25 October 2004 informing him of the decision and advising that he had 28 days, from the date of the letter, in which to appeal to the Minister for Local Government and Regional Development (ie appeal had to be lodged by 22 November 2004). Mr Lowe did submit an appeal, however he sent it to the Office of the Premier whom then redirected it to the correct department for addressing. When attending to the appeal at the Department of Local Government and Regional Development it was noted that the correspondence was not received until 29 November 2004, and therefore could not be dealt with as it was outside the available appeal period.

In responding to Mr Lowe the Parliamentary Secretary to the Premier, Mark McGowan MLA, pointed out to him the lateness of his appeal and indicated that should he wish to present another appeal he will first have to make further application to the Shire. Then should the application be refused his appeal right will be reinstated.

On Wednesday 16 February 2005 Council’s Dog Catcher, John Ayton, visited Mr Lowe’s property and reported that there were six (6) dogs. On receipt of this advice action was instigated with McLeods, Barristers and Solicitors to implement court action against Mr Lowe for keeping more than the prescribed number of dogs at his property, and this is in the process of being progressed. The action has not been halted as the result of Mr Lowe’s latest letter to Council.

It appears obvious that Mr Lowe is very reluctant to comply with the Shire of Cuballing Dogs Local Law and Council’s resolution of October 2004, and his intentions are to drag this issue out for as long as possible. The situation has not changed since Council considered this matter in October 2004 and therefore similar action is being recommended.

SHIRE PRESIDENT

DATE

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **The Chief Executive Officers actions in instigating legal action against Mr Lowe for keeping more than the prescribed number of dogs at his property be endorsed;**
- **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; and**
- **Mr Lowe be informed of his right of appeal to the State Administration Tribunal (SAT) in accordance with section 26 (5) of the Dog Act 1976.**

COUNCIL ACTION

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

CARRIED 6/0

7.4.3 ILLEGAL CAMPING – MR ROBERT LOWE, WILLIAMS LOCATION 3339 BUNMULLING ROAD, POPANYINNING

Background

Mr. Lowe has written a letter dated 17 February 2005 to Council seeking approval to stay at his property and sleep overnight in a caravan. The letter does not refer to how many nights he wishes to stay/sleep overnight, it simply states from time to time.

Comment

Council's Solicitor is currently assessing the matter of Mr Lowe staying at his property in relation to the provisions of the Health Act 1911 and the Caravan Parks and Camping Ground Regulations 1997. On receipt of the Solicitors comments and advice Council will be further advised.

The Caravan Parks and Camping Regulations 1997 (section 11 (1) (a)) permits a person to camp for up to 3 nights of any period of 28 consecutive days on land which he or she owns or has a legal right to occupy. If that person wishes to stay longer than three nights written approval is required from Council.

Given that Mr Lowe has previously been informed of the Regulations and the specific requirements, and his apparent reluctance comply with them in the past and to submit building plans, etc, to erect a permanent home site, it is not recommended that Council considers granting approval for longer than a three night stay at the property.

Please note that there is no right of appeal on Councils decision, however it is understood that the Minister for Local Government and Regional Development may approve for a person to camp on

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land that is not a caravan park or camping ground for any period of time and an application can be made directly to the Minister.

Reporting Officer

Allan Ramsay, Environmental Health Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That

- **Mr Lowe be informed of his rights to camp at the property for a period of three nights in any period of 28 consecutive days, in accordance with Section 11 (1) (a) of the Caravan Parks and Camping Ground Regulations 1997; and**
- **Council does not grant approval to Mr Lowe to camp at the property for a period in excess of three nights in the 28 consecutive day period.**

COUNCIL ACTION

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

CARRIED 6/0

7.5 REPORTS – TOWN PLANNING

7.5.1 BIRDS SILOS AND SHELTERS, POPANYINNING – APPLICATION FOR REDUCED SET BACK

Background

Request from Birds Silos and Shelters for Council to grant approval for reduced set back of three (3) metres for construction of a new workshop on their premises, being Lot 22, in Popanyinning.

Comment

Under Council's Town Planning Scheme (TPS) No. 2 the rear setback stipulated for industry (general, light or service) in the Rural Townsite zone is 7.5 metres.

Clause 5.6 of TPS No. 2 allows for Council to allow a variation to development standards subject to the provisions of clause 5.6.2 and 5.6.3.

These clauses protect the interests of adjoining owners, planning and environmental objectives and the amenity of the area.

In particular Council needs to be satisfied that the non-compliance will not have an adverse effect upon the occupiers or user of the development, the inhabitants of the locality or the likely future development of the locality.

In considering the above it should be noted that Council has received a letter from the adjoining owners indicating no objection to the proposal.

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Other issues to be considered is the existence of a ROW between the rear of the development site and the adjoining owners and that Council's Outbuildings Policy allows a reduction to a rear setback to 1.2 m in the rural townsite zone.

Reporting Officer

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

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That subject to Council being satisfied that the provisions of Clause 5.6.1 - 5.6.3 have been met, Council uses its discretion to allow a reduced rear boundary setback from 7.5 metres to 3 metres for the proposed workshop subject of this application.

COUNCIL ACTION

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

CARRIED 6/0

8 ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

9 OTHER URGENT BUSINESS

Nil

10 MEETING CLOSURE

There being no further business the Shire President declared the meeting closed 3.15 pm.

CONFIRMED AS A TRUE RECORD OF PROCEEDINGS ON _____

PRESIDENT

SHIRE PRESIDENT

DATE