



# SHIRE OF CUBALLING

**ORDINARY COUNCIL MEETING  
HELD ON THURSDAY 16 NOVEMBER 2006**

# MINUTES



# **SHIRE OF CUBALLING**

## **COUNCIL MEETING THURSDAY 16 NOVEMBER 2006**

### **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 16 November 2006**

**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

President welcomed Councillors, declared meeting open 3.02pm.

**2. RECORD OF ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE**

**ATTENDANCE**

Shire President, Cr I L Watts	Deputy President, Cr T H Wittwer
Cr C R Hawksley	Cr R J D Newman
Cr D S Bradford	Cr J D Brown
Chief Executive Officer, Mr P T Naylor	

Mrs Carol McDougall – observed  
Mr Neil Butterworth – 3.02pm to 3.37pm

**APOLOGIES**

Cr Clinton McKenzie

**LEAVE OF ABSENCE**

Nil

**3. PUBLIC QUESTION TIME**

Nil

**4. APPLICATION FOR LEAVE OF ABSENCE**

Nil

**5. MINUTES**

**5.1 CONFIRMATION OF 19 OCTOBER 2006 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 October 2006 be  
confirmed.**

**COUNCIL ACTION**

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

*CARRIED 6/0*

**6. PETITIONS, DEPUTATIONS, PRESENTATIONS & DECLARATIONS**

**6.1 GREAT SOUTHERN REGIONAL BUSINESS ASSOCIATION INC**

Mr Neil Butterworth, Manager of Great Southern Regional Business Association (GSRBA), addressed Council and discussed the formation, operation and structure of the GSRBA

Mr Neil Butterworth departed the Chambers at 3.37pm.

**7. DISCLOSURES OF INTEREST**

Councillors' and Employees' Disclosures of Interest.

**7.1 DISCLOSURE OF FINANCIAL INTEREST AND PROXIMITY INTEREST**

Members must disclose the nature of their interest in matters to be discussed at the meeting.

Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting.

Nil

**7.2 DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY**

Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the Member or employee has given or will give advice.

Nil

**8.1 REPORTS – FINANCE AND ADMINISTRATION**

**8.1.1 LIST OF ACCOUNTS SUBMITTED FOR COUNCIL APPROVAL AND PAYMENT – NOVEMBER 2006**

**Background**

Council is supplied with a list of payments for consideration.

**Comment**

A copy of the list of payments made from each of Councils bank accounts is attached to this item.

**Reporting Officer**

Peter Naylor, Chief Executive Officer

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That Council:**

- **Approve for payment the list of Creditors paid from the Municipal fund, as detailed below, totalling \$162,390.27:**

Vouchers 10744-10747 inclusive	\$ 6,647.95
Vouchers 10749-10754 inclusive	\$ 11,248.39
Vouchers 11425-11512 inclusive	\$108,198.97
Electronic fund transfers	\$ 36,294.96
  
- **Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$924.06:**

Vouchers 1976-1978 inclusive	\$ 924.06
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**COUNCIL ACTION**

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

*CARRIED 6/0*

## **8.1.2 STATEMENT OF FINANCIAL ACTIVITY**

### **Background**

Local Government (Financial Management) Regulations 1996, section 34, provides for monthly financial reporting requirements for local government.

### **Comment**

A Statement of Financial Activity has been prepared for period ending 31 October 2006 in accordance with the abovementioned legislation and circulated with the Council meeting agenda.

### **Reporting Officer**

Peter Naylor, Chief Executive Officer

## **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That the Statement of Financial Position, as circulated, for the Shire of Cuballing for period ending 31 October 2006 be received.**

## **COUNCIL ACTION**

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

*CARRIED 6/0*

## **8.1.3 SHIRE OF CUBALLING OFFICE CLOSURE CHRISTMAS/NEW YEAR PERIOD 2006/2007**

### **Background**

In 2005/2006 Council granted approval for closure of the Shire Administration Office over the Christmas/New Year period, from Monday 26 December 2005 to Monday 2 January 2006, inclusive. In approving this staff transferred public holiday entitlements for the Christmas/New Year period and Easter Tuesday, and Council granted staff one days paid leave.

### **Comment**

This year Christmas Day is on Monday 25 December 2006 and New Years Day on the following Monday. Tuesday 2 January 2007 is recognised as a public service holiday under the Local Government Officers (WA) Award 1999.

Staff are again requesting Council consideration for the closure of the Shire Administration Office over the Christmas/New Year period, from Monday 25 December 2006 to Monday 1 January 2007, inclusive. As with previous

years office staff are willing to transfer public service holiday entitlements, including Easter Tuesday, to be taken during this period, and requesting Council for one days additional paid leave.

The office closure enables staff to have an uninterrupted break over the festive period between Christmas and New Year. Generally this time of the year is very quiet in the administration office with most residents away on holidays. There have been no adverse comments received over Councils decision to close the administration office in the past few years.

### **Reporting Officer**

Peter Naylor, Chief Executive Officer

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That Council grants approval for the Shire of Cuballing Administration Office to be closed over the Christmas/New Year period from Monday 25 December 2006 to Monday 1 January 2007, inclusive. Public notices of the office closure to be advertised in the Narrogin Observer and Shire Newsletter, and posters displayed within the Shire.**

### **COUNCIL ACTION**

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

*CARRIED 6/0*

## **8.2 REPORTS – WORKS**

### **8.2.1 WORKS MANAGERS REPORT**

#### **CUBALLING EAST ROAD BRIDGE DAMAGE (#3177)**

Repairs to the bridge have been completed to the satisfaction of Main Roads WA. Invoice for repairs has been received for amount of \$33,858.00, this does not include Council staff.

Councils' insurers are still pursuing liability of this matter with the vehicle owners insurance company (Wesfarmers), however it appears unlikely that liability for damages will be accepted. Further legal opinions are being sourced.

#### **PURPOSE PERMIT APPLICATION**

The Purpose Permit Clearing application lodged with the Department of Environment and Conservation (DEC) in early July 2006 is still being processed. The Chief Executive Officer has contacted the DEC and requested the permit process to be fast tracked to enable programmed works to proceed for 2006/2007.



**CUBALLING EAST ROAD)**

Programmed works on this road have ceased due to waiting on Purpose Permit.

**CUBALLING WEST ROAD**

Programmed works on this road have not yet commenced due to waiting on Purpose Permit.

**POPANYINNING WEST ROAD**

The preparation of the section to be upgraded (2 kilometres west Penny Road) has been completed as much as is allowed until Purpose Permit is received.

**STRATHERNE/PARSONS ROADS INTERSECTION**

Survey of the intersection has been completed and copy forwarded to WML Consultants in Bunbury to prepare working drawings. Similar to previous items no physical works can commence until purpose permit received.

**CUBALLING OVAL AND CHANGEROOMS**

Maintenance at the oval and surrounds was increased to ensure the grounds were in presentable condition for the official opening of the new change rooms.

The new playground area has been prepared and perimeter fencing erected. It is expected the playground and shade equipment will be ready for pick up in the near future.

The caged rag bolt assemblies (2) for erecting lights at the south end of the netball/tennis court are on hand and will be inserted to allow the lighting columns to be erected when delivered on site about mid November 2006.

**MAINTENANCE GRADING**

Summer grading and bitumen shoulder maintenance is being undertaken throughout the Shire

**CLASS 2 & 3 RESTRICTED ACCESS VEHICLES PERIOD PERMIT**

The Works Manager and Chief Executive Officer having been undertaking self assessment of roads within the Shire as per Main Roads WA request. Unfortunately the process is very time consuming so it will take some time to get over the whole of the Shire. As roads are assessed the relevant information is completed and provided to Main Roads for their assessment and endorsement, and inclusion on the various network plans.

**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 works requests are still being received and these are being done as time permits.

Private works invoices for the month of October 2006, total \$13,622.83.

### **Reporting Officer**

Alex Richardson, Works Supervisor

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

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

### **COUNCIL ACTION**

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

*CARRIED 6/0*

## **8.2.2 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) – MODEL POLICY FOR STOCK ON LOCAL ROADS**

### **Background**

The WA Local Government Association, in consultation with a small working group made up from Council representatives, the Shire of Woodanilling and the WA Rangers Association, has developed a Model Policy for Stock on Local Roads and circulated it to all local governments for consideration. The policy has been based on the guidelines developed by Main Roads WA, document number 67-08-82.

The purpose of the policy is to provide guidelines that should be followed when moving stock on or across local roads and to outline Main Roads WA and Local Governments requirements for the provision of stock underpasses on local roads. The person in charge of moving stock across or along a road does not need formal permission from Council, except for the following statutory requirements:

- For roads with declared Control of Access the consent of Main Roads is required; and
- For roads within a town the permission of the Director General (Main Roads WA) is required.

### **Comment**

Council currently has no adopted policy or procedures for stock crossing roads and therefore signage and methodology can vary greatly, this can often create confusion amongst motorists and farmers alike, and also lead to dangerous situations occurring or adhoc signage being ignored.

The Model Policy is reasonably self explanatory and the various pictorials indicate that the signage requirements within this district should not be too

onerous. It is also mandatory that signage must be removed or covered during times when stock crossings are not being utilised (for permanent crossing points).

The adoption of a policy similar to the Model presented would introduce uniform procedures throughout the Shire (and perhaps the local government network) and provide staff with a standard guideline to inform property owners.

A copy of the Model Policy has been circulated with the Council meeting agenda.

### **Reporting Officer**

Peter Naylor, Chief Executive Officer

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That the Model Policy for Stock on Local Roads, as prepared by the Western Australian Local Government Association, be adopted for the Shire of Cuballing.**

### **COUNCIL ACTION**

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

*CARRIED 6/0*

### **8.2.3 G & J DEAN LOT 336 CUBALLING STREET, CUBALLING, REQUEST FOR ROAD SEALING**

#### **Background**

Correspondence from Mr Graham & Mrs Jan Dean requesting Council consideration to the bitumen sealing of the east end of Cuballing Street.

#### **Comment**

Cuballing Street is bitumen sealed to a point about 20 metres east of Mr & Mrs Deans driveway access. There are two occupied properties past this point and another with a crown land grazing lease. Also in recent times another property has been sold and Council has constructed gravel road access, but the land remains vacant. Therefore it appears there is only minimal requirement for persons to travel past the Deans property.

There is a "No Through Road" sign at the commencement of the section of Cuballing Street running east of Russell Street, however this will generally not stop interested observers from driving along a road to have a look.

Given the amount of genuine traffic in the area it is difficult to support Mr & Mrs Deans request. Granted they have invested considerably within Cuballing and their property is an absolute credit to them, but Cuballing is a rural town and there will be dust from time to time.

Council has recently adopted a philosophy that no new bitumen sealing works will be undertaken until a second coat of seal has been placed over all existing single seal bitumen roads within the Cuballing and Popanyinning townsites.

Eventually as the town grows Council will be under considerable pressure to bituminise all streets, however staff believe it is vitally important at the present time to continue with the resealing program to protect and maintain existing infrastructure.

### **Reporting Officer**

Peter Naylor, Chief Executive Officer

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That Mr & Mrs Dean be informed that bitumen sealing of the east end of Cuballing Street will not be undertaken at this point in time.**

### **COUNCIL ACTION**

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

*CARRIED 6/0*

**8.3 REPORTS – BUILDING**

**8.3.1 BUILDING SURVEYORS REPORT**

**Summary**

There were six (6) applications approved and licenses issued for the month of October 2006.

Listed below is a summarized breakdown of the application and proposed structure:

<b>Approval License No</b>	<b>Name of Owner</b>	<b>Registered Builder (RB) or Owner Builder (OB)</b>	<b>Structure</b>	<b>Location of Building</b>
17/06-07	Dawson Bradford	Dempster Steel RB#11403	Hay Shed	Lot 820 Cuballing West Rd Cuballing
18/06-07	T Heal & C Wood	T & R Homes RB#12004	Steel Frame Transportable Home	Lot 358 Russell St Cuballing
19/06-07	L Shields & D Thompson	OB	Carport	Lot 140 Morrell St Cuballing
20/06-07	Ken Head	OB	Shed	Lot 413 Rose St Cuballing
21/06-07	Bruce Brennan	OB	Swimming Pool	Lot 55 Colin St Cuballing
22/06-07	Leigh Ballard	OB	House Addition	Lot 49 Derby St Cuballing

**Reporting Officer**

Allan Ramsay, Environmental Health Officer/Building Surveyor

**CHIEF EXECUTIVE OFFICER’S RECOMMENDATION**

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

\_\_\_\_\_  
Shire President

\_\_\_\_\_  
Date

**COUNCIL ACTION**

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

*CARRIED 6/0*

**8.4 REPORTS – HEALTH**

**8.4.1 ENVIRONMENTAL HEALTH OFFICERS REPORT**

**Purpose**

To advise Council of Environmental Health inspections that have been carried out in the district during the month of October 2006.

**On-Site Effluent Disposal**

Two applications for septic tank and leach drain systems were approved for the month of October 2006 as follows:

<b>Approval Number</b>	<b>Name &amp; Address</b>
31/06-07	B & N Brennan Lot 55 Colin Street Cuballing
36/06-07	A & M Grieve Loc 7401 Noels Rd Cuballing

**Caravan Parks**

In accordance with the Caravan Parks and Camping Grounds Legislation an inspection of the Lazeaway Caravan Park was carried out on Thursday 2 November 2006. The premises are well managed and apart from a fire extinguisher requiring maintenance no other items were noted for attention.

**Reporting Officer**

Allan Ramsay, Environmental Health Officer/Building Surveyor

**CHIEF EXECUTIVE OFFICER'S RECOMMENDATION**

**That the Environmental Health Officers Report be received and information noted.**

**COUNCIL ACTION**

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

*CARRIED 6/0*

## 8.4.2 SHIRE OF CUBALLING HEALTH LOCAL LAWS 2006

### **Background**

At the August 2006 Ordinary meeting of Council a draft copy of the proposed Shire of Cuballing Health Local Laws 2006 was presented for consideration.

Council resolved for the Chief Executive Officer and Environmental Health Officer/Building Surveyor to proceed with the preparation of a Health Local Law for the Shire of Cuballing.

### **Comment**

Section 3.12 of the Local Government Act 1995 sets out the procedures for making local laws.

S3.12 (2) of the Act states that *at a Council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner* [Clause 3 of the Local Government (Functions and General) Regulations 1996 refers to prescribed manner].

S3.12 (3) of the Act states that *The local government is to –*

- (a) give Statewide public notice stating that-*
  - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice;*
  - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
  - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
- (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
- (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*

Section 3.12 (3a) of the Act states that *a notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*

The Purpose and Effect of the proposed Health Local Law is detailed hereunder:

### ***Purpose***

*To provide for the regulation, control and management of day-to-day public and environmental health matters within the district.*

***Effect***

*To establish various standards and requirements relating to sanitation, housing, keeping of animals and birds, feedlots, piggeries, nuisances, refuse disposal, pest control, infectious disease, food premises, lodging houses and offensive trades with which people living and working within the district must comply.*

As the draft local law was circulated in August 2006, and no changes were requested, another copy has not been made available at this time, however if a Councillor would like a copy please contact the Chief Executive Officer.

**Reporting Officer**

Allan Ramsay, Environmental Health Officer/Building Surveyor  
Peter Naylor, Chief Executive Officer

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That the draft Health Local Laws 2006 for the Shire of Cuballing be advertised for public submission in accordance with the provisions of the Local Government Act 1995.**

**COUNCIL ACTION**

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

*CARRIED 6/0*

**8.5 REPORTS – TOWN PLANNING**

Nil

**9. MEETING CLOSURE**

There being no further business the Shire President declared the meeting closed at 5:00pm.

**CONFIRMED AS A TRUE RECORD OF PROCEEDINGS ON  
15 DECEMBER 2006**

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Shire President

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Date