



SHIRE OF CUBALLING

**ORDINARY COUNCIL MEETING
HELD ON THURSDAY 17 AUGUST 2006**

MINUTES

SHIRE OF CUBALLING

COUNCIL MEETING THURSDAY 17 AUGUST 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 17 AUGUST 2006**

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

President welcomed Councillors, declared meeting open 4.00pm.

2. RECORD OF ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

ATTENDANCE

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

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

3. PUBLIC QUESTION TIME

Nil

4. APPLICATION FOR LEAVE OF ABSENCE

Nil

5. MINUTES

**5.1 CONFIRMATION OF 20 JULY 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 20 July 2006 be confirmed.**

COUNCIL ACTION

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

CARRIED 7/0

6. PETITIONS, DEPUTATIONS, PRESENTATIONS & DECLARATIONS

6.1 TOWN PLANNING CONSULTANT

Mr Trevor Moran, Councils Town Planning Consultant, addressed Council prior to the commencement of the ordinary Council meeting in relation to future development proposals within the Shire and amendments to the Town Planning Scheme to allow development.

6.2 TOWN OF NARROGIN

Mayor Sally Higgins, Deputy Mayor John Muller and Chief Executive Officer, Mr Gary O'Neil, of the Town of Narrogin addressed Council prior to the commencement of the ordinary Council meeting.

The address centred on the functions and operations of the Narrogin Leisure Centre, as a regional facility, and reasons behind their request to Council for annual contribution towards the annual operating costs of the facility.

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.

Councillors Brown, Hawksley and Wittwer declared a Proximity Interest in Agenda Item 8.1.4 (Shire of Cuballing Budget 2006/2007 Financial Year), as proposed road works on the Draft Budget is adjoined to property they own.

In accordance with S5.69 of the Local Government Act 1995 the Minister for Local Government and Regional Development has approved for the disclosing members (Councillors Brown, Hawksley and Wittwer) to fully participate in the discussion and decision making procedures relating to the consideration and adoption of the 2006/2007 Budget.

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.

8.1 REPORTS – FINANCE AND ADMINISTRATION

8.1.1 LIST OF ACCOUNTS SUBMITTED FOR COUNCIL APPROVAL AND PAYMENT – AUGUST 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 \$166,289.51:

Vouchers 10673-10700 inclusive	\$110,093.94
Vouchers 11344-11369 inclusive	\$ 19,250.75
Electronic fund transfers	\$ 36,944.82
- Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$650.60:

Vouchers T1968-T1970	
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COUNCIL ACTION

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

CARRIED 7/0

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 not been prepared for period ending 31 July 2006 in accordance with the abovementioned legislation. Due to the commencement of the new financial year, and that Council has yet to adopt its budget for 2006/2007, no budget information has been loaded into the reporting system and therefore the financial statements, especially after only one month of operation, would provide little indication of Councils financial or operating situation.

The Statement of Financial Activity for the periods ending 31 July 2006 and 31 August 2006 will be presented to the September meeting of Council.

An Operating Statement has been prepared for the reporting period and is circulated with the Council meeting agenda.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Operating Statement, as circulated, for the Shire of Cuballing for period ending 31 July 2006 be received.

COUNCIL ACTION

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

CARRIED 7/0

8.1.3 TOWN OF NARROGIN – 2006/2007 LEISURE CENTRE FEES

Background

Council, at the June 2006 ordinary meeting, resolved to inform the Town of Narrogin that no future contributions will be made to the Town until such time as they take the time to make an in-person presentation to Council, and issued an invitation to the Town to attend a future Council meeting of the Shire of Cuballing.

Comment

The Town of Narrogin have responded and advised that they happy to attend a meeting of Council and make a formal presentation.

It was considered that it would be appropriate for the Town of Narrogin to make their presentation to Council prior to the formal adoption of the 2006/2007 budget.

Mayor, Ms Sally Higgins, Deputy Mayor John Muller and Chief Executive Officer, Mr Gary O'Neil, addressed Council prior to the commencement of the Ordinary Council meeting.

Following the presentation and prior to deliberating on the Budget for 2006/2007, Council discussed, quite in depth, a financial contribution to the Town of Narrogin. After due consideration to the matters raised in the presentation and taking into account the program that has been implemented within the Shire of Cuballing, Council indicated it will be reluctant to make any late changes to the tabled budget document and therefore resolved not to make a contribution the Town of Narrogin in the 2006/2007 financial year, other than the annual Library contribution of \$2,000.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

Council direction please.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Bradford that:

- **Council does not make a financial contribution of \$51,600 in the 2006/07 Financial Year to Town of Narrogin as per their letter of request of 31 July 2006.**
- **Annual Town of Narrogin Library contribution of \$2,000 be included in budget.**
- **A letter of appreciation be forwarded to the Town of Narrogin thanking them for their presentation to Council.**

CARRIED 5/2

8.1.4 SHIRE OF CUBALLING BUDGET 2006/2007 FINANCIAL YEAR

Councillors Brown, Hawksley and Wittwer declared a Proximity Interest in Agenda Item 8.1.4 (Shire of Cuballing Budget 2006/2007 Financial Year), as proposed road works on the Draft Budget is adjoined to property they own.

In accordance with S5.69 of the Local Government Act 1995 the Minister for Local Government and Regional Development has approved for the disclosing members (Councillors Brown, Hawksley and Wittwer) to fully participate in the discussion and decision making procedures relating to the consideration and adoption of the 2006/2007 Budget.

Background

The Shire of Cuballing Budget for the 2006/2007 Financial Year has been prepared in the required Australian Accounting Standard format (in accordance with the provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996), and is presented to Council for adoption. A copy of the Budget has been circulated with the Council meeting agenda.

Comment

The various amendments have been made to the Budget in accordance with discussions from the June 2006 and July 2006 Council meetings and the document has been prepared based on a 4.2% rate increase as per Council direction.

Included in the Schedule of Fees and Charges is proposal for Council consideration to increase the annual rental fees for the Cuballing Cricket and Netball Clubs due to new and improved facilities offered. It is proposed that the Cricket Club be increased to \$550.00 (GST incl), from \$385.00, and the Netball Club to \$77 (GST incl), from \$66.00.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

Shire of Cuballing Budget 2006/2007

The Shire of Cuballing Budget, as presented and showing rates to be levied of \$577,920.00, to be applied for the 2006/2007 Financial Year.

Levying of Rates

That the following Rates be adopted:

	General Rate in \$	Minimum per Property
• UV Rural Properties	0.9613c	\$275
• GRV Cuballing Rural Townsite	8.2550c	\$340
• Mining Tenement	0.9613c	\$275

Rates Penalty

A penalty of 11% to be applied where the ratepayer has not selected the instalment option and payment has not been received within three (3) calendar months of the rate notice being issued or where an instalment remains unpaid, if the instalment method has been chosen.

Adoption of Discount of 8% for Early Payment of Rates

That an 8% discount be offered for early payment of rates, providing all rate arrears, Fire and Emergency Services Levy and all current rates levied, are paid within 35 days from the issue of the rate notice.

Miscellaneous Fees and Charges

That the following items be adopted:

1. **Shire President's Annual Allowance and Council Meeting Attendance Fee**

The Shire President's Annual Allowance for 2006/2007 be \$4,000.00

Attendance at Council meetings \$280.00 per meeting

2. **Councillor's Meeting Attendance Fee**

Attendance at Council meetings \$140.00 per Councillor per meeting

3. **Rates Payment Incentive Prize**

Three Rate Payment Incentive Prizes be offered:

a) **Donated by Sorrento Beach Resort, Sorrento: An overnight accommodation package for two people staying at the Sorrento Beach Resort, Sorrento.**

b) **Donated by the All Seasons Sanctuary Golf Resort, Bunbury: 2 x 18 holes of golf (with a motorised buggy).**

c) Donated by WA Symphony Orchestra: two double passes (4 tickets) to the Great Classics or Masters Concerts.

The first two prizes (a & b) to be offered to the first GRV and UV properties drawn from those who pay their total rate account within 35 days of issue of the rate notice, and the third prize (c) to be offered to the next property (either GRV or UV) drawn.

4. Rates by Instalment

Council offers a one and four instalment option with the first payment being required within 35 days of issue of the rate notice. The following Administration Fee and Interest Charges to apply to the instalment option.

Administration Fee: An administration fee of \$10.00 per instalment, after the initial payment, being that required within 35 days.

Interest Charge: An interest charge of 5.5% to be levied on rates to be paid by instalments, after the first payment is made.

5. Schedule of Fees and Charges

The Schedule of Fees and Charges as presented to the Council meeting be adopted for the Shire of Cuballing for the 2006/2007 Financial Year as part of the budget document.

COUNCIL ACTION

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

CARRIED 7/0

8.1.5 CBH GROUP – HARVEST MASS MANAGEMENT SCHEME

Background

Correspondence received advising that the CBH Group is introducing the Harvest Mass Management Scheme (HMMS) for this years (2006/2007) harvest and inviting Council to participate.

Comment

HMMS has been designed by CBH to help alleviate the problem of overloaded grain trucks in order to make roads safer and to reduce damage to road pavements.

Under the Scheme rules, if deliveries to CBH weighbridge sites are overloaded, there will two options available to remedy the overload. The first will be to adjust the load off CBH premises and re-present the correct load for delivery. The second will be to forfeit the overloaded amount of grain to the Scheme.

Under the Grain Forfeiture option, CBH will convert the forfeited tonnes to dollars post harvest and then distribute those funds to participating Shires for use in their road maintenance programs. The allocation of the funds will be determined by the production location of the grain forfeited, providing that Shire has nominated to participate in the Scheme.

Local Governments have been requested to sign a Memorandum of Understanding (MoU) stating that proceeds from the sale of forfeited grain will be used in the annual road maintenance programs.

CBH state *“Local shire road maintenance programs have been chosen by the CBH Group as the beneficiaries of the forfeited grain because overloaded vehicles damage these particular roads and are in need of funding to make them safer for the entire community”*.

If Council was to agree to play its part in the HMMS as requested by CBH and sign off on the MoU, Councils only obligation would be that it agrees to receive any proceeds that may be forthcoming as a result of the sale of forfeited grain. Council does not have any regulatory role in this matter.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Shire of Cuballing agrees to sign the Memorandum of Understanding and participates in the CBH Harvest Mass Management Scheme for the 2006/2007 harvest period on the principle that the Scheme will discourage the overloading of trucks and this will ultimately benefit the roads within the Shire.

COUNCIL ACTION

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

CARRIED 7/0

8.1.6 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) – HERITAGE LOAN SUBSIDY SCHEME 2006/2007 (AMENDED SCHEME)

Background

Correspondence from WALGA advising that the Minister for Housing and Works; Consumer Protection; Heritage; Land Information, the Hon Michelle Roberts, recently launched the revised Heritage Loan Subsidy Scheme.

Comment

The amendments to the scheme include the ability of successful applicants to approach the financial institution of their choice to organise their loan, and the Heritage Loan Subsidy Scheme will provide reimbursement of 4% of the interest rate for a maximum of five years.

The Shire of Cuballing may join this scheme at any time by contributing a once only payment of 0.5% of its rate revenue, about \$3,000 based on proposed 2006/2007 rate revenue of \$577,920, or \$25,000 (whichever is the lesser amount). This will enable owners of heritage listed properties within the Shire to make application under the revised scheme.

Council has not in the past contributed to the scheme and provision has not been included in the 2006/2007 budget. Perhaps if Council is interested in participating in the scheme the matter could be listed for inclusion in budget deliberations for the 2007/2008 financial year.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **The Shire of Cuballing does not contribute to the Heritage Loan Subsidy Scheme; and**
- **The matter be listed for inclusion in budget deliberations for the 2007/2008 financial year.**

COUNCIL ACTION

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

CARRIED 7/0

8.2 REPORTS – WORKS

8.2.1 WORKS SUPERVISORS REPORT

CLEARING OF NATIVE VEGETATION PURPOSE PERMIT

Purpose Permit application has been submitted to the Department of Environment for clearing works to be undertaken as part Councils road construction program for the next three financial years.

MAINTENANCE GRADING

The winter grading program is continuing.

BITUMEN PATCHING

Patching has been carried out on various roads throughout the Shire. This will be ongoing leading up to commencement of the construction program

TREE MULCHING

Mulching is in progress or has been undertaken on the Popanyinning West, Williams, Stratherne and Parsons Roads for maintenance and also in preparation for the 2006/2007 roads program.

BRIDGES

Work has not commenced on bridge No 3177 on the Cuballing East Road at this stage as the insurance company are still awaiting confirmation of liability from the vehicle owners insurance company.

REFUSE SITES

Some revegetation works (tree planting) has been carried out at the Cuballing refuse site.

PLANT AND EQUIPMENT

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

The Venieri front end loader continues to be working in good order following visit by the company mechanic.

Wellquip maintenance person recently carried out 250hour service on the new multi tyred roller.

The Cherrypicker is currently in Albany having maintenance works done to the electrical and hydraulic systems by Western Power. Western Power are the compliance regulators for this type of equipment.

PRIVATE WORKS

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

Private works invoices for the month of July 2006, total \$2,171.36

Reporting Officer

Alex Richardson, Works Supervisor

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Supervisors Report be received and information noted.

COUNCIL ACTION

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

CARRIED 7/0

8.3 REPORTS – BUILDING

8.3.1 BUILDING SURVEYORS REPORT

Summary

There were five (5) applications approved and licenses issued for the month of July 2006.

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

Approval License No	Name of Owner	Registered Builder (RB) or Owner Builder (OB)	Structure	Location of Building
1/06-07	B. Liddell	OB	Colorbond shed	Lot 123 Corrie Street Cuballing
2/06-07	G. & D. Bayliss	OB	Steelframed House	Lot 117 Beeston Street Cuballing
3/06-07	R. & V. Watson	OB	Colorbond Shed	Lot 113 Cuballing East Rd, Cuballing
4/06-07	G.Hemsell	OB	Colorbond Shed	Lot 3027 Great Southern Highway Popanyinning
5/06-07	T. & P. Dorey	OB	Colorbond Shed	Lot 108 Popanyinning Road East Popanyinning

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.

COUNCIL ACTION

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

CARRIED 7/0

8.3.2 **DEPARTMENT OF HOUSING AND WORKS – COMMUNITY HOUSING PROGRAM 2006/2007**

Background

In June 2005 Council submitted a proposal to the Department of Housing and Works (DHW) for the development of two 2 bedroom units for seniors in Cuballing under the Joint Venture Housing Program.

Correspondence has been received from the Department advising that Councils application has been recommended for the 2006/2007 “back up” program.

Comment

To commence preliminary work DHW have requested signing of agreement and payment of Council contribution to the project, amount of \$75,000 as included on the project proposal.

The Chief Executive Officer has contacted Mr Russell Murphy, of DHW, and explained that as the original identified site is still progressing through the rezoning process with the WA Planning Commission, and Council did not have a response from DHW when preparing its budget for 2006/2007, no budget provision has been made for this particular project. It was requested that the project be deferred until the 2007/2008 financial year. Mr Murphy advised that this may be possible but he could not guarantee that the project would receive funding in 2007/2008, however it is certainly an option for Council to consider.

In addition, there has recently been some conjecture in relation to siting of the units and this matter will need to be finalised prior to proceeding with the project.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Department of Housing and Works be requested to defer the Joint Housing Venture Project for the Shire of Cuballing to the 2007/2008 financial year.

COUNCIL ACTION

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

CARRIED 7/0

8.3.3 MR & MRS WESTERN – PROPOSED OUTBUILDING LOT 303 KNIGHT STREET CUBALLING

Background

Council has received an application for Planning Consent from Mr & Mrs Western (the applicant) for the construction of a 90m² outbuilding (Bird's Shelter) on Lot 303 Knight Street, Cuballing (the subject property). The subject property has an existing 60m² zincalume shed with a 30m² open lean to attached.

Comment

It is considered that constructing the 90m² outbuilding on the 1.692 Hectare property will not have any impact on the amenity of the area given the location of the shelter, as shown on the application, and the fact that it is an open construction.

The applicant has indicated that the outbuilding is to be used to protect a bus, which is currently being converted to a camper. The outbuilding is to be constructed of steel pipe and channel, curved shaped with a canvas roof and open sides. It is proposed to construct the shelter 10metres off the southern side boundary behind the existing shed, and approximately 100 metres from the rear boundary, which faces Munro Street.

The subject land is zoned Rural Residential under the Shire of Cuballing's Town Planning Scheme No.2 (Local Planning Policy - Outbuildings).

Oversized Outbuilding

Council's Town Planning Scheme No. 2 Policy (Local Planning Policy Outbuildings) states that in a Rural Townsite and Rural Residential zones of the Shire where the lot size is over 1500m² or on a General Agricultural zoned lots with an area of 2 ha or less:

- (b) (ii) Colorbond construction, where the total outbuilding does not exceed 120m² in total floor area;
- (iii) Masonry construction and/or where the total outbuilding has walls constructed of the same material and appearance as the house and does not exceed 170m² in total floor area;
- (f) Any application for planning approval, which does not comply with the above, shall be referred to Council for consideration.

Although there is no policy offering guidance to Council staff, each application will be assessed on its merits. This particular application does not fit in either of the categories listed in the Local Planning Policy as it has no walls, curved shaped and a canvas roof.

Reporting Officer

Allan Ramsay, Environmental Health Officer/Building Surveyor

CHIEF EXECUTIVE OFFICER'S RECOMMENDATION

That Council approves the construction of the 10m long, 9m deep and 2.2m high to eaves, 90 m² outbuilding on Lot 303 Knight Street, Cuballing subject to the following conditions:

- The issue of an approved building license for the construction of the outbuilding;
- The outbuilding to be sited in accordance with the approved site plan; and
- The outbuilding hereby permitted shall be only used for the purpose incidental to the residential use of the property and shall not be used for any habitable, commercial or industrial purpose.

COUNCIL ACTION

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

CARRIED 7/0

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 June 2006.

On-Site Effluent Disposal

Approval was issued for the construction of a septic tank and leach drain system for G & D Bayliss at Lot 117 Beeston Street, Cuballing.

Department of Health – Tobacco Products Control Act 2006-Appointment of Environmental Health Officers as Restricted Investigators

Correspondence advising that the above legislation, prohibiting smoking in all enclosed public places in Western Australia, other than the International Room at Burswood Casino, came into effect on 31 July 2006.

Section 77 of the Act requires an Environmental Health Officer (EHO) to be appointed by the Chief Executive Officer (CEO) of the Department of Health (DoH) as a restricted investigator for the purposes of performing functions under the Act. Therefore the CEO (of DoH) has appointed each EHO employed by local government throughout the State for the purposes of performing functions limited to matters about smoking in enclosed public places. The appointments were gazetted on Tuesday 25 July 2006.

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

CARRIED 7/0

8.4.2 DRAFT SHIRE OF CUBALLING HEALTH LOCAL LAW 2006

Background

At a previous Council Meeting it was resolved that the Environmental Health Officer (EHO) investigate the process and the proposed introduction of a Health Local Law for the Shire of Cuballing.

Comment

The EHO has assessed the matter and in consultation with the Department of Health identified the most practicable and economical way for Council to proceed with a Health Local Law is to base it on another recently gazetted Law and make amendments applicable to the Shire of Cuballing.

As a consequence, the Shire of Victoria Plains' Health Local Laws 2003 have been used and a list of proposed amendments made. This documentation has been circulated with the Council meeting agenda.

Could Council please peruse the documents (including amendments and check list procedure for making a health local law). The process for making a local law takes considerable time and it is suggested that should Council wish to proceed with the Health Local Law comment is made by the September 2006 ordinary meeting to enable staff to proceed.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

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

COUNCIL ACTION

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

CARRIED 7/0

8.5 REPORTS – TOWN PLANNING

8.5.1 TOWN PLANNING CONSULTANT

Background

Following a brief report on possible future development within the Cuballing Shire prepared by the Town Planning Consultant, Mr Trevor Moran, and presented to the June 2006 meeting of Council, Council resolved to request Mr Moran to undertake some further preliminary work on his proposal and be invited to address a future meeting of Council.

Comment

Mr Moran is available to attend this August meeting of Council and will be inspecting the townsites of Cuballing and Popanyinning with the Chief Executive Officer on the morning of the meeting.

Mr Moran will then address Council at the Forum, which commences at 1.00pm, prior to the ordinary meeting of Council.

The Chief Executive Officer has had further discussions with Mr Moran on this matter and identified possible areas, particularly within the Cuballing townsite, which may be suitable (and available) for future development.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the information be noted.

COUNCIL ACTION

Council resolved to request the Town Planning Consultant, Mr Trevor Moran, to prepare draft proposals for future development within the Shire of Cuballing and associated amendments to the Town Planning Scheme for presentation to Council for formal consideration.

**8.5.2 DEPARTMENT FOR PLANNING AND INFRASTRUCTURE –
PROPOSED DISPOSAL OF POPANYINNING LOTS 195 & 196**

Background

Correspondence has been received from the Department for Planning and Infrastructure (DPI) seeking Council comments on the proposed sale of the abovementioned Lots, in High Street, Popanyinning, by private treaty.

Comment

Whilst the sale of the land will no doubt progress the development of the Popanyinning townsite, there is some concern about the adhoc release of Unallocated Crown Land (UCL) within the town, and the Chief Executive Officer (CEO) raised this matter with representatives of the DPI at a recent meeting on Friday 11 August 2006.

The concern is that the DPI sells the land to person/s, whom make contact directly with the department, at an extremely affordable cost. In a lot of circumstances the land is not serviced by utilities and/or road. Council is then placed in the position that a road has to be constructed to enable access to the property, and clearing undertaken to allow the service providers (Western Power & Water Corporation) to carry out their works, at Councils cost, which impacts on the existing ratepayers.

When discussing this matter with the DPI, the CEO suggested that if the department intends selling the UCL lots on this street, or any other unmade road, then they should look at constructing the road proper and incorporating the cost into the future sale price of the land. The DPI representatives indicated that this is something that can be investigated and requested that Council presents this to the department for formal consideration.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **Council does not support the sale of Unallocated Crown Land Lots 195 & 196 High Street, Popanyinning, as there is no constructed road access; and**
- **Council requests that prior to the release or sale of any Crown Land within the Popanyinning and/or Cuballing townsites where constructed road access is not available that the roads be constructed and costs incorporated into the sale price of the land.**

COUNCIL ACTION

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

CARRIED 7/0

9. MEETING CLOSURE

There being no further business the Shire President declared the meeting closed at 5:40pm.

CONFIRMED AS A TRUE RECORD OF PROCEEDINGS ON
