



# SHIRE OF CUBALLING

**ORDINARY COUNCIL MEETING  
HELD ON THURSDAY 18 MAY 2006**

# MINUTES

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SHIRE PRESIDENT

\_\_\_\_\_  
DATE

**SHIRE OF CUBALLING**  
**ORDINARY COUNCIL MEETING**  
**THURSDAY 18 MAY 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  
18 MAY 2006**

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

President welcomed Councillors, declared meeting open 3.02 pm.

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

**ATTENDANCE**

Shire President Cr I L Watts

Cr D S Bradford

Cr C R Hawksley

Chief Executive Officer P T Naylor

Mr John Robertson (3:02pm – 3:32pm)

Deputy President Cr T H Wittwer

Cr J D Brown

Cr R J D Newman

**APOLOGIES**

Cr C R McKenzie

**LEAVE OF ABSENCE**

Nil

**3. PUBLIC QUESTION TIME**

Mr John Robertson addressed Council on the proposed location for aged accommodation within the Cuballing townsite. Mr Robertson expressed his concern at the site and stated in his opinion it is not suitable. He believes the site is too close to the Cuballing Tavern and the area should be set aside for future commercial activity within the town. Mr Robertson further believes that Council should look at acquiring an alternative larger site that will allow the future development of an aged accommodation village. Mr Robertson also spoke on his future plans to develop a commercial property on Lot 10 Alton St, which is immediately to the south of one of the lots being proposed for aged accommodation.

Council informed Mr Robertson that the decision before today's meeting was for the rezoning of Lots 12 and 41 and this needs to be determined prior to the Department of Housing and Works (DHW) further considering Councils application. It is envisaged that Council will undertake further community consultation prior to finalising location of aged accommodation should the application to DHW be successful.

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Mr Robertson also mentioned that trucks are pulling up on the west side of the Great Southern Highway adjacent to the Cuballing Roadhouse. Perhaps Council could consider establishing a designated truck bay area.

Council informed Mr Robertson as part of the works presently being undertaken along the Great Southern Highway it is proposed to develop a truck bay in the area on the eastern side of the highway south of the roadhouse.

3:22pm Mr Robertson departed the meeting

**4. APPLICATION FOR LEAVE OF ABSENCE**

Nil

**5. MINUTES**

**5.1 CONFIRMATION OF 20 APRIL 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 April 2006 be confirmed.**

**COUNCIL ACTION**

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

***CARRIED 6/0***

**5.2 SHIRE OF CUBALLING BUSHFIRE ADVISORY COMMITTEE HELD ON WEDNESDAY 12 APRIL 2006**

**Comment**

This meeting was the Annual General Meeting and the appointment of Office Bearers for the 2006/07 Fire Season will need to be endorsed by Council.

Council will note that a number of the positions are vacant. The Fire Control Officers and staff are in the process of recruiting suitable people to fill the positions.

The Chief Executive Officer presented two items of late correspondence to the meeting. These being former resignation by Dean Watts as Fire Control Officer Popanyinning West and endorsement by Mr Watts and the Chief Bush Fire Control Officer, Mike Burges, for appointment of Craig Cousins to this position.

**Reporting Officer**

Peter Naylor, Chief Executive Officer

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**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

That:

- The minutes of the meeting of the Shire of Cuballing Bushfire Advisory Committee held on Wednesday 12 April 2006 be received;
- The appointment of Office Bearers for the 2006/07 Fire Season be endorsed; and
- A letter be written to retiring Fire Control Officer Dean Watts thanking him for his contribution to the Shire of Cuballing Bushfire Network.

**COUNCIL ACTION**

**Moved Cr Brown, seconded Cr Wittwer that:**

- **The minutes of the meeting of the Shire of Cuballing Bushfire Advisory Committee held on Wednesday 12 April 2006 be received;**
- **The appointment of Office Bearers for the 2006/07 Fire Season be endorsed;**
- **A letter be written to retiring Fire Control Officer Dean Watts thanking him for his contribution to the Shire of Cuballing Bushfire Network; and**
- **The appointment of Craig Cousins to the position of Fire Control Officer Popanyinning West be endorsed and Mr Cousins be encouraged to undertake a Fire Control Officers Course as soon as possible.**

***CARRIED 6/0***

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

Nil

**7. DISCLOSURES OF INTEREST**

Councillors' and Employees' Disclosures of Interest.

**7.1.1 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 and Newman declared an interest in Item 8.2.2**

**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 – MAY 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 \$373,250.64:**

Vouchers 10585-10611 inclusive	\$262,076.09
Vouchers 11267-11291 inclusive	\$ 76,589.37
Electronic fund transfers	\$ 34,186.53
Credit Card Payments	\$ 398.65
- **Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$77.50:**

Vouchers T1957

**COUNCIL ACTION**

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

*CARRIED 6/0*

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**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 30 April 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 Activity, as circulated, for the Shire of Cuballing for period ending 30 April 2006 be received.**

**COUNCIL ACTION**

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

**CARRIED 6/0**

4:28pm Cr Wittwer exited the chambers

4:30pm Cr Wittwer returned to the chambers

**8.1.3 LOCAL GOVERNMENT ADVISORY BOARD – LOCAL GOVERNMENT STRUCTURAL AND ELECTORAL REFORM IN WESTERN AUSTRALIA**

**Background**

In October 2005 the Minister for Local Government and Regional Development asked the Local Government Advisory Board to conduct an inquiry into *Local Government Structural and Electoral Reform in Western Australia – Ensuring the Future Sustainability of Communities*.

The Board provided its report to the Minister for Local Government and Regional Development on 17 March 2006.

The Minister has now released the report for public comment (for a period of three months closing on 31 July 2006).

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### Comment

There are two recommendations from within the report that affects the Shire of Cuballing, these are items 1.6 & 1.7 of appendix 11 clause 11.9 and state:

- 1.6 *That the Minister legislate for the amalgamation of the Town of Narrogin with the Shire of Narrogin and Shire of Cuballing as soon as possible.*
- 1.7 *That the Minister ask the Board to carry out a further examination of the boundaries of the new local government in relation to adjacent local governments, to be undertaken in three (3) years time.*

In response to the report the Minister for Local Government and Regional Development issued a media statement on 1 May 2006. In the statement the Minister stated that "The Carpenter Government has no intention to forcibly amalgamate any local government". This view was further enhanced by the Minister in the Legislative Council on 2 May 2006 when he spoke on the report and in answering questions from other politicians.

It is difficult to know exactly what will happen with the report if the State Government continues with its stance of not forcing amalgamations, as this indicates they will also not change legislation. Schedule 2.1(8) of the Local Government Act states that when the Advisory Board hands down a recommendation to the Minister for the amalgamation of two or more districts, the Board is to give notice to affected local governments, affected electors and the other electors of districts directly affected by the recommendation about the recommendation. The notice to affected electors has to notify them of their right to request a poll about the recommendation. However with the wording of the recommendation in the Boards Report that the Minister legislate for the amalgamation, schedule 2.1 does not come into effect. Therefore if the State Government does not pursue a change in legislation to force the amalgamations then the report may well be null and void.

A disappointing factor from the report is that the Board has recommended amalgamation but not provided any proposed structure for a new local government. Whilst it is acknowledged that whatever structure the Board may propose would not necessarily have been the structure put in place, it is difficult for people to properly consider structural reform without having any indication of electoral representation and staff structures which will ultimately affect the way in which they live and their property.

In relation to the report being released for public comment, the Shire President has issued a letter to all residents and ratepayers urging them to submit a comment to the Minister. A copy of the report and submission form has been placed on the Shire of Cuballing website for ease of access rather than people having to navigate through the Department of Local Government and Regional Developments website.

A copy of the Executive Summary and Recommendations and Appendix 11, pertaining to this region, has been circulated to all Councillors.

Council consideration needs to be given as to whether another submission is to be prepared from the Shire of Cuballing. If this is the case then perhaps consideration could

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be given to employing the services of a consultant to provide a different perspective on the Shires operations and functions.

**Reporting Officer**

Peter Naylor, Chief Executive Officer

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

Council discussion and direction please.

**COUNCIL ACTION**

**Council resolved the following:**

- **That Council does not support the proposed amalgamation with the Shire and Town of Narrogin;**
- **Chief Executive Officer, Peter Naylor, speak to financial consultant Ron Back (who prepared financial analysis statistics for the Local Government Advisory Board report) to gain insight into how this part of the report was undertaken; and**
- **To enable a suitable response to be prepared to the Minister for Local Government and Regional Development, Council will conduct an internal workshop on Thursday 1 June 2006 at 6:30pm.**

4:56pm Cr Brown exited the chambers

4:59pm Cr Brown returned to the chambers.

**8.1.4 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) – MEMBERSHIP AND SERVICES SUBSCRIPTIONS 2006/2007**

**Background**

Letter and supporting documentation from WALGA inviting Council to renew its membership with the Association and its various support services in 2006/2007.

**Comment**

Council has been a member of WALGA (and the former WA Municipal Association) for many years and they have provided Council and staff with excellent service, support and advice over this time.

WALGA has provided an indicative figure of \$4,200 (+GST), an increase of 4% in accordance with CPI at 31 December 2005, to renew its membership for 2006/2007. In relation to the other services offered by WALGA and subscribed to by Council there has been minimal or no increase. A comparison of subscription costs (+GST) with the past two years is detailed below.

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	<b>WALGA Membership</b>	<b>Tax Service</b>	<b>Workplace Solutions</b>	<b>LCC</b>	<b>Local Laws</b>	
2006/07	\$4,200	\$835	\$1,300		\$2,650	\$400
2005/06	\$4,050	\$835	\$1,288		\$2,651	\$400
2004/05	\$3,875	\$835	\$1,248		\$0	\$400

**Reporting Officer**

Peter Naylor, Chief Executive Officer

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That the Shire of Cuballing renews its membership and other relevant subscriber based services with the Western Australian Local Government Association for 2006/2007 Financial Year.**

**COUNCIL ACTION**

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

***CARRIED 6/0***

**8.2 REPORTS – WORKS**

**8.2.1 WORKS SUPERVISORS REPORT**

**2005/2006 ROAD CONSTRUCTION PROGRAM**

All works have been completed and within budget parameters. The use of contractors this year to complete bitumen seal and reseal works has proven to be satisfactory and the works fully comply with all legislative requirements.

**REFUSE SITES (CUBALLING AND POPANYINNING)**

Sims Metal have cleared the steel products from both refuse sites. Plans are still proceeding to change the operating methods at the Cuballing site.

**PARKS AND GARDENS**

Drainage works has been completed at the front of the Cuballing Youth and Community Park. The area will be bitumen sealed and path repaired in the 2006/2007 works program.

**CUBALLING CREEK**

Cuballing Pesticide contractor, Darryl Stanton, has now begun the spraying program along Cuballing Creek, through the Cuballing townsite, to eradicate the invasive introduced species of "bull rushes".

**GENERAL MAINTENANCE**

Roadside spraying has recommenced on rural roads.

Mulching operations are in progress on the section of Stratherne Road from Great Southern Highway to Taylors Road.

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Grading maintenance is continuing throughout the Shire.

**PLANT AND EQUIPMENT**

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

The "A" frame on the two Caterpillar Graders have shown signs of cracking. Westrac Equipment have agreed to undertake repairs at their cost.

There have been some problems experienced with the electrics on the Cherry Picker. Quotes are being obtained for repairs to the machine and/or purchase of alternative machine.

**PRIVATE WORKS**

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

Private works invoices for the month of April 2006 total \$7,840.60.

**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 Wittwer that the Chief Executive Officers Recommendation be adopted.**

***CARRIED 6/0***

**8.2.2 BUSHFIRE INCIDENT REPORTS**

5:25pm Councillors Brown and Newman declared an interest and exited the Chambers.

**Background**

Several Bushfire Incident Reports have been received for fires on properties within the Cuballing district.

**Comment**

A summary of the fires is hereunder:

<b>Date</b>	<b>Property Owner</b>
28 February 2006	R Newman
28 March 2006	R Newman
28 March 2006	R Falls (P Brown)
28 March 2006	G Dent
21 April 2006	W Breytenbach (R Newman)

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21 April 2006                      R Falls (P Brown)  
21 April 2006                      A Webster

All of the above fires were started as a result of stubble burns that escaped when weather conditions changed. The property owners were in receipt of Burning Permits when appropriate, prior to the introduction of the open burning period.

The fires were attended by farmer response units and the Cuballing Town Brigade and quickly brought under control.

**Reporting Officer**

Peter Naylor, Chief Executive Officer

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

That:

- no further action be taken; and
- the Bushfire Incident Reports be noted and copies provided to the Fire and Emergency Services Authority.

**COUNCIL ACTION**

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

*CARRIED 4/0*

5:29pm Councillors Brown and Newman returned to the Chambers.

**8.3 REPORTS – BUILDING**

**8.3.1 BUILDING SURVEYORS REPORT**

**Summary**

There were two (2) applications approved and licenses issued for the month of April 2006.

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

<b>Approval Date &amp; License No</b>	<b>Name &amp; Address of Owner</b>	<b>Registered Builder (RB) or Owner Builder (OB)</b>	<b>Structure</b>	<b>Location of Building</b>
6 April 06 32/05-06	B Brennan	OB	Colourbond Shed	Lot 55 Colin St Cuballing
27 April 06 33/05-06	R & B Dew	OB	Home Addition	Lot 296 Knight St Cuballing

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**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 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 April 2006.

**On-Site Effluent Disposal**

No applications to construct on site effluent disposal systems were issued during the month of April 2006.

**Health Local Laws**

Work has commenced on drafting a new Health Local Law as previously agreed to by Council. The Environmental Health Officer is liaising with the Department of Health on the Local Law. They will be based on the Shire of Victoria Plains Health Local Law with minor changes adapted to suit the Shire of Cuballing circumstances.

Copies of the draft will be issued to Council for perusal once checked by the Department of Health.

**Smoking in Enclosed Public Places Regulations**

On 31 July 2006, the Health (Smoking in Enclosed Public Places) Regulations will come into effect. The 2004 regulations ban smoking in all enclosed public places in Western Australia, including those within all licensed premises (except within the Burswood Casino's International Room).

**Reporting Officer**

Allan Ramsay, Environmental Health Officer/Building Surveyor

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**CHIEF EXECUTIVE OFFICER'S RECOMMENDATION**

That 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*

5:35pm Cr Brown exited the Chambers

5:40pm Cr Brown returned to the Chambers.

**8.5 REPORTS – TOWN PLANNING**

**8.5.1 SHIRE OF CUBALLING TOWN PLANNING SCHEME NO 2, AMENDMENT NO 1 - REZONING CUBALLING TOWN LOTS 12 (FORMERLY LOT 388 AND PORTION LOT 387) AND LOT 41**

**Background**

In October 2005 Council resolved to rezone Lot 12 (formerly Lot 388 and portion Lot 387) and Lot 41 (formerly Lot 2) in the Cuballing from R10 to R30.

**Comment**

The process of advertising, writing letters to neighbouring property owners, and writing to government agencies, in accordance with the provisions of the Town Planning and Development Act 1928, has now been completed with the submission period closing on Wednesday 3 May 2006.

At the close of submission period, submissions have been received from the following persons/agencies.

Mr John Robertson  
Environmental Protection Authority  
Western Power  
Department of Health  
Water Corporation  
Fire & Emergency Services Authority

A Schedule of Submissions, including summary of each submission and recommendation thereto, is included in the Council agenda document.

**Reporting Officer**

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

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**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

That after considering the submissions received, Council adopts the proposed Town Planning Scheme No 2 Amendment No 1, rezoning of Lot 12 (formerly Lot 388 and Portion of Lot 387) and Lot 41 from R10 to R30, without modification.

**COUNCIL ACTION**

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

**CARRIED 6/0**

**8.5.2 WESTERN AUSTRALIAN PLANNING COMMISSION – PLANNING APPLICATION 130535 MR G MADDISON**

**Background**

The above planning application for Mr Maddison to subdivide his property at Lot 1 Springhill Road, Cuballing, was presented to the March 2006 meeting of Council for consideration.

Council resolved:

- *That Council does not support the Planning Application in its current format;*
- *Council would like to see the area subdivided into 2 hectare blocks developed in accordance with the Shire of Cuballing Town Planning Scheme No. 2, and for the land to be rezoned from General Agriculture to Rural Residential; and*
- *Council is prepared to enter into discussions with the proponent with a view to developing the potential of the site for the betterment of the community.*

**Comment**

The planning application has now been considered by the WA Planning Commission (WAPC) and resolved that the application be refused.

The WAPC has provided the following reasons and advice to the applicant.

**REASONS**

1. *The proposed subdivision is inconsistent with the 'Rural' zoning of the land, the principal purpose of which is to preserve its rural use and density of development. The subdivision, if permitted, would result in an unplanned breakdown of land holdings.*
2. *The Commission's Rural Landuse Planning Policy requires Councils to prepare a Local Rural Strategy to comprehensively plan for change and development in rural areas. In the absence of an approved Local Rural Strategy, the Commission is not prepared to approve the subdivision of rural land that would lead to unplanned*

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*development and could be to the detriment of other rural uses, proper management of rural land and a rational settlement pattern.*

3. *Approval to the subdivision would set an undesirable precedent for the further subdivision of surrounding lots.*

**ADVICE TO APPLICANT**

1. *The Shire of Cuballing has indicated a willingness to discuss an alternative proposal to develop the site as a Rural Residential area. Such a proposal would require comprehensive planning and an amendment to the Town Planning Scheme.*
2. *The Department of Conservation and Land Management (CALM) has indicated an interest in this site, which abuts the Rosedale Nature Reserve. It is recommended that, should you wish to develop a proposal for Rural Residential subdivision, CALM be involved in preliminary discussions.*

The Chief Executive Officer has discussed this application with both Mr Maddison and his Town Planning Consultant and they will be considering the options available to them.

In respect to the WAPC comments at dot point 2 of the REASONS, Council developed a Local Planning Strategy as part of the new Town Planning Scheme No 2, however a Local Rural Strategy was not included as part of this process. This is perhaps something that Council needs to address and will be discussed with the Town Planning Consultant.

**Reporting Officer**

Peter Naylor, Chief Executive Officer

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

That the correspondence be received and information noted.

**COUNCIL ACTION**

**Resolved that the correspondence be received and information noted.**

**10 MEETING CLOSURE**

There being no further business the Shire President declared the meeting closed at 5:50pm.

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

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**PRESIDENT**

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