



# SHIRE OF CUBALLING

**ORDINARY COUNCIL MEETING  
HELD ON THURSDAY 20 JULY 2006**

# MINUTES

# **SHIRE OF CUBALLING**

## **COUNCIL MEETING THURSDAY 20 JULY 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 20 JULY 2006**

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

President welcomed Councillors, declared meeting open 3.03pm.

**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
Chief Executive Officer, Mr P T Naylor	

**APOLOGIES**

Nil

**LEAVE OF ABSENCE**

Leave of Absence for this Council meeting was granted to Councillor Bradford at the June 15, 2006, meeting of Council.

**3. PUBLIC QUESTION TIME**

Nil

**4. APPLICATION FOR LEAVE OF ABSENCE**

Nil

**5. MINUTES**

**5.1 CONFIRMATION OF 15 JUNE 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 15 June 2006 be confirmed.**

**COUNCIL ACTION**

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

*CARRIED 6/0*

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

Nil

**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 8.1.9 (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 – JULY 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 \$170,422.08:**

Vouchers 10643-10672 inclusive	\$62,840.75
Vouchers 11305-11343 inclusive	\$53,893.01
Electronic fund transfers	\$53,658.82
Credit Card Payments	\$ 29.50
- **Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$2,318.04:**  
Vouchers T1964-T1967

**COUNCIL ACTION**

**Moved Cr Wittwer, seconded Cr Newman that the Chief Executive 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 30 June 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 June 2006 be received.**

**COUNCIL ACTION**

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

*CARRIED 6/0*

**8.1.3 ANNUAL RETURNS**

**Background**

Section 5.76 of the Local Government Act 1995, requires that in each year Councillors, the Chief Executive Officer, and other employees (relevant persons) to whom delegated powers have been authorised in accordance with the provisions of the Act, must lodge an annual return in the prescribed form by 31 August of that year.

**Comment**

Recent correspondence from the Department of Local Government and Regional Development, and follow up workshops orchestrated by the Department, have indicated that compliance with this part of the Act is of concern and needs to be addressed.

Whilst this generally has not been the case at the Shire of Cuballing, the annual returns are once again due by 31 August 2006. Copies of the prescribed form 3 are circulated with the Council meeting agenda for your early attention.

Corruption and Crime Commission Act 2003, Sections 4 & 28, requires the Chief Executive Officer to notify the Department of Local Government and Regional Development and the Corruption and Crime Commission of any annual returns lodged after the due date of 31 August.

**Reporting Officer**

Peter Naylor, Chief Executive Officer

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

For Councillor information and early attention please.

**COUNCIL ACTION**

**Resolved that the information be noted.**

**8.1.4 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION  
– LOCAL GOVERNMENT WEEK 2006**

**Background**

The Annual General Meeting (AGM) of the Western Australian Local Government Association (WALGA) is to be held at the Burswood Resort Convention Centre Theatre on Sunday 6 August 2006, as part of Local Government Week.

**Comment**

Copies of the Agenda for the WALGA AGM have been provided to Councillors with the Council meeting agenda. Councils delegates to the AGM, Cr's Watts and Wittwer, received original copies of the document.

Prior to last year (2005) Council worked through the various items listed on the AGM agenda and provided some direction to the two delegates on how to vote on the matters raised for decision, however in 2005 Council resolved for the delegates to listen to the debate on the various matters before the meeting and make a joint informed decision in the best interests of the Shire of Cuballing and the local government industry as a whole. This process appeared to have worked well and Council could give consideration to adopting this practice once again.

It would also be beneficial for Council to peruse the AGM agenda to gain an insight into the various items being presented for consideration.

**Reporting Officer**

Peter Naylor, Chief Executive Officer

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That the two Council delegates for the Western Australian Local Government Association Annual General Meeting be requested to listen to the debate on the various matters presented to the meeting for consideration and make a joint informed decision in the best interests of the Shire of Cuballing and the local government industry as a whole.**

**COUNCIL ACTION**

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

***CARRIED 6/0***

**8.1.5 DEPARTMENT OF THE PREMIER AND CABINET, SALARIES AND WAGES TRIBUNAL – RECOMMENDATION REPORT: LOCAL GOVERNMENT CHIEF EXECUTIVE OFFICERS**

**Background**

Section 7A of the *Salaries and Allowances Act 1975* provides that the Tribunal shall, from time to time, enquire into and make a report containing recommendations as to the remuneration to be paid or provided to Chief Executive Officers (CEO) of local governments.

**Comment**

The *Local Government Amendment Act 2004*, section 46(3), amended the *Salaries and Allowances Act 1975* to include section 7A and require local government to take into account the recommendations contained in a section 7A report before entering into, or renewing, a contract of employment with a CEO. These amendments arose from a recommendation contained in the report into the City of Joondalup issued by the Legislative Council Standing Committee on Public Administration and Finance in December 2003.

The Tribunal has now handed down its first report, on the 27 June 2006, and contains recommendations under section 7A as to remuneration of local government CEO's. Future reports are to be made at intervals of not more than twelve months.

It is to be noted that the recommendations within the report do not involve any specified increase or decrease in the reward package for any individual CEO. The recommendations are made for the purpose specified in the *Local Government Act* – that is to be taken into account by local governments before entering into, or renewing, a contract of employment with a CEO.

In the report the Shire of Cuballing is classified as a band 1 local government with a Total Reward Package for the CEO in \$95,000 to \$128,500 range.

The report lists various components that can be considered appropriate for inclusion/exclusion within the Total Reward Package. A summary of the *Inclusion* items are: base salary, annual leave loading, associated FBT accrued, association membership fees, benefit value of provision of motor vehicle for private use, cash bonus and performance incentives, cash in lieu of vehicle, fitness club fees, clothing allowance, health insurance subsidy, private telephone, superannuation, and travel or any other benefit taken in lieu of salary.

A copy of the report is circulated with the Council meeting agenda.

**Reporting Officer**

Peter Naylor, Chief Executive Officer



**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That:**

- **The Salaries and Wages Tribunal Report of 27 June 2006 be noted and received; and**
- **The recommendations contained within the report, relating to the Shire of Cuballing, will be taken into account in the future before entering into, or renewing, a contract of employment with a Chief Executive Officer.**

**COUNCIL ACTION**

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

*CARRIED 6/0*

**8.1.6 PLAN FOR THE FUTURE OF THE DISTRICT**

**Background**

As reported to the June 15, 2006, meeting of Council, it is now a requirement in accordance with the Local Government Act 1995 (s5.56) for a Local Government to prepare a Plan for the Future of the District (replacing the former Principal Activity Plan).

A draft Plan was presented to the June meeting and Council resolved the it be advertised by Local Public Notice with inspection at the Shire office (during normal business hours) and on the Shire Website.

**Comment**

The draft Plan was duly advertised in the Narrogin Observer on Wednesday 21 June 2006, and placed on the Shire of Cuballing Website, with submission period closing on Friday 14 July 2006.

Whilst the draft Plan has been prepared for the four year period 2006/2007 to 2009/2010, it is a requirement that the plan be reviewed by Council every two years.

At the time of preparing this report no submissions have been received. Any submissions received prior to the closing period will be presented to Council for consideration.

The Chief Executive officer informed the meeting that a letter has been received from R & E Western in relation to the draft plan. Mr and Mrs Western comment on the proposed manning of the Cuballing Refuse Site and say they consider it a good idea providing it does not result in a large rating increase. They also comment that Council could consider providing householders with coloured containers or bags to assist in recycling of rubbish.

**Reporting Officer**

Peter Naylor, Chief Executive Officer

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That the draft Plan for the Future for the Shire of Cuballing for the four year period 2006/2007 to 2009/2010 be adopted.**

**COUNCIL ACTION**

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

*CARRIED 6/0*

**8.1.7 MINISTER FOR LOCAL GOVERNMENT AND REGIONAL DEVELOPMENT, HON J FORD JP MLC – LOCAL GOVERNMENT ADVISORY BOARD REPORT**

**Background**

Correspondence from the Minister in relation to the recent report by the Local Government Advisory Board; *Local Government Structural and Electoral Reform in Western Australia – Ensuring the Future Sustainability of Communities.*

**Comment**

The Minister makes it quite clear in his letter that the Carpenter Government has no intention to force amalgamations.

The Minister further states that the Government is supportive of amalgamations where the local governments concerned agree to do so.

In addition the Government is keen to advance structural reform initiatives and has committed to funding requests for feasibility studies and implementation through a \$3 million grants program over the next two years. The funds are to support the development of collaboration between local governments in the following areas:

- Amalgamation of local governments;
- Establishment of regional local governments;
- Establishment of voluntary regional organizations of councils;
- Adjustment of local government boundaries; and
- Resource sharing or other collaborative initiatives.

**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.**

**8.1.8 SHIRE OF CHAPMAN VALLEY – ADMINISTRATIVE BURDENS ON LOCAL GOVERNMENT (COST SHIFTING)**

**Background**

Correspondence advising that the Northern Country Zone of WALGA has passed a resolution regarding member councils continued concerns with cost shifting practices of both spheres of government – essentially supporting the position taken by the Shire of Chapman Valley who has adopted the Policy:

- The Shire of Chapman Valley will not undertake any additional function/tasks until an independent analysis has been undertaken, at the cost of the Australian Government, State Government, Department or any other organisation involved in imposing these additional functions/tasks, to determine if additional resources are required to adequately cater for the additional functions/tasks being expected of the Shire.
- If the outcome of the analysis is the Shire would need additional resources to undertake the additional functions/tasks then the Shire will refuse to perform these functions/tasks until such resources are made available.
- In the event additional resources are not made available for the additional functions/tasks being requested of the Shire, the Shire will formally advise the relevant organisation(s) and all relevant parliamentarians that they cannot perform these functions/tasks. This advice is to state that in the event of any claim against the Shire, due to non-compliance with the requirement to perform the additional functions/tasks, the Shire will use as a defence the fact they informed the relevant individuals and organisations of their inability to comply due to adequate resources not accompanying the additional functions/tasks.

**Comment**

The issue is an every day occurrence extending through all government agencies and at all staff levels, and one that needs to be addressed. Too often State or Commonwealth Government agencies implement programs and then simply transfer the ongoing burden to Local Government.

The stance taken by the Shire of Chapman Valley is admirable, however will need strong support by the local government industry as a whole to have the required impact.

The Chief Executive Officer informed Council that another recent example of cost shifting is the Department of Land Information advising that responsibilities for the newly introduced rural numbering program is to be handed to Local Government.

### **Reporting Officer**

Peter Naylor, Chief Executive Officer

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That the Shire of Cuballing supports the stance taken by the Northern Country Zone of WALGA and the Shire of Chapman Valley in relation to cost shifting and request that the matter be raised for discussion at the next meeting of the Central Country Zone.**

### **COUNCIL ACTION**

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

*CARRIED 6/0*

### **8.1.9 SHIRE OF CUBALLING BUDGET 2006/2007 FINANCIAL YEAR**

Councillors Brown, Hawksley and Wittwer declared a Proximity Interest in Agenda Item 8.1.9 (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**

To be tabled at the Council meeting will be an amended Draft Budget, and associated supporting information for the 2006/2007 Financial Year.

### **Comment**

Various amendments have been made to the initial draft budget in accordance with Council requests from the June 2006 Council meeting and other adjustments due to receipt of Local Government Grants Commission allocations, regional road group funds, final quotations for insurances, and inclusion of 2005/2006 end of year figure. Full details will be further identified and explained as the document is dealt with at the meeting.

In accordance with the requirements of the Local Government Act 1995, a notice was published in the Narrogin Observer on Wednesday 5 July 2006,

advertising Councils intention to levy Differential Rates in 2006/2007. The submission period for electors and/or ratepayers closes at 4.00pm on Wednesday 26 July 2006. At the time of preparing the Council meeting agenda no submissions have been received. The Local Government Act specifies that Council must consider any submissions received, however is not obliged to change its differential or minimum rates as a result. Should Council resolve to modify the proposed the rate in the dollar or minimum payments as a result of a submission or submissions received there is no requirement for further advertising.

At the Council meeting it is proposed to table rating models based on a 4.2% increase in accordance with the consumer price index for twelve month period to 31 March 2006.

### **Reporting Officer**

Peter Naylor, Chief Executive Officer

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

Council discussion and direction please.

### **COUNCIL ACTION**

**Moved Cr Brown, seconded Cr Wittwer that the Draft Budget for the Shire of Cuballing for the 2006/07 financial year as presented to the Council meeting be endorsed and be prepared in the statutory format in accordance with the Local Government Act 1995, and associated regulations, and presented to the August 2006 meeting of Council for adoption.**

*CARRIED 6/0*

## **8.2 REPORTS – WORKS**

### **8.2.1 WORKS SUPERVISORS REPORT**

#### **CLEARING OF NATIVE VEGETATION PURPOSE PERMIT**

Two representatives from the Department of Environment visited Cuballing on Monday 3 July 2006, to discuss the requirements for Council in submitting an application to clear vegetation for road works. The advice given was very helpful and should help save time in preparing the application and providing the right information. They also indicated that the works undertaken by Council in the past years, ie clearing of one side of the road reserve and working in with land owners, was very pleasing and the correct approach.

#### **MAINTENANCE GRADING**

Following recent rains the winter grading program has now commenced.

### **BITUMEN PATCHING**

Patching has been carried out on Stratherne, Springhill, Cuballing East and Cuballing West Roads and town streets.

### **BRIDGES**

Bridge No 3177 on the Cuballing East Road was substantially damaged by vehicle accident on Sunday 18 June 2006. Quotations have been prepared for remedial works but Councils insurance company has advised not to proceed with works until the vehicle owners insurance company accepts liability.

### **REFUSE SITES**

Sims Metal have recently clearing steel products from the Cuballing and Popanyinning Refuse Sites. A total of 92.1 tonne of material was removed and this resulted in payment of \$7,598.26 (GST incl) to Council.

In addition Smorgon Steel have removed steel products from some private properties within the Shire as part of their Great Steel Roundup program. This has resulted in payment of \$374.63 to the Cuballing Bush Fire Brigade.

### **POPANYINNING OVAL**

A Popanyinning resident has advised that whilst exercising her dog on the oval on Sunday 9 July 2006, the dog stepped on a "live" rabbit trap. Fortunately the dog escaped with only minor injury but it could have been very serious. The trap has been removed (by persons unknown) and matter reported to the Popanyinning Progress Association to warn people of possible danger, particularly during school holidays.

### **PLANT AND EQUIPMENT**

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

A Venieri company mechanic (from Italy) was in Cuballing on Wednesday 12 and Thursday 13 July 2006, working on the front end loader. A detailed report will be tabled at the Council meeting.

### **PRIVATE WORKS**

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

Private works invoices for the month of June 2006, total \$12,230.06.

### **Reporting Officer**

Alex Richardson, Works Supervisor

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

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

**COUNCIL ACTION**

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

*CARRIED 6/0*

**8.3 REPORTS – BUILDING**

**8.3.1 BUILDING SURVEYORS REPORT**

**Summary**

There were two (2) applications approved and licenses issued for the month of June 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>
15 June 06 36/05-06	A & E Webster	RB 11354 M & V Ranieri	Renovations to house	Loc 372 Cuballing West Rd Cuballing
29 June 06 37/05-06	G Hemsell	OB	Storage shed	Loc 2 Great Sthn Hwy Popanyinning

**Barn Style Homes**

Over recent months many enquiries have been received concerning whether it is permitted to build barn style homes within the Cuballing and Popanyinning townsites. Some shed builders are advertising these types of structures at a very cheap price, which is making them a very attractive alternative to the conventional style home. They are sold as a shell and the owner completes the fit out including the bathroom, WC, kitchen and laundry.

Council may wish to discuss this matter and consider imposing a bond of \$5,000.00 on these particular structures, the same as the re-locatable homes, to ensure that they are completed to a satisfactory standard.

**Building Figures Past Five (5) Years**

Listed below is a breakdown of the number buildings approved for construction over the past five years.

	Year	New Residence	Residence Extension	Residence Relocation	Garage/ Shed	Swim Pool
Popanyinning Townsite	2001/2002	-	-	-	2	-
	2002/2003	-	-	-	3	-
	2003/2004	1	-	-	2	-
	2004/2005	1	-	-	5	-
	2005/2006	1	-	-	1	-
Popanyinning Rural	2001/2002	4	-	-	5	-
	2002/2003	2	-	-	5	-
	2003/2004	2	1	-	5	-
	2004/2005	2	-	-	4	-
	2005/2006	3	-	-	2	-
Cuballing Townsite	2001/2002	8	1	-	14	1
	2002/2003	6	2	-	20	-
	2003/2004	7	1	-	14	2
	2004/2005	5	3	-	11	-
	2005/2006	7	1	1	16	2
Cuballing Rural	2001/2002	-	-	-	2	-
	2002/2003	2	-	-	2	-
	2003/2004	4	-	-	-	-
	2004/2005	-	-	-	-	-
	2005/2006	2	1	1	-	-
TOTAL		56	10	2	113	5

**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 Newman, Seconded Cr Hawksley that:

- **The Building Surveyor’s Report be received and information noted; and**
- **Council adopts a policy to levy a bond of \$5,000 applicable to all building applications for construction of barn or shed style homes.**



**The Bond is to ensure that the homes are completed both internally and externally in accordance with the provisions of Building Code of Australia and the Health Act 1911.**

*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 June 2006.

**On-Site Effluent Disposal**

There was one (1) permit issued to use an on site effluent disposal system during the month of June 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 6/0*

**8.4.2 MS C GENYON – APPLICATION TO KEEP MORE THAN TWO DOGS**

**Background**

Correspondence received from Ms Genyon requesting Council consideration to issuing an exemption for the keeping of up to three (3) dogs at her property, being 75 Ridley Street, Cuballing.

**Comment**

Ms Genyon has recently purchased the above property and has relocated on a permanent basis. She has three pure breed ‘Basenji’ dogs and is seeking Council exemption to enable her to keep the three dogs. The Basenji is a small to medium sized dog, average size being about 40mm, with a quiet and friendly temperament.

Shire of Cuballing Dogs Local Law 2004, section 3.2 (2) (a) states

*“The limit on the number of dogs which may be kept on any premises is, for the purposes of section 26(4) of the Dog Act 1976, two dogs over the age of three months and the young of those dogs under that age if the premises are situated within a townsite”.*

Dog Act 1976, section 26 (3) states

*“Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption-*

- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;*
- (b) shall not operate to authorise the keeping of more than 6 dogs on those premises; and*
- (c) may be revoked or varied at any time.*

Should Council be in favour of granting an exemption it may be appropriate for certain conditions to be imposed to provide an opportunity for the exemption to be revoked or varied, in accordance with section 26(3)(c) of the Dog Act, as mentioned above.

### **Reporting Officer**

Peter Naylor, Chief Executive Officer

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That Council approve the application to keep the three (3) dogs at 75 Ridley Street, Cuballing, subject to the following conditions:**

- **The applicant must maintain and hold valid registrations for each dog kept on the premises;**
- **The exemption is only valid for the life of these three (3) dogs, should one (1) of the dogs die it cannot be replaced prior to seeking further approval from Council; and**
- **Should there be any significant breach of the Dog Act 1976 then the exemption may be withdrawn at anytime.**

### **COUNCIL ACTION**

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

***CARRIED 5/1***

**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 the July 2006 meeting of Council.

**Comment**

Unfortunately Mr Moran is unavailable to attend the July meeting due to a prior commitment, however he is still keen to present his ideas to Council and should be available to attend the August 2006 Council meeting.

The Chief Executive Officer has had further discussions with Mr Moran on this matter and identified possible areas within the Cuballing townsite with future development proposal.

**Reporting Officer**

Peter Naylor, Chief Executive Officer

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

That the information be noted.

**COUNCIL ACTION**

**Resolved that the information be noted**

**8.5.2 WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) –  
PLANNING APPLICATION 131712 LOCATION 5256 SPRINGHILL  
ROAD CUBALLING**

**Background**

Correspondence from the WAPC requesting Council to provide any information, comment or recommended conditions on a subdivision proposal received for Williams locations 5256 & 2376 Springhill Road, Cuballing.

**Comment**

The application has been submitted by property surveyors P H & K E Gow on behalf of property owners W J Patmore and M D Patmore.

The Shire of Cuballing Town Planning Scheme No 2 generally doesn't support the further subdivision or breakdown of land in the agricultural areas. However the subdivision application does not intend to create additional lots and is proposing for a relatively minor boundary change between the two locations to separate bush and non arable land (in proposed Lot A) from arable land (in proposed Lot B). In addition to this there is also minimal change in the property sizes, location 5256 is 62.2ha and location 2376 64.7ha, proposed lot A 50.6ha and lot B 76.3ha.

It appears the application could be supported by Council, unless there are some local reasons not evident in the documentation provided by the applicant and the WAPC.

Perhaps Council could further consider recommending a condition requiring a covenant be placed on proposed Lot A to ensure that any proposed clearing of vegetation be restricted to a building envelope, access and agreed fire management measures.

### **Reporting Officer**

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

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That the Shire of Cuballing supports the subdivision of Williams locations 5256 & 2376 Springhill Road, Cuballing, as per Planning Application 131712, with condition that a covenant be placed on proposed Lot A to ensure that any proposed clearing of vegetation be restricted to a building envelope, property access and agreed fire management measures.**

### **COUNCIL ACTION**

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

*CARRIED 6/0*

### **9. MEETING CLOSURE**

There being no further business the Shire President declared the meeting closed at 5:14pm.

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