



# SHIRE OF CUBALLING

**ORDINARY COUNCIL MEETING  
HELD ON THURSDAY 18 OCTOBER 2007**

# MINUTES

# **SHIRE OF CUBALLING**

## **COUNCIL MEETING THURSDAY 18 OCTOBER 2007**

### **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 OCTOBER 2007**

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

President welcomed Councillors, declared meeting open 3.05pm.

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

**ATTENDANCE**

Shire President, Cr T H Wittwer	Deputy President, Cr J D Brown
Cr D S Bradford	Cr C R Hawksley
Cr I L Watts	Cr R D Newman
Chief Executive Officer, Mr P T Naylor	
Ms Joy Meharry (Councillor Elect, Observer)	
Mr Larry Turner (3.15pm to 3.50pm)	

**APOLOGIES**

Nil

**LEAVE OF ABSENCE**

**3. PUBLIC QUESTION TIME**

Nil

**4. APPLICATION FOR LEAVE OF ABSENCE**

Nil

**5. MINUTES**

**5.1 CONFIRMATION OF 20 SEPTEMBER 2007 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 September 2007 be confirmed.

**COUNCIL ACTION**

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

***CARRIED 6/0***

**5.2 SHIRE OF CUBALLING BUSH FIRE ADVISORY COMMITTEE**

**Submission to:** Ordinary Meeting of Council  
**Location/Address:** Whole of Shire  
**Reporting Officer:** Peter Naylor, Chief Executive Officer  
**Enabling Legislation:** Bush Fires Act 1954  
**Council Policy:** Nil  
**Budget Implications:** Nil  
**File Reference:** Bush Fire Control 1  
**Voting Requirements:** Simple Majority

**Background**

Minutes of the Shire of Cuballing Bush Fire Advisory Committee Meeting held on Thursday 11 October 2007.

**Comment**

The minutes are generally for Council information, however do include the resignation of Popanyinning Town Fire Control Officer, Kevin Aldridge, and subsequent appointment of Fire Control Officers and Brigade Secretary.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That:**

- **The minutes of the meeting of the Shire of Cuballing Bush Fire Advisory Committee held on Thursday 11 October 2007 be received;**
- **The letter of resignation of Kevin Aldridge as Fire Control Officer for the Popanyinning Town Brigade be received; and**
- **The appointment of Wayne Bird, Fire Control Officer, Darren Hepple, Deputy Fire Control Officer, and Kim Parker, Secretary, for the Popanyinning Town Brigade be endorsed.**

**COUNCIL ACTION**

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

*CARRIED 6/0*

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

**3:15pm Acting Inspector, Larry Turner from the Narrogin Police Department entered the Council Chambers.**

Mr Turner attended the meeting to discuss the lack of suitable Government Employee Housing in Narrogin. Mr Turner explained that to enable the Police Force and other government agencies to attract quality staff to the region housing of a suitable standard needs to be available and this is currently not the case. Long-term lease arrangements are available with the Government Regional Officers Housing authority for provision of housing for government employees. Whilst Mr Turner is unable to give a guarantee that members of the Police Force would occupy housing in Cuballing if it was available it would certainly be an option they could consider.

**3:50pm Acting Inspector, Mr Turner departed the Council Chambers.**

**COUNCIL ACTION**

**Moved Cr Newman, seconded Cr Watts that the Chief Executive Officer undertake further discussions with the Police Department and Government Regional Officers Housing Authority to investigate the viability of the Shire of Cuballing constructing a house in Cuballing to be occupied by a member of the Police force and to ascertain possible rent levels**

*CARRIED 6/0*

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.

**Item 8.5.4**

**Councillors Hawksley and Newman declare a Proximity Interest as they own land adjoining Lot 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.

**8.1 REPORTS – FINANCE AND ADMINISTRATION**

**8.1.1 LIST OF ACCOUNTS SUBMITTED FOR COUNCIL APPROVAL AND PAYMENT – OCTOBER 2007**

**Submission to:** Ordinary Meeting of Council  
**Location/Address:** Not applicable  
**Reporting Officer:** Bronwyn Dew, Administration Officer  
**Enabling Legislation:** Local Government (Financial Management) Regulations 1996  
**Council Policy:** Register Delegated Authority  
**Budget Implications:** Nil  
**File Reference:** CMR 7  
**Voting Requirements:** Simple Majority

**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.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That Council:**

- Approve for payment the list of Creditors paid from the Municipal fund, as detailed below, totalling \$107,045.44:

Voucher 10919	\$ 4,864.00
Voucher 10944	\$ 226.20
Vouchers 10946-10964 inclusive	\$31,481.53
Vouchers 11956-11974 inclusive	\$21,191.28
Electronic fund transfers	\$48,995.27
Credit Card	\$ 287.16

- Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$4,067.80:

Vouchers T2001-T2008	\$ 4,017.80
Electronic fund transfers	\$ 50.00

**COUNCIL ACTION**

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

*CARRIED 6/0*

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Type	Date	Num	Name	Memo	Credit	Trust
Cheque	09/19/2007	10919	Australian Taxation Office	BAS Statement August	4,864.00	
Cheque	18/09/2007	10944	Cash	Petty Cash Recoup	226.20	
Bill Pmt -Cheque	09/21/2007	10946	BIRD'S SILOS & SHELTERS	Shelter - Vintage Machinery Display	12,552.00	
Bill Pmt -Cheque	09/21/2007	10947	CORPORATE EXPRESS	Stationery	116.64	
Bill Pmt -Cheque	09/21/2007	10948	COURIER AUSTRALIA	Freight	16.60	
Bill Pmt -Cheque	09/21/2007	10949	CUBY ROADHOUSE	Fuel,gas & refreshments	223.86	
Bill Pmt -Cheque	09/21/2007	10950	Diggawest & Earthparts WA	Post Hole Digger	4,505.60	
Bill Pmt -Cheque	09/21/2007	10951	Echelon Australia Pty Ltd	Regional Co-ordinator	1,786.40	
Bill Pmt -Cheque	09/21/2007	10952	Great Southern Communications	Antenna Mount	35.90	
Bill Pmt -Cheque	09/21/2007	10953	Great Southern Ranger Services	Ranger Service	379.10	
Bill Pmt -Cheque	09/21/2007	10954	INGERSLEY ELECTRICAL	Power to Popo Fire Shed	1,659.66	
Bill Pmt -Cheque	09/21/2007	10955	Mansell Pty Ltd	Consultancy Fees- Grants Commission	990.00	
Bill Pmt -Cheque	09/21/2007	10956	STAR TRACK EXPRESS	Freight on signs	52.43	
Bill Pmt -Cheque	09/21/2007	10957	TELSTRA	Telephone	629.08	
Bill Pmt -Cheque	09/21/2007	10958	WALGA	Advertising	35.99	
Bill Pmt -Cheque	09/21/2007	10959	WATER CORPORATION	Standpipe Charge	7.90	
Bill Pmt -Cheque	09/21/2007	10960	AUSTRALIA POST	Postage Stamps	50.00	
Cheque	10/04/2007	10961	East Narrogin Primary School	Donation	500.00	
Cheque	10/04/2007	10962	SHIRE OF CUBALLING.	Social Club Deductions - September	140.00	
Cheque	10/04/2007	10963	SHIRE OF CUBALLING.	Staff Deductions -Clark Rates	150.00	
Cheque	10/04/2007	10964	WALGSP	Super Contributions September 2007	7,650.37	
Bill Pmt -Cheque	10/18/2007	11956	B & K Kakoschke Pty Ltd	Traffic Management Training	4,141.30	
Bill Pmt -Cheque	10/18/2007	11957	BILL EXPRESS	Transaction Fees	54.65	
Bill Pmt -Cheque	10/18/2007	11958	Birds Silos And Shelters	Service Pole for Popo Fireshed	334.95	
Bill Pmt -Cheque	10/18/2007	11959	CORPORATE EXPRESS	Stationery	278.26	
Bill Pmt -Cheque	10/18/2007	11960	COURIER AUSTRALIA	Freight	12.12	
Bill Pmt -Cheque	10/18/2007	11961	Cuballing Country Womens Association	Catering for Traffic Management Workshop	465.00	
Bill Pmt -Cheque	10/18/2007	11962	Filthy Bush-Surfwear Australia	Shire of Cuballing Shirts	1,432.20	
Bill Pmt -Cheque	10/18/2007	11963	HANSON CONSTRUCTION MATERIALS	Cuballing Refuse Site	790.02	
Bill Pmt -Cheque	10/18/2007	11964	iw Projects	Professional Services - Refuse Site	2,492.33	
Bill Pmt -Cheque	10/18/2007	11965	LGIS PROPERTY	Insurance	4,087.75	
Bill Pmt -Cheque	10/18/2007	11966	McLEODS BARRISTERS & SOLICITORS	Legal Fees	210.10	
Bill Pmt -Cheque	10/18/2007	11967	Narrogin Motel	EHO Accomodation & Meal	99.00	

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Bill Pmt -Cheque	10/18/2007	11968	Narrogin Technology Solutions	Back up Discs	19.95
Bill Pmt -Cheque	10/18/2007	11969	NGN RETRAVISION	Car Kits for Mobile Phones	698.00
Bill Pmt -Cheque	10/18/2007	11970	SHERIDAN'S FOR BADGES	Councillor Desk Name Plates	159.50
Bill Pmt -Cheque	10/18/2007	11971	STAR TRACK EXPRESS	Freight	59.85
Bill Pmt -Cheque	10/18/2007	11972	Synergy	Streetlighting	272.45
Bill Pmt -Cheque	10/18/2007	11973	TELSTRA	CEO & W/S Mobile Phones	83.85
Bill Pmt -Cheque	10/18/2007	11974	TOWN OF NARROGIN	Donation- Community Assisted Transport Service	5,500.00
Cheque	09/18/2007	T2001	Shire of Corrigin	VOID	
Cheque	09/18/2007	T2002	Sportfirst Narrogin	Central Country Zone Golf Day Prizes	761.85
Cheque	09/18/2007	T2003	Shire fo Cuballing	Central Country Zone Golf Day - Re-imbusement	137.16
Cheque	09/18/2007	T2004	Shire of Corrigin	Central Country Zone Golf Day - Re-imbusement	55.00
Cheque	09/18/2007	T2005	Cuballing Golf Club	Central Country Zone Golf day	2,810.99
Cheque	09/18/2007	T2006	Building & Construction Industry Training	BCITF Payment - August 2007	200.00
Cheque	10/04/2007	T2007	Narrogin Country Fresh Meats	Scott Fowler's Send Off	27.80
Cheque	10/04/2007	T2008	Bill & Bens Hot Bread Shop	Scott Fowler's Send Off	25.00
EFT	09/17/2007	170907	WA Treasury Corporation	Loan Repayments	8,816.97
EFT	09/18/2007	180907	SHIRE OF CUBALLING.	Wages & Salaries 5/09/2007 - 18/09/2007	17,754.42
EFT	10/02/2007	021007	SHIRE OF CUBALLING.	Wages & Salaries 19/09/2007 - 2/10/2007	22,165.07
EFT	10/02/2007	021007.1	Alex Richardson	Phone Allowance	98.81
EFT	10/02/2007	021007.2	Alex Richardson	Re-imbusement	160.00
EFT	10/04/2007	041007	BronwynDew	Re-imbusement - Scott Fowler's Present	50.00
Credit Card	09/04/2007	040907	Narrogin Retravision	Central Country Zone Golf Day Prizes	150.00
Credit Card	09/06/2007	060907	Narrogin Liquor Store	Central Country Zone Golf Day Prizes	137.16
					<b><u>107,045.44</u></b>
					<b><u>4,067.80</u></b>

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SHIRE PRESIDENT

\_\_\_\_\_  
DATE



**8.1.2 STATEMENT OF FINANCIAL ACTIVITY**

**Submission to:** Ordinary Meeting of Council  
**Location/Address:** Not applicable  
**Reporting Officer:** Clare Thomson, Accountant  
**Enabling Legislation:** Local Government (Financial Management) Regulations 1996  
**Council Policy:** Nil  
**Budget Implications:** Nil  
**File Reference:** CMR 7  
**Voting Requirements:** Simple majority

**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 September 2007 in accordance with the abovementioned legislation and circulated with the Council meeting agenda.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That the Statement of Financial Position, as circulated, for the Shire of Cuballing for period ending 30 September 2007 be received.**

**COUNCIL ACTION**

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

*CARRIED 6/0*

**8.1.3 DEPARTMENT OF SPORT AND RECREATION COMMUNITY SPORTING AND RECREATION FACILITIES FUND**

**Submission to:** Ordinary Meeting of Council  
**Location/Address:** Reserve 16269, Cuballing Recreation Grounds  
**Reporting Officer:** Peter Naylor, Chief Executive Officer  
**Enabling Legislation:** Nil  
**Council Policy:** Nil  
**Budget Implications:** Provision included in 2007/2008 Budget  
**File Reference:** Grants 5  
**Voting Requirements:** Simple Majority

**Background**

Each year the Department of Sport and Recreation (DSR) invites local governments and community sporting organizations to submit applications for funding under its Community Sporting and Recreation Facilities Fund (CSRFF).

**Comment**

A grant application has been prepared requesting funding assistance to upgrade the power supply to the Cuballing Recreation Grounds, from existing 480V to 50kVA. The power supply to the grounds has been a source of concern when organising events and restricts the type of activities that can be arranged. The recent installation of high performance lights at the tennis and netball courts, and construction of new change rooms is placing huge demand and draw on the existing power supply. During recent Community Safety and Crime Prevention Plan process the lack of security lighting at the recreation grounds was commented on, however with the current supply the installation of such is unlikely to be viable.

Increase in power supply will enable sporting clubs, community groups and the general public to better utilise venue, and allow for the installation of upgraded security lighting to protect the facilities and amenities in the area.

A copy of the grant application has been circulated with the Council meeting agenda.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**The grant application, as presented, be endorsed and submitted to the Department of Sport and Recreation Community Sporting and Recreation Facilities Fund for consideration.**

**COUNCIL ACTION**

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

*CARRIED 6/0*

**8.1.4 BUTLER SETTINERI (AUDIT) PTY LTD – AUDIT REPORT 2006/2007 FINANCIAL YEAR**

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Not applicable
<b>Reporting Officer:</b>	Peter Naylor, Chief Executive Officer
<b>Enabling Legislation:</b>	Local Government Act 1995 Local Government (Audit) Regulations 1996 Local Government (Financial Management) Regulations 1996
<b>Council Policy:</b>	Nil
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	Finance 6
<b>Voting Requirements:</b>	Simple Majority

**Background**

Butler Settineri (Audit) Pty Ltd completed their on-site Audit of Council's functions and operations for the 2006/2007 Financial Year on Thursday 4 October 2007. However they still have some work to complete at their offices prior to finalising the audit process.

**Comment**

The Audit has been conducted in accordance with the Australian Audit Standards to ensure that during the reporting period the Shire of Cuballing complied with all statutory requirements, including the Local Government Act 1995 and associated Regulations.

At the time of preparing this report the Audit Report has not been received, however it is anticipated that the Report will be available for tabling at the Council meeting.

Due to time constraints the Auditor, Mr Paul Chabrel, requested not to meet with the Shire of Cuballing Audit Committee at the time of audit and that a telephone conference be arranged at a later date. This is similar to the process in 2005/2006 which worked out satisfactorily for the Audit Committee and Auditors.

**COUNCIL ACTION**

**Moved Cr Newman, seconded Cr Brown that the Auditors Report be received**

***CARRIED 6/0***

**8.1.5 SHIRE OF CUBALLING ANNUAL REPORT 2006/2007 FINANCIAL YEAR AND ANNUAL GENERAL MEETING OF ELECTORS**

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Not applicable
<b>Reporting Officer:</b>	Peter Naylor, Chief Executive Officer
<b>Enabling Legislation:</b>	Local Government Act 1995 Local Government (Financial Management) Regulations 1996
<b>Council Policy:</b>	Nil
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	Finance 2 & Finance 3
<b>Voting Requirements:</b>	Simple Majority

**Background**

Sections 5.53 and 5.54 of the Local Government Act 1995, requires local governments to prepare an Annual Report in each financial year, the Report is to be received by the local government by the 31 December. The Report is to be prepared in accordance with the provisions of the Act and the Local Government (Financial Management) Regulations 1996.

**Comment**

A copy of the draft Annual Report prepared for the Shire of Cuballing for the 2006/2007 Financial Year has been circulated with the Council meeting agenda for comment and/or amendment as considered necessary. As mentioned previously in item 8.1.3 the Audit Report is not yet available and therefore has not been included in the draft Annual Report but will be tabled at the Council meeting.

Section 5.26 of the Local Government Act 1995 requires that a General Electors meeting be held within 56 days of Council receiving the annual report. Section 5.29 of the Act requires public notice of 14 days of the meeting. Therefore it is proposed that the General Electors meeting for the Shire of Cuballing be held immediately following the November 15, 2007, meeting of Council, commencing at 7.30pm.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That:**

- Pursuant to section 5.54 of the Local Government Act 1995, the draft Annual Report for the Shire of Cuballing for the 2006/2007 Financial Year, as circulated and presented to the Council meeting, and with the inclusion of the 2006/2007 Audit Report, be received and accepted; and
- The General Electors meeting be held in the Shire of Cuballing Council Chambers on Thursday 15 November 2007, commencing at 7.30pm.

**COUNCIL ACTION**

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

*CARRIED6/0*

### 8.1.6 SPECIAL MEETING OF COUNCIL

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Not applicable
<b>Reporting Officer:</b>	Peter Naylor, Chief Executive Officer
<b>Enabling Legislation:</b>	Local Government Act 1995
<b>Council Policy:</b>	Nil
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	Members 6
<b>Voting Requirements:</b>	Simple Majority

#### **Background**

In accordance with section 2.28 of the *Local Government Act 1995*, the terms of Councillors retiring at the October Local Government Ordinary Elections ends on the day of the ordinary elections day, being Saturday 20 October 2007. The term for newly elected Councillors begins on the day after the elections day. Section 2.29 of the *Act* prescribes that a person elected as a councillor has to make a declaration in the prescribed form before they can act in the office, and that a person elected by the Council as President also has to make a declaration in the prescribed form before acting in the office.

#### **Comment**

To meet the above requirements of the Local Government Act, prior to the November 15, 2007, Ordinary meeting of Council, it is proposed to hold a Special meeting of Council on Monday 22 October 2007, at 5.00pm.

Mr Martin Clarke-Smith, Justice of the Peace, has been tentatively booked to administer the required declarations.

#### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That a Special meeting of Council be held on Monday 22 October 2007, at 5.00pm, to meet the requirements of the *Local Government Act 1995* (S2.28 & S2.29), as follows:**

- **Newly elected Councillors to make a declaration in the prescribed form;**
- **Council to elect Shire President and Deputy Shire President for the two-year period 2009 to 2011; and**
- **Shire President and Deputy Shire President to make a declaration in the prescribed form.**

#### **COUNCIL ACTION**

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

**CARRIED 6/0**

## 8.2 REPORTS – WORKS

### 8.2.1 WORKS MANAGERS REPORT

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Whole of Shire
<b>Reporting Officer:</b>	Alex Richardson, Works Manager Peter Naylor, Chief Executive Officer
<b>Enabling Legislation:</b>	Local Government Act 1995
<b>Council Policy:</b>	Nil
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	CMR 10
<b>Voting Requirements:</b>	<b>Simple majority</b>

#### **GRADING/MAINTENANCE**

Maintenance grading is proceeding throughout the Shire.

Various other minor works are being undertaken as time and weather conditions permit.

#### **CUBALLING REFUSE SITE**

Construction of the shed has been completed.

The operations appear to be working well and no major complaints received, however some minor comments made on opening days/times.

#### **PLANT AND EQUIPMENT**

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

#### **STAFF**

Graham Maddison is clearing two months long service leave.

Tim Bradford, Brett Ashton & Mick Harris clearing annual leave entitlements.

Scott Fowler resigned from Councils employment on Friday 5 October 2007, after 8 ½ years of service. Scott and wife intend seeking employment opportunities in the States North West. A function was held at the Shire depot on Thursday 4 October.

#### **RESTRICTED ACCESS VEHICLES**

Works Manager is following up on this matter.

Some roads failed to meet the criteria due to vegetation overhang and others due to inadequate intersection geometric turning circles (with adjoining roads).

A works program is being formulated to employ contractor to trim vegetation on arterial link roads. Not all roads will be suitable for RAV vehicles for the 2007 harvest as it will be quite an extensive process.

A template for geometric turning circles has been obtained and roads that failed due to this reason will be upgraded as time and resources permit.

## **PRIVATE WORKS**

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

Private works invoices for the month of September 2007, total \$10,073.18.

## **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

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

## **COUNCIL ACTION**

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

*CARRIED 6/0*

## **8.3 REPORTS – BUILDING**

### **8.3.1 BUILDING SURVEYORS REPORT**

**Submission to:** Ordinary Meeting of Council  
**Location/Address:** Whole of Shire  
**Reporting Officer:** Neil Flood, Environmental Health Officer/Building Surveyor  
**Enabling Legislation:** Local Government (Miscellaneous Provisions) Act 1960  
Building Regulations 1989  
Builders' Registration Act 1939  
**Council Policy:** Register Delegated Authority  
**Budget Implications:** Nil  
**File Reference:** CMR 2  
**Voting Requirements:** Simple majority

#### **Summary**

There were seven (7) building applications approved and licenses issued for the month of September 2007.

Listed below is a summarised breakdown of the applications and proposed structures.

<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>
13 – 2007/08	K Bullard	O/B	Shed	Lot 277 Campbell St, Cuballing
14 – 2007/08	P George	O/B	New Residence	Lot 75 Derby St, Cuballing
15 - 2007/08	D Shanks	O/B	Residence Additions	Lot 411 Clifford St, Cuballing
16 – 2007/08	P Denton	O/B	Residence Additions	Lot 3 Ridley St, Cuballing
17 – 2007/08	LJ Connell	Wake & Beacham	Shed	Loc 48 Scholars Road, Cuballing
18 – 2007/08	P Doyle	O/B	New Residence	Loc 127 Beeston St, Cuballing
19 – 2007/08	C Hicks	O/B	Shed	Loc 7244 Popanyinning West Road, Popanyinning

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That the Building Surveyors 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**

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Whole of Shire
<b>Reporting Officer:</b>	Neil Flood, Environmental Health Officer/Building Surveyor
<b>Enabling Legislation:</b>	Health Act 1911
<b>Council Policy:</b>	Register Delegated Authority
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	CMR 2
<b>Voting Requirements:</b>	Simple majority

**Purpose**

To advise Council of Environmental Health inspections that have been carried out in the district during the month of February 2007.

**Health Act 1911 – Health Order**

The Requisition under Section 184 of the Health Act on Lot 294 Colin Street, Cuballing has now been complied with. The work has been carried out by the owner at his expense.

**Environmental Protection (Noise) Regulation 1997**

Council has received a letter from a resident in Popanyinning regarding dogs barking at various times at the Popanyinning Kennels. Staff are investigating the complaint and will report back to Council.

**Fire and Emergency Services Authority of Western Australia (FESA)**

Mr Terry Jackson from FESA and the Environmental Health Officer/Building Surveyor carried out inspections of the Cuballing Tavern and Dryandra Village on the twentieth of September 2007. Minor works are required to both premises but generally they comply with the appropriate legislation.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

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



**COUNCIL ACTION**

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

*CARRIED 6/0*

**8.5 REPORTS – TOWN PLANNING**

**8.5.1 FOREST PRODUCTS COMMISSION – REQUEST FOR PLANNING CONSENT- EUCALYPTUS AND SANDALWOOD PLANTATIONS**

**Submission to:** Ordinary Meeting of Council  
**Location/Address:** Lot 7244 Popanyinning West Road  
**Reporting Officer:** Peter Naylor, Chief Executive Officer  
**Enabling Legislation:** Nil  
**Council Policy:** Shire of Cuballing Town Planning Scheme No 2  
**Budget Implications:** Nil  
**File Reference:** Town Planning 4  
**Voting Requirements:** Simple majority

**Background**

Application received from the Forest Products Commission, on behalf of the property owners of Lot 7244 S J Blackmore & C M Hicks, to commence a tree cropping industry on the property.

The proposed use, being Agroforestry or Plantation, is an “A” use in the Shire of Cuballing Town Planning Scheme No 2 Zoning Table. This means that the use is not permitted unless Council has exercised its discretion by granting planning approval after giving special notice in accordance with the requirements of the Scheme (clause 9.4). The advertising process has been carried as required with letters and copy of “Notice of Public Advertisement of Planning Proposal” being sent to neighbouring property owners/occupiers, and copy of the Notice placed adjacent to the entry to the property and at the Popanyinning Store. The Notice invited public comment on the proposal to be submitted to the Shire of Cuballing in writing on or before Friday 5 October 2007.

**Comment**

At the closure of the submission period no public comments were received.

The proponents have gone into a lot of detail in the application and appear to address all areas that may be of concern to Council and neighbouring property owners. This includes a detailed fire management plan that has external firebreaks of 15 metres in width and internal breaks of 6 metres.

A copy of the application has been circulated to Councillors with the Council meeting agenda.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That the planning application submitted by the Forest Products Commission, on behalf of property owners S J Blackmore & C M Hicks, to commence a tree cropping industry on Lot 7244 Popanyinning West Road, Popanyinning, be supported subject to the proponents complying with the Plantation Management Plan FPC423 that was submitted as part of the planning application.**

**COUNCIL ACTION**

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

*CARRIED 6/0*

**8.5.2 DEPARTMENT FOR PLANNING AND INFRASTRUCTURE STATE LAND SERVICES – INVESTIGATION INTO RELEASE OF POPANYINNING TOWN LOTS**

**Submission to:** Ordinary Meeting of Council  
**Location/Address:** Lots 46, 49, 52, 55, 167, 170, 171, 317, 320 & 324 Forrest Street, Popanyinning  
**Reporting Officer:** Peter Naylor, Chief Executive Officer  
**Enabling Legislation:** Land Administration Act 1997  
**Council Policy:** Nil  
**Budget Implications:** Nil, minor cost for installation of crossovers  
**File Reference:** Town Planning 4  
**Voting Requirements:** Simple majority

**Background**

Correspondence from the Department seeking Council support for the public release of the abovementioned 10 Unallocated Crown Land (UCL) and Reserve Lots in Forrest Street in Popanyinning.

In July 2007, Council received correspondence from the Department advising that a private resident of Popanyinning had made contact in respect to purchasing three of the Lots (46, 49 & 317). In response the Department was advised that Council supported the release of the three lots, however would prefer that they be made available for sale to the general public rather than sold directly to the one family.

**Comment**

As mentioned in the Departments correspondence all of the Lots have essential services available, being constructed road access, power and water.

The public release of the Lots would certainly provide further opportunity for the townsite of Popanyinning to grow, however in discussions with the State Land Services it has been revealed that the process to release the blocks could take some time. Under the current legislation the release of the Lots would need to be submitted through the future acts process of the Native Title Act 1993. This process is quite lengthy and the estimated time frames involved are 18-24 months. In the first instance the State Land Services would liaise with Landcorp to see if they are interested in developing and selling the Lots. If they were not interested the land would then be released through a Public Tender process. The Lots would be released on Conditional Purchase

Leases, which require a residence to be built on the lot and be at 'Lock-up' stage within a two year period.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That the public release of Unallocated Crown Land and Reserve Lots 46, 49, 52, 55, 167, 170, 171, 317, 320 & 324 Forrest Street, Popanyinning, be supported.**

## **COUNCIL ACTION**

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

*CARRIED 6/0*

### **8.5.3 MR K G COX – APPLICATION FOR PLANNING APPROVAL**

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Lot 144 Page Road, Popanyinning
<b>Reporting Officer:</b>	Neil Flood, Environmental Health Officer/Building Surveyor
<b>Enabling Legislation:</b>	Planning and Development Act 1995
<b>Council Policy:</b>	Shire of Cuballing Town Planning Scheme No 2
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	Town Planning 4
<b>Voting Requirements:</b>	Simple majority

#### **Background**

Mr Kenneth George Cox submits an application for planning approval on behalf of the four (4) owners to site a cavalier transportable building on Lot 144 Page Road, Popanyinning

#### **Comment**

Lot 144 Page Road, Popanyinning is zoned “Rural Residential” under the Shire of Cuballing Town Planning Scheme No 2. With any development within the zone it must comply with the Land Planning Policy Rural Residential Development Part 4, which states:

4. *BUILDING MATERIALS*
  - (a) *All buildings to be constructed on any lot will be of a material approved by Council and all roof and where approved wall cladding will be finished in non-reflective material (colourbond)*

As can be seen by the attached plan the building will be ‘donga’ type unit with a 3 metre patio at the front. The external cladding will be custom orb paper bark with manor red. The roof is trim deck zincalume. It is presumed the patio will be the same.

Some Shire Councils do not allow donga type buildings in residential areas unless the roof is changed e.g. skillion to gable.

## **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That Council approves Mr K G Cox’s application for planning approval to site a transportable building on Lot 144 Page Road, Popanyinning subject to the following conditions:**

- 1. The Skillion roof on the building to be replaced with a gable colourbond roof;**
- 2. The patio to match the building roof;**
- 3. Submission of a building application;**
- 4. Submission of a septic tank application; and**
- 5. Comply with Building Code of Australia.**

Further, Mr Cox be advised that if he is aggrieved by Councils decision he may appeal to the State Administrative Tribunal, 12 St George's Terrace, Perth.

### **COUNCIL ACTION**

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

CARRIED 6/0

#### **8.5.4 WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) – PLANNING APPLICATION 135987 LOT 2 WATSONS ROAD, CUBALLING**

Councillors Hawksley and Newman declare a Proximity Interest as they own land adjoining Lot 2.

4.26pm Cr Hawksley and Cr Newman departed the Council Chambers.

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Lot 2 Watsons Road, Cuballing
<b>Reporting Officer:</b>	Peter Naylor, Chief Executive Officer Trevor Moran, Town Planning Consultant
<b>Enabling Legislation:</b>	Planning and Development Act 2005
<b>Council Policy:</b>	Shire of Cuballing Town Planning Scheme No 2
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	Town Planning 12
<b>Voting Requirements:</b>	Simple Majority

### **Background**

Planning application to subdivide Lot 2 Watsons Road, Cuballing into two separate land parcels separated by the Cuballing West Road.

### **Comment**

The Planning Application has been lodged by Town Planning Consultant Gray & Lewis on behalf of property owner Mr B R Watson.

The application was forwarded to Councils Town Planning Consultant, Mr Trevor Moran, for comment and advice as provided hereunder:

*“In respect to the application, and on the information provided, there appears to be no reason why the application should not be supported. It is a de-facto subdivision anyway by virtue of the severance of the land parcel by the Cuballing West Road, and as pointed out by the applicant there are Lots of similar size in the near vicinity.”*

The Shire of Cuballing Town Planning Scheme No 2 and WAPC Planning Policy DC3.4

generally have a presumption against the subdivision of rural land. However clause 3.2.1(a) of Planning Policy DC3.4 provides that the Commission may approve subdivision of rural land if a significant natural or man-made feature already physically divides the proposed lots and an undesirable precedent would not be set.

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In this instance the existing Lot is divided by the Cuballing West Road, which is part of a major local arterial route and being upgraded to cater for greater traffic flow for light and heavy vehicles. Also proposed Lot 202 will only be similar in size to neighbouring properties on the south side of the Cuballing West Road.

In previous instances Council has not supported planning applications where additional Lots are being created, however the particular circumstances of this application appear to meet the planning criteria and therefore it could be supported.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That after taking into consideration the provisions of Shire of Cuballing Town Planning Scheme No 2 and WAPC Planning Policy DC3.4, in particular clause 3.2.1(a), Council informs the Western Australian Planning Commission that it has no objections to Planning Application 135987.**

**COUNCIL ACTION**

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

*CARRIED 3/1*

**4.33pm Cr Hawksley and Cr Newman re-entered the Council Chambers**

**9. OTHER BUSINESS**

The Shire President recognised this as the final meeting for retiring Councillors Hawksley and Watts, the President thanked the Councillors for their contribution to the district over many years of loyal and dedicated service and wish them well in the future.

The Chief Executive Officer concurred with the Shire Presidents comments and also thanked the Councillors for their guidance and assistance over the past five years.

**10. MEETING CLOSURE**

There being no further business the Shire President declared the meeting closed at 4.40pm.

**CONFIRMED AS A TRUE RECORD OF PROCEEDINGS  
ON THURSDAY 15 NOVEMBER 2007**

\_\_\_\_\_  
**SHIRE PRESIDENT**

\_\_\_\_\_  
SHIRE PRESIDENT

\_\_\_\_\_  
DATE