

SHIRE OF CUBALLING

COUNCIL MEETING THURSDAY 15 MAY 2008

MINUTES

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ORDINARY COUCIL MEETING MINUTES

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE
CUBALLING SHIRE, HELD IN THE COUNCIL CHAMBERS, CAMPBELL
STREET, CUBALLING ON THURSDAY 15 MAY 2008**

1. OPENING - ANNOUNCEMENT OF VISITORS

The Shire President welcomed Councillors and declared the meeting open at 3:02pm

2. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

ATTENDANCE

Shire President, Cr T H Wittwer	Deputy President, Cr J D Brown
Cr D Bradford	Cr C Hawksley
Cr T P Haslam	Cr JRA Meharry
Cr RD Newman	
Chief Executive Officer, Mr P T Naylor,	

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

3. PUBLIC QUESTION TIME

Nil

4. APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Brown, seconded Cr Newman, that Leave of Absence be granted to Cr Bradford for the Ordinary meeting of Council to be held on Thursday 19 June 2008.

CARRIED 7/0

5. **MINUTES**

5.1 **CONFIRMATION OF 17 APRIL 2008 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 17 April 2008 be confirmed.

COUNCIL ACTION

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

CARRIED 7/0

5.2 **BUSH FIRE ADVISORY COMMITTEE MEETING HELD ON THURSDAY 10 APRIL 2008**

Comment

This meeting was the Annual General Meeting of the Advisory Committee and the appointment of Office Bearers for the 2008/2009 Fire Season will need to be endorsed by Council.

In addition to the appointment of office bearers, the following matters are raised for Council attention/consideration:

Item 7.2 Shire of Cuballing Camp Fires Policy (Policy 6.17):

The Committee is requesting Council to amend the wording of the Policy to include the words “and being lit in a designated area”. The Policy would now read as follows:

Camp Fires within the Shire of Cuballing during the restricted and prohibited burning period are prohibited except between the hours of 6.00pm and 11.00pm and subject to the fire being extinguished by midnight, and being lit in a designated area.

Item 7.6 Mr Grant Alcock, Resignation as Fire Control Officer:

Mr Alcock resigned as a Fire Control Officer for the Cuballing West Brigade Sector. Mr Alcock was appointed to the position in October 2005.

Item 7.7 Telstra Desktop Messaging of Harvest and Movement of Vehicles in Paddocks Bans:

The Committee is requesting Council investigate the implementation of the Desktop Messaging System for the 2008/2009 Fire Season. Council staff have commenced the process and more information will be available at the Council meeting.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **The minutes of the meeting of the Shire of Cuballing Bush Fire Advisory Committee held on Thursday 10 April 2008, be received;**
- **The appointment of Office Bearers for the 2008/2009 Fire Season be endorsed;**
- **Letter of appreciation be written to retiring Fire Control Officer, Mr Grant Alcock, thanking him for his contribution to the Shire of Cuballing Bush Fire Network;**
- **The recommendation contained within item 7.2 of the minutes be endorsed and Council Policy 6.17, and signage throughout the Shire, be amended accordingly; and**
- **The recommendation contained within item 7.7 of the minutes be endorsed and staff be requested to investigate the implementation of the Telstra Desktop Messaging System for the 2008/2009 Fire Season.**

COUNCIL ACTION

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

CARRIED 7/0

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.

Item 8.1.4: Mr Peter Naylor, Chief Executive Officer, declared a financial interest.

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 – MAY 2008

Submission to: Ordinary Meeting of Council
Location/Address: Not applicable
Reporting Officer: Belinda Draper, Administration Officer (Finance)
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 \$155,009.98:

Voucher 12313-12371	\$88,152.82
Electronic fund transfers	\$66,561.81
Credit Card	\$ 295.35
- Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$187.74:

Voucher T2034-T2036	\$ 187.74
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COUNCIL ACTION

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

CARRIED 7/0

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Type	Num	Date	Name	Memo	Muni	Trust
Bill Pmt -Cheque	12313	04/17/2008	AUSTRALIA POST	Postage Stamps	100.00	
Bill Pmt -Cheque	12314	04/17/2008	Australian Taxation Office	BAS March 2008	5,212.00	
Bill Pmt -Cheque	12315	04/17/2008	COURIER AUSTRALIA	Freight	20.67	
Bill Pmt -Cheque	12316	04/17/2008	CUBALLING TAVERN	March Council Meeting	132.00	
Bill Pmt -Cheque	12317	04/17/2008	CUBY ROADHOUSE	Misc Supplies March 2008	725.30	
Bill Pmt -Cheque	12318	04/17/2008	Great Southern Ranger Services	Ranger Services March 2008	258.50	
Bill Pmt -Cheque	12319	04/17/2008	KALAMAZOO (AUST) PTY LTD	Stationery Supplies	289.40	
Bill Pmt -Cheque	12320	04/17/2008	PETTY CASH	Petty Cash Recoup March 2008	273.75	
Bill Pmt -Cheque	12321	04/17/2008	REINFORCED CONCRETE PIPES PTY LTD	Depot Maintenance	1,225.44	
Bill Pmt -Cheque	12322	04/17/2008	SIGNS PLUS	Councillor Badges	41.00	
Bill Pmt -Cheque	12323	04/17/2008	TELSTRA	Telephone Account	713.26	
Bill Pmt -Cheque	12324	04/17/2008	WALGA	Advertising & Internet Gateway Service	949.08	
Bill Pmt -Cheque	12325	04/22/2008	WALGSP	Super Contributions March 2008	7,761.42	
Bill Pmt -Cheque	12326	05/05/2008	Ambassador Hotel Perth	Accommodation - Peta Clark	620.00	
Bill Pmt -Cheque	12327	05/05/2008	ARRB GROUP	Unsealed Road Manual	180.50	
Bill Pmt -Cheque	12328	05/05/2008	BILL EXPRESS	Transaction Fees March 2008	1.49	
Bill Pmt -Cheque	12329	05/05/2008	BUTLER SETTINERI	Interim Audit 2007/08	1,980.00	
Bill Pmt -Cheque	12330	05/05/2008	CANNON HYGIENE AUSTRALIA PTY LTD	Sanitary Monthly Service	224.80	
Bill Pmt -Cheque	12331	05/05/2008	COMMANDER AUSTRALIA LTD	Commander Rental Connect April 2008	136.24	
Bill Pmt -Cheque	12332	05/05/2008	COUNTRY PAINT SUPPLIES	Banners in the Terrace	226.92	
Bill Pmt -Cheque	12333	05/05/2008	Directions	Wages - P. Clark	1,449.62	
Bill Pmt -Cheque	12334	05/05/2008	EDWARDS MOTORS PTY LTD	CEO Car Changeover	8,225.00	
Bill Pmt -Cheque	12335	05/05/2008	FEDERAL STREET CLINIC	Pre-Employment Medical - B.Hare	88.00	
Bill Pmt -Cheque	12336	05/05/2008	Great Southern Waste Disposal	Refuse Site Maintenance April 2008	2,291.66	
Bill Pmt -Cheque	12337	05/05/2008	Great Southern Ranger Services	Ranger Services Callout 17 April 2008	110.00	
Bill Pmt -Cheque	12338	05/05/2008	LANDGATE	UV Revaluations 2008/09	4,457.25	
Bill Pmt -Cheque	12339	05/05/2008	NARROGIN CARPET CLEANERS	Carpet Cleaning CEO Residence	138.00	
Bill Pmt -Cheque	12340	05/05/2008	Narrogin Floral Studio	Wreath for Anzac Day	65.00	
Bill Pmt -Cheque	12341	05/05/2008	NetRegistry Pty Ltd	Domain Name Renewal	62.00	
Bill Pmt -Cheque	12342	05/05/2008	REINFORCED CONCRETE PIPES PTY LTD	Pipes for Depot	482.51	
Bill Pmt -Cheque	12343	05/05/2008	SHARED SERVICES CENTRE	Advertising	34.65	
Bill Pmt -Cheque	12344	05/05/2008	SHIRE OF WICKEPIN	Bus Hire - April Council Meeting	124.80	
Bill Pmt -Cheque	12345	05/05/2008	STAR TRACK EXPRESS	Freight on Signs	59.32	

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Bill Pmt -Cheque	12346	05/05/2008	Synergy	Electricity Account	1,793.30
Bill Pmt -Cheque	12347	05/05/2008	TELSTRA	Mobile Accounts - March 2008	133.53
Bill Pmt -Cheque	12348	05/05/2008	WA State Emergency Volunteer Association	Advertising	520.00
Bill Pmt -Cheque	12349	05/05/2008	WALGA	2008 Local Government Directories	121.02
Bill Pmt -Cheque	12350	05/09/2008	Avon Waste	Waste Management April 2008	462.00
Bill Pmt -Cheque	12351	05/09/2008	BEAUREPAIRES	Parts & Repairs	329.00
Bill Pmt -Cheque	12352	05/09/2008	BIRD'S SILOS & SHELTERS	GAAM Diaphragm	104.72
Bill Pmt -Cheque	12353	05/09/2008	BT EQUIPMENT	Parts & Repairs	181.45
Bill Pmt -Cheque	12354	05/09/2008	CASH.	Purchase Council Shopping	500.00
Bill Pmt -Cheque	12355	05/09/2008	CORPORATE EXPRESS	Stationery Supplies	254.63
Bill Pmt -Cheque	12356	05/09/2008	DEWS MINI EXCAVATIONS	Excavating	1,188.00
Bill Pmt -Cheque	12357	05/09/2008	Echelon Australia Pty Ltd	Training Course	97.35
Bill Pmt -Cheque	12358	05/09/2008	Fuji Xerox	Photocopier Charges & Paper	156.08
Bill Pmt -Cheque	12359	05/09/2008	GREAT SOUTHERN FUEL SUPPLIES	Fuel, Oils & Grease Supplies	22,119.15
Bill Pmt -Cheque	12360	05/09/2008	HANCOCKS HOME HARDWARE	Cut Key	4.00
Bill Pmt -Cheque	12361	05/09/2008	MAKIT NARROGIN HARDWARE	Hardware Supplies	101.80
Bill Pmt -Cheque	12362	05/09/2008	NARROGIN PACKAGING	Toilet Paper & Towels	288.41
Bill Pmt -Cheque	12363	05/09/2008	NEAT 'N' TRIM UNIFORMS PTY LTD	Uniform - P. Clark	403.02
Bill Pmt -Cheque	12364	05/09/2008	PARRYS	Protective Clothing	380.40
Bill Pmt -Cheque	12365	05/09/2008	RNR CONTRACTING PTY LTD	Supply & Spray Bitumen	11,469.15
Bill Pmt -Cheque	12366	05/09/2008	VINIDEX PTY LTD	Depot Maintenance	1,153.28
Bill Pmt -Cheque	12367	05/09/2008	Wattle Grove Motel	Accommodation - Alex Richardson	240.00
Bill Pmt -Cheque	12368	05/09/2008	Australian Taxation Office	BAS April 2008	6,565.00
Bill Pmt -Cheque	12369	05/09/2008	Cuby Roadhouse	Misc Supplies April 2008	462.10
Bill Pmt -Cheque	12370	05/09/2008	McDougall Weldments	Workshop	340.85
Bill Pmt -Cheque	12371	05/09/2008	Vi Barham Award for Excellence	Donation 2008	125.00
Cheque	T2034	05/02/2008	Bill & Bens Hot Bread Shop	Social Club BBQ	15.00
Cheque	T2035	05/02/2008	Narrogin Country Fresh Meats	Social Club BBQ	31.34
Cheque	T2036	05/05/2008	Building & Construction Industry Training Fund	BCITF Payment April 2008	141.40
EFT	260308	03/26/2008	WA Treasury Corporation	Loan Repayment	7,665.97
EFT	100408	04/10/2008	Neil Flood	Travel Reimbursement - March 2008	290.29
EFT	100408.2	04/10/2008	FESA	ESL Payment April 2008	193.94
EFT	110408	04/11/2008	Drivetrain Australia Pty Ltd	Loader Repairs	22,306.33
EFT	150408	04/15/2008	Shire of Cuballing	Wages 02.04.08 To 15.04.2006	16,149.81
EFT	180408	04/18/2008	Watch 24 Pty Ltd	monthly fee	43.29

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EFT	210408	04/21/2008	Directions	Wages P.Clark 22.03.08 to 04.04.08	1,304.67
EFT	220408	04/22/2008	SHIRE OF CUBALLING.	Social Club March 2008	110.00
EFT	290408	04/29/2008	SHIRE OF CUBALLING.	WAGES 16.04.2008 TO 29.04.2008	16,068.24
EFT	60508	05/06/2008	Neil Flood	Travel Reimbursement - April 2008	359.65
EFT	60508.2	05/06/2008	Quicken	Quickbooks subscription Renewal	564.99
EFT	60508	05/06/2008	Sarah Silvester	Medical Reimbursement	55.00
EFT	70508	05/07/2008	Directions	Wages P.Clark 19.04.08 to 02.05.08	1,449.63
Credit Card	180408	04/18/2008	Shire of Cuballing	Change of Plate 0CN	11.30
Credit Card	180408.1	04/18/2008	Shire of Cuballing	Car Registration/Transfer 0CN	284.05
					<u>\$ 155,009.98 \$ 187.74</u>

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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 April 2008 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 April 2008, be received.

COUNCIL ACTION

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

CARRIED 7/0

8.1.3 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) – 2008 ANNUAL LOCAL GOVERNMENT CONVENTION AND ANNUAL GENERAL MEETING

Submission to:	Ordinary Meeting of Council
Location/Address:	Nil
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Nil
Council Policy:	Nil
Budget Implications:	Nil (annual budget provision for Councillors & CEO to attend Convention)
File Reference:	Councils & Associations 5
Voting Requirements:	Simple Majority

Background

Correspondence from WALGA advising of the 2008 Local Government Convention and inviting Council to formally nominate its voting delegates for the Associations Annual General Meeting to be held on Saturday 2 August 2008.

Comment

The Convention in 2008 is to be held at the Perth Convention Centre commencing on Thursday 31 July 2008 to Saturday 2 August 2008, inclusive. Accommodation has been reserved at the Medina Apartments which are within close proximity and adjacent to the convention centre. A copy of the Information and Registration brochure for the convention has been circulated with the Council meeting agenda.

Pursuant to the WALGA Constitution, Council is entitled to register two (2) voting delegates for the Annual General Meeting (AGM).

In the last three years Council has nominated the Shire President and Deputy Shire President as the voting delegates.

The closing date for submission of motions to the AGM is Friday 6 June 2008.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Shire President, Cr Wittwer, and Deputy Shire President, Cr Brown, be registered as the voting delegates for the Shire of Cuballing at the Western Australian Local Government Association's Annual General Meeting to be held on Saturday 2 August 2008.

COUNCIL ACTION

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

CARRIED 7/0

8.1.4 CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE APPRAISAL

Item Deferred until the end of the Council meeting.

8.2 REPORTS – WORKS

8.2.1 WORKS MANAGERS REPORT

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

RESEALING PROGRAM

Pioneer Road Surfaces (PRS) scheduled to undertake the resealing works throughout the Shire in week commencing 14 April 2008 and did complete some of the works, however due to adverse weather conditions returned to their Bunbury base to carry out maintenance works on machinery. PRS now advise that they will return to complete remainder of works in week commencing 12 May 2008.

GRADING/MAINTENANCE

Winter grading is proceeding throughout the Shire as time and resources permit.

Nebrikinning Road, and some Cuballing town streets have been gravel sheeted in parts to improve the condition and safety of the roads/streets.

ROADSIDE SPRAYING

Roadside spraying program has been completed along road verges that have been mulched in recent years to prevent regrowth of vegetation.

PLANT AND EQUIPMENT

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

Please note the following in relation to the Venieri Front End Loader:

- Repairs to the front differential of the loader have been completed and the machine is back in working order.
- Intermittent electrical problems are still being experienced and these are causing the engine to derate.

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- Staff are maintaining contact with GCM in New South Wales and negotiating for their mechanic to visit Cuballing to inspect the machine.
- Letter and all associated information pertaining to purchase of the loader has been forwarded to McLeods Barristers and Solicitors to obtain a legal opinion on the warranty of the machine.
- Advertisement placed in Western Australian Newspaper on Saturday 10 May 2008 for replacement front end loader. This will provide Council with clear indication of purchase and/or changeover price for 2008/2009 budgetary purposes.

STAFF

Mr Brian Hare commenced duties with Council in a part time capacity (two days per week) on Monday 21 April 2008.

PRIVATE WORKS

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

Private works invoices for the month of April 2008, total \$17,608.78 (YTD at 30 April 2008 \$57,043.25).

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Managers Report be received and information noted.

COUNCIL ACTION

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

CARRIED 7/0

8.3 REPORTS – HEALTH AND BUILDING

8.3.1 ENVIRONMENTAL HEALTH OFFICER/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 two (2) applications approved and licenses issued for the month of April 2008.

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

Approval License No	Name of Owner	Registered Builder (RB) or Owner Builder (OB)	Structure	Location of Building
43-2007/08	W Hall	Owner Builder	Flywire Enclosure of Back Verandah	Lot 58 Austral Street Cuballing
44-2007/08	H Rozmainiec	Frank Weston & Co	New Colourbond Shed	Lot 355 Russell Street Cuballing

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Building Surveyors Report be received and information noted.

COUNCIL ACTION

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

CARRIED 7/0

8.3.2 MR PAUL TAYLOR – APPLICATION TO ERECT A SHED IN A RURAL RESIDENTIAL ZONE

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 137 York Street, Popanyinning
Reporting Officer:	Neil Flood, Environmental Health Officer/Building Surveyor
Enabling Legislation:	Building Code of Australia Building Regulations 1989 Health Act 1911 Planning and Development Act 2005
Council Policy:	Shire of Cuballing Town Planning Scheme No 2 Local Planning Policy (Outbuildings)
Budget Implications:	Nil
File Reference:	Town Planning 4
Voting Requirements:	Simple majority

Background

Mr Paul Taylor submits a building application to erect a shed on Lot 137 York Street, Popanyinning, without a dwelling on the property. The matter was previously presented to the April 2008 meeting of Council, at the meeting Council resolved:

That Mr Paul Taylor's building application to erect a shed on Lot 137 (No 50) York Rd, Popanyinning be refused.

Mr Taylor is requesting that Council reconsider the matter.

Comment

In requesting Council to reconsider his application, Mr Taylor is suggesting that he would be happy for Council to impose a condition on the approval stating that building plans to construct a dwelling on the property must be submitted within 12 months of the shed being constructed or the shed must be demolished. Mr Taylor has advised staff that he genuinely intends to build a dwelling at the property however is not in a position to do so at present and has not finalised what type of building to erect.

Whilst Mr Taylors application may very well be genuine, the Shire of Cuballing Town Planning Scheme No 2, clause 4.2(c), and Local Planning Policy Outbuildings does not support approval being granted for outbuildings on rural residential zone lots which do not contain a residence.

Town Planning Scheme No 2, clause 4.2(c): Rural-Residential Zone

- *To provide for rural smallholdings and a low density residential living environment in close proximity to the Rural Townsite zones;*
- *To ensure that all lots are adequately serviced with the necessary infrastructure;*
- *To ensure that no development is undertaken, specifically outbuildings, unless a single dwelling is existing on the property or is to be constructed at the same time.*

*Local Planning Policy, Outbuildings, clause g
No planning approval will be granted for any outbuildings on any Rural Townsite or Rural Residential zoned lot which does not contain a residence.*

Part 2 of the Town Planning Scheme No 2, Local Planning Policy Framework, further explains the relationship of Local Planning Policies to the Town Planning Scheme.

Clause 2.3.1: If the provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

Clause 2.3.2: A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the policy is designed to achieve before making its determination.

Note: Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In considering an application for planning approval, the local government must have due regard to relevant Local Planning Policies as required under clause 10.2.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Mr Paul Taylor's application to erect a shed on Lot 137 York Street, Popanyinning, prior to a residence being approved and constructed on the property be refused as it does not comply with the provisions of the Shire of Cuballing Town Planning Scheme No 2, clause 4.2(c), and Local Planning Policy Outbuildings, clause g.

COUNCIL ACTION

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

CARRIED 7/0

8.4 REPORTS – TOWN PLANNING

8.4.1 MCMAHON MINING TITLES SERVICES PTY LTD – APPLICATIONS FOR EXPLORATION LICENSES 70/3445 & E70/3450

Submission to:	Ordinary Meeting of Council
Location/Address:	Various localities throughout the Cuballing Shire
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Mining Act 1978
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	Permits & Licenses 1
Voting Requirements:	Simple majority

Background

Correspondence (two items) from McMahon Mining Titles Services advising that on behalf of their clients, Headland Metals Pty Ltd (EL 70/3455) and Whinnen Resources Ltd (EL E70/3450), applications have been submitted to the Department of Industry and Resources for the aforementioned explorations licenses.

Both applications have the capacity to impact large land masses within the Shire.

Comment

In previous situations Council has received such applications and noted the contents but taken no further action as the application company is simply notifying Council of the application/s in accordance with the requirements of the Mining Act 1978.

However the number of exploration applications within the Shire is increasing and therefore it may be appropriate for Council to consider the introduction of some control measures to ensure the exploration works do not have a negative impact on the land and other assets within the Shire.

Council could consider imposing the all/or some of the following conditions:

- All surface holes drilled for the purpose of exploration are to be capped, filled or otherwise made safe after completion.
- All costeans and other disturbances to the surface of the land made as a result of exploration, including drill pads, grid lines and access tracks, being backfilled and rehabilitated to the satisfaction of the district mining engineer. Backfilling and rehabilitation being required no later than six months after excavation unless otherwise approved in writing by the district mining engineer.
- Abandoned equipment and temporary buildings being removed from the mining tenement prior to or at the termination of exploration program.
- No activities taking place to the detriment of any roads, streets or verges.

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- Minimum disturbance being made to natural vegetation.
- Adequate dust suppression control methods and practices being used.
- Except with the approval of the Shire of Cuballing, all mining excavations or drilling operations being backfilled and the ground reinstated and revegetated at the completion of the operation to the satisfaction of the Shire of Cuballing.
- All works comply with the Environmental Protection (Noise) Regulations 1997.
- All waste materials, rubbish and plastic sample bags to be removed within 60 days of placement.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council supports the applications for Exploration Licenses 70/3445 and E70/3450, subject to the following conditions being imposed:

- All surface holes drilled for the purpose of exploration are to be capped, filled or otherwise made safe after completion.
- All costeans and other disturbances to the surface of the land made as a result of exploration, including drill pads, grid lines and access tracks, being backfilled and rehabilitated to the satisfaction of the district mining engineer. Backfilling and rehabilitation being required no later than six months after excavation unless otherwise approved in writing by the district mining engineer.
- Abandoned equipment and temporary buildings being removed from the mining tenement prior to or at the termination of exploration program.
- No activities taking place to the detriment of any roads, streets or verges.
- Minimum disturbance being made to natural vegetation.
- Adequate dust suppression control methods and practices being used.
- Except with the approval of the Shire of Cuballing, all mining excavations or drilling operations being backfilled and the ground reinstated and revegetated at the completion of the operation to the satisfaction of the Shire of Cuballing.
- All works comply with the Environmental Protection (Noise) Regulations 1997.
- All waste materials, rubbish and plastic sample bags to be removed within 60 days of placement.

COUNCIL ACTION

Moved Cr Brown Seconded Cr Newman that Council acknowledges the applications for Exploration Licenses 70/3445 and E70/3450, and requests the following conditions be imposed by the Department of Industry and resources if the exploration licenses are to be issued:

- All surface holes drilled for the purpose of exploration are to be capped, filled or otherwise made safe after completion.
- All costeans and other disturbances to the surface of the land made as a result of exploration, including drill pads, grid lines and access tracks, being backfilled and rehabilitated to the satisfaction of the district mining engineer. Backfilling and rehabilitation being required no later than six months after excavation unless otherwise approved in writing by the district mining engineer.
- Abandoned equipment and temporary buildings being removed from the mining tenement prior to or at the termination of exploration program.
- No activities taking place to the detriment of any roads, streets or verges.
- Minimum disturbance being made to natural vegetation.
- Adequate dust suppression control methods and practices being used.
- Except with the approval of the Shire of Cuballing, all mining excavations or drilling operations being backfilled and the ground reinstated and revegetated at the completion of the operation to the satisfaction of the Shire of Cuballing.
- All works comply with the Environmental Protection (Noise) Regulations 1997.
- All waste materials, rubbish and plastic sample bags to be removed within 60 days of placement.

CARRIED 7/0

8.1.3 CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE APPRAISAL

Mr Peter Naylor, Chief Executive Officer, declared a financial interest in this item and departed Council meeting at 3:50pm.

Submission to: Ordinary Meeting of Council
Location/Address: Nil
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Local Government Act 1995
Council Policy: Chief Executive Officer Contract of Employment
Budget Implications: Nil
File Reference: Staff 8 and Staff 15
Voting Requirements: Simple Majority

Background

It is a requirement in accordance with the provisions of the Local Government Act 1995, S5.38, that the performance of the Chief Executive Officer is reviewed/appraised at least once in relation to every year of employment. This matter is also addressed in clause 8 of the Contract of Employment between the Shire of Cuballing and the Chief Executive Officer.

Comment

Circulated with the Council meeting agenda is the Performance Review form that has been used by Council over the past five (5) years to appraise the Chief Executive Officers performance.

If Council or Councillors require further information (eg CEO current conditions of employment) prior to the Council meeting please contact the CEO.

Council conducted Chief Executive Officer Annual Performance appraisal and review of salary and conditions of employment.

COUNCIL ACTION

Resolved that this matter be presented to the 19 June 2008 Ordinary meeting of Council for final consideration and adoption.

Mr Peter Naylor re-joined the Council meeting at 5:04pm

9. OTHER BUSINESS

Nil

10. MEETING CLOSURE

There being no further business the Shire President declared the meeting closed at 5:05pm.