

SHIRE OF CUBALLING

COUNCIL MEETING FRIDAY 19 DECEMBER 2008

MINUTES

TABLE OF CONTENTS

1. **OPENING - ANNOUNCEMENT OF VISITORS**
2. **ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE**
3. **PUBLIC QUESTION TIME**
4. **APPLICATIONS FOR LEAVE OF ABSENCE**
5. **MINUTES**
 - 5.1 **Confirmation of 20 November 2008 Meeting of Council** (as circulated)
 - 5.2 **Annual Electors Meeting held on 20 November 2008** (as circulated)
6. **PETITIONS, DEPUTATIONS, PRESENTATIONS & DECLARATIONS**
7. **DISCLOSURES IF INTEREST**
8. **REPORTS**
 - 8.1 **FINANCE AND ADMINISTRATION** (Beige)
 - 8.2 **WORKS** (Blue)
 - 8.3 **HEALTH AND BUILDING** (Green)
 - 8.4 **TOWN PLANNING** (Yellow)
9. **ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
10. **OTHER URGENT BUSINESS**
11. **CLOSURE OF MEETING**

5. **MINUTES**

5.1 **CONFIRMATION OF 20 NOVEMBER 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 20 November 2008 be confirmed.

COUNCIL ACTION

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

CARRIED 5/0

5.2 **ANNUAL ELECTORS MEETING HELD ON THURSDAY 20 NOVEMBER 2008**

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

Background

Provisions within the Local Government Act 1005, S5.33, states that all decisions made at an electors' meeting are to be considered at the next ordinary council meeting, or if that is not practicable, at the first ordinary council meeting after that meeting or a special meeting called for that purpose.

Comment

There were no issues raised at the annual electors meeting for special consideration by Council.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the minutes of the Shire of Cuballing Annual Electors Meeting held on Thursday 20 November 2008, be received.

COUNCIL ACTION

Moved Cr Newman, seconded Cr Haslam that the Chief Executive Officers recommendation be adopted.

CARRIED 5/0

6. PETITIONS, DEPUTATIONS, PRESENTATIONS & DECLARATIONS

Prior to the commencement of the Council meeting, Mrs Cath McKeown and Mr Brett Beecham of the Department of Environment and Conservation made a presentation to Mr Ian Grainger, Mrs Helen Grainger and Ms Helen Elliott of the Shire of Cuballing Townscape Committee for State Tidy Towns Award, "Enhancing Cultural Identity". The award was recently announced at State Tidy Towns awards in Perth on Friday 28 November 2008.

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 8.1.3: The Chief Executive Officer, Mr Peter Naylor, 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 – DECEMBER 2008

Submission to: Ordinary Meeting of Council
Location/Address: Not applicable
Reporting Officer: Belinda Furphy, 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 \$118,852.58:**

Vouchers 12678-12753	\$72,779.24
Electronic fund transfers	\$46,033.34
Credit Card	\$ 40.00

- **Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$665.00:**

Voucher T2055-T2060	\$ 665.00
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COUNCIL ACTION

Moved Cr Haslam, seconded Cr Meharry that the Chief Executive Officers recommendation be adopted.

CARRIED 5/0

Ordinary Council Meeting Minutes 19 December 2008

Type	Num	Date	Name	Memo	Muni	Trust
Bill Pmt - Cheque	12678	11/20/2008	Arthur Johnson	Reimburse costs to make display notice at vintage machinery display	20.00	
Bill Pmt - Cheque	12679	11/20/2008	AUSTRALIA POST	West Australian - September	31.00	
Bill Pmt - Cheque	12680	11/20/2008	BORAL CONSTRUCTION MATERIALS GROUP	Emulsion	2,145.00	
Bill Pmt - Cheque	12681	11/20/2008	CASH.	Purchase of Council Shopping	500.00	
Bill Pmt - Cheque	12682	11/20/2008	DRYANDRA COUNTRY VISITOR CENTRE INC.	Advertising - Australia's Golden Outback	330.00	
Bill Pmt - Cheque	12683	11/20/2008	FARMWORKS AUSTRALIA PTY LTD	Weed Control	33.00	
Bill Pmt - Cheque	12684	11/20/2008	Fuji Xerox	Stationery	155.10	
Bill Pmt - Cheque	12685	11/20/2008	NARROGIN AGRICULTURAL REPAIRS	Plant parts & repairs	244.50	
Bill Pmt - Cheque	12686	11/20/2008	NARROGIN PACKAGING	Toilet Supplies	355.22	
Bill Pmt - Cheque	12687	11/20/2008	Narrogin Smash Repairs	Supply & fit new windscreen	313.50	
Bill Pmt - Cheque	12688	11/20/2008	PAGE TRUCK HIRE	Excavator Hire	396.00	
Bill Pmt - Cheque	12689	11/20/2008	PETTY CASH	Petty Cash Recoup November 2008	239.50	
Bill Pmt - Cheque	12690	11/20/2008	Sportspower Narrogin	Shire Tennis Tournament 2008/09	400.00	
Bill Pmt - Cheque	12691	11/20/2008	TELSTRA	Telephone Account - October 2008	718.76	
Bill Pmt - Cheque	12692	11/20/2008	WA College of Agriculture - NGN	Graduation Award Sponsorship	100.00	
Bill Pmt - Cheque	12693	11/20/2008	Australian Taxation Office	BAS October 2008	903.00	
Bill Pmt - Cheque	12694	12/08/2008	Avon Waste	Refuse Site Maintenance - November 08	481.41	
Bill Pmt - Cheque	12695	12/08/2008	BILL & BENS HOT BREAD SHOP	Council Sundowner	33.60	
Bill Pmt - Cheque	12696	12/08/2008	BIRD'S SILOS & SHELTERS	Hire of Dingo - Popanyinning Trail	319.00	

SHIRE PRESIDENT _____

19 February 2009

Ordinary Council Meeting Minutes 19 December 2008

Bill Pmt - Cheque	12697	12/08/2008	Cafe 27	Council Sundowner - sandwiches	26.60
Bill Pmt - Cheque	12698	12/08/2008	COMMANDER AUSTRALIA LTD	Contract Charges	136.24
Bill Pmt - Cheque	12699	12/08/2008	CUBALLING TAVERN	November Council Meeting Dinner	312.00
Bill Pmt - Cheque	12700	12/08/2008	CUBY ROADHOUSE	Roadhouse supplies	474.00
Bill Pmt - Cheque	12701	12/08/2008	Dawsons Funeral Home.	War Memorial Plaque	263.00
Bill Pmt - Cheque	12702	12/08/2008	DKF Contracting	Slash & Firebreaks at Lot 101 Victoria Rd, Popanyinning	175.00
Bill Pmt - Cheque	12703	12/08/2008	E. & M.J. ROSHER PTY LTD	Parks & reserves general	95.10
Bill Pmt - Cheque	12704	12/08/2008	FRANK WESTON & CO	Welder	2,495.00
Bill Pmt - Cheque	12705	12/08/2008	Fuji Xerox	Photocopier Charges November 2008	57.30
Bill Pmt - Cheque	12706	12/08/2008	GCM AGENCIES PTY LTD	Plant parts & repairs	998.80
Bill Pmt - Cheque	12707	12/08/2008	Great Southern Ranger Services	Ranger Services	266.20
Bill Pmt - Cheque	12708	12/08/2008	HIF	Health Insurance Contribution November 2008 - Peter Naylor	205.10
Bill Pmt - Cheque	12709	12/08/2008	LANDGATE	UV Valuations	63.70
Bill Pmt - Cheque	12710	12/08/2008	LOCAL HEALTH AUTHORITIES ANALYTICAL	Analytical Services 2007/2008	33.40
Bill Pmt - Cheque	12711	12/08/2008	Main Roads WA	Bridge repairs 3172 over Hotham River	546.29
Bill Pmt - Cheque	12712	12/08/2008	MAKIT NARROGIN HARDWARE	Miscellaneous Supplies	313.70
Bill Pmt - Cheque	12713	12/08/2008	NARROGIN BEARING SERVICE	Plant parts & repairs	135.72
Bill Pmt - Cheque	12714	12/08/2008	PHONOGRAPHIC PERFORMANCE COMPANY OF AUST	Licence Renewal	211.20
Bill Pmt - Cheque	12715	12/08/2008	POPANYINNING GENERAL STORE	Fuel - Popanyinning Fire Truck	179.75

Ordinary Council Meeting Minutes 19 December 2008

Bill Pmt - Cheque	12716	12/08/2008	QUICKFIT WINDSCREENS & NARROGIN GLASS	New door handle and key	76.45
Bill Pmt - Cheque	12717	12/08/2008	SHIRE OF CUBALLING.	Social Club Contribution	270.00
Bill Pmt - Cheque	12718	12/08/2008	STAR TRACK EXPRESS	Freight	252.99
Bill Pmt - Cheque	12719	12/08/2008	Synergy	Electricity Account	301.35
Bill Pmt - Cheque	12720	12/08/2008	TELSTRA	Telephone Account - November 2008	133.42
Bill Pmt - Cheque	12721	12/08/2008	WALGSP	Super Contribution Nov 2008	11,786. 50
Bill Pmt - Cheque	12722	12/08/2008	WATER CORPORATION	Water Account	85.90
Bill Pmt - Cheque	12723	12/08/2008	BUILDERS REGISTRATION BOARD OF WA	BRB PAYMENT NOVEMBER 2008	234.50
Bill Pmt - Cheque	12724	12/15/2008	ACCIDENTAL FIRST AID SUPPLIES	First Aid Supplies	645.93
Bill Pmt - Cheque	12725	12/15/2008	Albany Advertiser	Bush Fire Advertising	100.00
Bill Pmt - Cheque	12726	12/15/2008	AUSTRALIA POST	Postage & Newspapers	247.30
Bill Pmt - Cheque	12727	12/15/2008	BEAUREPAIRES	Plant parts & repairs	1,958.2 0
Bill Pmt - Cheque	12728	12/15/2008	CORPORATE EXPRESS	Stationery	116.79
Bill Pmt - Cheque	12729	12/15/2008	COURIER AUSTRALIA	Freight	93.23
Bill Pmt - Cheque	12730	12/15/2008	CUBY ROADHOUSE	Roadhouse Supplies November 08	512.80
Bill Pmt - Cheque	12731	12/15/2008	Directions	P.Clark Wages 01.11.2008 to 14.11.2008	1,422.0 4
Bill Pmt - Cheque	12732	12/15/2008	EDWARDS MOTORS PTY LTD	Plant parts & repairs	2,100.3 5
Bill Pmt - Cheque	12733	12/15/2008	Great Southern Waste Disposal	Management of Cuballing Refuse Site November 2008	2,750.0 0
Bill Pmt - Cheque	12734	12/15/2008	GREAT SOUTHERN FUEL SUPPLIES	Fuel Account November 2008	18,461. 24

Ordinary Council Meeting Minutes 19 December 2008

Bill Pmt - Cheque	12735	12/15/2008	HANCOCKS HOME HARDWARE	Workshop Supplies	39.95
Bill Pmt - Cheque	12736	12/15/2008	HANSON CONSTRUCTION MATERIALS	Granite	5,372.8 4
Bill Pmt - Cheque	12737	12/15/2008	JR & A HERSEY P/L	Protective Clothing	654.50
Bill Pmt - Cheque	12738	12/15/2008	Kulker Plumbing Service	Plumbing Maintenance	446.89
Bill Pmt - Cheque	12739	12/15/2008	LANDVISION	Modifications to Local Planning Strategy	704.00
Bill Pmt - Cheque	12740	12/15/2008	MAJOR MOTORS PTY LTD	Plant parts & repairs	4,046.9 6
Bill Pmt - Cheque	12741	12/15/2008	MCDOUGALL WELDMENTS	Plant parts & repairs	133.94
Bill Pmt - Cheque	12742	12/15/2008	NARROGIN BEARING SERVICE	Plant parts & repairs	134.64
Bill Pmt - Cheque	12743	12/15/2008	NARROGIN HIRE SERVICE AND RETICULATION	Jack Hammer Hire & Reticulation Supplies	231.20
Bill Pmt - Cheque	12744	12/15/2008	NARROGIN TOYOTA	Plant parts & repairs	368.37
Bill Pmt - Cheque	12745	12/15/2008	NEAT 'N' TRIM UNIFORMS PTY LTD	Uniforms - S. Silvester & B. Furphy	578.00
Bill Pmt - Cheque	12746	12/15/2008	PETTY CASH	Petty Cash Recoup November 2008	210.90
Bill Pmt - Cheque	12747	12/15/2008	Protector Alsafe	Protective Clothing	768.76
Bill Pmt - Cheque	12748	12/15/2008	Radiowest	Fire Safety Messages 2008	77.00
Bill Pmt - Cheque	12749	12/15/2008	Scitech	Scitech Roadshow - Popanyinning Spring Festival	1,380.0 0
Bill Pmt - Cheque	12750	12/15/2008	Sportspower Narrogin	Engraving - Tennis Tournamanet Trophies	92.00
Bill Pmt - Cheque	12751	12/15/2008	TOTAL EDEN WATERING SYSTEMS	Reticulation Supplies	165.00
Bill Pmt - Cheque	12752	12/15/2008	WATER CORPORATION	Water Account	1,066.8 5
Bill Pmt - Cheque	12753	12/15/2008	WESTRAC EQUIPMENT	Plant parts & repairs	51.76

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 November 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 November 2008, be received.

COUNCIL ACTION

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

CARRIED 5/0

8.1.3 CHIEF EXECUTIVE OFFICER ANNUAL LEAVE

The Chief Executive Officer, Mr Peter Naylor, declared a Financial Interest.

Submission to: Ordinary Meeting of Council
Location/Address: Shire Administration Office
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Nil
Council Policy: Nil
Budget Implications: Nil
File Reference: Staff 8
Voting Requirements: Simple majority

Background

The Chief Executive Officer will be clearing 16 days of annual leave and public holiday entitlements from Monday 5 January 2009 until Monday 26 January 2009, inclusive, resuming on Tuesday 27 January 2009.

Comment

The Chief Executive Officer (CEO) will be available to receive calls to the Shire mobile telephone over the Xmas/New Year office closure period. Arrangements have been made with the CEO's and senior staff of neighbouring Councils to assist administration office staff should an urgent issue arise whilst the CEO is on annual leave.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Chief Executive Officers Annual Leave be endorsed.

COUNCIL ACTION

Moved Cr Hawksley, seconded Cr Meharry that the Chief Executive Officers recommendation be adopted.

CARRIED 5/0

8.1.4 REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM, STATE GOVERNMENT ROYALTIES TO THE REGIONS PROGRAM

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
File Reference:	Grants 2
Voting Requirements:	Simple Majority

Background

Regional and Local Community Infrastructure Program

Under the recently announced Regional and Local Community Infrastructure Program (RLCIP) one-off funding totalling \$250m will be provided to local governments throughout Australia in 2008/2009 to help stimulate additional growth and economic activity as part of the Australian Governments contribution to address the global economic crisis. The allocation to the Shire of Cuballing is \$100,000.

A letter of offer and request for details of projects is being prepared and will be sent to all Councils. Councils will have until 30 January 2009 to return the documentation advising of the identified projects, that they are ready to proceed and are additional to current operating budgets. Funding will be released soon thereafter.

The RLCIP funding can be allocated to :

- social and cultural infrastructure (eg art spaces, gardens);
- recreational facilities (eg swimming pools, sports stadiums);
- tourism infrastructure (eg walkways, tourism information centres);
- children, youth and seniors facilities (eg playgroup centres, senior citizens' centres);
- access facilities (eg boat ramps, footbridges); and
- environmental initiatives (eg drain and sewerage upgrades, recycling plants).

The Funding cannot be used for activities such as ongoing costs (eg operational costs and maintenance); transport infrastructure, such as roads; or related infrastructure covered by the Roads to Recovery or Black Spots programs.

Advice from the WA Local Government Association is that the funding should be used on new capital type programs or it could have an adverse effect on future Local Government Grants Commission allocations.

Royalties to the Regions Program

On Tuesday 16 December 2008, at a forum at the University of WA, the State Nationals Leader, and the Minister for Regional Development, Brendon Grylls, announced the Royalties to the Regions Funding Program. Under this Program grant funds totalling more than \$97m (in 2008/2009) will be paid to country local governments to enable critical infrastructure projects to be carried out. The funding program is set to run over a four year period.

The Shire of Cuballing has been allocated \$572,416 in 2008/2009, however full details of the RtR program are still yet to be received and therefore it is not known what criteria projects will have to meet to be compliant with the funding guidelines.

Comment

Council staff prepared a comprehensive list of likely projects, including works and costings, for Council consideration that fit within the guidelines for the RLCIP funding and are almost certainly expected to meet the criteria for the RtR program. Details of the projects were tabled at the Council meeting.

Whilst there is still some time for consideration for projects under the State Royalties to the Regions funding, Council needs to inform the Federal Government by no later than 30 January 2009, of projects to be carried out under the Regional and Local Community Infrastructure Program.

Councillors were requested to give further consideration for possible projects to be funded under the RtR program and the matter will be represented to the February 2009 Meeting of Council.

3:51pm Cr J D Brown entered the Council Chamber.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

For Council consideration and direction please.

COUNCIL ACTION

Moved Cr Newman, seconded Cr Haslam that:

- **The Recreational Vehicle Stay Area (in Cuballing), Cuballing Mens Shed and Yornaning Dam Water Harvesting, be the projects to be carried out under the Federal Government Regional and Local Community Infrastructure Program; and**
- **The remainder of proposed projects, as per tabled list, be considered for funding under the Royalties to the Region Program, and the matter be represented to the February 2009 Meeting of Council for further consideration.**

CARRIED 6/0

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

GRADING/MAINTENANCE

Summer maintenance grading is proceeding throughout the Shire, the main emphasis has been on grain carting routes.

Bitumen patching is progressing throughout the Shire.

2008/2009 ROAD CONSTRUCTION PROGRAM

Cuballing East Road:

Widening works have been completed and shoulders bitumen sealed.

Reseal Works:

Boral Asphalt have completed the bitumen reseal works on Cuballing West, Cuballing East, Pauley and Popanyinning West Roads, and Carrier Street and portion of Bunmulling Road in the Popanyinning townsite.

Forrest Street, Popanyinning

Works have almost been to completed to enable this street to be widened and resealed, however the intersection with Popanyinning West Road and Dowling Road remains a concern. The Works Manager and Chief Executive Officer recently had on site meeting with Mr Bernie Miller, Regional Manager Main Roads Narrogin, to investigate suitable alternatives for the intersection. Some concept sketches will be prepared for Council consideration. It may be necessary for Council to meet on site with Main Roads and local stakeholders to determine to most appropriate intersection design.

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.

4:05pm Mr A S Richardson, Works Manager, entered the Council Chamber.

BRIDGE #428, WANDERING-NARROGIN ROAD

Repairs have been completed to the bridge following accident on 13 November 2008.

STAFF

Mr Graham Maddison recently resigned from Councils employment after almost 12¹/₂ years of service. Graham completed his duties on Thursday 4 December 2008. Graham is relocating to the metropolitan area and will soon commence work with a private transport company.

PRIVATE WORKS

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

Private works invoices for the month of November 2008, total \$8,599.65; Year to date \$28,108.21.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Managers Report be received and information noted.

COUNCIL ACTION

Moved Cr Meharry, seconded Cr Haslam that the Chief Executive Officers recommendation be adopted.

CARRIED 6/0

The Shire President thanked and congratulated Mr Richardson and the outside works staff, on behalf of Council and the community, for the excellent works program carried out during the recent twelve month period.

8.2.2 BUSH FIRE INCIDENT REPORT/S

Submission to: Ordinary Meeting of Council
Location/Address: Lot 128 (number 71) Bunmulling Road, Popanyinning
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Bush Fires Act 1954
Council Policy: 6.1
Budget Implications: Nil
File Reference: Bush Fire Control 10
Voting Requirements: Simple majority

Background

The following Bush Fire Incident Report has been received for recent fire within the Shire of Cuballing.

Comment

A summary of the fire is hereunder:

Date	Property Owner	Details
15 November 2008	Pasquale Merolla Hotham Olive Farm	Fire ignited whilst property owner welding a shed post. The fire was brought under control and suppressed by property owner. Crews from Cuballing, Popanyinning and Popanyinning East attended and assisted with "mop up".

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Bush Fire Incident Report be noted and copy forwarded to the Fire and Emergency Services Authority of WA.

COUNCIL ACTION

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

CARRIED 6/0

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 Code of Australia
 Building Regulations 1989
 Builders’ Registration Act 1939
Council Policy: Register Delegated Authority
 Shire of Cuballing Town Planning Scheme No 2
Budget Implications: Nil
File Reference: CMR 2
Voting Requirements: Simple majority

Summary

There were six (6) applications approved and licenses issued for the month of November 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
28-2008/09	L O’Connell	Owner Builder	Renovations & Additions B/I Dwelling	Lot 48 Schoolers Rd Cuballing
29-2008/09	M Gullotto	Owner Builder	S/F Colourbond Shed	Lot 100 Reeds Rd Popanyinning
30-2008/09	R M Hisley	D Borret 26 Worthing St Westminster	S/F Patio	Lot 391 Alton St Cuballing
31-2008/09	Putjar Aboriginal Corporation	Owner Builder	T/F Ablution Block	Loc 4905 Great Southern Hwy Yornaning
32-2008/09	T Wittwer	Wheatbelt Sheds Kalannie	S/F Machinery Shed	Loc 4828 Stratherne Rd Popanyinning
33-2008/09	C Cousins	Owner Builder	S/F Shed	Loc 4856 Popanyinning Rd West Popanyinning

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Environmental Health Officer/Building Surveyors Report be received.

COUNCIL ACTION

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

CARRIED 6/0

8.3.2 CUBALLING TAVERN – APPLICATION TO ESTABLISH “BREAKOUT SMOKING AREA”

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 8 Alton Street, Cuballing
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Health Act 1911 Tobacco Products Control Act 2006
Council Policy:	Town Planning Scheme No 2
Budget Implications:	Nil
File Reference:	Permits and Licences 7
Voting Requirements:	Simple majority

Background

The proprietors of the Cuballing Tavern, Brian & Donna Harvison, are applying to the Department of Racing, Gaming & Liquor (DRGL) to establish a “Breakout Smoking Area”, including consumption of food and liquor, on the footpath area at the front of the Cuballing Tavern under the verandha.

The DRGL advised that they are prepared to support the Taverns application, however the Tavern owners need approval from Council in the first instance as the footpath area is part of the Alton Street road reserve and as such is under the care and control of the Shire of Cuballing.

As the Tavern would ideally like to have the extended permit in place prior to the oncoming Christmas/New Year Period, the Chief Executive Officer (CEO) forwarded an email to Councillors on 26 November 2008, seeking Councillor comment and feedback on the proposal. Six of seven Councillors responded supporting the proposal, one Councillor commented on the liability insurance aspect, and this has been investigated by the CEO.

As the area in question is an area of Council responsibility the liability issue will always remain, as a person/body corporate cannot transfer its liability responsibility onto another party. However in consultation with Councils insurers the Tavern has been requested to obtain a policy of insurance in the names of both the Shire of Cuballing and the Cuballing Tavern indemnifying the Shire in respect of any injury to any person or any damage to the property

which may occur in connection with the use of the Shire property by the Tavern. This has been included as a clause in the Trading in Public Places Permit which has been prepared for the purpose of the proposed activity.

Comment

In pursuing this matter and preparing the Trading in Public Places Permit, the CEO contacted the Shire of Gingin to obtain advice and guidance on the proposal. The Shire of Gingin supported a similar proposal by the Gingin Hotel in May 2007, and the Breakout Area has been functioning well. The CEO also had discussions with relevant persons in the DRGL to ascertain the processes and guidelines to follow with the application.

Following the response from Councillors and seeking the aforementioned advice, the CEO responded to the owners of the Cuballing Tavern on 1 December 2008, as follows:

With reference to your recent letter and our subsequent discussions, I hereby advise that the Shire of Cuballing supports your application to the Department of Racing, Gaming & Liquor to establish a "Breakout Smoking Area", including consumption of food and liquor, on the footpath area at the front of the Cuballing Tavern.

Please find herewith copy of Trading in Public Places Permit that has been prepared by Council and will be issued when final approval has been received from the Department of Racing, Gaming & Liquor, cost of permit will be \$100.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **Council supports the Cuballing Taverns application to the Department of Racing, Gaming & Liquor to establish a "Breakout Smoking Area", including consumption of food and liquor, on the footpath area at the front of the Cuballing Tavern under the verandha area;**
- **Annual cost for the Cuballing Tavern for the Trading in Public Places Permit be \$100.00; and**
- **Council endorses the Chief Executive Officers actions.**

COUNCIL ACTION

Moved Cr Haslam, seconded Cr Meharry that the Chief Executive Officers recommendation be adopted.

CARRIED 6/0

8.3.3 STRATEGIC WASTE MANAGEMENT PLAN AND FUTURE NEEDS WITHIN THE SHIRE OF CUBALLING

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire of Cuballing
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Health Act 1911 Waste Avoidance and Resource Recovery Act 2007
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	Health 10
Voting Requirements:	Simple majority

Background

Draft 4 of the Strategic Waste Management Plan, prepared on behalf of the Wagin Group by Bowman & Associates, was advertised for public consultation and has now been presented to the Department of Environment and Conservation for final endorsement.

The draft plan includes various recommendations for the 12 participating Councils. Two of the recommendations for the Shire of Cuballing are introducing a kerbside collection service for both landfill and recycling products, and consideration for establishing a central landfill site at Yornaning and closing of the Cuballing and Popanyinning sites.

Comment

In relation to these matters Council has been discussing (informally) for some time the benefit of a centrally located managed landfill site as opposed to expected higher costs to have two managed landfill sites at Cuballing and Popanyinning.

Therefore it is being proposed the following matters be considered by Council to enable staff to gain a clear understanding of where the Shire wants to be in terms of waste management in the future, most probably commencing in the 2010/2011 Financial Year:

- Engage the services of consultant (possibly Bowman & Assoc) to investigate suitability of Yornaning West site for future refuse site (landfill and recycling);
- If Yornaning West site is suitable and approved by the DEC, consultant to prepare management/business plan and post closure plan for the site;
- If Yornaning West site is approved, the Cuballing and Popanyinning sites to be discontinued in their current format;
- Introduce kerbside collection services in Cuballing and Popanyinning townsites for both landfill and recycling products;
- 240L bins (2) be provided to each household within the townsites by Council as one-off arrangement, to be the property of the household. Lost or damaged bins to be replaced/repared by the property owner;

- Yornaning West site be managed by contract and opened on restricted basis as per the Cuballing site presently;
- Waste Contractor to be responsible for and to introduce as many recycling activities as possible, including: paper, cardboard, plastics, aluminium, tin, steel, batteries and electronic waste.

Further to the above, the gravel pit site on Yornaning West Road that has been identified as possible land fill site is in the process of being excised from existing water catchment reserve and being vested with the Shire of Cuballing for purpose of gravel. This change, which has been in process for about three years, is now proceeding and it is anticipated the new Management Order will be issued to the Shire of Cuballing early in the New Year (2009).

Once Council has control of the portion of reserve for gravel, actions could commence to include the purpose of “Waste Management and Landfill Site” if deemed suitable by the waste management consultant.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council engages the services of Waste Management Consultant to:

- **Investigate suitable centrally located waste management and landfill site within the Shire, possibly in the Yornaning area; and**
- **If suitable site is identified then undertake approvals process with the Department of Environment and Conservation and Environmental Protection Authority under the Environmental Protection Act 1986.**

COUNCIL ACTION

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

CARRIED 6/0

8.4 REPORTS – TOWN PLANNING

8.4.1 REVIEW OF SHIRE OF CUBALLING LOCAL PLANNING STRATEGY

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Peter Naylor, Chief Executive Officer Trevor Moran, Town Planning Consultant
Enabling Legislation:	Planning and Development Act 2005 Town Planning Regulations 1967
Council Policy:	Town Planning Scheme No 2 Local Planning Strategy
Budget Implications:	Nil
File Reference:	Town Planning 8
Voting Requirements:	Simple majority

Background

In early 2007, Council worked with the Town Planning Consultant, Mr Trevor Moran, to prepare a number of addendums to the Shire of Cuballing Local Planning Strategy.

In April 2007, Council resolved to approve the various addendums to the Local Planning Strategy and forward them to the Western Australian Planning Commission (WAPC) for comment and endorsement.

Advice has now been received that the WAPC has certified the amendments to the local planning strategy, subject to a schedule of modifications being incorporated, and that the amendment should be advertised for a minimum period of three weeks in accordance with the provisions of the Town Planning Regulations 1967.

Comment

The various amendments to the Local Planning Strategy have basically been prepared to identify areas within the Shire to which pressures of growth, both residential and business, can be directed and/or accommodated in the future. A summary of the proposals for consideration follows:

Cuballing:

1. The consolidation of the town centre (increased densities dependent upon provision of adequate effluent treatment systems).
2. Rural Residential development to the north and Rural Townsite and Rural Residential development to the south of the town (subject to land capability and environmental assessment).
3. The introduction of controls over vegetated areas identified for future development in the townsite.

4. The introduction of controls over development of flood prone land and the protection of riparian vegetation in areas affected by the main drainage lines which traverse the townsite.

Popanyinning:

1. Modest residential development in the current undeveloped portion of the existing townsite.

Yornaning:

1. A rural industry precinct adjacent to the highway at Yornaning with supporting industry located in the former Yornaning townsite.
2. A Special Control Area over Yornaning townsite to control the possible mix of residential and industrial type uses.

The above proposals will allow the population of the Cuballing and Popanyinning townsites to increase to approximately 800 and 250, respectively, and allow for the future development of an agricultural industry precinct at Yornaning if demand requires.

The Town Planning Consultant has prepared an amended document incorporating the schedule of modifications as detailed by the WAPC. A copy of the document has been circulated with the Council Meeting Agenda.

When Council endorsed the addendums in April 2007 it was necessary for Councillors Brown, Newman and Wittwer to declare a financial interest as the proposed addendums affected properties in which they have an interest. However in this situation the decision before Council is to advertise the amendments for public comment, which is a different situation and does not require the Councillors declaring an interest.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Amendment to the Shire of Cuballing Local Planning Strategy be advertised for public comment for a minimum period of 21 days in accordance with the provisions of the Town Planning Regulations 1967.

COUNCIL ACTION

Moved Cr Haslam, seconded Cr Hawksley that the Chief Executive Officers recommendation be adopted.

CARRIED 6/0

8.4.2 DEPARTMENT OF ENVIRONMENT AND CONSERVATION – PROPOSED PURCHASE OF PORTIONS OF LOTS 285 AND 347

Submission to:	Ordinary Meeting of Council
Location/Address:	Portion Lots 285 & 347 Cooke Rd, Popanyinning East
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Planning and Development Act 2005 Land Administration Act 1997
Council Policy:	Town Planning Scheme No 2
Budget Implications:	Nil
File Reference:	Lands 8b
Voting Requirements:	Simple majority

Background

In September 2007, Council considered a request from the State Land Services (SLS) to comment on a proposal they had received from the Department of Environment and Conservation (DEC) to change the purpose of Reserve 36413 Neamutin Road from “Trigonometrical Station” to “Conservation of Flora and Fauna”.

The referral to Council came following a proposal the DEC put to SLS to change the purpose of the reserve to enable the uncleared vegetation to become an important link in a “super” nature reserve, with neighbouring private owned areas and the Tutanning Nature Reserve, to preserve native flora and fauna within the region.

The major consideration for Council in this proposal was that the reserve is the host site for the Emergency Services Two Way Radio Repeater Station for the Shires of Cuballing and Pingelly.

At the September 2007 meeting, Council resolved as follows:

That Council supports the change in purpose for Reserve 36413 (Lot 151) Neamutin Road from “Trigonometrical Station” to “Conservation of Flora and Fauna” on the proviso that access to the Shires of Cuballing and Pingelly Emergency Services Two Way Radio Repeater Station is maintained and available at all times.

Correspondence has now been received from the DEC advising that the owners of Lots 285 and 347 Cooke Road, J & J English, have agreed to sell portion of the two lots that adjoins Reserve 36413.

The DEC are seeking comment from Council on the proposal to purchase portion of the two lots and merging into Reserve 36413. The land transaction will require a formal planning application to be submitted to the WA Planning Application, and they would like some comment/feedback from Council prior to commencing this process.

Comment

From the information, including aerial photographs, provided it appears that the portions of Lots 285 and 347 being referred to is mostly non arable land that has native vegetation coverage.

It appears that the proposal is quite acceptable and would only serve to enhance the nature corridor that the DEC is attempting to develop, without reducing the arable farming land available within the district.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Department of Environment and Conservation be advised that Council supports the proposal for portion of Lots 285 and 347 to be subdivided out of existing titles and merged with Reserve 36413.

COUNCIL ACTION

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

CARRIED 6/0

9. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10. OTHER URGENT BUSINESS

Nil

11. CLOSURE OF MEETING

There being no further business the Shire President declared the meeting closed at 4:40pm