

**SHIRE OF CUBALLING**

**COUNCIL MEETING THURSDAY 20 NOVEMBER 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 23 October 2008 Meeting of Council (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**

**ORDINARY COUNCIL MEETING MINUTES**

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE  
CUBALLING SHIRE, HELD IN THE COUNCIL CHAMBER, CAMPBELL  
STREET, CUBALLING ON THURSDAY 20 NOVEMBER 2008**

**1. OPENING – ANNOUNCEMENT OF VISITORS**

The Shire President welcomed Councillors and declared the meeting open at 3:17pm.

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

**ATTENDANCE**

Shire President, Cr T H Wittwer  
Cr D S Bradford  
Cr C Hawksley  
Cr R D Newman  
Chief Executive Officer, Mr P T Naylor

Deputy President, Cr J D Brown  
Cr T P Haslam  
Cr J R A Meharry

**APOLOGIES**

Nil

**LEAVE OF ABSENCE**

Nil

**3. PUBLIC QUESTION TIME**

Nil

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Moved Cr Newman, seconded Cr Meharry that Leave of Absence be granted to Cr Brown for the Ordinary Meeting of Council to be held on Thursday 19 February 2009.

*CARRIED 6/0*

5. **MINUTES**

5.1 **CONFIRMATION OF 23 OCTOBER 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 23 October 2008 be confirmed.

**COUNCIL ACTION**

Moved Cr Bradford, seconded Cr Hawksley 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.

Nil

7.2 **DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY**

Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the Member or employee has given or will give advice.

Nil

**8.1 REPORTS – FINANCE AND ADMINISTRATION**

**8.1.1 LIST OF ACCOUNTS SUBMITTED FOR COUNCIL APPROVAL AND PAYMENT – NOVEMBER 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 \$249,856.84:**

<b>Vouchers 12604-12676</b>	<b>\$127,787.88</b>
<b>Electronic fund transfers</b>	<b>\$120,716.01</b>
<b>Credit Card</b>	<b>\$ 1,352.95</b>
  
- **Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$3,082.40:**

<b>Voucher T2049-T2054</b>	<b>\$ 3,082.40</b>
----------------------------	--------------------

**COUNCIL ACTION**

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

*CARRIED 7/0*

Ordinary Council Meeting Minutes 20 November 2008

Type	Num	Date	Name	Memo	Muni	Trust
Cheque	12604	10/15/2008	BUILDERS REGISTRATION BOARD OF WA	BRB Payment September 2008	335.00	
Bill Pmt -Cheque	12605	10/20/2008	Albany Advertiser	Advertising	156.00	
Bill Pmt -Cheque	12606	10/20/2008	Avon Waste	Refuse Site Management September 2008	481.41	
Bill Pmt -Cheque	12607	10/20/2008	BORAL CONSTRUCTION MATERIALS GROUP	Emulsion	4,290.00	
Bill Pmt -Cheque	12608	10/20/2008	CUBY ROADHOUSE	September Account 2008	430.75	
Bill Pmt -Cheque	12609	10/20/2008	DEPT FOR PLANNING & INFRASTRUCTURE	Trailer Registration	41.00	
Bill Pmt -Cheque	12610	10/20/2008	DRYANDRA COUNTRY VISITOR CENTRE INC.	Photos for Cuballing Brochure	50.00	
Bill Pmt -Cheque	12611	10/20/2008	NARROGIN AUTO ELECTRICS	Plant parts & repairs	554.09	
Bill Pmt -Cheque	12612	10/20/2008	NARROGIN BEARING SERVICE	Parks & Reserves General	113.12	
Bill Pmt -Cheque	12613	10/20/2008	SHIRE OF CUBALLING.	Social Club Contributions September 2008	327.55	
Bill Pmt -Cheque	12614	10/20/2008	TELSTRA	Telephone Account - September 2008	676.77	
Bill Pmt -Cheque	12615	10/20/2008	TIMES PRINT	Stationery - Cheques	616.00	
Bill Pmt -Cheque	12616	10/20/2008	WALGSP	Superannuation Contribution April & Sept 2008	21,020.67	
Bill Pmt -Cheque	12617	10/01/2008	Australian Taxation Office	September BAS	13,592.00	
Bill Pmt -Cheque	12618	10/01/2008	Health Insurance Fund of WA	Insurance Contribution - Peter Naylor	307.65	
Bill Pmt -Cheque	12619	10/23/2008	Activ	Property carework	192.50	
Bill Pmt -Cheque	12620	10/23/2008	AUSTRALIA DAY COUNCIL OF WA	2008-09 Membership	200.00	
Bill Pmt -Cheque	12621	10/23/2008	BUTLER SETTINERI	2007/2008 Audit	3,080.00	
Bill Pmt -Cheque	12622	10/23/2008	LGIS Liability	Insurance - Second Instalment	8,830.80	
Bill Pmt -Cheque	12623	10/23/2008	LGIS Workcare	2008/2009 Workcare Insurance	11,330.55	
Bill Pmt -Cheque	12624	10/23/2008	LOCAL GOVERNMENT MANAGERS AUSTRALIA	2008 State Conference - Peter Naylor	974.00	
Bill Pmt -Cheque	12625	10/23/2008	Protector Alsaf	Bushfire Uniforms	2,489.14	
Bill Pmt -Cheque	12626	10/23/2008	SHIRE OF WICKEPIN	Municipal Golf Day Reimbursement	165.00	
Bill Pmt -Cheque	12627	10/23/2008	STEWART & HEATON CLOTHING CO. P/L	Protective Clothing	1,125.88	
Bill Pmt -Cheque	12628	10/31/2008	East Narrogin Primary	Donation to Annual Graduation Ceremony	100.00	
Bill Pmt -Cheque	12629	10/31/2008	Animal Ark	Animal Roadshow - Popanyinning in Spring	1,760.00	
Bill Pmt -Cheque	12630	10/31/2008	AUSTRALIA POST	Postage	149.40	
Bill Pmt -Cheque	12631	10/31/2008	BORAL CONSTRUCTION MATERIALS GROUP	Emulsion	2,145.00	
Bill Pmt -Cheque	12632	10/31/2008	COMMANDER AUSTRALIA LTD	Contract Charges - October 2008	152.74	
Bill Pmt -Cheque	12633	10/31/2008	Daron Wesley	Water Main Repairs	231.00	
Bill Pmt -Cheque	12634	10/31/2008	E. & M.J. ROSHER PTY LTD	Plant parts & repairs	83.65	

## Ordinary Council Meeting Minutes 20 November 2008

Bill Pmt -Cheque	12635	10/31/2008	Flying Heart Productions	Workshop - Popanyinning Spring Festival	1,001.00
Bill Pmt -Cheque	12636	10/31/2008	Great Southern Ranger Services	Ranger Services 23.10.2008	283.80
Bill Pmt -Cheque	12637	10/31/2008	Matthew Dean	DJ & PA Hire - Popanyinning Spring Festival	600.00
Bill Pmt -Cheque	12638	10/31/2008	NARROGIN AGRICULTURAL REPAIRS	Mulching Supplies & New Lawnmower	6,061.40
Bill Pmt -Cheque	12639	10/31/2008	PAGE TRUCK HIRE	Excavator Hire	396.00
Bill Pmt -Cheque	12640	10/31/2008	REINFORCED CONCRETE PIPES PTY LTD	Roadworks	1,717.37
Bill Pmt -Cheque	12641	11/03/2008	BUILDERS REGISTRATION BOARD OF WA	BRB PAYMENT OCTOBER 2008	67.00
Bill Pmt -Cheque	12642	11/14/2008	Avon Waste	Popanyinning Refuse Site Managment - October 2008	481.41
Bill Pmt -Cheque	12643	11/14/2008	BEAUREPAIRES	Plant parts & repairs	1,341.13
Bill Pmt -Cheque	12644	11/14/2008	CANNON HYGIENE AUSTRALIA PTY LTD	Sanitary Service	224.80
Bill Pmt -Cheque	12645	11/14/2008	CLAW ENVIRONMENTAL	DrumMuster Collection	841.98
Bill Pmt -Cheque	12646	11/14/2008	COURIER AUSTRALIA	Freight	90.30
Bill Pmt -Cheque	12647	11/14/2008	COVENTRYS	Plant parts & repairs	444.36
Bill Pmt -Cheque	12648	11/14/2008	Directions	Wages - Peta Clark	2,831.18
Bill Pmt -Cheque	12649	11/14/2008	Echelon Australia Pty Ltd	Regional Co-ordinator Fees July - Dec 2008	1,857.90
Bill Pmt -Cheque	12650	11/14/2008	EDWARDS MOTORS PTY LTD	Plant parts & repairs	1,624.15
Bill Pmt -Cheque	12651	11/14/2008	Fuel Equipment Services	Supply & Install new Smartfill System	4,946.00
Bill Pmt -Cheque	12652	11/14/2008	Fuji Xerox	Photocopier Charges - October 2008	262.65
Bill Pmt -Cheque	12653	11/14/2008	GREAT SOUTHERN FUEL SUPPLIES	Fuel Account October 2008	10,853.65
Bill Pmt -Cheque	12654	11/14/2008	Great Southern Waste Disposal	Cuballing Refuse Site Managment - October 2008	2,750.00
Bill Pmt -Cheque	12655	11/14/2008	HANCOCKS HOME HARDWARE	Office Door Lock	64.50
Bill Pmt -Cheque	12656	11/14/2008	HIF	Health Insurance Contribution - Peter Naylor	205.10
Bill Pmt -Cheque	12657	11/14/2008	Jem Truck Sales	Plant parts & repairs	2,650.49
Bill Pmt -Cheque	12658	11/14/2008	LANDGATE	GRV Valuations	51.70
Bill Pmt -Cheque	12659	11/14/2008	MAKIT NARROGIN HARDWARE	Workshop Supplies	824.60
Bill Pmt -Cheque	12660	11/14/2008	MCDOUGALL WELDMENTS	Parts for signs	13.64
Bill Pmt -Cheque	12661	11/14/2008	NARROGIN AUTO ELECTRICS	Workshop Supplies & Plant Parts	2,696.96
Bill Pmt -Cheque	12662	11/14/2008	NARROGIN HIRE SERVICE AND RETICULATION	Reticulation Supplies	111.45
Bill Pmt -Cheque	12663	11/14/2008	NARROGIN TOYOTA	Plant parts & repairs	205.18
Bill Pmt -Cheque	12664	11/14/2008	Ngn Primary School	Graduation Contribution	50.00
Bill Pmt -Cheque	12665	11/14/2008	PAGE TRUCK HIRE	Excavator Hire	495.00
Bill Pmt -Cheque	12666	11/14/2008	PH & KE GOW LICENSED SURVEYORS	Survey Lot 3111 Austral St, Cuballing	1,039.50

## Ordinary Council Meeting Minutes 20 November 2008

Bill Pmt -Cheque	12667	11/14/2008	Synergy	Electricity Account	2,531.40
Bill Pmt -Cheque	12668	11/14/2008	TELSTRA	Telephone Account	123.49
Bill Pmt -Cheque	12669	11/14/2008	WALGA	Advertising	155.61
Bill Pmt -Cheque	12670		Cancelled		0.00
Bill Pmt -Cheque	12671		Cancelled		0.00
Bill Pmt -Cheque	12672	11/14/2008	JR & A HERSEY P/L	Workshop & Bushfire Supplies	893.99
Bill Pmt -Cheque	12673	11/14/2008	Narrogin Pumps Sales & Service	Maintenance of vehicles & trailers	108.13
Bill Pmt -Cheque	12674	11/14/2008	Repeat Plastics	Freight	136.64
Bill Pmt -Cheque	12675	11/14/2008	Great Southern Ranger Services	Ranger Services 01/11/2008	156.75
Bill Pmt -Cheque	12676	11/14/2008	Narrogin Technology Solutions	Computer Maintenance	596.00
DIRECT	F810146821669	10/14/2008	Shire of Cuballing	Wages 1-10-2008 to 14-10-2008	19,828.35
DIRECT	F810237037030	10/23/2008	INGERSLEY ELECTRICAL	Instal Power Outlet at Popanyinning Oval	7,000.81
DIRECT	F810237036879	10/23/2008	Sarah Silvester	Stationery Reimbursement	134.94
DIRECT	F810287114434	10/28/2008	Shire of Cuballing	Wages 15-10-2008 to 28-10-2008	20,309.41
DIRECT	F811037260779	11/3/2008	Twinkarri	Tree pruning & mulching	53,443.50
DIRECT	F811117426036	11/11/2008	Shire of Cuballing	Wages 29-10-2008 to 11-11-2008	19,999.00
TRUST	T2049	10/13/2008	Geoff Hunter	Bond Refund	200.00
TRUST	T2050	10/13/2008	Amanda Hemery	Bond Refund	100.00
TRUST	T2051	10/13/2008	Shire of Cuballing	Bond Tsf G. Patterson & L.Tomas	200.00
TRUST	T2052	10/15/2008	BCITF	September Payment	1,625.80
TRUST	T2053	10/29/2008	Narrogin Bowling Club	Corporate Bowls Nomination	40.00
TRUST	T2054	11/3/2008	Cuballing Tavern	Social Club Function	916.60
Credit Card	12102008	10/12/2008	Ampol	Fuel	30.00
Credit Card	14102008	10/14/2008	Portorosa Café	LGMA Conference	375.70
Credit Card	18102008	10/18/2008	Esplanade Hotel	LGMA Conference	947.25
					<b><u>\$ 249,856.84</u></b>
					<b><u>\$ 3,082.40</u></b>

**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 31 October 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 31 October 2008, be received.**

**COUNCIL ACTION**

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

*CARRIED 7/0*

**8.1.3 SHIRE OF CUBALLING ADMINISTRATION OFFICE CLOSURE CHRISTMAS/NEW YEAR PERIOD 2008/2009**

**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:** Administration 7  
**Voting Requirements:** Simple majority

**Background**

In previous years Council has granted approval for closure of the Shire Administration Office over the Christmas/New Year period. In approving this staff have agreed to transfer public holiday entitlements for the Christmas/New Year period and Easter Tuesday, and Council has granted staff an additional one days paid leave.



### **Comment**

This year Christmas Day is on Thursday 25 December 2008 and New Years Day on the following Thursday. Friday 2 January 2009 is recognised as a public service holiday under the Local Government Officers (WA) Award 1999.

Staff are again requesting Council consideration for the closure of the Shire Administration Office over the Christmas/New Year period, this year from Thursday 25 December 2008 to Friday 2 January 2009, inclusive. As with previous years office staff are willing to transfer public service holiday entitlements, including Easter Tuesday, to be taken during this period. Due to the days on which Christmas Day and New Years Day fall this year staff are requesting Council for two days additional paid leave.

The office closure enables staff to have an uninterrupted break over the festive period between Christmas and New Year. Generally this time of the year is very quiet in the administration office with most residents away on holidays. There have been no adverse comments received over Councils decision to close the administration office in the past few years.

Recorded message will be entered on the administration office telephone system advising of contact numbers in emergency situations.

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

#### **That:**

- **Council grants approval for the Shire of Cuballing Administration Office to be closed over the Christmas/New Year period from Thursday 25 December 2008 to Friday 2 January 2009, inclusive;**
- **Public notices of the office closure to be advertised in the Narrogin Observer and Shire Newsletter, and posters displayed within the Shire; and**
- **Recorded message to be entered on the Shire administration office telephone system advising of emergency contact persons/numbers during the period.**

### **COUNCIL ACTION**

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

*CARRIED 7/0*

#### 8.1.4 **ORDINARY COUNCIL MEETING DATES**

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Nil
<b>Reporting Officer:</b>	Peter Naylor, Chief Executive Officer
<b>Enabling Legislation:</b>	Local Government Act 1995 Local Government (Administration) Regulations 1996
<b>Council Policy:</b>	Nil
<b>Budget Implications:</b>	Cost of local advertising of Council meeting dates/times
<b>File Reference:</b>	Council Meetings 5
<b>Voting Requirements:</b>	Simple Majority

#### **Background**

Council is required under legislation, to advertise its Ordinary meeting dates, time and place, once a year.

Meeting dates for Ordinary Council meetings have historically been on the third Thursday of each month except January when no meeting is held. In recent years the December meeting has been changed to the third Friday to coincide with the Shire Christmas and Break Up Function.

In 2008 the October meeting was changed to the fourth Thursday to enable the Chief Executive Officer attend the annual State Local Government Managers Conference which had a date change.

#### **Comment**

For the 2009 Calendar Year the following Ordinary Council meeting dates are proposed:

January	No Meeting
February to October (Inclusive)	Third Thursday
November	Second Thursday
December	Third Friday

All meetings to commence at 3.00pm with 15 minutes for public question time at the commencement, and to be held in the Council Chamber in the Shire Administration Office, Campbell Street, Cuballing.

The reason for the proposed change in meeting date for the November meeting is the date for the annual State Local Government Managers Conference has changed from October (to avoid clash with the Local Government Elections) to 18-20 November 2009. The gap between the proposed meeting dates for October and November will be four weeks.



### **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.

Isuzu Truck CN047: Has had front seal to gearbox replaced and is now in good working order.

### **BITUMEN TENDER**

Works Manager has arranged on site visit with Boral Asphalt on Tuesday 18 November 2008 to carry out reseal design, it is anticipated works will be carried out in January/February 2009.

### **PRIVATE WORKS**

Various works requests are still being received and these are being done as time permits. Assistance provided to the Wandering Shire in completing minor construction works on the Bannister Road (two trucks and front-end loader).

Private works invoices for the month of October 2008, total \$13,050,391; Year to date \$19,508,56.

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

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

### **COUNCIL ACTION**

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

*CARRIED 7/0*

## **8.2.2 SHIRE OF WICKEPIN – APPOINTMENT OF DUAL FIRE CONTROL OFFICER 2008/2009**

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Whole of Shire
<b>Reporting Officer:</b>	Peter Naylor, Chief Executive Officer
<b>Enabling Legislation:</b>	Bush Fires Act 1954
<b>Council Policy:</b>	Nil
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	Bush Fire Control 5
<b>Voting Requirements:</b>	Simple majority

### **Background**

Shire of Wickepin advising of the appointment of Mr Steven Rose as Dual Fire Control Officer with the Shire of Cuballing for the 2008/2009 Fire Season.

## **Comment**

Dual Fire Control Officers are appointed to provide legal cover for a Fire Control Officer in charge at a wildfire that burns across a Shire boundary. The Dual Fire Control Officer can stay in charge and follow the fire, or hand over control to a fire control officer from the second Shire (if one is available and in attendance).

Section 40 of the Bush Fires Act 1954 empowers Council to appoint dual fire control officers with neighbouring local authorities and section 38(2) of the Act requires such appointments to be advertised in a local paper.

## **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That pursuant to section 40 of the Bush Fires Act 1954, Mr Steven Rose be appointed as Dual Fire Control Officer for the Shires of Cuballing and Wickepin for the 2008/2009 Fire Season, subject to the officer possessing the appropriate accreditations, and further noting that the Dual Fire Control Officer is not permitted to issue burning permits for land within the Shire of Cuballing.**

## **COUNCIL ACTION**

**Moved Cr Brown, seconded Cr Hawksley 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**

<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>	Local Government (Miscellaneous Provisions) Act 1960 Building Code of Australia Building Regulations 1989 Builders' Registration Act 1939 Environmental Protection (Noise) Regulations 1997
<b>Council Policy:</b>	Register Delegated Authority Shire of Cuballing Health Local Law 2007 Shire of Cuballing Town Planning Scheme No 2
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	CMR 2
<b>Voting Requirements:</b>	Simple majority

## **Summary**

There were five (5) applications approved and licenses issued for the month of October 2008.

## Ordinary Council Meeting Minutes 20 November 2008

Listed below is a summarized breakdown of the application 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>
23-2008/09	T Hobson	Owner Builder	S/F Games Room	Lot 104 Alexandra Street Popanyinning
24-2008/09	Putjar Aboriginal Corporation	Owner Builder	S/F Shed	Loc 4905 Great Southern Hwy Yornaning
25-2008/09	K Lansdell	Owner Builder	S/F Shed	Loc 15109 Great Southern Hwy Popanyinning
26-2008/09	G H Panting	Owner Builder	S/F Shed	Loc 11449 Williams Road Popanyinning
27-2008/09	W Bird	Owner Builder	S/F Garage	Lot 85 Victoria Street Popanyinning

### **Food Act 2008**

The *Food Act 2008* (the Act) was assented on 8 July 2008. The Act will replace the sections of the *Health Act 1911* that currently regulate food; including subsidiary legislation made under the Health Act such as the *Health (Food Hygiene) Regulations 1993* and some health local laws (ie Eating house local laws).

Sections 1 & 2 of the Act came into operation on this date. The rest of the Act will come into operation on a day fixed by proclamation. It is proposed that the proclamation date will be 1 February 2009 for all parts of the Act and the accompanying new food regulations except for the provisions dealing with registration of food businesses. The Act will provide the foundation for a risk management approach to food safety for both State and Local Government.

### **Building Application – Application for Planning Approval**

Mr Brian Garvey, Registered Builder on behalf of property owner Mr Wayne Gill, submits an application for planning approval and building application to relocate a second hand dwelling to Location 6289 Tullets Road, Popanyinning.

Under the Shire of Cuballing Town Planning Scheme No 2, section 5.10.1 Relocated Second Hand Buildings:

*The Local Government may permit the erection of a transported dwelling on a lot where the design and location of the building is to the satisfaction of the Local Government and in its opinion does not adversely affect the amenity of the locality.*

Under Councils Schedule of Fees and Charges for 2008/2009 a bond is required of \$7,500, which is refundable during stages of completion, as well as an inspection fee for the Environmental Health Officer/Building Surveyor (EHO/BS) to inspect the building (costs recoverable).

The building was inspected on Friday 24 October 2008 on a site in Bakers Hill. The building consists of three (3) sections, two having been completed and the third is being renovated.

The EHO/BS is of the opinion that the building is of suitable standard and that there is no reason as to why Council cannot support the application.

A copy of the Engineers Report and plan of the dwelling is included in the Council Meeting Agenda.

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That:**

- **Environmental Health Officer/Building Surveyors Report be received; and**
- **Council approve Mr Brian Garvey application for planning approval to relocate a second had dwelling to Location 6289 Tullets Road, Popanyinning, subject to the following conditions:**
  - **Payment of Bond to Council of \$7,500.00;**
  - **Payment of Inspection Fee for Councils Environmental Health Officer/Building Surveyor to travel to Bakers Hill to inspect the dwelling of \$360.00; and**
  - **Submissions of appropriate building application in accordance with the requirements of the Building Code of Australia.**

### **COUNCIL ACTION**

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

*CARRIED 7/0*

**8.4 REPORTS – TOWN PLANNING**

**8.4.1 SHIRE OF CUBALLING TOWN PLANNING SCHEME NO 2 AMENDMENT NO 2, LOT 3111 CUBALLING TOWNSITE**

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Lot 3111 (Reserve 49201) Andover Street, Cuballing
<b>Reporting Officer:</b>	Peter Naylor, Chief Executive Officer
<b>Enabling Legislation:</b>	Planning and Development Act 2005 Town Planning Regulations 1967 Environmental Protection Act 1986
<b>Council Policy:</b>	Town Planning Scheme No 2
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	Town Planning 8
<b>Voting Requirements:</b>	Simple majority

**Background**

In June 2007 management of Lot 3111 was vested with the Shire of Cuballing for purpose of Aged Accommodation.

On 21 February 2008 Council resolved that in pursuance with section 75 of the Planning and Development Act 2005, an amendment be made to Shire of Cuballing Town Planning Scheme No 2 to rezone Lot 3111 from Public Purpose Reserve to Rural Townsite R20 to allow multiple aged accommodation units (4) to be developed on the property.

**Comment**

The process of advertising, writing letters to neighbouring property owners and key State/Federal Government agencies, in accordance with the provisions of the legislation, has now been completed with the submission period closing on Wednesday 12 November 2008.

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

- Environmental Protection Authority
- Department of Environment and Conservation
- Telstra
- Fire and Emergency Services Authority
- G E & P L Renfrey
- Department for Planning and Infrastructure
- Western Power
- Department of Health

A Schedule of Submissions, including summary of each submission and Chief Executive Officer recommendation thereto is included in the Council Meeting Agenda document.



The majority of submissions either do not have an objection to the proposal, support the proposal or have simply responded to the proposal out of courtesy and have not offered any particular comment.

The Department of Health initially did not support the proposed scheme amendment as development to R20 density would be required to be connected to a sewerage scheme under the provisions of the Draft Country Sewerage Policy (DCSP). As Cuballing is an unsewered town the DOH could not support the proposal.

The Chief Executive Officer contacted the DOH to seek clarification on the DCSP and to ascertain how the proposed amendment could be restricted to comply with the Departments objectives. The DOH advised that as Cuballing is an unsewered townsite development will need to be restricted to R10 density, ie minimum site area of 875m<sup>2</sup> per dwelling. This will allow maximum of four aged units to be developed on the site (total area of 3,585m<sup>2</sup>).

Following this consultation the DOH agreed to resubmit their comments advising that the Department of Health is prepared to support the rezoning proposal subject to a development density not exceeding R10 and the site being capable of disposing of wastewater.

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

**That:**

- **After considering the submissions received, Council adopts the proposed Town Planning Scheme No 2 Amendment No 2, rezoning Lot 3111 (Reserve 49201) Andover Street, Cuballing, from Public Purpose Reserve to Rural Townsite R20, without modification; and**
- **Council agrees to a condition being placed on the scheme amendment to restrict development on the property to four (4) aged accommodation units with area per dwelling not exceeding R10 density.**

#### **COUNCIL ACTION**

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

*CARRIED 7/0*

**8.4.2 APPLICATION TO ERECT SECOND DWELLING ON RURAL PROPERTY**

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Lot 1 Great Southern Highway, Yornaning
<b>Reporting Officer:</b>	Trevor Moran, Town Planning Consultant Peter Naylor, Chief Executive Officer
<b>Enabling Legislation:</b>	Planning and Development Act 2005
<b>Council Policy:</b>	Town Planning Scheme No 2
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	Town Planning 5
<b>Voting Requirements:</b>	Simple majority

**Background**

Council has received application from Mrs Julie Harcourt, prospective purchaser of Lot 1 Great Southern Highway, Yornaning, for “In Principle” support for the construction of a second dwelling on the lot should they be successful in purchasing the property.

The applicant has submitted an offer on the property subject to Council approving a second dwelling.

**Comment**

Shire of Cuballing Town Planning Scheme No 2:  
*Section 5.11 Development in the General Agriculture Zone*  
*Sub Section 5.11.1*

*Council may grant approval of up to two dwellings on any lot, where the land is managed for agricultural production, tourism, or education purposes and where the occupants are engaged in those specified predominant land uses or activities.*

From the applicants correspondence it does appear that they are intending to carry out agriculture industry type activities, all of which are permitted under Town Planning Scheme No2 (TPS2) in one form or another, some needing Council approval.

The proposed use of equine training and agistment is classified as an Animal Establishment in the zoning table which is a “D” use and Council can grant discretionary planning approval. Animal agistment centres are essentially a seven (7) day per week business and therefore it is not unrealistic to expect such an establishment to require the services of a full time employee living on the premises/property.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That:**

- Council is prepared to provide “In Principle” support for the construction of a second dwelling on Lot 1 (Rural Road Number 15491) Great Southern Highway, Yornaning, if the property is purchased by the applicant, Mrs Julie Harcourt;
- In Principle support is subject to the proposed land use being consistent and/or complying with Shire of Cuballing Town Planning Scheme No2 for land zoned General Agriculture (sections 4.3 & 5.11);
- Any building application/s for the property complying with the Building Code of Australia and associated regulations and policies; and
- The applicant being advised that the Shire of Cuballing will not support an application for subdivision of the land.

**COUNCIL ACTION**

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

*CARRIED 7/0*

**8.4.3 MR NEILS HANSEN – APPLICATION TO ERECT ADDITIONAL OUTBUILDING**

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Lots 1, 2, 3 & 4 (No 12) Alton Street, Cuballing
<b>Reporting Officer:</b>	Peter Naylor, Chief Executive Officer Neil Flood, Environmental Health Officer/Building Surveyor
<b>Enabling Legislation:</b>	Planning and Development Act 2005 Local Government (Miscellaneous Provisions) Act 1960 Building Code of Australia
<b>Council Policy:</b>	Shire of Cuballing Town Planning Scheme No 2
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	Building Control 8
<b>Voting Requirements:</b>	Simple Majority

**Background**

Property owner Mr Neils Hansen submits a building/planning application to erect an additional outbuilding on the property, being Lots 1, 2, 3 & 4 (No 12) Alton Street, Cuballing.

Shire of Cuballing Town Planning Scheme No 2, Local Planning Policy – Outbuildings, part a:

- (a) *In the Rural Townsite and Rural Residential zones of the Shire, where the lot size is 1500m<sup>2</sup> or less in area:*
- (i) *Zincalume construction, where the total outbuilding does not exceed 55m<sup>2</sup> in floor area;*
  - (ii) *Colourbond construction, where the total outbuilding does not exceed 65m<sup>2</sup> in floor area.*

**Comment**

The application is to erect steel framed colourbond garage with floor area of 66m<sup>2</sup>.

An outbuilding with floor area of 36m<sup>2</sup> already exists on the property, however Mr Hansen wants to erect an additional building with floor area of 66m<sup>2</sup>, this will make total outbuilding floor area of 112m<sup>2</sup>, which exceeds the criteria as detailed above.

The existing outbuilding is used for storage of caravan and workshop.

The proposed new building is for parking of personal vehicles and also for parking and security of work vehicle. Mr Hansen is refrigeration mechanic for Narrogin Retravision and uses work vehicle for commuting purpose and also to go directly to out of office jobs the next morning, therefore he is in possession of work equipment and wants additional security at the property for overnight and weekend storage.

Plans of the shed and site plan of the property will be tabled at the Council meeting.

Total outbuilding area of 112m<sup>2</sup> is not an unreasonable request and worthy of Council consideration. Given the side boundary of the property fronts onto Campbell Street and dual pathway, it is recommended that a set back of one metre be imposed.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

That Council approves Mr Neils Hansen building/planning application to approve total outbuilding area on his property, being Lots 1, 2, 3 & 4 Alton Street, Cuballing, subject to:

- Building plans being submitted and approved in accordance with the Building Code of Australia; and
- New outbuilding to be set back one metre from rear and side boundaries of the property.

**COUNCIL ACTION**

**Moved Cr Newman, seconded Cr Haslam that Council approves Mr Neils Hansen building/planning application for total outbuilding area on his property, being Lots 1, 2, 3 & 4 Alton Street, Cuballing, to be 112m<sup>2</sup>, subject to:**

- **Building plans for new outbuilding being submitted and approved in accordance with the Building Code of Australia;**
- **New outbuilding to be set back one metre from rear and side boundaries of the property; and**
- **New outbuilding to be constructed using colourbond materials (walls and roof).**

*CARRIED 7/0*

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

Nil

**10. OTHER URGENT BUSINESS**

**10.1 YORNANING HALL**

Council discussed recent removal of the Yornaning Hall and queried if the hall had been removed/relocated in accordance with Councils resolution when offer from G & J Hemsell was accepted in December 2004.

The Chief Executive Officer tabled copy of Council correspondence to G & J Hemsell stating their offer was accepted subject to certain conditions. It does not appear that the conditions have been adhered to as the hall has not been relocated to Lazeaway Caravan Park.

**COUNCIL ACTION**

**Moved Cr Haslam, seconded Cr Meharry that letter be forwarded to G & J Hemsell:**

- **Expressing Councils disappointment that they do not appear to have abided with the conditions for acceptance of their offer for purchase of the Yornaning Hall as per Council letter of 21 December 2004; and**
- **That if their situation changed and they were not in a position to proceed with the original intent for the building they should have discussed the matter with Council.**

*CARRIED 7/0*

**11. CLOSURE OF MEETING**

There being no further business the Shire President declared the meeting closed at 4:15pm.