

SHIRE OF CUBALLING

COUNCIL MEETING THURSDAY 12 NOVEMBER 2009

MINUTES

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ORDINARY COUNCIL MEETING MINUTES

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE
CUBALLING SHIRE, HELD IN THE COUNCIL CHAMBER, CAMPBELL
STREET, CUBALLING ON THURSDAY 12 NOVEMBER 2009**

1. OPENING – ANNOUNCEMENT OF VISITORS

The Shire President welcomed Councillors and declared the meeting open at 3:20pm.

2. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

ATTENDANCE

Shire President, Cr TH Wittwer
Deputy President, Cr RD Newman
Cr Mr M Conley
Cr TP Haslam
Cr CJ McDougall
Cr JR A Meharry
Chief Executive Officer, Mr P T Naylor

LEAVE OF ABSENCE

Cr C Hawksley, granted at the Ordinary Meeting of Council held on Thursday 15 October 2009.

3. APOLOGIES

Nil

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5. **MINUTES**

5.1 **CONFIRMATION OF 15 OCTOBER 2009 ORDINARY MEETING OF COUNCIL**

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the minutes (as circulated) of the ordinary meeting of the Shire of Cuballing held in the Council Chambers on 15 October 2009 be confirmed.

COUNCIL ACTION

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

CARRIED 6/0

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

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

Background

Minutes of the Shire of Cuballing Bush Fire Advisory Committee Meeting held on Thursday 22 October 2009.

Comment

The minutes are for Council information, however a matter of interest is item 6.7 in relation to the Shire of Cuballing Firebreak Order.

The committee feels that the Firebreak Order, in particular the first part, is somewhat ambiguous and needs clarification, and that the Shire Chief Executive Officer (CEO) ascertain clear intent of the Order.

The CEO has been pursuing the matter and compared the Shire of Cuballing Firebreak Order to the Shire of Narrogin Firebreak Notice. Whilst in some ways the two notices are very similar they

both have their good and bad points. In discussion with the Narrogin Shire CEO it was agreed that the two notices be worked on with view of formulating a joint firebreak order/notice for adoption by the individual Councils for the 2010/2011 Fire Season.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **The minutes of the Shire of Cuballing Bush Fire Advisory Committee Meeting held on Thursday 22 October 2009, be received; and**
- **The Chief Executive Officer work with the Shire of Narrogin to prepare an improved Firebreak Order/Notice for Council adoption prior to the 2010/2011 Fire Season.**

COUNCIL ACTION

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

CARRIED 6/0

6. PETITIONS, DEPUTATIONS, PRESENTATIONS & DECLARATIONS

Nil

7. DISCLOSURES OF INTEREST

Councillors' and Employees' Disclosures of Interest.

7.1 DISCLOSURE OF FINANCIAL INTEREST AND PROXIMITY INTEREST

Members must disclose the nature of their interest in matters to be discussed at the meeting.

Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting.

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.

Item 8.4.3: Cr CJ McDougall declared an Impartiality Interest as she is related to the applicant by marriage.

8.1 REPORTS – FINANCE AND ADMINISTRATION

8.1.1 LIST OF ACCOUNTS SUBMITTED FOR COUNCIL APPROVAL AND PAYMENT – NOVEMBER 2009

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

Background

Council is supplied with a list of payments for consideration.

Comment

A copy of the list of payments made from each of Councils bank accounts is attached to this item.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council:

- **Approve for payment the list of Creditors paid from the Municipal fund, as detailed below, totalling \$215,135.59:**

Vouchers 13398-13455	\$171,321.20
Electronic fund transfers	\$ 43,446.23
Credit Card	\$ 368.16

- **Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$1,819.75:**

Voucher T2078-T2083	\$ 1,819.75
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COUNCIL ACTION

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

CARRIED 6/0

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 2009 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 2009, be received.

COUNCIL ACTION

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

CARRIED 6/0

8.1.3 SHIRE OF CUBALLING COMMITTEES AND COUNCILLOR DELEGATES TO COMMUNITY COMMITTEES AND/OR SERVICES

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: Members 6
Voting Requirements: Simple majority

Background

Every two years following the Local Government Elections, Council has elected representation to various Council Committees, namely Finance, Halls, Works and Housing, and elected a Councillor to a particular Portfolio in accordance with the Local Government Program titles.

Comment

Listed hereunder are details of Committee representation and Councillor portfolios adopted in November 2007.

- Audit Committee

The Shire of Cuballing audit Committee comprise of Crs Bradford, Meharry and Wittwer. Crs Brown, Haslam, Hawksley and Newman to be the reserve members of the Audit Committee.

- Finance Committee

All Councillors be appointed to this Committee

- Works Committee

All Councillors be appointed to this Committee

- Plant/Machinery Committee

Councillors Hawksley, Newman and Wittwer

- Halls Committee

Cuballing Hall: Councillors Brown, Hawksley and Newman

Popanyinning Hall: Councillors Haslam and Meharry

Committee/Service	Delegate	Proxy Delegate
Agriculture WA	Cr Newman	Cr Wittwer
Bush Fire Advisory	Cr Hawksley	Cr Wittwer
Dryandra Voluntary Regional Organisation of Councils (DVROC)	Cr Wittwer	Cr Brown
Dryandra Woodlands	Cr Bradford	Cr Haslam
Education (School Awards, etc)	Cr Brown	Cr Bradford
Emergency Management	Cr Brown	Cr Hawksley
Essential Government Services	Cr Hawksley	Cr Brown
Landcare (LCDC)	Cr Haslam	Cr Newman
Popanyinning Progress Association	Cr Meharry	Cr Haslam
Regional Road Group	Cr Wittwer	Cr Brown
Regional Waste Management	Cr Wittwer	Cr Brown
RoadWise	Cr Brown	Cr Hawksley
Tourism	Cr Meharry	Cr Bradford
Townscape	Cr Newman	Cr's Brown
Yornaning Dam	Cr Wittwer	Cr Meharry

A new addition to the list this year is the Dryandra Regional Equestrian Park Management Committee (DREPMC). At its September 2009 Ordinary Meeting, Council resolved that Cr Haslam and the Chief Executive Officers to be its delegates to the DREPMC with Cr Newman as the Proxy Delegate.

Can Councillors please give consideration to this matter in relation to what committees you would like to be involved with and to what community service you would like to be a delegate for. This will enable councillors to be elected to a committee/community service in which you may have a particular interest during the selection process.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

COUNCIL ACTION

Moved Cr Meharry, seconded Cr Newman that Council appoints Committee representation and Councillor Portfolios for the two year period 2009 to 2011, as follows:

- **Audit Committee**

The Shire of Cuballing audit Committee comprise of Crs Meharry, Newman and Wittwer. Crs Conley, Haslam, Hawksley and McDougall to be the reserve members of the Audit Committee.

- **Finance Committee**

All Councillors be appointed to this Committee

- **Works Committee**

All Councillors be appointed to this Committee

- **Plant/Machinery Committee**

Councillors Hawksley, Newman and Wittwer

- **Halls Committee**

Cuballing Hall: Councillors Conley, Hawksley, McDougall & Newman

Popanyinning Hall: Councillors Haslam, Meharry & Wittwer

Committee/Service	Delegate	Proxy Delegate
Agriculture WA	Cr Newman	Cr Wittwer
Bush Fire Advisory	Cr Hawksley	Cr Wittwer
Dryandra Regional Equestrian Park Management Committee	Cr Haslam	Cr Newman
Dryandra Voluntary Regional Organisation of Councils (DVROC)	Cr Wittwer	Cr Newman
Dryandra Woodlands	Cr Haslam	Cr Meharry
Education (School Awards, etc)	Cr McDougall	Cr Meharry
Emergency Management	Cr Conley	Cr Hawksley
Essential Government Services	Cr Hawksley	Cr McDougall
Landcare (LCDC)	Cr Conley	Cr Haslam
Popanyinning Progress Association	Cr Meharry	Cr Haslam
Regional Road Group	Cr Wittwer	Cr Newman
Regional Waste Management	Cr Wittwer	Cr Newman
RoadWise	Cr Hawksley	Cr Haslam
Tourism	Cr Meharry	Cr Haslam
Townscape	Cr McDougall	Cr Newman
Yornaning Dam	Cr Wittwer	Cr Meharry

CARRIED 6/0

**8.1.4 SHIRE OF CUBALLING ADMINISTRATION OFFICE CLOSURE
CHRISTMAS/NEW YEAR PERIOD**

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 Council has granted staff additional days paid leave.

Comment

This year Christmas Day is on Friday 25 December 2009 and New Years Day on the following Friday. In this situation Monday 28 December 2009 is observed as a public holiday in lieu of Boxing Day falling on a Saturday.

Staff are again requesting Council consideration for the closure of the Shire Administration Office over the Christmas/New Year period, this year from Friday 25 December 2009 to Friday 1 January 2010, inclusive, office to reopen on Monday 4 January 2010.

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 Friday 25 December 2009 to Friday 1 January 2010, 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 Haslam, seconded Cr Newman that the Chief Executive Officers recommendation be adopted.

CARRIED 6/0

8.1.5 SHIRE OF CUBALLING ORDINARY COUNCIL MEETING DATES 2010

Submission to: Ordinary Meeting of Council
Location/Address: Nil
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Local Government Act 1995
Local Government (Administration) Regulations 1996
Council Policy: Nil
Budget Implications: Nil
File Reference: Council Meetings 5
Voting Requirements: 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, and on the third Friday in December to coincide with the Shire Christmas and Break-Up Function.

In addition to the above Council has also changed the date of some meetings to enable the Chief Executive Officer attend the annual Local Government Managers State and/or National Conferences.

Comment

For the 2010 Calendar Year the following Ordinary Council meeting dates are proposed:

Month	Meeting Date
January	No meeting
February	Thursday 18 February 2010
March	Thursday 18 March 2010
April	Thursday 15 April 2010
May	Thursday 13 May 2010*
June	Thursday 17 June 2010
July	Thursday 15 July 2010

Ordinary Council Meeting Minutes 12 November 2009

August	Thursday 19 August 2010
September	Thursday 16 September 2010
October	Thursday 21 October 2010
November	Thursday 18 November 2010
December	Friday 17 December 2010

All meetings to commence at 3:00pm, with 15 minutes for public question time at the commencement of each meeting. Meetings 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 May meeting is to avoid clash with the annual Local Government Managers National Conference which is scheduled to be held in Adelaide on 16-19 May 2010.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- The date for Ordinary Council Meetings for 2010 be as follows:

<i>Month</i>	<i>Meeting Date</i>
January	No meeting
February	Thursday 18 February 2010
March	Thursday 18 March 2010
April	Thursday 15 April 2010
May	Thursday 13 May 2010
June	Thursday 17 June 2010
July	Thursday 15 July 2010
August	Thursday 19 August 2010
September	Thursday 16 September 2010
October	Thursday 21 October 2010
November	Thursday 18 November 2010
December	Friday 17 December 2010

- All meetings to commence at 3:00pm, with 15 minutes public question time at the commencement of each meeting, and to be held in the Council Chamber in the Shire Administration Office, Campbell Street, Cuballing;
- The Ordinary Council Meetings to be preceded with a Councillor Briefing Session commencing at 2:00pm; and
- The Ordinary Council Meeting dates be advertised in accordance with Regulation 12 of the Local Government (Administration) Regulations 1996.

COUNCIL ACTION

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

CARRIED 6/0

8.1.6 SHIRE OF CUBALLING COMMON SEAL

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 259 Darcy Street, Cuballing
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Local Government Act 1995
Council Policy:	3.11
Budget Implications:	Nil
File Reference:	Administration 18
Voting Requirements:	Simple Majority

Background

It is a requirement that the use of the Common Seal of the Shire of Cuballing be endorsed by Council.

Comment

During the previous month the Shire President and/or Chief Executive Officer witnessed the affixing of the Shire of Cuballing Common Seal to the following document(s):

- Contract of Employment between the Shire of Cuballing and the Chief Executive Officer for period 1 July 2009 to 30 June 2014.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council endorses the affixing of the Shire of Cuballing Common Seal to the Contract of Employment between the Shire of Cuballing and the Chief Executive Officer for period 1 July 2009 to 30 June 2014.

COUNCIL ACTION

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

CARRIED 6/0

8.1.7 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

Notification that the Shire of Cuballing is eligible to receive \$30,000 under Round Two of the Federal Government's Regional and Local Community Infrastructure Program (RLCIP).

Examples of community infrastructure eligible for funding under Round Two of the RLCIP include:

- social and cultural infrastructure (eg town halls, community centres, libraries, parks, and public squares);
- sport and recreational facilities (eg sporting grounds, stadiums, pools, walking tracks, and playgrounds);
- tourism infrastructure (eg walkways, and tourism information centres);
- access facilities (eg bus shelters, jetties, and boat ramps); and
- environmental initiatives (eg water conservation infrastructure, and 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.

Royalties for Regions Country Local Government Fund

Notification has also been received that the Shire of Cuballing should receive amount of \$366,000 in the 2009/2010 allocation of the Royalties for Regions Country Local Government Fund (R4RCLGF) Program.

Full details of the R4RCLGF program are still yet to be received and therefore it is not known what exact criteria projects will have to meet to be compliant with the funding guidelines.

Comment

Regional and Local Community Infrastructure Program

Ongoing lack of water and water supply for suitable reticulation of the Cuballing Oval has been a source of concern for many years and has hampered the ability to provide an excellent grass coverage on the oval.

Council staff believe that the RLCIP funding could be used to assist with reduction of evaporation from the reticulation dam, which will certainly assist with the water problem.

There is a company in Victoria that has recently developed a product called the Enviro Dam Cover (EDC), and they are currently working with the Victorian Government in relation to using this product on irrigation channels from the Murray Darling Basin to assist with the water shortage being experienced there.

The EDC is a durable and environmentally friendly product that protects water storages from the sun, wind and dry climate providing all year round cover that helps reduce evaporation by up to 70%. It is made of flexible twin plastic sheet consisting of polypropylene sheets with hollow channel to assist with flotation.

The EDC is supplied in rolls of 65m (x 2m wide, 130m²), rolls are then stitched together to provide the coverage required, and costs between \$8.00/m² to \$10.00/m² plus freight.

The surface area of the Cuballing reticulation dam is approximately 1,950m² (65m x 30m). The estimated cost is \$19,500 plus freight and installation.

To receive the funding Council needs to submit a project or projects to the Australian Government Department of Infrastructure, Transport, Regional Development and Local Government for consideration and approval.

Does Council have any other projects that they would like to consider for funding under this program?

Royalties for Regions Country Local Government Fund

Prior to the December 2009 meeting of Council, staff will prepare a comprehensive list of likely projects, including works and costings, for Council consideration that are expected to fit within the guidelines and criteria for the R4RCLGF program. Can Councillors also give due consideration to projects for inclusion in this funding program.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

For Council consideration and direction please.

COUNCIL ACTION

Regional and Local Community Infrastructure Program

Moved Cr Conley, seconded Cr McDougall that supply and installation of Enviro Dam Cover for the Cuballing Recreation Grounds Reticulation Dam be submitted under the Federal Government Regional and Local Community Infrastructure Program for formal approval.

CARRIED 6/0

Royalties for Regions Country Local Government Fund

Moved Cr Haslam, seconded Cr Newman that Council considers:

- Allocation of \$266,000 for application of second/final coat bitumen seal to previously road construction projects within the Shire. The Chief Executive Officer and Works Manager to provide projected costings and works program to the December 2009 Meeting of Council for consideration; and
- Allocation of \$100,000 to continued development of the Dryandra Regional Equestrian Park Project.

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/GENERAL MAINTENANCE

Summer grading maintenance has commenced and is proceeding throughout the Shire. A grader has also been working on weekends to ensure the road network is maintained to a suitable standard.

Bitumen patching is still progressing throughout the Shire.

The Mulching Machine has completed the budgeted works program. Mulching was carried out on the following roads: Springhill, Grout, Stratherne, Wardering, Pennys, Popanyinning West, Williams, Bunmulling, Cooke and English.

Earthworks are continuing at the Dryandra Regional Equestrian Park. Site has been cleared and levelling works are nearing completion. Pads have been prepared in readiness for relocating of sheds from Narrogin. Quote is being obtained to erect new fencing around the reticulation dam.

Earthworks are continuing on the Popanyinning Tennis Courts and Popanyinning Fire Shed projects. More substantial works on both projects is due to commence prior to the end of November.

PLANT AND EQUIPMENT

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

STAFF

Brian Hare has been on workers compensation with a crushed finger, he has resumed on light duties.

John Ramage and Graeme Renfrey are on sick leave

Anthony Mort has resumed from long service leave.

Bruce Brennan is clearing three weeks annual leave.

PRIVATE WORKS

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

Private works invoices for the month of October 2009, total \$436.18; year to date \$5,970.49.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Managers Report be received and information noted.

COUNCIL ACTION

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

CARRIED 6/0

8.2.2 SHIRE OF NARROGIN – APPOINTMENT OF DUAL FIRE CONTROL OFFICERS

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

Background

Correspondence from the Shire of Narrogin advising of the appointment of Mr Alastair McDougall and Mr Tim Shepherd as Dual Fire Control Officers with the Shire of Cuballing for the 2009/2010 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 Alastair McDougall and Mr Tim Shepherd be appointed as Dual Fire Control Officers for the Shires of Cuballing and Narrogin for the 2009/2010 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 Haslam, seconded Cr Conley 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:	Allan Ramsay, Environmental Health Officer/Building Surveyor
Enabling Legislation:	Local Government (Miscellaneous Provisions) Act 1960 Building Code of Australia, Building Regulations 1989 Builders' Registration Act 1939 Environmental Protection (Noise) Regulations 1997
Council Policy:	Register Delegated Authority Shire of Cuballing Health Local Law 2007 Shire of Cuballing Town Planning Scheme No 2
Budget Implications:	Nil
File Reference:	CMR 2
Voting Requirements:	Simple majority

Summary

There were two (2) application(s) approved and license(s) issued for the month of October 2009. Listed below is a summarized breakdown of the application(s) and proposed structure(s):

Approval License No	Name of Owner	Registered Builder (RB) or Owner Builder (OB)	Structure	Location of Building
9-2009/10	Shire of Cuballing	OB	Fire Shed	Lot 20 Howard Street Popanyinning
10-2009/10	Shire of Cuballing	OB	Portico, Popanyinning Hall	Lot 19 Francis Street Popanyinning

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

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

COUNCIL ACTION

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

CARRIED 6/0

8.4 REPORTS – TOWN PLANNING

8.4.1 WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) – PLANNING APPLICATION 140021, B B & J A GRAY

Submission to: Ordinary Meeting of Council
Location/Address: Lot 2 Bunmulling Road, Popanyinning
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Planning and Development Act 2005
Council Policy: Shire of Cuballing Town Planning Scheme No 2
Budget Implications: Nil
File Reference: Town Planning 11
Voting Requirements: Simple majority

Background

Correspondence from the WAPC advising that the Commission is prepared to endorse the planning application subject to compliance with certain conditions.

The planning application was previously presented to the June 25, 2009, Ordinary Meeting of Council for consideration.

At that meeting Council resolved to support the application as follows:

That planning application 140021 to subdivide Lot 2 Bunmulling Road, Popanyinning, be supported, subject to the following conditions:

- *The applicant/owner of the land shall make arrangements to ensure that prospective purchasers of the proposed lot(s) are advised in writing that provision of reticulated water and sewerage service will not be available to the lot(s) and that all future dwellings on the lot(s) will need to be connected to on-site effluent disposal system(s);*
- *The applicant/owner of the land shall make arrangements to ensure that prospective purchasers of the proposed lot(s) are informed of the requirements of clauses 5.12.7 and 5.12.8 of Town Planning Scheme No 2, pertaining to development in Rural Residential Zoned areas, and that no outbuilding will be approved unless a single dwelling is existing on the property or is to be constructed at the same time;*
- *Subject to the applicant obtaining a Geotechnical Report during the wettest period of the year for proposed Lot B in relation to suitable area for effluent disposal in accordance with the Draft Country Sewerage Policy, and also defining a location suitable for a building envelope;*
- *Clearing of vegetation on proposed Lot B outside of the defined building envelope area is not permitted without prior Council approval; and*
- *The applicant/owner of the land shall make arrangements to ensure that prospective purchasers of the proposed lot(s) is/are advised in writing of the provision relating to the Geotechnical Report, building envelope and clearing restrictions, and also place a memorial on the certificate of title advising any future owners of the provision.*

Advice note to WAPC:

- *The applicant should be advised that this latter condition has been imposed because of the fragile and low nature of portion of the land.*

Comment

The conditions of approval imposed by the WAPC are:

1. *The applicant/owner of the land shall make arrangements to ensure that prospective purchasers of the proposed lots are advised in writing that provision of a reticulated sewerage service will not be available to the lot and that all future dwellings on the lot will need to be connected to on-site effluent disposal system(s).*
2. *Notification in the form of a section 70A notification, pursuant to the Transfer of Land Act 1983 (as amended) is to be placed on the Certificate(s) of Title of the proposed lot(s) advising that no reticulated water supply can be provided to the land by a licensed water service*

supplier and as a consequence owners will be required to make their own arrangements to provide an adequate water supply of potable water.

3. The applicant/owner is to provide a Geotechnical Report during the wettest part of the year for proposed Lot B specifying an area suitable for on-site effluent disposal and identifying a suitable location for a building envelope.
4. Prior to commencement of site works, a detailed plan identifying a building envelope on proposed Lot B on the approved plan of subdivision is to be prepared in consultation with the local government.
5. The subdivider making suitable arrangements with the Local Government to ensure that prospective purchasers of the lots created will be advised of those provisions of the Local Government's town planning scheme that relate to the use and management of the land.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the correspondence be received and information noted.

COUNCIL ACTION

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

CARRIED 6/0

8.4.2 DEPARTMENT OF REGIONAL DEVELOPMENT AND LANDS – MANAGEMENT ORDER FOR RESERVE 16269

Submission to:	Ordinary Meeting of Council
Location/Address:	Reserve 16269 (Lot 414) Campbell Street, Cuballing
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Land Administration Act 1997
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	Lands 8b and Recreation 4 & 17
Voting Requirements:	Simple majority

Background

Reserve 16269, which is the site of the Cuballing Recreation Grounds, has been vested with the Shire of Cuballing since July 1985 for purpose of Recreation.

Portion of the Reserve is now being developed as part of the site for the new Dryandra Regional Equestrian Park project.

At the completion of the equestrian park project it is proposed that the facility will be leased to a Management Committee made up from representatives of the Narrogin Pony & Riding Club, Narrogin Equestrian Association, and from the Shire of Cuballing.

Comment

The original vesting order (of July 1985) did not give Council the power to lease the land and therefore correspondence was recently forwarded to the Department of Regional Development and Lands requesting an amendment to the vesting order to give Council this power.

On 13 October 2009 a new Management Order for Reserve 16269 was issued by the Department in the name of the Shire of Cuballing for the purpose of Recreation and granting Council the power to lease the land, or any portion thereof, for the designated purpose for any term not exceeding twenty one (21) years. Approval in writing must firstly be obtained from the Minister for Lands for each and every lease.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the correspondence be received and information noted.

COUNCIL ACTION

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

CARRIED 6/0

8.4.3 APPLICATION FOR OVERSIZED OUTBUILDING

Cr CJ McDougall declared an Impartiality Interest and departed the meeting at 4:45pm.

Submission to:	Ordinary Meeting of Council
Location/Address:	Number 184 (Lot 2) Campbell Street, Cuballing
Reporting Officer:	Allan Ramsay, EHO/BS
Enabling Legislation:	Planning and Development Act 2005
Council Policy:	Shire of Cuballing Town Planning Scheme No 2
Budget Implications:	Nil
File Reference:	Town Planning 3
Voting Requirements:	Simple majority

Background

Council has received an application for Planning Consent from Mr GL & Mrs YE McDougall for the construction of a 84m² colorbond outbuilding on Lot 2 Campbell Street, Cuballing.

The property is 1,192m² in area and there is an existing zincalume outbuilding on the property (which is 42m²). If the application is approved the total area of outbuildings will be 126m².

Mr & Mrs McDougall have indicated that the new outbuilding is to be used as a hobby facility and it needs to be of the proposed size to accommodate 4KLW Solar Panels on the northern aspect of the roof.

Comment

The subject land is zoned Rural Townsite under the Shire of Cuballing's Town Planning Scheme No.2 (Local Planning Policy - Outbuildings).

Oversized Outbuilding

Council's Town Planning Scheme No. 2 Policy (Local Planning Policy Outbuildings) states that in a Rural Townsite and Rural Residential zones of the Shire where the lot size is 1500m² or less in area:

(a) (ii) Colorbond construction, where the total outbuilding does not exceed 65m² in total floor area;

(f) Any application for planning approval, which does not comply with the above, shall be referred to Council for consideration.

The proposed structure will be built behind an existing house and on a 1,192m² block, which adjoins a 3,566m² large vacant block at the rear. Whilst property area is 308m² short of being permitted to build a 120m² Colorbond shed (including any existing outbuildings), the location of the proposed shed will not interfere with the amenity of the area.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council approves the construction of the 84m² outbuilding on Lot 2 Campbell Street, Cuballing, subject to the following conditions:

- **The issue of an approved building license for the construction of the outbuilding.**
- **The outbuilding to be sited in accordance with the Shire of Cuballing's Town Planning Scheme No 2.**
- **The outbuilding hereby permitted shall be only used for the purpose incidental to the residential use of the property and shall not be used for any habitable, commercial or industrial purpose.**

COUNCIL ACTION

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

CARRIED 5/0

Cr McDougall returned to the meeting at 4:52pm

**8.4.4 RELEASE OF SEVEN UCL LOTS AND RESERVATION OF LOT 351
WITHIN CUBALLING TOWNSITE**

Submission to:	Ordinary Meeting of Council
Location/Address:	UCL Lots 11, 34, 60, 98, 129, 416 & 417, and UCL Lot 351 Cuballing Townsite
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Land Administration Act 1997 Native Title Act 1993
Council Policy:	Shire of Cuballing Town Planning Scheme No 2 Shire of Cuballing Local Planning Strategy
Budget Implications:	Nil
File Reference:	Town Planning 3
Voting Requirements:	Simple majority

Background

For a number of years Council has been endeavouring to have seven Unallocated Crown Land (UCL) Lots within the Cuballing townsite released for sale to the general public. In addition to this Council and the Townscape Committee has been attempting to gain access to UCL Lot 351 via a management order to enable the land to be rehabilitated and nature trails developed.

The State Land Services, in accordance with the provisions of the Land Administration Act 1997 and Native Title Act 1993, advertised a Notice of Intention to Take Land in December 2008. In response to the Notice the Gnaala Karla Booja (GKB) Aboriginal Claim Group lodged an objection to both proposals.

The Shire President and the Chief Executive Officer attended a meeting with the GKB Working Party at the offices of the South West Aboriginal Land and Sea Council (SWALSC) in Cannington on Thursday 26 February 2009. Ms Lorraine Rushton of the State Land Services Native Title Unit was also in attendance.

At the Ordinary Meeting of Council held on 19 March 2009, Council resolved to invite representatives of the GKB Working Party to undertake a site of visit in Cuballing.

The site visit/meeting eventuated on Tuesday 9 June 2009, with the following in attendance: Sean O'Hara, Margaret Drayton & Yvette Bradley (SWALSC), Ken Kickett, Kelvin Kickett & Jock Abraham (Traditional Owners), and Peter Naylor (Shire Chief Executive Officer).

Comment

A Site Visit Report and correspondence has now been received. The Report acknowledges that a well is not located on Lot 60 which was basis of the objection to the release of the seven lots and cause of the site visit.

During the visit the Chief Executive Officer (CEO) informed the group that Council would be interested in gaining joint management order with the GKB Working Party for UCL Lots 473 & 520 (on which the well is located) to preserve the heritage of the area. Also the land is very low lying and would prove difficult for residential development.

In this situation Council would work with the management team to install fencing and erect interpretational signage providing history of the area. Funding of these projects could be through the form of joint application to the Department Aboriginal Affairs or other associated funding bodies, ie Lotterywest.

The correspondence from SWALSC dated 16 October 2009, indicates that prior to lifting the objection for the release of Lots 11, 34, 60, 98, 129, 416 & 417, the group wants the following actions:

- A heritage management plan for Lot 473 (adjacent to Lot 60) be created with the intention of Joint Management of the Lot by the Shire of Cuballing and GKB Working Party;
- Fencing, as funded by the Shire, should be erected around the site;
- A plaque be commissioned by the Shire which details the local Noongar families who lived, camped and travelled through the area, in particular Herbert and Maude Kickett, and the significance of the area;
- Consultation for the creation of the management plan should be with the local Cuballing Traditional Owners, the Kickett family, who will report back to the GKB Working Party; and
- Shire to consider funding for constructing a shelter on the Lot with possible creation of a picnic area and connection to running water.

The above requests are quite disappointing, especially in relation to development of a heritage management plan prior to releasing the seven lots for residential development. The objection to the release of the lots was on the basis that a well was situated on Lot 60. During the visit it became apparent that this is not the case and the CEO informed the group that Council would be prepared to work with them in a joint management basis to preserve the sites of historical significance. As the well is not situated on Lot 60 the GKB Working Group should be prepared to lift the objection on an understanding with Council that a joint management arrangement will proceed, subject to application being made to the Department of Regional Development and Lands..

In addition it should not be up to Council to solely fund fencing and interpretational signage at the area, these works will need to be identified in a joint management plan funding avenues be investigated with appropriate funding bodies.

Further to that, does Council want to create a park/picnic area at the site? It is all very well to receive funding to put up fencing, erect shelters and connect running water but there will be ongoing maintenance and management costs which will have to be met by Shire ratepayers. There is already a community

park within Cuballing not far from the area mentioned and this serves the whole of community.

The CEO has referred this matter to Lorraine Rushton, Negotiator - Native Title Unit, Lands Division, Department of Regional Development and Lands, and she is following the matter up with SWALSC. Lorraine concurs with the CEO's comments that the objection should be lifted before the requested actions and joint management plan and she has explained this to the SWALSC. This matter is to be presented to a meeting of SWALSC and the GKB Working Party on 26 November 2009.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council:

- **Informs the South West Aboriginal Land and Sea Council and Gnaala Karla Booja Working Party that it is prepared to make an application to the Department of Regional Development and Lands to obtain Joint Management of Lots 473 & 520 with the Gnaala Karla Booja Working Party;**
- **On receipt of joint management of Lots 473 & 520 a Heritage Management Plan be created in consultation with the Shire of Cuballing, GKB Working Party, and local Cuballing Traditional Owners;**
- **Work requests as identified within the Site Visit Report and correspondence of 16 October 2009 to be considered as part of the joint management plan; and**
- **Requests the SWALSC and GKB Working Party to immediately lift the objection on release of UCL Lots 11, 34, 60, 98, 129, 416 & 417, as it was identified during the site visit on 9 June 2009 that there are no wells located on Lot 60.**

COUNCIL ACTION

Moved Cr Conley, seconded Cr Meharry 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 5:10pm.