

SHIRE OF CUBALLING
COUNCIL MEETING THURSDAY 15 OCTOBER 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 15 OCTOBER 2009**

1. OPENING – ANNOUNCEMENT OF VISITORS

The Shire President welcomed Councillors and declared the meeting open at 3:04pm.

2. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

ATTENDANCE

Shire President, Cr TH Wittwer
Cr DS Bradford
Cr C Hawksley
Cr JR A Meharry
Cr RD Newman
Cr TP Haslam
Chief Executive Officer, Mr P T Naylor
Cr Elect Mrs CJ McDougall
Cr Elect Mr M Conley

LEAVE OF ABSENCE

Cr J D Brown, granted at the Ordinary Meeting of Council held on Thursday 20 August 2009.

3. APOLOGIES

Nil

4. APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Newman, seconded Cr Bradford that Leave of Absence be granted to Cr Hawksley for the Ordinary and Special Meetings of Council to be held on Thursday 12 November 2009.

CARRIED 5/0

5. **MINUTES**

5.1 **CONFIRMATION OF 17 SEPTEMBER 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 17 September 2009 be confirmed.

COUNCIL ACTION

Moved Cr Meharry, seconded Cr Bradford 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.

Nil

8.1 REPORTS – FINANCE AND ADMINISTRATION

8.1.1 LIST OF ACCOUNTS SUBMITTED FOR COUNCIL APPROVAL AND PAYMENT – OCTOBER 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 \$202,931.16:**

Vouchers 13332-13397	\$122,368.36
Electronic fund transfers	\$ 79,159.45
Credit Card	\$ 1,403.35

- **Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$508.80:**

Voucher T2076-T2077	\$ 508.80
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COUNCIL ACTION

Moved Cr Hawksley, seconded Cr Newman 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 30 September 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 30 September 2009, be received.

COUNCIL ACTION

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

CARRIED 6/0

8.1.3 **LOCAL GOVERNMENT REFORM**

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: C&A 7
Voting Requirements: Absolute majority

Background

At the Ordinary Meeting of Council held on Thursday 17 September 2009, Council resolved as follows:

That in order to comply with the requirement to submit a Reform Submission as proposed by the Minister for Local Government:

1. *The Shire of Cuballing will solicit support for the following proposal:*
 - *A merger of the Shire of Cuballing with the Shire of Narrogin, Shire of Wickepin, and the Town of Narrogin;*
 - *The preferred number of elected members in the new local government will be eight;*
 - *The regional grouping of the new local government will be based on the current boundaries of the Wheatbelt South Regional Road Group;*
 - *The transition timeline will see the new local government established from 1 July 2011; and*
 - *Subject to receiving support for the merger proposal a list of conditions be developed establishing the basis for an agreement that will be used as direction to the new local government.*

2. *In relation to dot point 5 of clause 1 (above), the following list of conditions be included in the Shire of Cuballing submission to the Local Government Reform Steering Committee:*
 - *Each existing local government should form a ward in the new local government;*
 - *The number of Councillors in the new local government should be eight with two from each ward (for at least two election cycles; 8 years);*
 - *President of the new local government to be elected from within the elected members;*
 - *Existing works depots should continue as service depots for each ward;*
 - *Existing offices, in each ward, should continue to provide an office front and be a point of contact for senior staff;*
 - *Existing Reserve Funds should be quarantined to existing wards;*
 - *Existing road programs and funding levels should be maintained;*
 - *Community and sporting groups support should continue;*
 - *Existing assets, facilities and amenities should be continued and maintained;*
 - *The total cost of amalgamation, including any new facilities; ie offices and/or extensions, IT, project officer, financial systems, town planning schemes, local laws, etc; should be borne by the State Government;*
 - *Phasing in of rates over period of time; perhaps three to five years;*
 - *Commissioner(s) of new local government to be the three Presidents and Mayor of merging Councils;*
 - *Interim Chief Executive Officer to be appointed by the Commissioner(s) and then permanent Chief Executive Officer appointment to be made by new Council when elected (not commissioner(s));*

- *The raising of loans by the merging Councils prior to the merger date be restricted and with the agreement of the existing Councils;*
- *Staffing levels to be maintained as existing levels;*
- *Shire of Narrogin offices to have ownership transferred from Crown Grant to freehold title of new local government;*
- *The Local Government Grants Commission Policy and Methodology for voluntary amalgamated Councils be modified to ensure that Local Governments that embrace structural reform are not financially disadvantaged beyond the current five year stay of grants policy; and*
- *A new name for the new Local Government be developed, ie “Shire of Dryandra”.*

And

That Council engage the services of Minter Ellison, Lawyers, to prepare submission on behalf of the Shire of Cuballing to the Local Government Reform Steering Committee.

Comment

Following the Council meeting and in accordance with the above resolution, the Chief Executive Officer (CEO) engaged the services of Minter Ellison to prepare the Local Government Reform submission on behalf of the Shire of Cuballing.

The CEO travelled to Perth on Wednesday 23 September 2009 and met with Minter Ellison personnel to peruse working papers and provide further background information for the submission.

Following this process a draft copy of the submission was provided to the CEO and Councillors (via email) on Friday 25 September 2009, for comment prior to the final draft being completed.

On completion of the final draft the document was copied and bound along with supporting information (ie BDO Kendall reports) for submitting to the Minister for Local Government. A copy of the final submission was also provided to Councillors via email transmission on Tuesday 29 September 2009.

To ensure the documentation was received by the Minister by the due date the CEO travelled to Perth on Wednesday 30 September and lodged submission at the offices of Department of Local Government, Dumas House in West Perth.

The process from here will be that the Department of Local Government staff will collate the reform submission information for consideration by the Local Government Reform Steering Committee. The Steering Committee

will consider the submissions and provide recommendations to the Minister for Local Government. The Steering Committee is expected to provide an interim report to the Minister by the end of October 2009 and a final report by December 2009. Following this the Minister for Local Government has advised that he would like to be in a position to provide recommendations to the Local Government Advisory Board in January 2010.

The WA Local Government Association have indicated that they would like to maintain a record of reform submissions and have requested Council consideration to sending a copy of its submission to the WALGA office. It is proposed that copies of the reform submissions will provide a historical record of submissions for future reference and maintain an accurate record of the local government sectors position. The information would also assist the Association in any advocacy that may be required as the reform process moves forward.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- 1. the Local Government Reform Submission prepared by Minter Ellison on behalf of the Shire of Cuballing be formally endorsed; and**
- 2. a copy of the Shire of Cuballing Local Government Reform submission be provided to the Western Australian Local Government Association.**

COUNCIL ACTION

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

CARRIED 6/0

8.1.4 SPECIAL MEETING OF COUNCIL

Submission to:	Ordinary Meeting of Council
Location/Address:	Not applicable
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

In accordance with section 2.28 of the *Local Government Act 1995*, the terms of Councillors retiring at the October Local Government Ordinary Elections ends on the day of the ordinary elections day, being Saturday 17 October 2009. The term for newly elected Councillors begins on the day after the elections day. Section 2.29 of the *Act* prescribes that a person elected as a

councillor has to make a declaration in the prescribed form before they can act in the office, and that a person elected by the Council as President also has to make a declaration in the prescribed form before acting in the office.

Comment

To meet the above requirements of the Local Government Act, prior to the November 12, 2009, Ordinary meeting of Council, it is proposed to hold a Special meeting of Council on Thursday 12 November 2009, at 1.00pm.

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

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That a Special meeting of Council be held on Thursday 12 November 2009, at 1.00pm, to meet the requirements of the *Local Government Act 1995 (S2.28 & S2.29)*, as follows:

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

COUNCIL ACTION

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

CARRIED 6/0

8.1.5 DEPARTMENT OF SPORT AND RECREATION COMMUNITY SPORTING AND RECREATION FACILITIES FUND

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 414 (Reserve 16269) Cuballing
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Nil
Council Policy:	Nil
Budget Implications:	Will impact 20010/2011 Budget
File Reference:	Grants 5 & Recreation 17
Voting Requirements:	Simple Majority

Background

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

The process is for the grant application(s) to be submitted to the local government for consideration and prioritisation (if supported and a number of applications are received) at its October meeting and then submission to the DSR by end of October.

Comment

The Narrogin Pony and Horse Riding Club and Narrogin Equestrian Club are in the process of preparing an application under the CSRFF program for phase two of the Dryandra Regional Equestrian Park project.

At the time of preparing the agenda the application still being completed. A copy of the application when completed was circulated to Councillors via email prior to the meeting and also tabled at the meeting.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

COUNCIL ACTION

Moved Cr Haslam, seconded Cr Hawksley that the grant application, as presented, be endorsed and submitted to the Department of Sport and Recreation Community Sporting and Recreation Facilities Fund for consideration.

CARRIED 6/0

8.1.6 DRYANDRA REGIONAL EQUESTRIAN PARK – LEASE OF PARKING AND CAMPING AREA

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 259 Darcy Street, Cuballing
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Nil
Council Policy:	Nil
Budget Implications:	Provision included on 2009/2010 Budget
File Reference:	Recreation 17
Voting Requirements:	Simple Majority

Background

The Dryandra Regional Equestrian Park Management Committee believe that whilst the facility is being developed it would be beneficial having alternative land available to utilise for parking and camping to alleviate congesting whilst works are in progress on the various equestrian areas and internal roads to bring them up to the required standard.

A vacant lot, consisting of 8,079m², adjacent to the western side of the facility, owned by Mr Brad Barnett, and almost abutting the proposed parking and camping area was identified as potential land for this purpose.

The Chief Executive Officer was requested to investigate the possibility of leasing the property.

Comment

The Chief Executive Officer met with Mr Brad Barnett on Monday 21 September 2009 to discuss the matter and ascertain what conditions may be imposed should Mr Barnett be agreeable to the proposal.

Mr Barnett was very approachable on the proposal and it was agreed that the Shire of Cuballing could lease the land for a period of three (3) years during the development phase of the equestrian facility for parking and camping. The cost for the lease will be \$1,000 per annum and the Shire will be responsible for fencing repairs and other insurance liability for the property.

This information has been drafted into a Memorandum of Understanding (MoU) between the Shire of Cuballing and Mr Barnett. A copy of the draft MoU was forwarded to Mr Barnett for his perusal and comment, and he has advised that he is satisfied with the content of the document.

The draft MoU has been prepared in a simplified format using a website template, and appears to cover the necessary aspects of the agreement.

A copy of the draft MoU has been circulated with the Council Meeting Agenda.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **Council supports the Shire of Cuballing entering into a Memorandum of Understanding with Mr Bradley George Barnett for the use of Lot 259 Darcy Street, Cuballing, for purpose of parking and camping for three year period commencing on 1 November 2009, at cost of \$1,000 per annum; and**
- **Council endorses the draft Memorandum of Understanding, as presented, between the Shire of Cuballing and Mr Bradley George Barnett.**

COUNCIL ACTION

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

CARRIED 6/0

**8.1.7 BUTLER SETTINERI (AUDIT) PTY LTD – AUDIT REPORT
2008/2009 FINANCIAL YEAR**

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

Background

Butler Settineri (Audit) Pty Ltd completed their on-site Audit of Council's functions and operations for the 2008/2009 Financial Year on Friday 2 October 2009. However they still have some work to complete at their offices prior to finalising the audit process.

Comment

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

At the time of preparing this report the Audit Report has not been received.

The Audit Report was received on Thursday 15 October 2009, via email transmission, and tabled at the Council meeting.

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

In addition to the Audit Report, the Chief Executive Officer (CEO) informed Council that the existing audit agreement with Butler Settineri (Audit) Pty Ltd has now expired and Council will need to appoint new auditors.

The CEO advised that two quotations have been received from Butler Settineri (Audit) Pty Ltd, and Greg Wyllie (independent auditor) to undertake Shire of Cuballing audit services.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

COUNCIL ACTION

Moved Cr Bradford, seconded Cr Newman that the Auditors Report for the 2008/2009 Financial Year be received.

CARRIED 6/0

Moved Cr Bradford, seconded Cr Haslam that:

- **The quotation provided by Butler Settineri (Audit) Pty Ltd to provide audit services to the Shire of Cuballing for the two (2) year period 1 July 2009 to 30 June 2011, inclusive, at cost of \$8,000 per annum, be accepted; and**
- **Mr Paul Chabrel, of Butler Settineri (Audit) Pty Ltd be reappointed as auditor for the Shire of Cuballing for the two (2) year period 1 July 2009 to 30 June 2011, inclusive.**

CARRIED 4/2

8.1.8 SHIRE OF CUBALLING ANNUAL REPORT 2008/2009 FINANCIAL YEAR AND ANNUAL GENERAL MEETING OF ELECTORS

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

Background

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

Comment

A copy of the draft Annual Report prepared for the Shire of Cuballing for the 2008/2009 Financial Year has been circulated with the Council meeting agenda for comment and/or amendment as considered necessary. As mentioned previously in item 8.1.3 the Audit Report is not yet available and therefore has not been included in the draft Annual Report but will be tabled at the Council meeting.

Section 5.26 of the Local Government Act 1995 requires that a General Electors meeting be held within 56 days of Council receiving the annual

report. Section 5.29 of the Act requires public notice of 14 days of the meeting. Therefore it is proposed that the General Electors meeting for the Shire of Cuballing be held immediately following the November 12, 2009, meeting of Council, commencing at 7.30pm.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- Pursuant to section 5.54 of the Local Government Act 1995, the draft Annual Report for the Shire of Cuballing for the 2008/2009 Financial Year, as circulated and presented to the Council meeting, and with the inclusion of the 2008/2009 Audit Report, be received and accepted; and
- The General Electors meeting be held in the Shire of Cuballing Council Chambers on Thursday 12 November 2009, commencing at 7.30pm.

COUNCIL ACTION

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

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

Winter and shoulder grading maintenance is proceeding throughout the Shire. A grader has also been working on weekends to optimum conditions available for winter grading.

Bitumen patching is still progressing throughout the Shire, again as weather permits.

The Mulching Machine has completed works on Springhill, Grout, Stratherne, Wardering, Pennys, Popanyinning West and Williams Roads, and is currently

working on Bunmulling Road in Popanyinning townsite, prior to moving to Reeds and Cooke Roads.

Most roads within the Shire have now had the verges sprayed to reduce weed/vegetation growth impacting the trafficable surface area. A program is being organised to spray noxious weeds.

Bridge maintenance has been carried out on bridges numbers 4864, 4865 & 4866 Wardering Road.

Earthworks are continuing at the Dryandra Regional Equestrian Park. Site has been cleared and levelling works are progressing, and pads being prepared in readiness for relocating of sheds from Narrogin at end of October 2009.

Cuballing townsite and recreation grounds being maintained for Cuballing Country Festival on Saturday 10 October 2009.

PLANT AND EQUIPMENT

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

Isuzu Truck CN272 has had maintenance work carried out on rear brakes and clutch.

PRIVATE WORKS

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

Private works invoices for the month of September 2009, total \$1,108.12; year to date \$5,534.31.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Managers Report be received and information noted.

COUNCIL ACTION

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

CARRIED 6/0

8.2.2 SHIRE OF WICKEPIN – APPOINTMENT OF DUAL FIRE CONTROL OFFICER

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 Wickepin advising of the appointment of Mr Steven Rose as Dual Fire Control Officer 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 Steven Rose be appointed as Dual Fire Control Officer for the Shire of Cuballing and Wickepin 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 Bradford, seconded Cr Meharry that the Chief Executive Officers recommendation be adopted.

CARRIED 6/0

8.2.3 LOCAL GOVERNMENT ENGINEERING GUIDELINES FOR SUBDIVISIONAL DEVELOPMENT

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Local Government Act 1995 Planning and Development Act 2005
Council Policy:	Nil (being developed)
Budget Implications:	Nil
File Reference:	Engineering 2
Voting Requirements:	Simple majority

Background

Local Government Guidelines for Subdivisional Development 2009 Edition 2 have been prepared by the Institute of Public Works Engineering Australia (IPWEA).

Comment

The Guidelines are intended to support conditions of subdivision applied by the WA Planning Commission (WAPC) pursuant to the Planning and Development Act 2005. The principles and standards are applicable to the entire State. Their development has had broad support from State and local government and industry.

It is also intended that the Guidelines are to be applied uniformly by engineering professionals and the development industry. They will be referenced by the WAPC and the State Administration Tribunal (SAT) in any determinations. They also provide links, reference tools and technical data. They are not compulsory but are strongly recommended for adoption.

The Guidelines are extremely comprehensive and will provide uniform guidance and standards. They are not mandatory and can be varied but good reasoning would need to be provided in order for Council to do so.

It is expected that adoption of the Guidelines will result in a better standard of development to occur with the benefit of less maintenance requirements on local government. It could also be argued that there will be environmental benefit arising from use of the Guidelines.

The Guidelines are to be reviewed every two years.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council adopts the Local Government Guidelines for Subdivisional Development 2009.

COUNCIL ACTION

Moved Cr Bradford, seconded Cr Newman 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 was one (1) application(s) approved and license(s) issued for the month of September 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
8-2009/10	K Bullard	OB	S/F Kit Home	Lot 277 Campbell Street Cuballing

On Site Effluent Disposal System

K Bullard, Lot 277 Campbell Street, Cuballing

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

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

COUNCIL ACTION

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

CARRIED 6/0

8.4 REPORTS – TOWN PLANNING

8.4.1 APPLICATION FOR OVERSIZED OUTBUILDING

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 3 Francis Street, Popanyinning
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 4
Voting Requirements:	Simple majority

Background

Council has received an application for Planning Consent from Mr Phil Everett for the construction of a 96m² colorbond outbuilding on Lot 3 Francis Street, Popanyinning. The property is 1,416m² in area just 84m² short of the required area of 1,500m² for the shed to be permitted without requiring Council approval.

Mr Everett has indicated that the outbuilding is to be used to store his camper, utility and the other two bays for a work area and general storage for garden tools etc.

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 structure will be built behind an existing house and on a 1,416m² block, just 84m² in area short of being permitted to build a 120m² Colorbond shed. Consequently, the proposed 96m² shed will not interfere with the amenity of the area.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council approves the construction of the 96m² outbuilding on Lot 3 Francis Knight Street, Popanyinning, 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 Meharry, seconded Cr Haslam that the Chief Executive Officers recommendation be adopted.

CARRIED 6/0

8.4.2 APPLICATION TO COMMENCE HARDWARE SHOP BUSINESS IN CUBALLING

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 16 (No 55) Alton 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

An application has been received from Mr Neil Richardson to commence a Hardware Shop Business at Lot 16 Alton Street, Cuballing. The proposed business will primarily be used to service the town of Cuballing in hardware, nursery, bric a brac, etc. It is anticipated that it will be run on a part time basis unless it became viable to run full time.

The property is vacant land and owned by Mr Richardson.

The property is zoned as Rural Townsite in the Shire of Cuballing Town Planning Scheme (TPS) No 2.

The proposed business is categorised as a 'Shop' in TPS No 2, with "P" use classification, which means that the use is permitted.

The objectives of the TPS No 2 for the Rural Townsite Zone states:

1. To provide for a range of compatible uses within the town sites for a range of services, residential types, community and recreational facilities that may be found in a small country town;
2. To encourage land uses which may positively affect the living and visual amenity on local amenities;
3. To provide for the protection of the natural environment;
4. To protect or enhance any local reserves; To encourage the modification/restoration of existing buildings in a manner which is compatible with the existing streetscape;
5. To support commercial and industrial use in areas where the predominate established use is for residential purposes provided residential areas can be adequately buffered from impacts.

Comment

Mr. Richardson will need to indicate the proposed times the shop will be opened and whether this will need approval by any other governing body.

Sketch plans of the building provided by Mr. Richardson appear to be to an acceptable standard, however more detail will need to be submitted for any formal approval.

Whilst this application does not require Council approval under TPS No2 in the event that the business venture fails there would be an empty building on the site which could be look upon as an outbuilding. Under TPS No 2 a house must be built on land in the Rural Townsite before the construction of an outbuilding.

In considering the application, staff believe that the application can be supported by Council.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council, support Mr Neil Richardson's application in principle to commence a hardware shop business at Lot 16 Alton Street, Cuballing, subject to the following conditions:

- It will be responsibility of the business proprietor to ensure compliance with any other governing body in relation to opening hours;
- Plans to be submitted to Council for approval in accordance the Building Code of Australia.;
- Staff to have delegated authority to approve the structure once the final plans have been submitted and acceptable for the location and possible reduced boundary setback;
- Should the business venture fail the property owner may be required to construct a dwelling on the property to meet the requirements of Town Planning Scheme No 2 or Council reserves the rights to issue a demolition order for removal of the shop building.

COUNCIL ACTION

Moved Cr Bradford, seconded Cr Hawksley that Council, support Mr Neil Richardson's application in principle to commence a hardware shop business at Lot 16 Alton Street, Cuballing, subject to the following conditions:

- It will be responsibility of the business proprietor to ensure compliance with any other governing body in relation to opening hours;
- Plans to be submitted to Council for approval in accordance the Building Code of Australia.;
- Staff to have delegated authority to approve the structure once the final plans have been submitted and acceptable for the location and possible reduced boundary setback;
- Should the business venture fail the property owner may be required to construct a dwelling on the property to meet the requirements of Town Planning Scheme No 2 or Council reserves the rights to issue a demolition order for removal of the shop building; and
- Should the property owner ever intend to sell the property (Lot 16) on which the hardware business is situated it will be their (the property owner) responsibility to ensure that any prospective purchasers must be made aware of the aforementioned conditions (in particular dot point 4).

CARRIED 6/0

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

Nil

10. **OTHER URGENT BUSINESS**

Nil

11. **CLOSURE OF MEETING**

Prior to closing the meeting the Shire President acknowledged that this is the final meeting for retiring Councillor Dawson Bradford. The Shire President thanked Cr Bradford on behalf of Council and the Community for his many years of dedicated service to the district and presented him with a Certificate of Service to Council and the Community.

There being no further business the Shire President declared the meeting closed at 4:50pm.