

SHIRE OF CUBALLING

COUNCIL MEETING FRIDAY 18 DECEMBER 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 FRIDAY 18 DECEMBER 2009**

**1. OPENING – ANNOUNCEMENT OF VISITORS**

The Shire President welcomed Councillors and declared the meeting open at 3:05pm.

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

**ATTENDANCE**

Shire President, Cr TH Wittwer  
Deputy President, Cr RD Newman  
Cr M Conley  
Cr C Hawksley (Attended from 3:35pm)  
Cr TP Haslam  
Cr CJ McDougall  
Cr JRA Meharry

Chief Executive Officer, Mr P T Naylor  
Works Manager, Mr A S Richardson (from 4:43pm to 4:57pm)

Mr John Francis (to 3:28pm)  
Mrs Val Francis (to 3.28pm)  
Mr Neil Francis (to 3:28pm)

**APOLOGIES**

Nil

**LEAVE OF ABSENCE**

Nil

3. **PUBLIC QUESTION TIME**

Mr John Francis addressed the meeting and advised the family's reason for attending the meeting is to seek clarification on the construction of unmade road reserve off Francis Road, Popanyinning East, to link up with easement that has been created over Lot 4053 to provide access to Lot 4167. The family sold this property about three years ago and there has been some conjecture in this time over who should construct the road. Mr Francis has obtained a letter from the Department of Regional Development and Lands (dated 21 October 2009) stating that it is the Shires obligation to construct the road and stated that there has been incorrect information provided from the Shire office to persons who have purchased Lot 4167.

The Shire President responded stating that the Shire has available legal advice stating that the Shire is under no obligation to construct the road and therefore believe it to be the responsibility of the land owner.

**3:28pm Mr John Francis, Mrs Val Francis & Mr Neil Francis departed the meeting**

Council requested the Chief Executive Officer further pursue this matter to obtain clear advice on whose obligation it is to construct the unmade road reserve to provide suitable access to Lot 4167.

**3:35pm Cr C Hawksley entered the meeting**

4. **APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

5. **MINUTES**

5.1 **CONFIRMATION OF 12 NOVEMBER 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 18 December 2009 be confirmed.**

**COUNCIL ACTION**

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

*CARRIED 7/0*

5.2 **SPECIAL MEETING OF COUNCIL HELD ON 18 DECEMBER 2009**

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

That the minutes (as circulated) of the Special Meeting of the Shire of Cuballing held in the Council Chambers on 18 December 2009, be confirmed.

**COUNCIL ACTION**

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

*CARRIED 7/0*

5.3 **ANNUAL MEETING OF ELECTORS HELD ON FRIDAY 18 DECEMBER 2009**

**Background**

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

**Comment**

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

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

That the minutes of the Shire of Cuballing Annual Electors Meeting held on Friday 18 December 2009, be received.

**COUNCIL ACTION**

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

*CARRIED 7/0*

6. **PETITIONS, DEPUTATIONS, PRESENTATIONS & DECLARATIONS**

Nil

7. **DISCLOSURES OF INTEREST**

Councillors' and Employees' Disclosures of Interest.

7.1 **DISCLOSURE OF FINANCIAL INTEREST AND PROXIMITY INTEREST**

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

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

**Item 8.1.3:** The Chief Executive Officer, Mr Peter Naylor, declared a Financial Interest.

**Item 8.4.1:** Councillors Conley, Meharry, Newman and Wittwer declared a Proximity Interest.

7.2 **DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY**

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

Nil

**8.1 REPORTS – FINANCE AND ADMINISTRATION**

**8.1.1 LIST OF ACCOUNTS SUBMITTED FOR COUNCIL APPROVAL AND PAYMENT – DECEMBER 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 \$307,071.94:**

<b>Vouchers 13456-13571</b>	<b>\$241,928.96</b>
<b>Electronic fund transfers</b>	<b>\$ 63,879.71</b>
<b>Credit Card</b>	<b>\$ 1,263.27</b>
  
- **Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$1,182.05:**

<b>Voucher T2084-T2088</b>	<b>\$ 1,182.05</b>
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**COUNCIL ACTION**

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

*CARRIED 7/0*

**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 November 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 November 2009, be received.**

**COUNCIL ACTION**

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

*CARRIED 7/0*

**8.1.3 CHIEF EXECUTIVE OFFICER ANNUAL LEAVE**

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

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

**Background**

The Chief Executive Officer will be clearing 16 days of annual leave and public holiday entitlements from Friday 25 December 2009 until Friday 15 January 2010, inclusive, resuming on Monday 18 January 2010.

## **Comment**

The Works Manager, Alex Richardson, will be working over this period (other than public holidays) and will be available for any emergencies that may arise. Also arrangements have been made with the Chief Executive Officers and senior staff of neighbouring Councils to assist administration office staff with any urgent issues.

## **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**The Chief Executive Officers Annual Leave be endorsed.**

## **COUNCIL ACTION**

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

*CARRIED 7/0*

## **8.1.4 LOCAL GOVERNMENT STRUCTURAL REFORM**

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Shire of Cuballing
<b>Reporting Officer:</b>	Peter Naylor, Chief Executive Officer
<b>Enabling Legislation:</b>	Nil
<b>Council Policy:</b>	Nil
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	C&A 7
<b>Voting Requirements:</b>	Simple Majority

### **Background**

The Minister for Local Government has provided an interim analysis of the local government reform submissions and made the following comments:

“I take this opportunity to provide you with an update on the State Government's local government reform program.

The interim analysis of local government reform submissions has been undertaken by the Local Government Reform Steering Committee and was provided to me this week.

As foreshadowed, a number of local governments have embraced the reform process and come to an agreement with their proposed amalgamation partners. I will now forward these proposals to the Local Government Advisory Board for its review and consideration.

Other local governments have indicated a willingness to amalgamate but have been unable, in the time available, to obtain agreement with their proposed amalgamation partners.



To provide these local governments with clear direction in moving forward, I have concluded that they should form Regional Transition Groups. These groups will see several local governments working together under a formal, no opt-out agreement, with a view to forming a single new entity by 2013.

This approach will provide local governments with the opportunity to resolve key issues and harmonise core functions and services to ensure a seamless transition to a new entity. These core services and systems include:

- Strategic and community planning;
- Infrastructure planning and asset management;
- Economic development;
- Corporate services (IT, HR, records, finance, rating and other administrative functions);
- Planning and management of natural resources;
- Building and approval processes;
- Statutory and strategic land use planning;
- Environmental health; and
- Waste management.

I recognise that there are a small number of local governments in regional areas, which due to their remoteness and size, mean that amalgamations are not a priority.

In this scenario, I have concluded they should form Regional Collaborative Groups. Under this approach, councils will work collaboratively on a regional basis and may or may not transition to a single entity in the future. Such Groups would still be bound by a formal agreement and would be required to perform similar functions and services as the Regional Transition Groups.

Financial incentives will be available to those local governments embracing these reform options.

There are a number of other scenarios identified in the reform submissions which require further consideration by the Steering Committee.

Over the coming weeks, my Department will liaise with local governments to progress the best option for their region.

Outcomes from these discussions will be incorporated in the Steering Committee's final report, which is due to me in March 2010. This report will include input and findings from the four Working Groups which have been considering issues relating to Corporate and Strategic Planning; Commercial Enterprise and Urban Development; Training and Capacity Building; and Legislation Reform.

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From March, the Reform Steering Committee will be replaced by the Reform Implementation Committee which will be established to provide targeted assistance to the sector in implementing the reform process. I will provide further detail on the activity and membership of the Reform Implementation Committee in the new year.

I thank you for your commitment to building strong and sustainable local government in WA. I look forward to your continued cooperation as we move forward with the reform process.”

*The West Australian* reported on 8 December 2009, under the heading “54 councils on merger wish”

Councils in the western suburbs, the Wheatbelt and the South-West will be the first considered for mergers in the next phase of the State Government's local government reforms.

The Government will ask 54 mostly country councils to start sharing "core services" such as building, planning and waste management with the aim of reducing the group significantly through mergers by 2013.

A regional "collaborative" model of sharing services will be set up for groups of local governments in the Kimberley, Pilbara, Eastern Goldfields and Murchison where distance prevents closer integration.

It will add to the mergers planned for the Mid-West shires of Three Springs, Mingenew, Perenjori and Morawa; Geraldton-Greenough, Mullewa and Chapman Valley; and Westonia and Yilgarn by 2011, and a loss of 104 elected members across WA.

Local Government Minister John Castrilli said yesterday he would not make public the names of the 54 councils or preferred groupings recommended in the local government reform steering committee's interim report because they could change.

But *The West Australian* has established the councils are in an area running from Kalbarri to Esperance which has 83 councils, as well as all six western suburbs' councils, including Premier Cohn Barnett's "Monaco of Perth", Peppermint Grove.

Mr Castrilli hoped "three councils or more will want to get together", reducing the 54 councils by at least two-thirds.

But the State Opposition said at best this would reduce WA's councils to 112, not the "fewer than 100" touted by the Premier in September.

Mr Castrilli, who believed the reforms were about long-term investment, said councils would have until the end of March to decide whether to agree to the "voluntary" groupings, though incentives would be provided.

Regional Development Minister Brendon Grylls has already flagged Royalties for Regions funding favouring councils that merge, though Mr Castrilli said this was not finalised and he would also seek Federal funds. Mr Castrilli said city councils, which have mostly shunned mergers in favour of boundary adjustments, will from March be targeted by his department with options that could lead to a further reduction in councils.

WA Local Government Association president Bill Mitchell, who sat on the reform committee, supported the approach but warned with a \$1 million cost per council attached to mergers, the Government needed to fund the process. Mr Castrilli said a submission would be made to Treasury.

WALGA responded with the following media release on 8 December 2009 under the heading Interim Report Maintains Voluntary Reform:

Much of the interim report of the State Government's Local Government reform process will be welcomed by Councils as it maintains the principle of voluntary change.

WA Local Government Association President Cr Bill Mitchell said it was critical that voluntary reform remain central to the process to ensure genuine long term sustainability of Local Government.

As one of the Local Government representatives on the committee that produced the report, Cr Mitchell said it was encouraging that the core concepts of WALGA's Systemic Sustainability Study had been included.

"The Association invested considerable time and resources into researching, analysing and consulting in the production of the SSS report which had the overwhelming support of the sector," Cr Mitchell said.

"It is sensible that the key elements of such a volume of work and contribution by Local Government itself is recognised and supported by the State Government's reform process."

Key recommendations of the interim report are:

- to acknowledge that nine Councils have volunteered to merge into three new entities
- a transition process be created for Councils that wanted to volunteer to further explore amalgamations
- a collaborative model of regional shared services for Councils for which amalgamation is not appropriate

Cr Mitchell said regional shared services was a key component of the SSS final report released 15 months ago and was the model Local

Governments were working towards prior to the announcement of the State Government reform process last February.

He said that Local Governments should be aware that while the “transition model” recommended in the interim report requires Councils to volunteer to participate, it does not have an “opt out” clause if found later not to be suitable.

The three amalgamations to immediately result from the first year of the State Government process follow the three other amalgamations in recent years – Geraldton and Greenough; Northam Shire and Town; Broomehill and Tambellup.

“As long as the reform process remains voluntary it will continue to be supported by WALGA and the majority of the Local Government sector,” Cr Mitchell said.

Cr Steve Martin, Central Country Zone WALGA State Council representative, has provided the additional comments:

“Mr Castrilli's desire for local governments to form "Regional Transition Groups" with a formal no opt-out agreement for amalgamation by 2013 appears to be another method of forcing amalgamations.

WALGA doesn't support that approach and doesn't support the role of VROCs, and a council's attempts to act regionally, becoming confused or overtaken by the Ministers Regional Transition Groups. The voluntary regional model of resource sharing and cooperation remains WALGA's preferred option.

The Minister hasn't changed the Local Government Act - any move by a council to amalgamate with another council will still be subject to the Poll provisions in the Act – regardless of whether they have signed up to a no opt-out agreement.”

On 11 December 2009, the Shire of Cuballing received a letter from the Minister advising that he considers that the optimal reform option for the Shire of Cuballing is to engage with neighbouring local governments to form a Regional Transition Group. Help to form such a Group will be available from the Department.

A Regional Transition Group will provide the structure for transitioning several local governments into a single entity by 2013 and is to be established under a formal no opt out provision between participating local governments and will facilitate the harmonisation of core functions and services across participating local governments. This process will provide a seamless transition to a new entity and a new start while allowing for the staging of key elements of structural reform.

The core functions and services include:

- Strategic and community planning;
- Infrastructure planning and asset management;
- Economic development;
- Corporate services (IT, HR, records, finance, rating and other administrative functions);
- Planning and management of natural resources;
- Building and approval processes;
- Statutory and strategic land use planning;
- Environmental health; and
- Waste management.

The work of the Local Government Reform Steering Committee and the Department of Local Government is continuing and the Minister is to further consider matters relating to boundary change and elected member representation.

**Comment:**

The Shire of Cuballing's overall position stated in its submission (29 September 2009) that if amalgamation is the only form of structural reform acceptable to the State Government, the Shire of Cuballing's preferred option is to amalgamate with the Shires of Narrogin & Wickepin and the Town of Narrogin, subject to certain key principles and conditions being agreed upon.

The issue of cost has not been mentioned in the Minister's letter.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That the correspondence from the Minister advising that the Shire of Cuballing's optimal reform option is to engage with neighbouring local governments to form a Regional Transition Group lay on the table until the February Ordinary Council meeting to allow Councillors time to consider the ramifications and also to receive further advice from the Department of Local Government regarding the costs involved of the proposal.**

**COUNCIL ACTION**

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

*CARRIED 7/0*

### 8.1.5 SHIRE OF CUBALLING COMMON SEAL

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Lot 9 Alton Street, Cuballing
<b>Reporting Officer:</b>	Peter Naylor, Chief Executive Officer
<b>Enabling Legislation:</b>	Local Government Act 1995
<b>Council Policy:</b>	Nil
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	Administration 18
<b>Voting Requirements:</b>	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):

- Notification Under Section 70A of the Western Australian *Transfer of Land Act 1893*, for notification to be placed on the property title warning that the property has more than one point of electrical supply. This relates to the connection of power for the Cuballing Mens Shed project.

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

**That Council endorses the affixing of the Shire of Cuballing Common Seal to the Notification Under Section 70A of the Western Australian *Transfer of Land Act 1893*.**

#### **COUNCIL ACTION**

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

*CARRIED 7/0*

### 8.1.6 STATE GOVERNMENT ROYALTIES TO THE REGIONS (COUNTRY LOCAL GOVERNMENT FUND) PROGRAM

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Various
<b>Reporting Officer:</b>	Peter Naylor, Chief Executive Officer
<b>Enabling Legislation:</b>	Nil
<b>Council Policy:</b>	Nil
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	Grants 2
<b>Voting Requirements:</b>	Simple Majority

## Background

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

Funds for stage two will not be distributed until funding from stage one/year one allocation has been fully expended and acquitted. This also applies to the regional funding component, regional groups will not receive any stage two funding until the individual Councils have fully expended and acquitted the stage one funding.

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

This matter was previously brought to Council attention at the Ordinary Council Meeting held on Thursday 12 November 2009, at the meeting Council resolved as follows:

*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.*

As requested, costings have been provided for identified second/final coat bitumen seal projects to complete previous road construction works. Staff have also identified other works that Council may like to consider as detailed hereunder.

Springhill Road (Cuballing Cemetery to intersection with Wandering-Narrogin Road) – final coat bitumen seal 6,000m x 6m x \$4.00 = \$144,000

Cuballing West Road – pavement repairs, cement stabilise and bitumen seal \$54,000

Dryandra Regional Equestrian Park – ongoing project \$100,000

Cuballing Recreation Grounds – replace fence along Campbell Street \$12,000

Cuballing Aged Accommodation - commence work on project, engage building designer, connect power & water to site, earthworks \$56,000

Are there any other projects that Council would like to consider for this program?

The Chief Executive Officer informed the meeting that information has been broadcast via media outlets over the past 24 hours that Stage Two of the Royalties for Regions project is to be deferred and even possibly partially withdrawn. It is difficult to know the full extent of the media as no official notification has been released from the Department of Local Government.

Council considered the projects presented by staff and other works required throughout the Shire, and prepared a list of projects to be submitted under stage two R4R funding on a priority basis. The list of works is based on the preliminary notification of \$366,000 and will depend on final amount allocated..

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

That the following projects be submitted to the Department of Local Government for funding under stage two of the Royalties for Regions Country Local Government Fund Program:

- Springhill Road; final coat bitumen seal \$144,000
- Cuballing West Road; pavement repairs \$54,000
- Dryandra Regional Equestrian Park; \$100,000
- Cuballing Recreation Ground; replace fence along Campbell Street \$12,000
- Cuballing Aged Accommodation; engage building designer, connect power & water to site, earthworks \$56,000

### **COUNCIL ACTION**

**Moved Cr Haslam, seconded Cr Newman that the following projects, in order of priority, be submitted to the Department of Local Government for funding under stage two of the Royalties for Regions Country Local Government Fund Program:**

- **Dryandra Regional Equestrian Park; \$100,000**
- **Road Verge Clearing Program (for future construction works); \$144,000**
- **Cuballing Aged Accommodation; engage building designer, connect power & water to site, earthworks \$56,000**
- **Cuballing Recreation Ground; replace fence along Campbell Street \$12,000**
- **Cuballing West Road; pavement repairs \$54,000**

*CARRIED 7/0*



## 8.2 REPORTS – WORKS

4:43pm Mr Alex Richardson, Shire Works Manager, entered the meeting

### 8.2.1 WORKS MANAGERS REPORT

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Whole of Shire
<b>Reporting Officer:</b>	Alex Richardson, Works Manager Peter Naylor, Chief Executive Officer
<b>Enabling Legislation:</b>	Local Government Act 1995
<b>Council Policy:</b>	Nil
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	CMR 10
<b>Voting Requirements:</b>	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 during the harvest period.

Bitumen patching is still progressing throughout the Shire.

### **REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM, ROYALTIES FOR REGIONS AND MAJOR PROJECTS**

Gazebo has been installed at the Recreation Vehicle area, this completes this project.

Works on the Mens Shed is progressing, tools & equipment have been purchased, internal electrical work completed and work benches installed. Other works to complete the project are being pursued.

Engineering plans have been finalised for the Yornaning Water Harvest project and solar pump ordered through McDougall Weldments. It is proposed to complete this project early in the new year.

Works are continuing at the Dryandra Regional Equestrian Park:

- One shed has been erected
- Bluemetal crackerdust has been carted in to the all-purpose dressage arena site and ready for levelling, prior to carting in the river sand
- Clearing works is being undertaken at the cross country site
- New fencing is being erected to secure the reticulation dam area.

Works are progressing on the Popanyinning Tennis Courts and Popanyinning Fire Shed projects:

- Asphalt & geofabric has been laid at the tennis courts
- Fencing has been erected at the tennis courts

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- Acrylic surface and line marking will be carried out early in the new year (they had to allow at least one month after the asphalt surface was laid)
- Net posts have been ordered through McDougall Weldments
- Pad has been laid at fire shed site
- Frame structure has been erected
- Cladding is in progress
- Electrical works and signage have been ordered

Works are in progress erecting the portico on the northern side of the Popanyinning Community Hall.

Project to upgrade cricket practice facilities and install additional lighting at the Cuballing Recreation Grounds has been completed.

### **2009/2010 ROAD CONSTRUCTION PROGRAM**

Widening works have commenced on Stratherne Road with shoulders being primer sealed on Tuesday 15 December 2009. The final bitumen seal will be included with other bitumen seal works during March 2010.

### **PLANT AND EQUIPMENT**

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

The Cat FEL is scheduled for maintenance repairs to faulty mirror supports by Westrac Equipment (warranty).

Air conditioner units in all vehicles were recently inspected by Narrogin Auto Electrics.

### **STAFF**

Brian Hare has now resumed full duties after being on workers compensation and then resuming work on restricted duties for a short period.

John Ramage and Graeme Rebfrey have resumed duties after being off work on sick leave.

Most staff will clear annual leave entitlements over the Christmas/New Year period.

As in previous years a “skeleton” crew will work over the festive period to carry out routine duties such as emptying rubbish bins, cleaning public ablutions, pushing up refuse sites, etc.

### **PRIVATE WORKS**

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

Private works invoices for the month of November 2009, total \$1,646.28; year to date \$8,674.22.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

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

**COUNCIL ACTION**

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

*CARRIED 7/0*

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

**4:57pm Mr Richardson departed the meeting**

**8.2.2 BUSH FIRE INCIDENT REPORT/S**

**Submission to:** Ordinary Meeting of Council  
**Location/Address:** Various, Cuballing Shire  
**Reporting Officer:** Peter Naylor, Chief Executive Officer  
**Enabling Legislation:** Bush Fires Act 1954  
**Council Policy:** 6.1  
**Budget Implications:** Nil  
**File Reference:** Bush Fire Control 10  
**Voting Requirements:** Simple majority

**Background**

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

**Comment**

A summary of the fire/s is hereunder:

<b>Date</b>	<b>Property Owner</b>	<b>Details</b>
10 November 2009	A D Maris Lot 1 Loc 2716 Popanyinning (property leased by RW Dowling & Co)	Fire ignited by lightning strike. The fire was brought under control and suppressed by crews from Popanyinning Town and Popanyinning East Brigades.
14 November 2009	G & S Vlaming Lot 117 Popanyinning East Rd Popanyinning	Fire ignited by spark from ride on lawn mower. The fire was brought under control and suppressed by crews from Popanyinning Town and Popanyinning East

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		Brigades.
6 December 2009	State Reserve "Foxes Lair" Narrogin	It is alleged that fires were lit by arsonist(s). Police are investigating. The two Cuballing Fire Units were despatched to assist. Popanyinning Town and farmer assist units placed on standby.
8 December 2009	DJ & DJ Marwick Lot 3 Bunmulling Road Popanyinning (property leased by G & B Dent)	Fire ignited by header comb hitting rock. The fire was brought under control and suppressed by crews from Popanyinning Town and Popanyinning East Brigades.
11 December 2009	K Sands Loc 2772 Yornaning East Road	Fire ignited by bearing failure on machine. The fire was brought under control and suppressed by volunteer crews from within the area.
16 December 2009	C Hawksley Loc 6124 Wandering-Narrogin Road	Fire ignited by spark from harvesting operations. The fire was brought under control and suppressed by crews from Cuballing West and Cuballing Town Brigades.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

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

**COUNCIL ACTION**

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

*CARRIED 7/0*

**8.3 REPORTS – HEALTH AND BUILDING**

**8.3.1 ENVIRONMENTAL HEALTH OFFICER/BUILDING SURVEYORS REPORT**

**Submission to:** Ordinary Meeting of Council  
**Location/Address:** Whole of Shire  
**Reporting Officer:** 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 five (5) application(s) approved and license(s) issued for the month of November 2009. Listed below is a summarized breakdown of the application(s) and proposed structure(s):

<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>
11-2009/10	P Taylor	Quality Builders BR #6978	2 Bedroom 1 Bathroom SF House	50 York Road Popanyinning
12-2009/10	T & E Dowling	OB #2721/09	Two Storey house addition	Loc 5554 Boundary Road Popanyinning
13-2009/10	B Wood & D Hopper	OB	SF Shed	Loc 3228 Popanyinning East Rd Popanyinning
14-2009/10	Shire of Cuballing	OB	SF Public Bldg Storage Shed (Equestrian Club)	Lot 414 Campbell Street Cuballing
15-2009/10	G & A Chivell	Ross Squire BR #9083	4 Bedroom 2 Bathroom SF House	Lot 320 Rose Street Cuballing

**Septic Tank Applications**

G & V Chivell, Lot 320 Rose Street, Cuballing  
 R & M James, Lot 3 Great Southern Highway, Popanyinning

**Alleged Illegal Sale of Unbranded Meat**

On Saturday 14 November 2009, the Environmental Health Officer (EHO) received a telephone call regarding an alleged sale of unbranded Sheep meat at the Cuballing Tavern.

The EHO immediately followed this matter up with a phone call to the proprietors of the Cuballing Tavern.

Mrs Harvison advised that they get all their meat either from Coles (in Narrogin) or Wally's Meat from Hillside Abattoir. She also advised that there was an altercation in the Tavern on Friday evening and that as a result several people had been banned from the tavern.

Whilst the EHO did not state the name of the complainant to Mrs Harvison during their discussion, she did say the names of a few of the people who had been involved in the altercation on the Friday evening and the complainants name was among those mentioned.

The EHO inspected the Cuballing Tavern on Thursday 19 November 2009 and did not see any illegal meat in the cool room, or any evidence to proceed with any further action.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

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

**COUNCIL ACTION**

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

*CARRIED 7/0*

## **8.4 REPORTS – TOWN PLANNING**

### **8.4.1 APPLICATION FOR EXPLORATION LICENCES E70/3735, E70/3738 AND E70/3746**

Councillors Conley, Meharry, Newman and Wittwer declared a Proximity Interest.

Moved Cr Haslam, seconded Cr McDougall that the proximity interest declared is common to a significant number of electors and/or ratepayers and that Councillors Conley, Meharry, Newman and Wittwer be allowed to remain in the meeting and participate in discussions and the decision making process.

*CARRIED*

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

#### **Background**

Correspondence from McMahon Mining Title Services Pty Ltd and Bauxite Resources Limited advising that on behalf their clients, Ausgolf Exploration Pty Ltd and Darling Range Pty Ltd, respectively, applications have been submitted to the Department of Industry and Resources (DIR) for the abovementioned exploration licences.

The applications have the capacity to impact on a large area of land within the Shire.

#### **Comment**

Council, at the 15 May 2008 meeting, acknowledged that the number of exploration licenses within the Shire is increasing and therefore resolved to impose a number of conditions for consideration by the DIR when issuing exploration licenses. It is being recommended that the list of conditions again be presented to the DIR for consideration.

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

That Council acknowledges the applications for Exploration Licences E70/3735, E70/3738 & E70/3746, and requests the following conditions be imposed by the Department of Industry and resources if the exploration licences are to be issued:

- All surface holes drilled for the purpose of exploration are to be capped, filled or otherwise made safe after completion.

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

#### **COUNCIL ACTION**

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

*CARRIED 7/0*

#### **8.4.2 WESTERN AUSTRALIAN PLANNING APPLICATION – PLANNING APPLICATION 14117**

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Lots 10, 2710 & 2711 Wandering-Narrogin Road, Popyaninning West
<b>Reporting Officer:</b>	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 12
<b>Voting Requirements:</b>	Simple majority

#### **Background**

Planning application has been received on behalf of property owners Hadleigh Nominees Pty Ltd (trading as GR & AM Sewell), to realign the boundaries of three (3) existing lots (being lots 10, 2710 & 2711) that have natural and man-made barriers, to create three new lots. Lot 10 has a creek running through it and Lot 2711 is separated by the Wandering-Narrogin Road.



The Shire of Wandering is also a party to this application as Lots 2710 & 2711 are situated within that Shire, Lot 10 is within the Shire of Cuballing and the Shire boundary runs in a north-south alignment along the western boundary of Lot 10 from the Wandering-Narrogin Road to the Popanyinning West Road.

### **Comment**

The Shire of Cuballing Town Planning Scheme #2 (clause 4.2(b)) generally does not support the further breakdown or subdivision of land in the agricultural areas. The aim of this part of the Scheme is to protect the economic viability of rural zoned land through a presumption against subdivision except where such subdivision will enhance and/or promote the viability and diversity of general farming activity.

However the application does not intend to create additional lots and is proposing for minor boundary changes. Council has in the past supported planning applications where boundary realignments are proposed and no new lots created. The Western Australian Planning Commission has also supported such applications.

A further consideration for Council in this matter is the Shire boundary with the Shire of Wandering at this particular point. If Council supports the application then request could be made to the Shire of Wandering to consider realignment of the Shire boundary along the western boundary of proposed new Lot B (eastern boundary of Wandering-Narrogin Road). If this does not happen then proposed Lot B would be separated by the Shire boundary and property owners would be liable to pay rates for portion of the lot to Shire of Cuballing and portion to the Shire of Wandering.

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

#### **That:**

- **The Western Australian Planning Commission (WAPC) be advised that Council supports Planning Application 141117 as presented; and**
- **If the planning application is supported and approved by the WAPC, request be made to the Shire of Wandering to consider agreement to realignment of the Shire boundary along the western boundary of proposed new Lot B (eastern boundary of Wandering-Narrogin Road).**

### **COUNCIL ACTION**

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

*CARRIED 7/0*

### 8.4.3 APPLICATION FOR ANCILLARY ACCOMMODATION

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Lot 245 Campbell Street, Cuballing
<b>Reporting Officer:</b>	Peter Naylor, Chief Executive Officer
<b>Enabling Legislation:</b>	Planning and Development Act 2005
<b>Council Policy:</b>	Shire of Cuballing Town Planning Scheme No 2
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	Town Planning 3
<b>Voting Requirements:</b>	Simple majority

#### **Background**

Application from Ms Lyn Carroll seeking Council approval for her to develop Ancillary Accommodation on her property, being Lot 245 Campbell Street, Cuballing.

Ms Carroll owns and resides in the former St Peters Anglican Church which is constructed on adjoining properties Lots 245 & 421 Campbell Street. She is seeking to construct Ancillary Accommodation on the rear portion of Lot 245 to accommodate her aging mother.

#### **Comment**

In accordance with Shire of Cuballing Town Planning Scheme (TPS) No 2, Ms Carroll's property is in the Rural Townsite Zone.

In TPS No 2 Ancillary Accommodation is only referred to in Rural Residential Zone and no mention in the Rural Townsite Zone, this is possibly because the land sizes are generally smaller and perhaps would not adequately accommodate this type of development. However the two lots referred to in this application are 1,332m<sup>2</sup> each with a combined area of 2,664m<sup>2</sup>.

There is provision within TPS No 2, section 4.4 (in particular clause 4.4.2), which would enable Council to grant discretionary planning approval. Section 4.4.2 states as follows:

*4.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may –*

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or*
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

In WAPC State Planning Policy 3.1 Residential Design Codes which are prepared under the provisions of the *Planning and Development Act 2005*, Ancillary Accommodation is defined as:

*Self-contained living accommodation on the same lot as a single house that may be attached or detached from the single house occupied by members of the same family as the occupiers of the main dwelling.*

An interesting aspect of this property is that the existing structure, being the former church building as previously mentioned, straddles the boundaries of the two lots (245 & 421). Given that is unlikely that the building will ever be demolished and the properties utilised individually perhaps Council, if it supports the application, could also encourage Ms Carroll to amalgamate the two lots.

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

**That:**

- **Council provides in-principle support to Ms Lyn Carroll to develop Ancillary Accommodation, in accordance with her letter of application, on Lot 245 Campbell Street, Cuballing;**
- **In-principle support is subject to plans being submitted to Council for approval in accordance with the Building Code of Australia; and**
- **Ms Carroll be encourage to amalgamate the two Lots 245 & 421 into a single lot.**

#### **COUNCIL ACTION**

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

*CARRIED 7/0*

#### **8.4.4 APPLICATION TO PLACE TEMPORARY ACCOMMODATION**

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Lots 56 Austral Street, Cuballing
<b>Reporting Officer:</b>	Peter Naylor, Chief Executive Officer
<b>Enabling Legislation:</b>	Nil
<b>Council Policy:</b>	Shire of Cuballing Town Planning Scheme No 2 Shire of Cuballing Policy 9.13
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	Town Planning 3
<b>Voting Requirements:</b>	Simple majority

#### **Background**

Application from Mr Trevor & Mrs Phillis Cox to place temporary accommodation in the form of a 14 metre (approx) transportable unit on Lot 56 Austral Street, Cuballing.

Mr & Mrs Cox are proposing to purchase the property, which was previously the Dryandra Timber Products business, and relocate their welding & fabrication business from Armadale. This matter was presented to the July 2009 Ordinary Meeting of Council, at which Council supported the business subject to compliance with certain conditions.

They have advised that the unit has two bedrooms, kitchen, bathroom, toilet and laundry, and would be temporary accommodation for about twelve months whilst the business gets established and plans are progressed to building a new residence (possibly kit home).

### **Comment**

Application from Mr & Mrs Cox appears quite genuine and they are endeavouring to relocate business to Cuballing, however they do not seem to be in financial position to both purchase property, relocate business and construct new dwelling at the same time.

There are at least three very important matters that Council needs to take into consideration whilst deliberating on this application.

Firstly, Shire of Cuballing Town Planning Scheme No 2 in relation to Relocated Second-hand buildings (clause 5.10.1):

*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.*

Secondly, Shire of Cuballing Policy in relation to Barn/Shed Style Homes – Bond (Policy 9.12):

*The Shire has adopted to levy a bond of \$7,500 applicable to all building applications for construction of barn or shed style homes. The Bond is to ensure that the homes are completed both internally and externally in accordance with the provisions of Building Code of Australia and the Health Act 1911*

And thirdly, Shire of Cuballing Policy in relation to Rural Townsite Zones (Policy 9.13):

***Shire of Cuballing Building Control Policy for Residences in Rural Townsite Zones within Cuballing and Popanyinning Townsites***

- 1. All buildings to be constructed in the Rural Townsite Zone are to be of a material approved by Council and all roof and where*

*approved, wall cladding will be finished in a non-reflective colour (Colourbond).*

2. *In addition, and in this regard the following standards will be applied by Council when determining the acceptability or otherwise of a proposed building in a rural townsite zone:*

- *No barn style or second hand dwellings will be permitted, unless specifically approved by Council.*
- *Outbuildings will not be permitted in front of the residential setback for the lot, unless specifically approved by Council.*
- *No houses with a floor area of less than 100m<sup>2</sup> will be permitted, unless specifically approved by Council.*
- *Building materials are to be primarily brick, tile, timber and/or colourbond, or other materials satisfactory to the Council.*
- *Housing style is to be consistent with the prevailing housing style of the area in order to maintain the existing amenity of the area.*

Council may wish to approve the application to assist Mr & Mrs Cox relocate their business to Cuballing, however it needs to be mindful of the amount of hard work done in recent times to improve the quality and visual amenity of dwellings in the townsites, and would this be a detrimental step? It could be determined by the local communities as attempting to attract business at any costs.

In the recent past Council staff have been advising property owners and prospective property owners that buildings of this nature are contrary to the Shires Town Planning Scheme and local Policies for residential areas and will not be approved.

If Council tends to wish to approve the application could possibly place a condition that if a building application for new residence is not submitted within twelve months then temporary accommodation to be removed regardless of their current situation. Also make a condition of approval that bond of \$7,500 is to be paid in accordance with Policy 9.12 to ensure the building is to the required standard and is visually amenable.

An alternative for Mr & Mrs Cox to placing this type of temporary accommodation on the property is to investigate cheap rental accommodation in Cuballing or on a neighbouring farming property. Should Council have reservations about approving the application perhaps this is an avenue that Councillors and Council staff could assist with. Rental property at say \$200 per week would cost in vicinity of \$10,400 over twelve month period, the cost to relocate temporary accommodation and then connect to essential services, etc, would probably be very similar. The Chief Executive Officer has raised this concept with Mrs Cox.

Mr & Mrs Cox have been requested to provide photographs of the proposed temporary accommodation to assist with its deliberations on the application, however these have not been received at the time of preparing the report. Hopefully they will be available for tabling at the Council meeting.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That Council:**

- **Informs Mr & Mrs Cox that whilst it supports the relocation of their welding and fabrication business to Cuballing, their application to place temporary accommodation, as stated, on Lot 56 does not meet the requirements of Shire of Cuballing Town Planning Scheme No 2 and local Policies and therefore is not supported; and**
- **Informs Mr & Mrs Cox that if they are prepared to look at rental accommodation in Cuballing or neighbouring farming community until they are in position to construct a dwelling on the property Council and staff will assist in finding suitable accommodation.**

**COUNCIL ACTION**

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

*CARRIED 7/0*

**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 5:40pm.