

SHIRE OF CUBALLING

COUNCIL MEETING THURSDAY 16 SEPTEMBER 2010

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 16 SEPTEMBER 2010

1. OPENING – ANNOUNCEMENT OF VISITORS

The Shire President welcomed Councillors and declared the meeting open at 3:00p.m.

2. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

ATTENDANCE

Shire President, Cr. TH Wittwer
Deputy President, Cr. RDJ Newman
Cr. M Conley
Cr. C McDougall
Cr. JRA Meharry
Acting Chief Executive Officer, Mr Allan Middleton

3. APOLOGIES

Cr. Haslam has leave of absence
Cr. Hawksley has leave of absence

4. APPLICATIONS FOR LEAVE OF ABSENCE

Cr. Hawksley has requested leave of absence from this meeting 16 September 2010. The request received by the A/Chief Executive Officer on 6 September 2010.

COUNCIL ACTION

Moved Cr. Conley, seconded Cr. Newman that leave of absence be granted to Cr. Hawksley for the Ordinary Meeting of Council to be held on 16 September, 2010.

CARRIED 5/0

5. MINUTES

5.1 CONFIRMATION OF 19 AUGUST 2010 ORDINARY MEETING OF COUNCIL

ACTING CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the minutes (as circulated) of the ordinary meeting of the Shire of Cuballing held in the Council Chambers on 19 August 2010 be confirmed as a true record of proceedings.

COUNCIL ACTION

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

CARRIED 5/0

6. PETITIONS, DEPUTATIONS, PRESENTATIONS & DECLARATIONS

Mr Scott Ballantyne addressed the meeting. He commented he only commenced work with the Small Business Centre last week. The Centre had requested funding from Local Governments within the Centres area of coverage. The Centre had received 26 enquiries from Cuballing businesses. Over the next 12 months Cuballing will receive ½ day service each month. The ½ day a month was based on business registration.

Some Council's provide office space and in kind services in lieu of each contribution. The Centre arranges business training courses, it is a conduit for access to grants to business.

Mr Ballantyne advised he is able to provide contacts for legal, licences and training. He defined a small business as having 20 employees or less.

Mr Ballantyne then answered questions from councillors.

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.

Regional Waste Disposal Site - Item 8.3.2

Cr. Roger Newman declared an interest in item 8.3.2 as he is the owner of the land subject to the preliminary investigation for land for a regional waste site.

7.2 DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

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

8.1 REPORTS – FINANCE AND ADMINISTRATION

8.1.1 LIST OF ACCOUNTS SUBMITTED FOR COUNCIL APPROVAL AND PAYMENT – SEPTEMBER 2010

Submission to: Ordinary Meeting of Council
Location/Address: Not applicable
Reporting Officer: Tanya Stobie, 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.

Any Councillor wishing to discuss any aspect of accounts, payment of creditors, profit or loss or general accounting matters to do with the Shire of Cuballing please do not hesitate to contact the Acting Chief Executive Officer.

ACTING CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council:

- **Approve for payment the list of Creditors paid from the Municipal fund, as detailed below, totalling \$191,537.23;**

Vouchers 13907-13925	\$ 19,235.73
Electronic fund transfers	\$172,301.50
Credit Card	\$ 00.00

- **Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling Nil;**

COUNCIL ACTION

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

CARRIED 5 /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 31st August 2010 in accordance with the abovementioned legislation.

A Bank Reconciliation Statement, Profit and Loss Statement, and Balance Sheet Statement for period ending 31st August 2010 are included in the Council Meeting Agenda.

The Statement of Financial Activity for two-month period ending 31st August 2010 will be presented to the September meeting of Council.

ACTING CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Bank Reconciliation, Profit & Loss, and Balance Sheet Statements for period ending 31 August 2010, be received.

COUNCIL ACTION

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

CARRIED 5/0

8.1.3 ROYALTIES FOR REGIONS – REGIONAL COMPONENT

Submission to: Ordinary Meeting of Council
Location/Address: Not applicable
Reporting Officer: Allan Middleton, A/Chief Executive Officer
Enabling Legislation: Local Government Act,
Council Policy: Nil
Budget Implications: Council will need to review the budget subject to approval of project.1
File Reference: G.1.(f)
Voting Requirements: Simple majority

Background

As Council is aware, provision has been made on the 2010/2011 budget to allocate \$360,850 towards the construction of the Dryandra Regional Equestrian Park. Council will also note an agenda item at this meeting to commence a more detailed planning process to enable the next stage to proceed.

At last month's (August) Forum it was verbally reported that there may be an opportunity to obtain an additional \$500,000 from the regional component of the Royalties for Regions allocation. At a Forum attend by the Shire President and the Acting Chief Executive Officer, in Northam, the allocation of funds, the method of distribution and the protocols to access those funds was discussed.

It would appear the distribution of funds as determined by the Dryandra Region of Councils forum on 14 July 2010 will be accepted and approved as regional projects. The allocation determined is as follows:-

Dryandra Regional Equestrian Centre	\$500,000
C.Y. O'Connor T.A.F.E.	\$200,000
Narrogin Regional Airport	\$390,000
Fuel facilities	\$400,000

The agreement for the projects will depend on a business plan being submitted and the projects being approved. Indications are that all nominated projects have a very good chance of success.

Comment

Council now needs to move relatively quickly to ensure a business case is submitted, deadline for this is 31 December 2010. An investigative approach has been made to Morrison Low Consultants, through Alison Dalziel, to undertake the work to prepare a business plan on behalf of all Council's representing the Dryandra group. The work, it is understood, will be funded through the Wheatbelt Development Commission.

To formalise the allocations it will be necessary for Council to agree to the recommendation from the Dryandra Regional Organization of Councils meeting held on 14 July and sign off the agreement and business plans once they have been prepared.

Accepting the work will now be funded by the regional component of Royalties for Regions, Council will now need to decide what projects will be undertaken to expend the local government allocation. It is recommended Councillors give this matter some thought for consideration at the October meeting.

It is respectfully suggested Council needs to commence planning for the coming years allocations; in particular regional allocation, as this percentage will increase to 50% of the total grant over the coming two years.

It is interesting to note that \$40,000,000 has been identified for mobile towers to improve mobile telephone coverage, particularly highway coverage. The message from the forum is the process would happen sooner if local government was willing to identify part of the regional funding to this purpose. Information from the forum indicated that each mobile tower costs in the vicinity of \$500,000 to erect and commission. The amount mentioned, during the telecommunication workshop as a local government contribution, was \$250,000.

During discussions with Mr. McKeown and Mr. O'Neil the following suggestions for future projects were made:-

Agro business centre	Crematorium
Alternative energy	Mobile phone towers
Improved educational facilities	Water – desalination and waste
Regional waste facility.	Health care

ACTING CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Shire of Cuballing endorse the recommendation from the Dryandra Region Organization of Councils forum held on the 14 July 2010 wherein the projects identified to attract regional grant funding were :-

Dryandra Regional Equestrian Centre	\$500,000
C.Y. O'Connor T.A.F.E.	\$200,000
Narrogin Regional Airport	\$390,000
Fuel facilities	\$400,000

Morrison Low Consultants to be requested (subject to an agreeable price being negotiated) to provide business plans for all projects on the basis that funding for such plans is made available by the Wheatbelt Development Commission.

On completion of the business plans and their acceptability to the Shire President and Chief Executive Officer, the plans be signed off by the Shire of Cuballing as a party to the agreement.

The Shires of Wandering, Wickepin, Cuballing and Narrogin together with the Town of Narrogin be requested to meet and commence discussion of the projects to be identified for the 2011/2012 financial year and beyond.

COUNCIL ACTION

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

CARRIED 5/0

8.1.4 DRYANDRA EQUESTRIAN COMPLEX

Submission to: Ordinary Meeting of Council
Location/Address: Reserve 16269 Lot 414
Reporting Officer: Allan Middleton, A/Chief Executive Officer
Enabling Legislation: Local Government (Financial Management) Regulations 1996
Council Policy: Nil
Budget Implications: Allowance provided in budget
File Reference: Recreation 17
Voting Requirements: Simple majority

Background

The equestrian park is undergoing a rapid transformation with the committee working hard to complete the cross country course prior to events scheduled for 3 and 4 September. Work undertaken, by all parties, to date includes the on-going construction of the cross country course, wash down pad, erection of jumps and the provision of roadways in and around the parking and camping area. The committee is very enthusiastic and are contributing a great deal of voluntary labour to the project.

Comment

Now that the budget has been adopted, planning for the completion of the complex, including the undercover arena, needs to take on a more detailed and organised structure. Although the work to date generally complies with the original plan, it is important that future works are only undertaken in strict accord with the design and layout that will be agreed upon jointly by the equestrian community and the Shire of Cuballing.

Recent works, including the wash down area, have not been constructed as originally shown and some additional work will be required to dispose of the waste water emanating from that facility. The original intent, it is understood, was to dispose of the water down the natural drainage line, it is now understood the intent is to dispose of the water into the oval dam, if this is the case, a septic tank will need to be installed on the site to capture and treat the waste water before discharge into the holding dam.

To identify works completed, including the location of electrical and water supplies, a survey of the area has been authorised to show state of construction and to allow accurate construction in the future. Many individuals are aware of what has happened and where infrastructure is, however from an administrative perspective that information is not readily available from the office.

It is strongly suggested that any future works only be undertaken in strict accordance with the plans agreed upon; this obviously does not mean the plans cannot be changed, however change will only be permitted with Council approval, be that at an officer level or by Council authority. It is not intended to slow the process, but to ensure work is as designed and agreed upon.

It is recommended that planning be undertaken on what is proposed for the covered arena and what longer term facilities will be incorporated in and around the arena. Anecdotal evidence suggests that a canteen and toilets facilities have been mooted; in view of a possibility of Council receiving additional financial assistance to enable the complex to be finished to a state or international level then that planning needs to be undertaken now. It is further recommend that with any future construction work, particularly buildings; only new material is to be used. If Council wants the complex to be a centre of excellence for equestrian pursuits, then standards need to be set at the start of the project.

These comments are not intended to criticise any decisions made in the past but are put forward to ensure the works programmed for the future are undertaken with the agreement and understanding of all parties that have a vested interest in the project.

The Chief Executive Officer now needs direction from Council on what the new building is to achieve and what will it contain. Whether or not finance is forthcoming to complete the complex this current financial year or not, a plan needs to be developed and available that will direct a future council in its decisions. Discussions will be undertaken with the equestrian fraternity to determine what their thoughts are on the matter.

ACTING CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Dryandra Equestrian Committee to be invited to participate in the preparation of plans showing the layout and dimensions for an undercover arena at the Dryandra Equestrian Park.

The plans to also show:-

- **Future canteen and ablution's area, with recommendations as to their configuration with any suggestions on construction material.**
- **Access ways and garden layout.**
- **Determine what lighting may or may not be necessary.**

- Water connection points, if any.
- Any other matter associated with the construction of the complex.

COUNCIL ACTION

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

CARRIED 5/0

Moved Cr. Meharry, seconded Cr. Newman this item raised from the table.

8.1.5 SMALL BUSINESS CENTRE – FUNDING PROPOSAL

Submission to: Ordinary Meeting of Council
Location/Address: Nil
Reporting Officer: Allan Middleton, A/Chief Executive Officer
Enabling Legislation: Local Government Act 1995
Council Policy: Nil
Budget Implications: Provided for in budget
File Reference: Fin 15
Voting Requirements: Simple Majority

Background

The Small Business Centre was previously known as Business Enterprise Centre and was revamped some two years ago when the State Government made fundamental changes to the number of centres and the financial arrangement towards funding.

The Small Business Centre – Wheatbelt South currently receives funding from the Small Business Development Corporation, believed to be \$125,000 last financial year, however is seeking support from the local governments in its area to provide extra support and training that they believe is necessary.

Comment

Provision has been made in the 2010/2011 financial year budget to assist the Small Business Centre. The Chief Executive Officer has advised the Centre that submissions should have been submitted some two months ago to allow Council sufficient time to consider the request and provide assistance if it so decided.

Records do not reveal what type of service received however the quarterly report provided by the Small Business Centre indicates four contacts were made, one of thirty minutes duration and three being short duration. These were consultations in the quarter ending 30 June.

ACTING CHIEF EXECUTIVE OFFICERS RECOMMENDATION

As provision has been made in the 2010/2011 budget documentation the Small Business Centre -Wheatbelt South to be advised the Shire of Cuballing will provide funding in the 2010/2011 financial year. The Centre is requested to provide quarterly reports on the activities of the Centre with particular reference to assistance provided to residents within the Shire of Cuballing. Application for assistance for the 2011/2012 financial year must be received by Council during March 2011 to enable the item to be considered in the 2011/2012 estimates.

COUNCIL ACTION

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

CARRIED 5/0

8.1.6 STRUCTURAL REFORM

Submission to: Ordinary Meeting of Council
Location/Address: Whole of Shire
Reporting Officer: Allan Middleton, A/Chief Executive Officer
Enabling Legislation: Local Government Act
Council Policy: Nil
Budget Implications: Nil
File Reference: C & A 7
Voting Requirements: Absolute majority

Background

Last month the Shires of Cuballing, Wickepin, Narrogin and the Town of Narrogin included on their meeting agenda an item dealing with the subject of structural reform and in particular the merits of forming a Regional Transition Group comprising the four local governments mentioned.

To progress discussions a joint meeting was held on the 31 August 2010; the meeting was facilitated by Mrs Joanne Burges from the Western Australian Local Government Association. The meeting allowed all representatives to express their opinion on what they believed should happen and what benefits a Regional Transition Group may bring to assist Councils to determine if structural reform should proceed and if so on what basis.

The four local governments had met on two previous occasions and for a number of reasons the matter did not progress and no headway was made towards determining the merits of a union between the councils.

One aspect is clear, in that *'due diligence'* has not been carried out to provide information or to provide the tools to allow the local governments to make an informed decision on the merits or otherwise of a merger.

Past decisions on the subject of mergers have included a number of conditions and these have been an impediment to advancing *'without prejudice'* discussions. One

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suggestion or recommendation from the meeting was to undertake an investigation without any local government applying conditions on what is, or may be, expected in the advent of a merger or mergers being proposed. Should an investigation or study determine that structural reform would benefit the region then at that stage more detailed discussions can take place?.

Council has been well briefed on the subject so it is not intended to repeat comments made over the past twelve months, however if any Councillor feels they need further information or explanation then please contact the Chief Executive Officer for any advice or material which will allow or assist you make an informed decision.

Comment

It is important for Council to have a full understanding of what advantages or disadvantage, benefits or opportunities that may arise as a result of a merged council.

Most important is the need to have the information available to make an informed decision and this can only be achieved if a detailed unbiased analysis is undertaken. Without comparative data, a critical comparative analysis of the local governments involved and the preparation of a Regional Business Plan, a council is not in a position to make an informed decision.

Generally speaking, residents in any local government oppose change, they are comfortable with their environment and need convincing that change would be beneficial. This is understandable. What has become evident in recent years is that governments are expecting local government to become more efficient in all areas of service provision, including governance, planning, health, law, welfare, works and administration. There is no doubt that compliance requirements place a heavy burden on local government, this together with duplication has seen government questioning the industry's efficiency and their ability to deliver cost effective services. There is no doubt councils are heavily reliant on grants from State and Commonwealth and although the Commonwealth has not dictated structural reform, certainly the State Government is heading in that direction.

The joint meeting produced numerous comments some positive, some negative. It was generally felt that the matter had been thoroughly debated by each council, however decisions had been made without the benefit of or access to comparative material. It was agreed a united council would have considerable more political influence and greater negotiating strength. Although overall saving may not be great, the ability to undertake increased community services and access professional staff would be a positive outcome.

The long term receipt of Federal Assistant Grants was raised as a concern and unless the 'State' formula was changed a decrease in grant allocation may be an obstacle to a future merger. It was agreed, until a study was undertaken, questions as to future grant allocation could not be answered.

Some representatives questioned the need for a merger and suggested greater emphasis should be given to sharing resources, however there was a general

consensus that the voluntary organisation of councils has not proved successful and with the Minister and Premier preferring voluntary mergers that Councils present would be wise to enter into a Regional Transition Group to allow state finance to be obtained to allow an unbiased professional study to be undertaken to provide each local government the tools in which to make a decision based on fact and not hearsay.

ACTING CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Shire of Cuballing agrees to be a signatory to a Regional Transition Group Agreement with the Shires of Wickepin and Narrogin together with the Town of Narrogin to commence the process of structural reform.

The agreement is subject to the State Government, through the Department of Local Government and Regional Development, providing funds to allow for administration, the creation of a Regional Business Plan and eventually the implementation of a Regional Business Plan.

It is recognised the procedure will eventually allow the participating local government to analyse and evaluate the information provided. This in turn will enable each local government make an informed decision on the benefit or otherwise of a combined regional local government.

COUNCIL ACTION

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

CARRIED 5/0

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
Allan Middleton, A/Chief Executive Officer
Enabling Legislation: Local Government Act 1995
Council Policy: Nil
Budget Implications: Nil
File Reference: CMR 10
Voting Requirements: Simple majority

WINTER GRADING

Maintenance grading is proceeding throughout the shire especially after the tree pruner has been through.

ROADSIDE TREE MULCHING

Council's road side mulching programme has been completed. Work has been undertaken on Reeds Road; Stratherne Road from Yornaning East Road to Parsons, Fourteen Mile Brook Road and that section of Popanyinning West Road where this year's work programme is scheduled.

DRYANDRA EQUESTRAIN PARK

The cross country course has been cleared by Mr. Ron Panting's group, with assistance from council staff as the equestrian members prepare for the two day horse event.

ROAD WORKS

Works have started on both the Wandering-Narrogin Road and Popanyinning West Road. Tree pruning has been completed and waste material removed, culverts cleaned.

PLANT AND EQUIPMENT

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

STAFF

Mr. Brian Hare has resigned and staff have farewelled him, we wish him well in his new position in Narrogin. Both Terry Clark and Anthony Mort are both on annual leave.

PRIVATE WORKS

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

Private works invoices for the period ending 12th September totaled \$5,315.

TOWN STREETS

Town street mowing and general tidying continues on a day to day basis. Gardens and tourist areas are maintained.

WORKS SCHEDULE

Attached is a schedule of works timetable which gives an indication when programmed works will be carried out. The schedule is a living document that may change throughout the year if circumstances determine changes are necessary.

ACTING CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Managers Report is received and information noted.

COUNCIL ACTION

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

CARRIED 5/0

8.2.2 SALE OF SURPLUS EQUIPMENT

Submission to: Ordinary Meeting of Council
Location/Address: Whole of Shire
Reporting Officer: Alex Richardson, Works Manager
Allan Middleton, A/Chief Executive Officer
Enabling Legislation: Local Government Act 1995
Council Policy: Nil
Budget Implications: Will produce unbudgeted income.
File Reference:
Voting Requirements: Simple majority

Background

Attached is a report on machinery, in particular plant and machinery that is underutilized or surplus to Council's requirements. Council's plant replacement schedule is a valuable tool to ensure Council's plant is replaced at regular intervals in particular when the economic life of the machine has been reached.

In discussions between the Acting Chief Executive Officer and the Works Manager issues such as depot maintenance, appearance, plant storage and plant utilization was raised; in particular the question of old and idle plant and the long term benefits to Council's operations, both from an outcomes and safety perspective were canvassed.

The report presented indicates that some items of plant are surplus to Council's requirements, in most cases they are under used and in others continued repairs or the plant's unreliability suggests various items should be disposed of and either replaced with a more productive machine or disposed of and not replaced.

Comment

Action can be taken now to dispose of some items of equipment whilst in other cases the item needs to be listed in the 2011/2012 budget. The following comments are provided to assist Council in its deliberations to decide if it wishes to dispose of surplus equipment and list items for sale in next year's estimates;

- a) Water Tank: (1) Steel elliptical shape dimensions approx 2.300 wide 1.300 high 3 100 long. Ex Fuel tanker tank approx 7000 litre capacity fitted with shutoff valve.
- b) Water Tank: (2) Steel cylinder shaped dimensions approx 1.5 metre diameter 2.4 metres long with an approx capacity of 4200 litres. Tap fitted.
- c) Sand Spreader: Truck mounted sand spreader with some drive cogs and chain parts.
- d) Tray or Trailer steel framed mesh covered canopy: Approx 2.8 x 1.8 x 1.0 Steel framed shelving unit
- e) Three Point Linkage tractor broom:
- f) Towed Road Broom: (good for parts only)

- g) Kubota Tractor: Has front bucket attachment, Engine runs.
- h) Truck Mounted Cherry Picker: Cobra Style picker unit. (NOT be used as has NOT passed annual inspection) Engine runs.
- i) McDonald Three Point Steel Drum Roller: serial number 1078 unknown year. Engine in running order and can be driven.
- j) Vermeer Wood chipper. Model BC1250A. Very large trailer mounted self contained Wood chipping unit. Oct 99 Manufacture 982 hours total use.

ACTING CHIEF EXECUTIVE OFFICERS RECOMMENDATION

1. **Tenders to be called for the removal of surplus plant and scrap material as hereunder listed;**
 - a) *Water Tank: Steel elliptical shape dimensions approx 2.300 wide 1.300 high 3 100 long. Ex Fuel tanker tank approx 7000 litre capacity fitted with shutoff valve.*
 - b) *Water Tank: Steel cylinder shaped dimensions approx 1.5 metre diameter 2.4 metres long with an approx capacity of 4200 litres. Tap fitted.*
 - c) *Sand Spreader: Truck mounted sand spreader with some drive cogs and chain parts.*
 - d) *Tray or Trailer steel framed mesh covered canopy:*
 - e) *Approx 2.8 x1.8 x1.0 Steel framed shelving unit*
 - f) *Three Point Linkage tractor broom:*
 - g) *Towed Road Broom: (good for parts only)*
 - h) *Kubota Tractor: Has front bucket attachment, Engine runs (2704 hours).*
 - i) *Truck Mounted Cherry Picker: Cobra Style picker unit. (NOT be used as has NOT passed annual inspection) Engine runs.*
 - j) *McDonald Three Point Steel Drum Roller: serial number 1078 unknown year. Engine in running order and can be driven.*
2. **The following items of plant to be listed for purchase and removal in the 2011/2012 financial year and such items to be included in the 2011/2012 budget estimates:**
 - a) *Vermeer Wood chipper. Model BC1250A. Very large trailer mounted self contained Wood chipping unit. Oct 99 Manufacture 982 hours total use.*
 - b) *Venieri Front End Loader with approx 2m³ Capacity Bucket.*

COUNCIL ACTION

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

CARRIED 5/0

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 four (4) applications approved and license issued for the month of August 2010. Listed below is a summarized breakdown of the applications and proposed structure:

Approval License No	Name of Owner	Builder (RB) or Owner Builder (OB)	Structure	Location of Building
5/10-11	Mr. Barry Wood	OB	Small Transportable Dwelling	Lot 3228 East Popanyinning Road, Popanyinning
6/10-11	Mr. Kevin Aldridge	Mieners Engineering	Garage	Lot 68 Carrier Street, Popanyinning
7/10-11	Shire of Cuballing	Shire of Cuballing	Depot Shed Extension	Lot 57 Alton Street, Cuballing
8/10-11	Mr. Stuart Craig	OB	Garage	Lot 112 Alexander Street, Popanyinning

ACTING CHIEF EXECUTIVE OFFICERS RECOMMENDATION

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

COUNCIL ACTION

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

CARRIED 5/0

8.3.2 PROPOSED SEA CONTAINER – LOT 39 CUBALLING STREET, CUBALLING – EDWARD GRUZDOWSKI

Submission to: Ordinary Meeting of Council
Location/Address: Lot 92 Hotham Street Popanyinning
Reporting Officer: Allan Ramsay, Environmental Health Officer/Building Surveyor.
Allan Middleton, A/Chief Executive Officer.
Enabling Legislation: Local Government (Miscellaneous Provisions) Act 1960
Building Code of Australia, Building Regulations 1989
Town Planning Scheme, Builders' Registration Act
Council Policy: Register Delegated Authority
Shire of Cuballing Town Planning Scheme No. 2
Budget Implications: Nil
File Reference: CMR 2
Voting Requirements: Simple majority

Background

Council has received an application for planning approval from Mr. Edward Gruzdowski (the applicant) for the placement of a 20 foot sea container on Lot 39 Cuballing Street, Cuballing.

The land is zoned Rural Townsite under the Shire of Cuballing's Town Planning Scheme No.2. A sea container would fall under the zoning table of the scheme as 'storage' which means the use is not permitted in a Rural Townsite area unless Council has exercised its discretion by granting planning approval. The definition of 'storage' under the scheme means premises used for the storage of goods, equipment plant and materials.

Whilst the zoning table of Town Planning Scheme No. 2 has provided some guidance, Council does not have any specific policy on sea containers. Consequently, it is difficult for staff to assess an application. Furthermore, it is unclear that 'storage' under the zoning table of the scheme was intended to include sea containers. Mr. Gruzdowski has indicated that he is willing to paint the sea container and place it at the back of the property. Providing that the sea container is painted and located at the rear of the property it will not affect the amenity of the area.

In the opinion of the Acting Chief Executive Officer the permanent positioning of a sea container is a development and therefore comes under the provisions of the Scheme. It is therefore recommended to Council that it adopts a policy under the Shire of Cuballing Town Planning Scheme No. 2 to provide some direction to staff on the positioning of sea containers within the district. Although such buildings are strong and secure they are not aesthetically appealing and unless treated (painted) or altered (pitched roof) in some way they may not pass the scrutiny of neighbours or Council.

It is understood other local government do have similar policies and it is intended to plagiarise (with their permission) a policy that will fit Cuballing's needs.

ACTING CHIEF EXECUTIVE OFFICER RECOMMENDATION

POSITIONING AND APPROVAL FOR SEA CONTAINER

Council approves the placement of the 20 foot sea container on Lot 39 Cuballing Street, Cuballing, subject to the following conditions;

1. Mr. Gruzowski provides a photograph of the sea container prior to the issue of a building permit.
2. The applicant is granted approval and a building licence subject to the building surveyor being satisfied with the condition of the sea container.
3. The sea container to be painted to blend in with the surroundings.
4. The sea container to be sited behind the house.

POLICY ON TRANSPORTABLE BUILDINGS AND SEA CONTAINERS.

Council staff undertakes research and recommends to Council a policy on transportable structures including sea containers that will enable Council to have control over the positioning and erection of such buildings.

COUNCIL ACTION

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

CARRIED 5/0

Cr. Newman left the Council Chambers at 4.36p.m. and did not participate in the meeting, discussions or debate.

8.3.2 REGIONAL WASTE FACILITY

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Allan Middleton, A/Chief Executive Officer
Enabling Legislation:	Local Government (Miscellaneous Provisions) Act 1960 Health Act.
Council Policy:	Register Delegated Authority Shire of Cuballing Health Local Law 2007 Shire of Cuballing Town Planning Scheme No. 2
Budget Implications:	Non current
File Reference:	H.10.e
Voting Requirements:	Simple majority

Background

At the August meeting a brief report was presented to council on the progress being made in determining if a Regional Waste Centre could and should be established within the region.

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The report identified several sites that may be considered and these were available for Council's comment and consideration. It was determined that the work to date had been of an administrative nature with a great deal of the technical work completed and it was now time to have elected member input.

As a consequence the Shire President and Deputy Shire President, accompanied by the Acting Chief Executive Office, attended a meeting on the 30th August to further advance discussions.

The Shire President may wish to verbally report on the meeting and cover any issues not contained within these notes.

All participating local governments at the meeting indicated that they wished to be part of the investigatory process, and until such time the investigation shows a Council would not benefit from a regional facility the group will remain as structured.

Comment

It was generally agreed the current management and life expectancy of some waste disposal sites within the regional is of concern and needed to be addressed. There will be increased scrutiny of land fill sites in country areas with the Department of Environment and Conservation under taking more constant inspections. The day is rapidly approaching whereby unsupervised pits may be a thing of the past.

To better manage its waste disposal Council may need to consider introducing kerb side removal and closing one of its rubbish disposal sites and possibly extending operating hours for the Cuballing waste disposal site. Though this is not subject to a decision at this period of time for Council, the matter may need to be determined before the next budget.

An outcome from the meeting was a report on the Regional Investment Plan in which Council was a partner. Tangible benefits to Council included twenty fencing panels to be used at landfill sites to assist keep the area tidy and direct traffic to landfill site and management plans for waste disposal sites.

The meeting decided to progress research and to gather information to allow more informed decisions to be made. To this end a working committee has been formed to undertake work in the areas of:-

- i. Site investigation.
- ii. Possible design of waste facility.
- iii. Mode of operation i.e. Regional Council, V.R.O.C. or contractor.
- iv. Cost allocation i.e. user pays, weighted values or cross subsidisation.
- v. Number of transfer stations.

- vi. How is to be funded. – Loan, Local Government sharing, Royalties for Regions, private investment.
- vii. Transportation cost – economic distance haulage.

ACTING CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Shire of Cuballing continues to support ongoing research into a regional waste facility and endorses the use of remaining monies in the regional account to finance any work associated with the study.

COUNCIL ACTION

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

CARRIED 4/0

Cr. Newman returned to the Council Chambers at 4.39p.m.

8.3.3 SUBDIVISION - LOT 2 BUNBULLING ROAD, POPANYINNING

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Allan Middleton, A/Chief Executive Officer
Enabling Legislation:	Planning and Development Act:
Register Delegated Authority	Nil
Budget Implications:	Non current
File Reference:	T.P. 11
Voting Requirements:	Simple majority

Background

An application for subdivision was received on the 26th June 2009, to create two lots from Lot 2 (previously Lot 131), Bunmulling Road, Popanyinning.

Council supported the subdivision on the provision that several conditions were met. Preliminary approval was given by the Western Australian Planning Commission subject to certain conditions being met; these were :-

1. The applicant making arrangement that prospective buyers are advised in writing that provision of reticulated sewerage and all future dwellings will need to be connected to an on-site effluent disposal system. is not available.
2. No reticulated water supply can be provided to the land by a licensed water service supplier and owners must make their own arrangements to provide adequate supply of potable water.
3. The applicant to provide a geotechnical report during the wettest part of the year for proposed lot B on the approved plan specifying the area for suitable 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 o be prepared in consultation with local government.
5. The applicant to make suitable arrangements with the local government to ensure prospective purchasers of the lots created will be advised of provisions of the local governments town planning scheme that relate to the use and management of the land.

Comment

The applicant has met the conditions outlined above by providing statutory declarations for condition (1) and (5). In relation to condition (2) supplied a signed copy of Certificate of Notification under Section 70A. A geotechnical report on the soil type has been supplied to satisfy condition (3). A detailed plan has been received to clear condition (4).

ACTING CHIEF EXECUTIVE OFFICERS RECOMMENDATION

A clearance certificate be forwarded to the applicant and the Western Australian Planning Commission confirming that conditions 1 to 5 applying to the subdivision of Lot 2, application 140021, Bunmulling Road and subject to local government clearance have been met.

COUNCIL ACTION

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

CARRIED 4/1

Cr. Wittwer declared his vote against this motion.

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

Nil

10. OTHER URGENT BUSINESS

LATE ITEM

8.3.4 REQUEST FOR EXTRA DOG - 11 KNIGHT STREET, CUBALLING

Submission to:	Ordinary Meeting of Council
Location/Address:	11 Knight Street, Cuballing
Reporting Officer:	Allan Middleton, A/Chief Executive Officer
Enabling Legislation:	Dog Local Law and Dog Act.
Register Delegated Authority	Nil
Budget Implications:	Nil
File Reference:	H.1
Voting Requirements:	Simple majority

Background

Mrs Wendy Moore is seeking Council approval to have a third dog on her property situated 11 Knight Street, Cuballing. Letters of support have been received from three adjoining or close neighbours.

The applicant has stated the dog will be spade and micro-chipped.

Comment

The Shire of Cuballing's Dog Local Law places a limit of 2 dogs over the age of three (3) months and the young of those dogs under that age if the premises are situated within a Townsite.

The Dog Act does provide a discretionary clause which may allow a Council to approve a greater number of dogs than specified under the Local Law.

Council needs to be weary however that the local law was specified for a particular reason or purpose and if that purpose is no longer relevant then the Local Law should be changed and discretionary powers not used on each and every occasion.

The Dog Act provides in Section 26 the following:-

26. Limitation as to numbers

- (1) The provisions of this Part shall not operate to prevent the keeping on any premises of 2 dogs over the age of 3 months and the young of those dogs under that age.
- (2) Subject to subsection (1), a local government, pursuant to local laws, may limit the number of dogs over the age of 3 months, or the number of such dogs of any specified breed or kind, that may be kept on any premises situate in a specified area to which those local laws apply unless those premises are licensed as an approved kennel establishment or are exempt.
- (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —
 - (a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;
 - (b) shall not operate to authorise the keeping of more than 6 dogs on those premises; and
 - (c) may be revoked or varied at any time.
- (4) Subject to the provisions of subsection (3), a person who keeps on any premises, not being premises licensed as an approved kennel establishment, dogs over the age of 3 months in numbers exceeding any limit imposed in relation to those dogs by a local law made under subsection (2) commits an offence.

Penalty: \$1,000 and a daily penalty of \$100.

The property is approximately one hectare in size and from aerial photographs there appears to be reasonable separation from neighbouring properties. There should be no imposition on the neighbours.

ACTING CHIEF EXECUTIVE OFFICERS RECOMMENDATION

Council grant approval to Mrs. Wendy Moore to keep a third dog on her property situated 11 Knight Street on the following conditions:-

- 1. The dog to be spade and micro chipped.**
- 2. The dog to be licensed.**
- 3. In the event of one of the three dogs being removed from the property, either through death or other reasons, this approval is hereby cancelled and a new application must be made should a third dog be required.**

COUNCIL ACTION

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

CARRIED 5/0

11. CLOSURE OF MEETING

There being no further business the Shire President declared the meeting closed at 4.45pm.