

SHIRE OF CUBALLING

COUNCIL MEETING THURSDAY 18 FEBRUARY 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 18 FEBRUARY 2010**

1. OPENING – ANNOUNCEMENT OF VISITORS

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

2. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

ATTENDANCE

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

3. APOLOGIES

Nil

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5. **MINUTES**

5.1 **CONFIRMATION OF 18 DECEMBER 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 Hawsley, seconded Cr Haslam that the Chief Executive Officers recommendation be adopted.

CARRIED 7/0

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

Nil

7. **DISCLOSURES OF INTEREST**

Councillors' and Employees' Disclosures of Interest.

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

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

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

Nil

7.2 **DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY**

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

Nil

8.1 REPORTS – FINANCE AND ADMINISTRATION

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

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 \$227,432.52:
Vouchers 13572-13665 \$149,956.42
Electronic fund transfers \$ 77,197.75
Credit Card \$ 278.35
- Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$1,647.17:
Voucher T2089-T2094 \$ 1,647.17

COUNCIL ACTION

Moved Cr Conley, seconded Cr McDougall 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 31 January 2010 in accordance with the abovementioned legislation and circulated with the Council Meeting Agenda.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Statement of Financial Position, as circulated, for the Shire of Cuballing for period ending 31 January 2010, be received.

COUNCIL ACTION

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

CARRIED 7/0

**8.1.3 DEPARTMENT OF LOCAL GOVERNMENT – COMPLIANCE
AUDIT RETURN 2009**

Submission to:	Ordinary Meeting of Council
Location/Address:	Shire Administration Office
Reporting Officer:	Peter Naylor, Chief Executive Officer Clare Thomson, Accountant
Enabling Legislation:	Caravan Parks and Camping Grounds Act 1995 Cemeteries Act 1986 Local Government Act 1995 Local Government (Functions and General) Regulations 1996 Local Government (Administration) Regulations 1996 Local Government (Elections) Regulations 1997 Local Government (Financial Management) 1996 Local Government (Audit) Regulations 1996 Local Government (Miscellaneous Provisions) Act 1960
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	Finance 23
Voting Requirements:	Simple majority

Background

Each year, Council is required to complete and submit a Local Government Compliance Audit Return for period 1 January to 31 December. Completing the Return is a statutory requirement under the provisions of the Local Government Act 1995, and associated Regulations.

Comment

The Compliance Audit Return for the Shire of Cuballing for period 1 January 2009 to 31 December 2009 has been completed and a copy circulated to Councillors with the Council Meeting Agenda. Whilst undertaking the audit process there have been no instances that have come to staff notice of where Council has failed to comply with the relevant legislation and required processes during the reporting period. The Compliance Audit Return is to be submitted to the Department of Local Government by 31 March in each year.

It is a requirement for the Compliance Audit Return to be:

- a) Presented to the Council at a meeting of the Council;
- b) Adopted by the Council; and
- c) Recorded in the minutes of the meeting at which it is adopted.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Local Government Compliance Audit Return for the Shire of Cuballing for reporting period 1 January 2009 to 31 December 2009, as prepared and circulated, be adopted and forwarded to the Department of Local Government.

COUNCIL ACTION

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

CARRIED 7/0

8.1.4 LOCAL GOVERNMENT STRUCTURAL REFORM

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

Background

As reported to the December 2009 Ordinary Meeting of Council, on 11 December 2009, the Shire of Cuballing received a letter from the Minister for Local Government 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 of Local Government.

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 agreement between the Department of Local Government and participating local governments and will facilitate the harmonisation of core functions and services across participating local governments. This process is intended to 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, but are not restricted to:

- 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.

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. This grouping of Councils forms the Regional Transition Group in which the Shire of Cuballing has been identified.

In respect to this matter, at the December 2009 Meeting Council resolved as follows:

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.

Comment:

Since the December 2009 Meeting the Local Government Reform issue has been heavily debated throughout the local government sector. As a result of this the WA Local Government Association held a Local Government Forum at the Ascot Racecourse on Tuesday 9 February 2010. The speakers at the forum included Hon John Castrilli MLA, Minister for Local Government, Mr Paul Papalia MLA, Opposition Spokesperson, Hon Brendon Grylls MLA, Minister for Regional Development and Hon Robin Chapple MLC, Greens Representative. The Forum was attended by the Shire President, Deputy President and Chief Executive Officer.

The Minister for Local Government's address continued down the path that the reform process is voluntary and if Councils wanted to embrace the process they would receive assistance, both financial and other, from the State Government, and those Councils that do not wish to amalgamate can choose to do so, however he believes that taking this action will be detrimental to their communities and they risk losing future grant funding as both the State and Federal Governments will be keen to provide funding for regional and strategic projects in larger communities. The Minister also answered several predetermined questions and took questions from the floor.

Mr Papalia reiterated that the Labor Party does not support forced amalgamations of local governments. Brendon Grylls spent most of his time addressing the Royalties for Regions Country Local Government Fund however did conclude by stating that the National Party also does not support forced amalgamations. Robin Chapple concurred with the opposition to forced amalgamations.

The Shire President and Chief Executive Officer also attended a Regional Transition Group (RTG) Discussion at the Town of Narrogin on Thursday 11

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February 2010. The discussion was conducted by officers from the Department of Local Government and was also attended by the Mayor/Presidents and Chief Executive Officers from the Shires of Narrogin & Wickepin and the Town of Narrogin.

The purpose of this discussion/meeting was for the departmental officers to provide an overview of the Regional Transition Group process.

Following this meeting a brief discussion was held between the representatives of the four local governments. Whilst all genuinely agree that the reform process is somewhat confusing and has been handled very poorly, they also feel it may be worthwhile entering into further discussions to consider the option of the RTG. Through the RTG process the preparation of a Regional Business Plan may help to determine (perhaps once and for all) if local government amalgamation is a serious course of action and also help the Councils be part of the decision making process and have some control of what happens to their respective local government areas.

The Minister has requested that he be advised by 26 March 2010 in respect to Councils willingness to participate in the RTG.

It is being proposed that the Shire of Cuballing considers undertaking further discussions with the Shires of Narrogin & Wickepin and the Town of Narrogin in respect to the RTG process, with final decision on the matter to be referred to the March 2010 meeting of Council.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council supports the Shire President, Deputy President and Chief Executive Officer to participate in further discussions with the Shires of Narrogin & Wickepin and the Town of Narrogin in respect to the Minister for Local Governments Regional Transition Group proposal.

COUNCIL ACTION

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

CARRIED 7/0

8.2 REPORTS – WORKS

8.2.1 WORKS MANAGERS REPORT

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Alex Richardson, Works Manager Peter Naylor, Chief Executive Officer
Enabling Legislation:	Local Government Act 1995
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	CMR 10
Voting Requirements:	Simple majority

GRADING/GENERAL MAINTENANCE

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

Bitumen patching is still progressing throughout the Shire.

Ron Panting from the Department of Corrective Services, Community and Juvenile Justice, has been assisting Council with various light maintenance duties over the past six months. Ron and his crew have assisted with clean ups in Popanyinning, Yornaning Dam, Cuballing Recreation Grounds, and the Dryandra Regional Equestrian Park.

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

The Recreation Vehicle Area, Yornaning Water Harvest, Popanyinning Fire Shed, and Cuballing Cricket Practice projects have all been completed.

The Mens Shed is nearing completion, waiting on the arrival of lockers.

Works are continuing at the Dryandra Regional Equestrian Park. The equestrian clubs are busy relocating equipment to Cuballing in readiness for the first rally to be held on Sunday 21 February 2010.

Popanyinning Tennis Courts project is almost completed with just minor earthworks to be carried out to tidy up the perimeter of the courts.

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

2009/2010 ROAD CONSTRUCTION PROGRAM

Tender has been let for the reseal and final seal works included on the 2009/2010 capital works program. These works should be completed prior to end of March 2010.

Works on the Popanyinning West Road will commence within the next fortnight.

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). Westrac Equipment will transport the machine to Bunbury to carry out the repairs in their workshop.

STAFF

John Ramage is currently clearing six (6) weeks of accrued long service leave entitlements.

PRIVATE WORKS

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

Private works invoices for year to date total \$13,807.91.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Managers Report be received and information noted.

COUNCIL ACTION

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

CARRIED 7/0

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:

Date	Property Owner	Details
24 December 2009	R O'Brien Loc 13910 Tanners Rd Popanyinning	Fire ignited by truck, possibly heat from exhaust. The fire was brought under control and suppressed by crews from various farm units within the district, Popanyinning Town, Popanyinning East Brigade, Cuballing Town, Pingelly, Brookton & Yealering.
21 January 2010	R Dowling Lot 5740 McGowans Rd Popanyinning	Fire ignited by sparks from power pole in paddock. The fire was brought under control and suppressed by crews from Popanyinning Town and Popanyinning West Brigades. Western Power in attendance to isolate pole.
23 January 2010	R B Hair (rented to H Friend) Lot 309 Munro St Cuballing	Fire ignited by lightning strike. Fire quickly suppressed by Cuballing Town Brigade.
23 January 2010	Cuballing Golf Club	Fire ignited by lightning strike. Fire quickly suppressed by Cuballing Town Brigade.

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

CARRIED 7/0

8.2.3 SHIRE OF CUBALLING TENDER 1-09/10 SUPPLY OF BITUMINOUS SEALING WORKS

Submission to: Ordinary Meeting of Council
Location/Address: Various Roads (as detailed in report)
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Local Government Act 1995
 Local Government (Functions and General) Regulations 1996
Council Policy: Delegated Authority Register
Budget Implications: Provision in 2009/2010 Budget
File Reference: Tenders & Contracts 2
Voting Requirements: Simple majority

Background

Tender 1-09/10 was advertised in the West Australian Newspaper on Saturday 23 January 2010, for supply of Bituminous Sealing Works for the Shire of Cuballing Capital Resealing Program for 2009/2010.

Comment

At the close of tenders on Tuesday 9 February 2010, only one tender was received from Boral Asphalt, with all tender specifications being met.

Details of the tender document are as follows:

Road		
Cuballing East	Appl Rate	2.01
	Area (m2)	22,750
	Aggregate Type	Granite
	Aggregate Size	10mm
	\$/m2	\$2.98
	Cost (GST ex)	\$67,795
Stratherne	Appl Rate	2.06
	Area (m2)	9,380
	Aggregate Type	Granite
	Aggregate Size	10mm
	\$/m2	\$3.90
	Cost (GST ex)	\$36,582
Town Streets	Appl Rate	2.06
	Area (m2)	12,000
	Aggregate Type	Granite
	Aggregate Size	10mm
	\$/m2	\$4.92
	Cost (GST ex)	\$59,040
Cost (GST ex)		\$163,417

The tender submitted by Boral Asphalt is within budget parameters for 2009/2010, and as it is the only one received the Chief Executive Officer has authorised the Works Manager to accept the tender and arrange for the works to commence.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Chief Executive Officers actions in accepting the tender submitted by Boral Asphalt be endorsed by Council.

COUNCIL ACTION

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

CARRIED 7/0

8.2.4 DEPARTMENT OF AGRICULTURE AND FOOD – EAST YORNANING LAND CONSERVATION DISTRICT COMMITTEE

Submission to: Ordinary Meeting of Council
Location/Address: Yornaning East
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Soil and Land Conservation Act 1945
Council Policy: Nil
Budget Implications: Nil
File Reference: CO 2
Voting Requirements: Simple majority

Background

Letter from the Department of Agriculture and Food (DAF) advising that the term of appointment for the members of the East Yornaning Land Conservation District Committee is due to expire on 28 February 2010.

Cr Wittwer is currently Council's nominated delegate to the committee

Comment

Cr Wittwer has indicated he would like to continue as Council delegate to the Committee.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Cr Wittwer be renominated as Council delegate to the East Yornaning Land Conservation District Committee.

COUNCIL ACTION

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

CARRIED 7/0

8.2.5 SHIRE OF CUBALLING OBLIGATION TO CONSTRUCT A ROAD

Submission to:	Ordinary Meeting of Council
Location/Address:	Unmade Road Reserve, Popanyinning East
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Local Government Act 1995 Land Administration Act 1997
Council Policy:	Town Planning Scheme No 2
Budget Implications:	Nil
File Reference:	Town Planning 1
Voting Requirements:	Simple majority

Background

Further to deputation by Mr John Francis, Mrs Val Francis & Mr Neil Francis to Council Meeting in December 2009.

Mr John Francis visited the Chief Executive Officer (CEO) at the Shire Administration Office in early 2006 and advised of possible intention of selling Lots 4167 & 3267. He advised that the lots were land locked however there is an unmade gazetted road reserve off Francis Road that could service the lots from the west with an easement placed over neighbouring Lot 4053, and/or an unmade gazetted road reserve that could service the land off Popanyinning East Road to the east. The CEO advised Mr Francis that the Shire is under no obligation to construct the unmade road reserve. As they (the property owners) are intending to sell the properties they could construct the road to suitable standards as required by Council. Mr Francis was not happy with the information provided by the CEO and commented on paying rates over a 50+ period of time and that it is should be the Shires responsibility and departed the building.

Mr Francis proceeded with the sale of the properties without further consultation with Council or staff. The property was sold to G & S Jones with an Annexure "A" to the property sale providing *for the Sellers to provide an easement being legal access (reasonable road carriageway) from location 4053 fence line to be connected to location 4167 access to be a minimum of ten metres and to be put into place within 90 days acceptance of the offer, if settlement occurs before the easement is in place, the Sellers will grant uninterrupted access through location 4053 until this easement is completed. All cost of this easement is at Sellers cost.* The document was signed on 27 April 2006. The easement documentation was lodged with State Land Services on 30 January 2008 and approved on 20 February 2008. Some months after the settlement date.

Email letter from Mr Peter Godridge (who purchased the property from Mr & Mrs Jones in October 2009) dated 1 December 2009 indicates that due to sheer frustration at the lack of suitable access to the property he has installed fencing along the easement and upgraded the road access at his own expense. Whilst Mr Godridge was considering the land purchase the CEO and Works Manager met with him on site on Saturday 13 June 2009, at 10:30am, Mr Neil Francis also attended this meeting of his own volition although was later in arriving. It was pointed out to Mr Godridge at this meeting that the Shire is under no obligation to construct the road and it should have been a condition of sale on the previous land transaction. Mr Godridge understood Council position on the matter.

In response to a telephone call from Mrs Jones on 1 October 2009, the CEO forwarded them a letter advising of Councils position and providing an estimate of what it could be to construct the road to the required standard. The letter also explained that the costs are estimates only and any works would have to be properly assessed.

At the Council meeting in December 2009 Mr Francis advised they had received a letter from the Department of Regional Development & Lands (DRDL) stating that it is the Shires responsibility to construct the road. The CEO has followed this up with the Manager – Wheatbelt Region of DRDL whom has provided a letter to Council to the contrary, also subsequent legal advice from McLeods Barristers and Solicitors supporting this.

The final comments in the letter from the DRDL states:

“There are many thousands of public roads in the State that are not currently constructed roads and may never have been constructed road of any kind! If a particular landowner adjacent to one of these unmade roads was desirous of obtaining practical access to the property, it would generally be a matter of either waiting for the Shire to prioritise the construction of that particular unmade road or constructing it at the owners expense at an earlier time.”

The Solicitors letter in conclusion states:

“In my view, for the reasons set out –

- (a) The Shire has no legal obligation to construct a road on a road reserve;*
- (b) Whether and, if so, when a road is or might be constructed on a road reserve are matters within the discretion of the Shire; and*
- (c) It would be open to any person to construct a road, or fund the construction of a road, on a road reserve in the Shire’s district – but this would need to be done with the Shire’s prior agreement and in accordance with the Shire’s requirements.”*

Comment

Both of the DRDL and Solicitors letters confirm that the Shire is under no obligation to construct the road even though it is a gazetted road reserve.

It appears that the matter is really between the private parties and is something that the original vendors should have brought to the attention of the real estate agent and potential purchasers and should have been sorted out during the original sale of the properties.

Perhaps it would be beneficial for Council to consider adopting a firm policy to avoid a similar situation occurring in the future. The CEO will investigate this matter with neighbouring local governments.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council advise all parties concerned; Mr S J Francis, Mr G & Mrs S Jones, and Mr P Godridge, of the advice received from the Department of Regional Development & Lands, and McLeods Barristers & Solicitors, and request they reach a private agreement as such for suitable construction of the road to the requirements of the Shire of Cuballing.

COUNCIL ACTION

Moved Cr Meharry, seconded Cr McDougall 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 three (3) application(s) approved and license(s) issued for the month of January 2010. Listed below is a summarized breakdown of the application(s) and proposed structure(s):

Approval License No	Name of Owner	Registered Builder (RB) or Owner Builder (OB)	Structure	Location of Building
16-2009/10	E Francis	OB	30m2 Patio to rear of house	Lot 1 Campbell St Cuballing
17-2009/10	T McGrechan	OB #0182/10	Large Architecturally Designed Home	Lot 118 Beeston St Cuballing
18-2009/10	W Pickford	OB	SF Shed	Lot 118 Beeston St Cuballing

Septic Tank Applications

T McGrechan – Lot 118 Beeston Street, Cuballing

Water Samples

Dryandra Village – Water were samples taken from the dam water used at the village as a potable water source. The samples were issued to PathWest for bacterial analysis and the results have proven satisfactory.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

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

COUNCIL ACTION

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

CARRIED 4/3

8.4 REPORTS – TOWN PLANNING

8.4.1 APPLICATION FOR EXPLORATION LICENCE E70/3759

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

Background

Correspondence from Tenement Administration Services advising that on behalf their clients, Landtec Pty Ltd & Norman James Holmes, application has been submitted to the Department of Industry and Resources (DIR) for the abovementioned exploration licence.

The application has the capacity to impact on an area of land within the north eastern portion of 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 application for Exploration Licence E70/3759, and requests the following conditions be imposed by the Department of Industry and resources if the exploration licence is 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 Conley, seconded Cr Newman that the Chief Executive Officers recommendation be adopted.

CARRIED 7/0

8.4.2 APPLICATION FOR OVERSIZED OUTBUILDING

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 128 Bunmulling Road, Popanyinning
Reporting Officer:	Allan Ramsay, Environmental Health Officer/Building Surveyor
Enabling Legislation:	Planning and Development Act 2005
Council Policy:	Town Planning Scheme No 2 Local Planning Policy - Outbuildings
Budget Implications:	Nil
File Reference:	Town Planning 4
Voting Requirements:	Simple majority

Background

Council has received an application for Planning Consent from Mr Pasquale Merolla for an extension of an existing zincalume shed (outbuilding) which will give a total area of 143m² on Lot 128 Bunmulling Road, Popanyinning. The property is 71,800m² in area and the shed extension would make the total area of the outbuilding 58m² over what is required under the Shire of Cuballing Town Planning Scheme No 2 (Local Planning Policy Outbuildings).

Mr. Merolla has indicated that the extension to the outbuilding is to be used as extra covered workspace during the winter months and for storage.

Comment

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

Oversized Outbuilding

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

(b) (i) Zincalume construction, where the total outbuilding does not exceed 85m² in total floor area;

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

The structure will be built onto an existing shed partially hidden from Bunmulling Road by trees and located to the side of an existing house on the 71,800m² property. The property is used as a commercial olive farm and the extension to the outbuilding will be used for processing of olives. In regard to health related matters, the extension of the outbuilding would provide much needed under cover space for olive processing operations which will improve food hygiene. The existing use of the property is classified as 'non-conforming'. However, under the Town Planning Scheme it is classified as "A" giving Council its discretionary power to approve its use as an olive farm if it had not already been operating as such. The proposed 42m² outbuilding extension will not interfere with the amenity of the area.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council approves the construction of 42m2 extension to existing outbuilding on Lot 128 Bunmulling Road, Popanyinning, subject to appropriate plans being submitted and the issue of an approved building license for the construction of the outbuilding.

COUNCIL ACTION

Moved Cr Wittwer, seconded Cr Haslam 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 4.35pm.