

**SHIRE OF CUBALLING**

**COUNCIL MEETING THURSDAY 20 DECEMBER 2012**

**MINUTES**

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1. **OPENING - ANNOUNCEMENT OF VISITORS**

Meeting Commenced at 3.40pm

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

Cr Tom Wittwer	President
Cr Roger Newman	Deputy President
Cr Mark Conley	
Cr Carol McDougall	
Cr Tim Haslam	
Cr Chad Hawksley	
Mrs Eva Haydon	Chief Executive Officer

3. **PUBLIC QUESTION TIME**

Nil

4. **STANDING ORDERS**

**COUNCIL DECISION**

**That Standing Orders be suspended for the duration of the meeting to allow for greater debate on items.**

**Moved: Cr Haslam**

**Seconded: Cr Hawksley**

***Carried 6/0***

5. **LEAVE OF ABSENCE:**

Nil

6. **MINUTES**

**6.1 CONFIRMATION OF 15 NOVEMBER 2012 ORDINARY MEETING OF COUNCIL**

**COUNCIL DECISION**

**That the minutes (as circulated) of the ordinary meeting of the Shire of Cuballing held in the Council Chambers on 15 November 2012 be confirmed.**

**Moved: Cr Hawksley**

**Seconded: Cr McDougall**

***Carried 6/0***

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

Nil

**8. DISCLOSURES OF INTEREST**

Councillors' and Employees' Disclosures of Interest.

**8.1 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.

**8.2 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.

## 9.1 REPORTS – FINANCE AND ADMINISTRATION

### 9.1.26 LIST OF ACCOUNTS SUBMITTED FOR COUNCIL APPROVAL AND PAYMENT – NOVEMBER 2012

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**Submission to:** Ordinary Meeting of Council  
**Location/Address:** Not applicable  
**Reporting Officer:** Nikole Brennan, 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 Council's bank accounts is attached to this item.

#### **COUNCIL DECISION:**

**That Council:**

**Approve for payment the list of Creditors paid from the Municipal fund, as detailed below, totalling: \$146,186.75**

**Voucher 14206-14207: \$604.40**  
**Electronic Fund Transfers: \$145,105.47**  
**Credit Card: \$476.88**

#### Trust

**Vouchers \$390.00**  
**Electronic Funds Transfers \$782.40**

**Moved: Cr Conley**

**Seconded: Cr Newman**

*Carried 6/0*

## **9.1.27 STATEMENT OF FINANCIAL ACTIVITY**

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<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Not applicable
<b>Reporting Officer:</b>	Clare Thomson
<b>Enabling Legislation:</b>	Local Government (Financial Management) Regulations 1996
<b>Council Policy:</b>	Nil
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	CMR 7
<b>Voting Requirements:</b>	<b>Simple majority</b>

### **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 2012 in accordance with the abovementioned legislation and circulated with the Council Meeting Agenda.

### **COUNCIL DECISION:**

**That the Statement of Financial Activity, as circulated, for the Shire of Cuballing for period ending 30 November 2012, be received.**

**Moved: Cr Conley**

**Seconded: Cr Newman**

***Carried 6/0***

## 9.1.28 WRITE OFF OF OUTSTANDING RATES – ASSESSMENT 632

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**Location/Address:** Lot 163 Forrest Street, POPANYINNING  
**Reporting Officer:** Leanne Shields – Rates Officer  
**Enabling Legislation:** Local Government Act 1995  
**Council Policy:** Nil  
**Budget Implications:** Yes, outstanding amount to be written off  
**File Reference:** Rates 7  
**Voting Requirements:** **ABSOLUTE Majority**  
**Attachment:** Letter Landcorp  
Account Enquiry Request No. 40157675

### Background

After receiving an account enquiry from Landcorp conveyance agency, advising of the re-purchase/ownership of Lot 163 Forrest Street, Popanyinning in the name of Western Australian Land Authority. The settlement took place on the 18 October, 2012.

### Comment

As Landcorp/WA Land Authority are exempt from paying land rates, their current portion of this year's land rates be written off. The outstanding amount is \$375.60.

### COUNCIL DECISION:

**That the outstanding rates amount of \$375.60 on Assessment 632 – Lot 163 Forrest Street, Popanyinning in the name of Western Australian Land Authority be written off.**

**Moved: Cr Haslam**

**Seconded: Cr McDougall**

***Carried by Absolute Majority 6/0***

## 9.1.29 CLOSURE OF POLICE LICENSING ACCOUNT

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**Location/Address:** Whole of shire  
**Reporting Officer:** Clare Thomson - Accountant  
**Enabling Legislation:** Local Government Act 1995  
**Council Policy:** Nil  
**Budget Implications:** Nil  
**File Reference:**  
**Voting Requirements:** **Absolute** Majority

### **Background**

At present, Council operates two separate bank accounts for trust and police licensing. There is the General No. 2 account which is solely for police licensing and the Trust account which is for Council's trust funds. Each day the Department of Transport does a direct debit from the police licensing account. Occasionally, this account has been overdrawn as banking is not carried out on a daily basis.

In addition, with the changeover to the new synergysoft program it would be easier to have one bank account rather than two for these transactions.

### **Comment**

To prevent this from reoccurring it would be more convenient if the General No. 2 account is closed and the funds are transferred to Council's trust account.

### **COUNCIL DECISION:**

**That Council's Commonwealth General No. 2 account no. 10045542 be closed and for the funds to be transferred into Council's Commonwealth Trust account no. 00050002.**

**Moved: Cr Conley**

**Seconded: Cr McDougall**

***Carried by Absolute Majority 6/0***

### 9.1.30 MAIN ROADS – WRITE OFF OF STORM DAMAGE INVOICE

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**Location/Address:** Whole of shire  
**Reporting Officer:** Clare Thomson - Accountant  
**Enabling Legislation:** Local Government (Financial Management) Regulations 1996  
**Council Policy:** Nil  
**Budget Implications:** Nil  
**File Reference:**  
**Voting Requirements:** **Absolute** Majority

#### **Background**

I was going through the invoices owed to us by Main Roads and in doing so discovered that there were two invoices still outstanding from 2010. These invoices related to reinstatement costs from a declared natural disaster that occurred on Monday 22 March 2010, and repairs that were carried out to bridge no 4866. The total of these outstanding invoices is \$16,727.

I have been following this up with Main Roads for some time. They have now advised me that we were informed at the time of the event by DFES that the cut off time to claim on this event would be 30 June 2012. It seems we had forwarded the relevant paper work to them but unfortunately, it appears that some of the paper work had not been filled in correctly. No one from their department followed up on our incorrect paper work and we did not follow up as to where our claim was. This was also during the time when we had a lot of staff change over within the office and was prior to Eva commencing.

#### **Comment**

I believe that all efforts have been exhausted in trying to recoup these outstanding invoices and have no alternative but to recommend to Council that Inv. 1395 for \$15,467 and Inv. 1465 for \$1,260 to Main Roads be written off as a bad debt.

#### **COUNCIL DECISION:**

**That Invoices 1395 and 1465 for \$15,467 and \$1,260 to Main Roads be written off as a bad debt.**

**Moved: Cr Newman**

**Seconded: Cr Hawksley**

***Carried by Absolute Majority 6/0***



## 9.2.52 LAND PURCHASE SUPPORT- LYN CARROLL REQUEST TO PURCHASE RESERVE 11652

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<b>Location/Address:</b>	Reserve 11652, within the Cuballing townsite
<b>Reporting Officer:</b>	Monique D'Alton – Admin Officer
<b>Enabling Legislation:</b>	Nil
<b>Date:</b>	7 December 2012
<b>Council Policy:</b>	Nil
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	Land 1b
<b>Voting Requirements:</b>	<b>Simple Majority</b>
<b>Attachment:</b>	Town map & Email Correspondence

### Background

Mrs Lynnette Carroll has written to Landgate with the intention of purchasing Reserve 11652 and amalgamating it with Lot 17 Campbell Street. These two blocks share a Northern Boundary.

Mrs Carroll, has approached Council, requesting for its support in her application to purchase and have Reserve 11652 amalgamated.

### Comment

Reserve 11652 is situated between Andover Street and Bow Street Road Reserves and at the rear of Lot 17 Campbell Street. St Peter's Church is situated along the east side of Lot 17. Currently Reserve 11652, has no services (ie. Power, water, telephone etc)

The Reserve designated "public purpose/church" was vested in the Presbyterian Church in the early 20<sup>th</sup> century. The Presbyterian Church moved from its heritage in 1977 with almost three quarters of its members withdrawing and joining the Methodist or Uniting Churches. The church to date has had no building (church) built, at the site and the reserve remains vacant.

### **COUNCIL DECISION:**

**That Council provide a letter of support for Mrs Carroll's intention to purchase and amalgamate Reserve 11652 with lot 17 Campbell Street.**

**Moved: Cr Haslam**

**Seconded: Cr Newman**

***Carried 6/0***



## 9.2.53 POTENTIAL AMALGAMATION POLL

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<b>Location/Address:</b>	Whole of shire
<b>Reporting Officer:</b>	Eva Haydon – Chief Executive Officer
<b>Enabling Legislation:</b>	Local Government Act 1995as amended
<b>Council Policy:</b>	<b>Nil</b>
<b>Budget Implications:</b>	Electoral Commissioner's fees (unknown at this stage)
<b>File Reference:</b>	
<b>Voting Requirements:</b>	<b>Absolute</b> Majority

### **Background**

The WA Local Government Advisory Board will be providing a recommendation to the Minister for Local Government regarding the proposal to amalgamate the Shires of Cuballing and Narrogin with the Town of Narrogin within the next few weeks.

Schedule 2.1 of the Local Government Act provides the following:

*In order to assist in deciding whether or not to accept a recommendation of the Advisory Board made under Clause 6 of Schedule 2.1 of the Local Government Act 1995, the Minister may require that the Board's recommendation be put to a poll of the electors of districts directly affected by the recommendation.*

*When the Advisory Board recommends to the Minister the making of an order to abolish two or more districts and amalgamate them into one or more districts, the Board is to give notice to affected local governments, affected electors and the other electors of districts directly affected by the recommendation, about the recommendation.*

*The notice to affected electors has to notify them of their right to request a poll about the recommendation and if, within one month after the notice is given, the Minister receives a request made in accordance with regulations and signed by at least 250 or at least 10% of the electors of one of the districts asking for the recommendation to be put to a poll of electors of that district, the Minister is to require that the Board's recommendation be put to a poll accordingly.*

Should a poll be required, the Advisory Board determines the question or questions to be answered by the electors and prepares a summary of the case for each way of answering the question or questions. This summary is to be made available (by the local government before the poll is conducted and the Electoral Commissioner (or a person approved by the Electoral Commissioner) is responsible for the conduct of the poll and returns the results to the Minister.

### **Comment**

As Council does not meet in January, it may be expedient for Council to make a decision as to whether the poll will be an in person vote or a postal vote.

There is no current budget provision for this procedure.

**OFFICER RECOMMENDATION:**

**For Council consideration**

**Moved**

**Seconded**

**COUNCIL DECISION:**

**That;**

- 1. Council declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the poll of electors; and**
- 2. The Poll of electors to be conducted as a voting in person with two polling places, being Cuballing and Popanyinning Hall.**

**Moved: Cr Haslam**

**Seconded: Cr Hawksley**

***Carried by Absolute Majority 5/1***

## 9.2.54 WAGIN GROUP MEMORANDUM OF UNDERSTANDING

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**Location/Address:** Whole of shire  
**Reporting Officer:** Eva Haydon – Chief Executive Officer  
**Enabling Legislation:** Local Government Act 1995as amended  
**Council Policy:** Nil  
**Budget Implications:** Unknown  
**File Reference:**  
**Voting Requirements:** **Simple Majority**

### Background

Council is a member of the Wagin Voluntary Group of Councils comprising the Shires of Cuballing, Dumbleyung, Lake Grace, Narrogin, Pingelly, Wagin, Wandering, West Arthur, Wickepin, Williams and the Town of Narrogin. This group was formed for the purposes of purchasing and developing land for a regional waste facility and is administered by the Shire of Wagin.

### Comment

An updated Memorandum of Understanding has been circulated to members and comments invited.

The author has provided comments (some shown on document) to the Project Officer and has also requested that all members be a signatory to the Memorandum of Understanding.

The document is now presented for Council comments.

### OFFICER RECOMMENDATION:

**For Council consideration.**

**Moved**

**Seconded**

### COUNCIL DECISION:

**That;**

- 1. Council support the Memorandum of Understanding; and**
- 2. Agree to the President signing following recommended amendments.**

**Moved: Cr Newman**

**Seconded: Cr McDougall**

***Carried 6/0***

## 9.2.55 DRYANDRA REGIONAL EQUESTRIAN CENTRE MANAGEMENT COMMITTEE MINUTES

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**Location/Address:** Whole of shire  
**Reporting Officer:** Eva Haydon – Chief Executive Officer  
**Enabling Legislation:** Local Government Act 1995as amended  
**Council Policy:**  
**Budget Implications:**  
**File Reference:**  
**Voting Requirements:** **Simple Majority**  
**Attachment:** Minutes March 2012 & October 2012  
**Background**

The Management Committee met in March and October 2012.

### **Comment**

There are no Committee decisions which require Council endorsement.

### **COUNCIL DECISION:**

**That the Minutes of the Dryandra Regional Equestrian Centre Management Committee be received.**

**Moved: Cr Conley**

**Seconded: Cr McDougall**

***Carried 6/0***

**Minutes of Meeting of the Dryandra Regional Equestrian Park  
Management Committee held at the Shire of Cuballing  
Administration Office on 1 March 2012 at 7.30pm**

**1. Opening and Announcement of Visitors**

No visitors present

**2. Attendance, Apologies, Leave of Absence**

Cr C McDougall Chair

C. Eales

C Perkins

M Clark

E Haydon

**3. Apologies**

Cr T Haslam

J Early

K McKenzie

**4. Public Question Time**

Nil

**5. Confirmation of Minutes**

That the Minutes of the Dryandra Regional Equestrian Park Management Committee held on 15 December 2011, be confirmed as a true and correct record of proceedings.
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<b>Moved M Clark</b>
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<b>Seconded C Eales</b>
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**6. Business Arising from the Minutes**

Warm up area – to be covered by sand

Equestrian area was left clean and tidy

Water in arena – discussions took place regarding possible options

**7. Petitions, Deputations, Presentations & Declarations**

Nil

**8. Matters for Discussion**

*EQUESTRIAN CLUBROOMS:*

Preliminary discussions in order that quotations may be sought for the Country

Local Government Fund application resulted in the following:

Approximately 16m x 12m

One large meeting room

Two offices along left hand side

Kitchen

One Toilet to cater for disabled users and one toilet for food handlers

Maxine will organise someone to look out for commercial kitchen equipment

*LEASE OF DRYANDRA REGIONAL EQUESTRIAN PARK*

M Clark and Eva Haydon met to fine tune the lease document. Once the clubhouse tender is let it is intended that the draft lease be prepared by Lane Buck & Higgins

*ONGOING PROJECTS:*

The Equestrian Arena is now officially complete with the exception of the clubhouse. This will be constructed with Regional Country Local Government funding.

*OPENING OF CROSS COUNTRY AND ARENA:*

Chris and Maxine to provide a guest list to E Haydon who will organise invitations to be sent for the opening. Provisional date is 15 April 2012 at 11am.

**9. General Business**

Gillian Rolton (Olympic Gold Medallist) will be conducting international standard clinics

The account for use of the ablution block was queried. E Haydon advised that she did not have authority to vary Council's fees and charges.  
M Clark to write to Council.

Permission was requested (and granted) to plant trees at the equestrian grounds

**10. Meeting Closure**

There being no further business, the meeting closed at 9.05pm.



# Minutes of the Dryandra Equestrian Centre Management Group Meeting held at 7pm, 23 October 2012 at the Shire of Cuballing Council Chamber.

## Present:

Cr Tim Haslam                      Chair  
C Eales  
E Dowling  
C McDougall  
C Perkins  
E Haydon

## Apologies:

J Early

## CONFIRMATION OF MINUTES OF MEETING HELD 1 MARCH 2012:

That the Minutes of the Dryandra Regional Equestrian Park Management Committee held on 1 March 2012 be confirmed.

Moved            C McDougall                      Seconded C Perkins

## GENERAL BUSINESS

### 1            ***Regional Component Country Local Fund***

Still no word on applications, however as the last meeting of Cabinet is at the end of November, we should hear by then. Once a signed Financial Assistance Agreement is received, tenders will be called for the clubhouse.

### 2            ***Lease of Equestrian Park***

Draft lease has been prepared following meeting between Maxine Clarke and Eva Haydon. The draft lease will be taken to the equestrian groups for discussion.

### 3            ***Burning at Equestrian Park***

Discussion required regarding incident prior to event in October.

### 4            ***Water and Electricity Accounts***

Both accounts for the service at the Equestrian Park need to be changed from the Shire's name to the equestrian group's. Letters will be sent to Dryandra Regional Equestrian Association.

### 5            ***Information Brochure***

Eliza Dowling suggested an information brochure be produced for members of the public, Shires and the Tourist Bureau, to promote the centre.

### 6.            ***Ablutions***

Carol McDougall advised that she had attended a function at the Narrogin Agricultural College. They were building an abluion block with 3 toilets plus one disabled toilet and the cost was around \$10,000.

### 7.            ***Existing Toilet Block***

E Haydon advised that some ratepayers had enquired why Council allowed a second hand building without enforcing their policy requirements.  
The toilet block will be painted.

**8. Clubhouse**

Discussion took place regarding the siting of the clubhouse and the septic tank/leach drain requirements. Alan Ramsay had promised to provide a report.

There being no further business, the meeting closed at 8.36pm



## **WORKS MANAGERS REPORT 11<sup>th</sup> December 2012**

### **MAINTENANCE GRADING**

Maintenance grading is being undertaken to achieve an effective surface suitable for most types of traffic.

Both graders are undertaking a summer grade throughout the whole of the Shire and aim to complete this prior to the Christmas Break.

### **STANDPIPE CONTROLLERS**

Both standpipe controllers are continuing to work flawlessly since the upgrades.

### **TREE MULCHING**

Suggestions for next year's tree mulching works would be appreciated. At this point we are looking at some works in the far North East of the Shire. Other roads can be added so as to compile a suitable program for the allowed funding.

### **REFUSE SITES**

Fill materials are being carted to allow for the covering of both the Cuballing and Popanyinning refuse sites as required. Both sites are being cleared and covered on a weekly basis.

### **GRAVEL SHEETING**

Pauley Road has been gravel sheeted from between Walsh Rd to Murby's Rd.

### **TREE AND VERGE SPRAYING**

No spraying has been undertaken on road reserves since the last report.

### **PLANT AND EQUIPMENT**

All items of plant and equipment are being serviced and maintained as required.

The plant is generally in good working order.

### **STAFF**

The majority of staff are taking leave between Christmas and New Year.

### **PRIVATE WORKS**

Gravel and sand cartage as required.  
Completion of the Dryandra Roaded Catchment.

## **GRAIN FREIGHT ROUTE**

Bim's are yet to advise the start date for the Grain Freight Works  
The results from pavement strength testing that Council requested have been received.  
Services work has commenced on the Cuballing East Rd intersection project.

## **BLACKSPOT AND RRG WORKS**

The Blackspot Works on the Wandering Narrogin Road have been completed and Primersealed.

All culvert widening have been completed on our Regional Roadgroup Works.  
We have completed the subbase level gravel cartage and have widened the shoulders to allow for a base course overlay.

Western Stabilisers will be onsite in January to cement stabilize the existing base before we overlay with a base course layer.  
We have partially completed our reseal work on Springhill Road. The balance of works should be completed today.

Council may not beware of the current difficulties in obtaining bitumen sprayers and bitumen product; this is causing us some difficulties in staying with our program. As such the balance of our reseal works will not occur until February

## **CLGF WORKS**

Fencing has been installed at the Poanyinning Hall along Francis St with a shorter section along Howard St.

The memorial Stone has been placed at the Tourist Precinct.

The walkway from the Memorial Stone to the toilet block has been completed.  
Concreting works at the Cuballing Recreation Centre have been completed but for the disabled access ramp.

The Gazebo has been completed at the Popanyinning Cemetary

## **CULVERTS and DRAINAGE**

Culverts are regularly being installed where required.

## **TEN YEAR ROAD PROGRAM**

Gravel has been carted and placed on both Cuballing St and Gerrard street as per the ten year program of works.

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Bob Walker  
**WORKS MANAGER.**

#### **9.4.16 APPLICATION TO RUN A FAMILY LODGING AND COMMUNITY FACILITY – LOT 20597 WILLIAMS ROAD, WEST POPANYINNING**

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<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Lot 20597 Williams Road, West Popanyinning
<b>Reporting Officer:</b>	Allan Ramsay, EHO/BS
<b>Enabling Legislation:</b>	Health Act 1911(as amended) Building Regulations Environmental Protection (Noise) Regulations 1997
<b>Council Policy:</b>	Town Planning Scheme No 2
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	Town Planning 3
<b>Voting Requirements:</b>	Simple majority
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Letter from Meyer Shircoe and Associates Architects Mission Statement from Mr. Cleon Rempel Letter for Mr. Cleon Rempel

#### **Background**

An application from Mr. Cleon Rempel through Meyer Shircoe and Associates Architects to run a lodging and community facility at Lot 20597 Williams Road, West Popanyinning has been received.

The applicant has advised the following:

1. It is proposed to rebuild the existing Hall that was destroyed by high winds recently;
2. The destroyed Hall has been on site for approximately 30 40 years;
3. The site was purchased from the Local Shire some time ago;
4. Since the initial purchase from the local authority the site has been used as a family campsite known as “The Woodlands Campsite”;
5. Approximately five years ago the ownership of the campsite changed and has now been operating as “The Pad Dock Campsite”; and
6. The intent is to rebuild the Hall and kitchen and to obtain all necessary approval for the Site to continue.

#### **Comment**

No records are available through Council that the premises were ever given approval to operate. The Town Planning Scheme indicates that the location of the Hall is in an Agricultural Zoned area. The zoning table under the Scheme indicates that the use is a “Community Purpose” and subsequent “A” classification. The ‘D’ classification means: “that the use is not permitted unless the local government has exercised its discretion by granting planning approval”.

Whilst the use fits within the Zoning Table as a “D” classification there is the added issue of accommodation being provided to the groups staying at the property. Accommodation has in the past been provided and it’s intended now to construct new accommodation. There is no specific definition in the Scheme for this type of accommodation. As this area is not clear it may be

prudent for Council to advertise and serve a notice on nearby owners and occupiers who may be affected by the granting of planning approval. This is usually the case for an "A" classification such as a Restaurant or Animal Husbandry – intensive within the Agricultural Zone of the Scheme.

Mr. Rempel has also written to Council about setting up a Go Kart Track on the property next door and running other activities in association with the groups using the hall and accommodation. This matter will be address in another report early 2013 when more details are available.

**COUNCIL DECISION:**

That Council resolves to approve operation of the Lodging and Community Facility Hall at Lot 20597 Williams Road, West Popanyinning, subject to the following conditions.

1. The proposal for the Lodging and Community Facility Hall be advertised in the Local newsletter and a noticed be served on nearby owners and occupiers for comment within 21 days of the date of the newsletter and the date of the notice to nearby owners and occupiers in accordance with Part 9.4 of the Shire of Cuballing Town Planning Scheme No. 2;
2. All necessary approvals required under the provisions of the Health Act 1911 (as amended) and the Building Act 2011 required prior to any building work being undertaken on the property;
3. The premise only be used for accommodating groups by appointment and not for Commercial Accommodation; and
4. This approval only refers to the hall and lodgings.

**Moved: Cr Haslam**

**Seconded: Cr Hawksley**

***Carried 4/2***

## 9.4.17 PROPOSED OVERSIZED OUTBUILDING – LOT 9133 BUNMULLING ROAD, POPANYINNING

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<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Lot 9133 Bunmulling Road, Popanyinning
<b>Reporting Officer:</b>	Allan Ramsay, EHO/BS
<b>Enabling Legislation:</b>	Town Planning Scheme #2
<b>Council Policy:</b>	Town Planning Scheme No 2
<b>Budget Implications:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Town Planning 3
<b>Voting Requirements:</b>	Simple majority
<b>Attachments:</b>	Letter from the applicant Mr. Raymond Roads Site plan showing location of buildings

### Summary:

Council has received an application for Planning Consent from Mr. Raymond Roads (the applicant) for the construction of a 139m<sup>2</sup> painted outbuilding on Lot 9133 Bunmulling Road, Popanyinning. There is an existing 54m<sup>2</sup> outbuilding on the property.

The proposed outbuilding is to be used for garaging of machinery currently left outside on the property.

### Comment:

The land is zoned Rural Residential under the Shire of Cuballing Town Planning Scheme No.2 and under the Local Planning Policy for Outbuildings, Colorbond clad sheds cannot exceed a total floor area of 120m<sup>2</sup>. Mr. Roads intends painting the shed in lieu of Colorbond as he has already purchase the shed.

The property is quite large (13 acres) and the outbuilding will be behind the dwelling and 50 metres from the closest side boundary

Council has previously approved oversized outbuildings in rural residential areas.

### COUNCIL DECISION:

That Council resolves to approve the construction of the 16m long and 8.7m deep oversize outbuilding on Lot 9133 Bunmulling Road, Popanyinning subject to the following conditions:

1. The issue of an approved building licence for the construction of the outbuilding;
2. The outbuilding hereby permitted shall be only used for the purpose incidental to the residential use of the property and shall not be used for any habitable, commercial or industrial purpose;
3. The outbuilding is to be painted once erected in lieu of Colorbond; and
4. The existing outbuilding is to be painted the same colour as the new outbuilding.
5. The Building Licence shall not be issued until such time as the goods on the land are disposed of to the satisfaction of the Environmental Health Officer.

**Moved: Cr Newman**

**Seconded: Cr Haslam**

**Carried 6/0**

**10. ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**11.0 OTHER URGENT BUSINESS**

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**COUNCIL DECISION:**

**That the urgent business items 11.1.18, 11.1.19, 11.1.20 & 11.1.21 be considered.**

**Moved: Cr Newman**

**Seconded: Cr Haslam**

***Carried 6/0***

**11.1.18 APPLICATION FOR PLANNING APPROVAL – ANCILLARY ACCOMMODATION**

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**Submission to:** Ordinary Meeting of Council  
**Location/Address:** Lot 4453 Daylesford Road, Popanyinning  
**Reporting Officer:** Allan Ramsay – Environmental Health Officer/Building Surveyor  
**Enabling Legislation:** Planning and Development Act 2005  
**Council Policy:** Town Planning Scheme No.  
**Budget Implications:** Nil  
**File Reference:** Town Planning 3  
**Attachments:** Planning Application  
Drawings of the Ancillary Accommodation and Site Plan  
**Voting Requirements:** Simple Majority

**Background**

Council has received a request from owners of the property Paula and Peter Chittenden for planning approval for two off 3020mm\* 1000mm and a 3020mm\*6050mm dongas shaped in an “L” with a concrete pad between the two. The owners would like to use the ancillary accommodation while they are staying at the property while visiting their son who lives in the existing house.

**Comment**

1. Ancillary Accommodation

Shire of Cuballing Town Planning Scheme No. 2:  
Section 5.11 Development in General Agricultural Zone  
Sub Section 5.11.1

*“Council may grant approval of up to two dwellings on any lot, where the land is managed for agricultural production, tourism, or education purposes and where the occupants are engaged in those specified predominant land uses or activities”*



Section 5.12 Development in the Rural Residential Zone  
Sub Section 5.12.1

*“Only one dwelling will be permitted on any lot used only for rural living purposes”*

Sub Section 5.12.2

*“Council may grant permit ancillary accommodation providing it is located within the same building envelope or building clearance area as the first or primary dwelling”*

Planning and Development Act 2005

State Planning Policy 3.1

Residential Design Codes

Under this Policy the definition for Ancillary Accommodation is: *“Self – contained living as accommodation on the same lot as a single house of the same family as the occupier of the main dwelling”*

Whilst the Shire of Cuballing Town Planning Scheme No. 2 provides for the development of ancillary accommodation in the rural residential zone there is no mention or provision within the land zoned “General Agriculture”. However, the property is of “hobby farm” proportions and not utilized for general agriculture type industry, it may be something Council may need to consider in the future for these types of properties. In fact, the property is a bush block and on the edge of the Rural Residential Zone of the Town of Popanyinning.

The proposal is for ancillary accommodation to be occupied by family members, which meets the definition as outlined above. Furthermore, Council has already approved similar applications in February 2009 and March 2012.

The professionally drawn plans demonstrate that the dongas will be fitted out to an acceptable standard. However, Council does have a policy that any relocated dwelling will require a bond of \$7,500.00 (refundable during stages of completion). It would therefore be prudent for Council to place a Bond on the Ancillary Accommodation to ensure that it is built and finished to the standard shown on the plans.

**COUNCIL DECISION**

**That :**

- 1. Council Grant planning approval to Paula & Peter Chittenden to construct the Ancillary Accommodation on Lot 4453 Daylesford Road, Popanyinning.**
- 2. Planning approval is for a period of two years;**
- 3. The Ancillary Accommodation only to be used for immediate family and not leased out;**
- 4. The applicant be advised that the planning approval does not mean that the Shire of Cuballing will support a future application for subdivision of the land;**
- 5. A building licence and On-Site Effluent Disposal Approval is required prior to construction of the Ancillary Accommodation; and**
- 6. A bond of \$7,500.00 be placed on the Ancillary Accommodation and refunded during the stages of completion to the satisfaction of the Environmental Health Officer/Building Surveyor.**

**Moved: Cr Hawksley**

**Carried: Cr Conley**

***Carried 6/0***

**11.1.19 FORWARD CAPITAL WORKS PLAN REVIEW**

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**Location/Address:** Whole of shire  
**Reporting Officer:** Eva Haydon – Chief Executive Officer  
**Date:** 18 December 2012  
**Enabling Legislation:** Local Government Act 1995as amended  
**Council Policy:** Nil  
**Budget Implications:** Nil  
**File Reference:**  
**Voting Requirements:** **Absolute** Majority

### **Background**

Council last reviewed the attached Forward Capital Works plan last financial year. Given that there have been changes made to potential expenditure since then it requires a further review and endorsement in order that the plan can accompany the 2012/2013 funding application for roadworks to be funded from the individual component of the Country Local Government Fund. Following the review, the plan will be made available for public comment and will require formal adoption after consideration (and potential amendment) of any submissions received.

The plan will also require an additional year to be added (2016/17) which presents a dilemma as we are not guaranteed individual funding and the regional component will become contestable. Furthermore, Council's Long Term Financial Plan and Asset Management Plan have not as yet been finalised by the Consultants

### **Comment**

The plan has been available for public comment and no submissions have been received. The only capital works entered for 2016/17 are Road Construction funded by Main Roads, Roads to Recovery and Council.

Given Council's shrinking funding sources and no guarantee of Country Local Government funding in the future, the plan is realistic and achievable.

### **COUNCIL DECISION:**

**That the Forward Capital Works Plan, as amended, for financial years 2012/13 to 2016/17 be adopted.**

**Moved: Cr Haslam**

**Seconded: Cr Newman**

***Carried by Absolute Majority 6/0***

## 11.1.20 SHIRE OF CUBALLING COMMON SEAL

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**Location/Address:**

**Date:** 18 December 2012

**Reporting Officer:** Eva Haydon, Chief Executive Officer

**Enabling Legislation:** Local Government Act 1995

**Council Policy:** Nil

**Budget Implications:** Nil

**File Reference:** Administration 18

**Voting Requirements:** Absolute 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 Deputy Shire President (in the absence of the Shire President) and 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 Sale of land at 75 Alton Street Cuballing
- Grant Agreement between the Shire of Cuballing and Department of Local Government for grant funding of \$884.10 for equipment required to administer the Cat Act..

### COUNCIL DECISION

**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* and the Grant Agreement between the Shire of Cuballing and Department of Local Government.**

**Moved: Cr Conley**

**Seconded: Cr Newman**

***Carried by Absolute Majority 6/0***

## 11.1.21 APPLICATION FOR PLANNING APPROVAL – OVERSIZE OUTBUILDING

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<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Lot 104 Alexander Street, Popanyinning
<b>Reporting Officer:</b>	Allan Ramsay – Environmental Health Officer/Building Surveyor
<b>Enabling Legislation:</b>	Planning and Development Act 2005
<b>Council Policy:</b>	Town Planning Scheme No.
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	Town Planning 3
<b>Attachments:</b>	Letter from Mr. Trevor Hobson
<b>Voting Requirements:</b>	Simple Majority

### **Summary:**

Council has received an application for Planning Consent from Mr. Trevor Hobson (the applicant) for the construction of a 52m<sup>2</sup> skillion roof open sided outbuilding on Lot 104 Alexander Street, Popanyinning. A 74m<sup>2</sup> green Colorbond and a 36m<sup>2</sup> zincalume outbuilding already exist on the property.

The property is 7.2 hectares in area and is situated in the Rural Residential Zone of Popanyinning. Council's Town Planning Scheme No. 2 allows outbuildings of up to 120m<sup>2</sup> in Colorbond, however, Council may consider larger outbuildings on application.

### **Background:**

The applicant has indicated that the outbuilding is to be used to store vehicles and machinery and for water harvesting as there is no scheme water available at his property.

### **Comment:**

The land is zoned Rural Residential under the Shire of Cuballing's Town Planning Scheme No.2. Under the Local Planning Policy for Outbuildings, Colorbond clad sheds can not exceed a total area of 120m<sup>2</sup> on Rural Residential lots. The new open sided skillion roof shed plus existing would give a combined area of 162m<sup>2</sup> or 42m<sup>2</sup> over the permitted area. Any application that does not comply may be referred to Council for consideration.

### **Staff Comment:**

Council has previously approved oversized outbuildings. The size of the shed would not affect the amenity of the area as the 7.2 Hectares lot is considered large for a Rural Residential zoned lot. Mr. Hobson has indicated that he needs the extra room to store vehicles and machinery and for water harvesting.

**COUNCIL DECISION:**

**That Council resolves to: -**

**That Council resolves to approve the construction of the 15000mm x 3500mm skillion roof open sided outbuilding on Lot 104 Alexander Street, Popanyinning subject to the following conditions.**

- 6. The issue of an approved building licence for the construction of the outbuilding.**
- 7. The existing 6000mm x 6000mm zincalume shed to be painted to match the existing 10500mmx7000mm green Colorbond shed.**

**Moved: Cr T Haslam**

**Seconded: Cr C Hawksley**

**12. NEXT MEETING**

Thursday 21 February 2013

**13. CLOSURE OF MEETING**

There being no further business, the meeting closed at 5.21pm