



SHIRE OF CUBALLING

**ORDINARY COUNCIL MEETING
HELD ON FRIDAY 21 DECEMBER 2007**

MINUTES

SHIRE OF CUBALLING

COUNCIL MEETING FRIDAY 21 DECEMBER 2007

AGENDA

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ORDINARY COUNCIL MEETING MINUTES

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE SHIRE OF
CUBALLING, HELD IN THE COUNCIL CHAMBERS, CAMPBELL
STREET, CUBALLING ON FRIDAY 21 DECEMBER 2007**

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

President welcomed Councillors, declared meeting open 3.08pm.

2. RECORD OF ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

ATTENDANCE

Shire President, Cr T H Wittwer

Cr D S Bradford

Cr C Hawksley

Cr R D Newman

Chief Executive Officer, Mr P T Naylor

Environmental Health/Building Officer, Mr Neil Flood (3.08pm to 3.26pm)

Mr Ken Cox (3.08pm to 3.15pm)

Mr Dennis Cox (3.08pm to 3.15pm)

Deputy President, Cr J D Brown

Cr T P Haslam

Cr J R A Meharry

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

3. PUBLIC QUESTION TIME

Mr Ken Cox and Mr Dennis Cox addressed Council in relation to their building plans being presented for Council consideration on Agenda Item 8.5.5.

Councils Environmental Health/Building Officer (Mr Neil Flood) explained to Council the requirements for the applicant from a building and planning perspective to comply with the Building Code of Australia and Shire of Cuballing Town Planning Scheme No 2.

4. APPLICATION FOR LEAVE OF ABSENCE

Nil

5. **MINUTES**

5.1 **CONFIRMATION OF 15 NOVEMBER 2007 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 15 November 2007 be confirmed.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Meharry that the Chief Executive Officers Recommendation be adopted.

CARRIED 7/0

5.2 **ANNUAL ELECTORS MEETING HELD ON THURSDAY 15 NOVEMBER 2007**

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Local Government Act 1995
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	Council Meetings & Reports 8
Voting Requirements:	Simple Majority

Background

Section 5.33 of the Local Government Act 1995 states that all decisions made at an electors' meeting are to be considered at the next ordinary council meeting, or if that is not practicable, at the first ordinary council meeting after that meeting or a special meeting called for that purpose.

Comment

There were no issues raised at the Annual Electors Meeting for special consideration by Council.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the minutes of the Shire of Cuballing Annual Electors Meeting held on Thursday 15 November 2007 be received.

COUNCIL ACTION

Moved Cr Meharry, seconded Cr Newman 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.

Mr Peter Naylor, Chief Executive Officer, declares a financial interest in item 8.1.3

Cr Roger Newman declares a proximity interest in item 8.5.4 as he owns adjoining property

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 – DECEMBER 2007

Submission to: Ordinary Meeting of Council
Location/Address: Not applicable
Reporting Officer: Bronwyn Dew, 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 \$246,703.25:

Voucher 12055-12056	\$ 1,299.04
Voucher 12058-12145	\$109,142.48
Vouchers 10979-10987	\$ 58,583.25
Voucher 10989	\$ 276.60
Electronic fund transfers	\$ 76,997.00
Credit Card	\$ 404.88
- Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$613.40:

Vouchers T2019-T2022	\$ 563.40
Electronic fund transfers	\$ 50.00

COUNCIL ACTION

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

CARRIED 7/0

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Type	Date	Num	Name	Memo	Muni	Trust
Bill Pmt -Cheque	11/16/2007	12055	Albany Advertiser	Advertising - Cuby Country Festival	779.04	
Bill Pmt -Cheque	11/16/2007	12056	Britel Enterprises Pty Ltd	Advertising	520.00	
Bill Pmt -Cheque	11/16/2007	12058	CANNON HYGIENE AUSTRALIA PTY LTD	Monthly Service	214.50	
Bill Pmt -Cheque	11/16/2007	12059	COCKBURN CEMENT	Cement	616.79	
Bill Pmt -Cheque	11/16/2007	12060	Community Press	Advertising	440.00	
Bill Pmt -Cheque	11/16/2007	12061	CORPORATE EXPRESS	Stationery	34.39	
Bill Pmt -Cheque	11/16/2007	12062	COUNTRY PAINT SUPPLIES	Reserves Maintenance	91.21	
Bill Pmt -Cheque	11/16/2007	12063	COURIER AUSTRALIA	Freight	24.52	
Bill Pmt -Cheque	11/16/2007	12064	CUBALLING TAVERN	Refreshments & EHO Accomodaton	838.80	
Bill Pmt -Cheque	11/16/2007	12065	DEWS MINI EXCAVATIONS	Cemetery - Digging of graves	660.00	
Bill Pmt -Cheque	11/16/2007	12066	DUGALD FERGUSON MACHINERY	Tree Lopping / Mulching	1,370.05	
Bill Pmt -Cheque	11/16/2007	12067	FARMWORKS AUSTRALIA PTY LTD	Weed Control	3,487.00	
Bill Pmt -Cheque	11/16/2007	12068	GREAT SOUTHERN FUEL SUPPLIES	Fuels, Oils & Diesel	8,919.91	
Bill Pmt -Cheque	11/16/2007	12069	LANDGATE	Valuations	50.00	
Bill Pmt -Cheque	11/16/2007	12070	LR ARCHIBALD & CO P/L	Refuse Site	1,562.88	
Bill Pmt -Cheque	11/16/2007	12071	MAKIT NARROGIN HARDWARE	Recreation Centre	131.55	
Bill Pmt -Cheque	11/16/2007	12072	METROCOUNT	Metrocount 5600	3,768.00	
Bill Pmt -Cheque	11/16/2007	12073	MOBILE MASTERS	Radio Equipment	174.90	
Bill Pmt -Cheque	11/16/2007	12074	MULGREW AUTOMOTIVE	Parts & Repairs	304.75	
Bill Pmt -Cheque	11/16/2007	12075	NARROGIN BEARING SERVICE	Parts & Repairs	1,887.05	
Bill Pmt -Cheque	11/16/2007	12076	NGN AG REPAIRS	Parts & Repairs	348.00	
Bill Pmt -Cheque	11/16/2007	12077	NGN AUTO ELECTRICS	Mobile Phone Hands Free Kits	638.90	
Bill Pmt -Cheque	11/16/2007	12078	Oxter Services	War Memorial Upgrade	6,336.00	
Bill Pmt -Cheque	11/16/2007	12079	PERTH KALEXPRESS OVERNIGHT AND QUALITY	Freight	26.31	
Bill Pmt -Cheque	11/16/2007	12080	SHIRE OF WAGIN	Waste Management	550.00	
Bill Pmt -Cheque	11/16/2007	12081	South West Fire	Fire Prevention	115.83	
Bill Pmt -Cheque	11/16/2007	12082	SPORTFIRST NARROGIN	Shire Tennis Tournament	450.00	
Bill Pmt -Cheque	11/16/2007	12083	STAR TRACK EXPRESS	Freight	58.18	
Bill Pmt -Cheque	11/16/2007	12084	SUNNY SIGN COMPANY PTY LTD	Signs	2,970.00	
Bill Pmt -Cheque	11/16/2007	12085	Synergy	Electricity Account	23.20	

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Bill Pmt -Cheque	11/16/2007	12086	TELSTRA	Telephone Account	662.51
Bill Pmt -Cheque	11/16/2007	12087	WA Land Information Authority	Valuations & Title Searches	80.40
Cheque	11/01/2007	10979	Autralian Taxation Office	October BAS	9,106.00
Bill Pmt -Cheque	11/16/2007	10980	CASH	Petty Cash Recoup - Nov 2007	176.90
Bill Pmt -Cheque	11/16/2007	10981	NARROGIN LINEN	Launder Tablecloths	52.80
Cheque	23/11/2007	10982	Cuballing CWA	Tidy Towns Lunch	450.00
Cheque	11/28/2007	10983	SHIRE OF CUBALLING.	Social Club Contributions Nov 2007	130.00
Cheque	11/28/2007	10984	SHIRE OF CUBALLING.	Staff Deductions	250.00
Cheque	11/28/2007	10985	WALGSP	Super Contributions Nov 2007	8,260.05
Cheque	12/03/2007	10986	Main Roads	MRWA - Upgrade sections of public roads in Dryandra Woodlands Refund	40,000.00
Cheque	12/04/2007	10987	BUILDERS REGISTRATION BOARD OF WA	BRB PAYMENT NOVEMBER 2007	157.50
Cheque	12/11/2007	10989	Cash	Petty Cash Recoup Dec 2007	276.60
Bill Pmt -Cheque	12/21/2007	12088	Advanced Autologic Pty Ltd	Workshop Supplies	62.00
Bill Pmt -Cheque	12/21/2007	12089	Albany Advertiser	Fire Prevention Advertising	90.00
Bill Pmt -Cheque	12/21/2007	12090	AUSTRALIA POST	Postage	100.00
Bill Pmt -Cheque	12/21/2007	12091	Avon Waste	Refuse Site Maintenance	462.00
Bill Pmt -Cheque	12/21/2007	12092	BEAUREPAIRES	Tyres & Batteries	1,132.70
Bill Pmt -Cheque	12/21/2007	12093	Bentley Motor Inn	Accomodation - Training	200.00
Bill Pmt -Cheque	12/21/2007	12094	BILL EXPRESS	Transaction Fees	13.20
Bill Pmt -Cheque	12/21/2007	12095	BUTLER SETTINERI	Auditors Fees	2,970.00
Bill Pmt -Cheque	12/21/2007	12096	Cafe 27	Sundowner	253.00
Bill Pmt -Cheque	12/21/2007	12097	COMMANDER AUSTRALIA LTD	Contract Charges	379.01
Bill Pmt -Cheque	12/21/2007	12098	CORPORATE EXPRESS	Stationery	92.31
Bill Pmt -Cheque	12/21/2007	12099	COURIER AUSTRALIA	Freight	53.97
Bill Pmt -Cheque	12/21/2007	12100	CUBALLING TAVERN	Refreshments & EHO Accomodation	763.10
Bill Pmt -Cheque	12/21/2007	12101	CUBY ROADHOUSE	Fuel, Gas & Kitchen Supplies	865.80
Bill Pmt -Cheque	12/21/2007	12102	DEPT FOR PLANNING & INFRASTRUCTURE	Transfer Fees for Fire Truck	10.20
Bill Pmt -Cheque	12/21/2007	12103	DUGALD FERGUSON MACHINERY	Parts & Repairs	1,112.75
Bill Pmt -Cheque	12/21/2007	12104	EDWARDS MOTORS PTY LTD	Parts & Repairs	686.30
Bill Pmt -Cheque	12/21/2007	12105	Filters Plus	Fuel Tank Maintenance	49.50
Bill Pmt -Cheque	12/21/2007	12106	Fuji Xerox	VOID	
Bill Pmt -Cheque	12/21/2007	12107	GREAT SOUTHERN FUEL SUPPLIES	Fuels, Oils & Diesel	8,913.81

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Bill Pmt -Cheque	12/21/2007	12108	Great Southern Ranger Services	Ranger Service	200.28
Bill Pmt -Cheque	12/21/2007	12109	JR & A HERSEY P/L	Safety, Workshop & Signs	12,485.49
Bill Pmt -Cheque	12/21/2007	12110	Kulker Plumbing Service	Cuballing Town Hall Maintenance	325.70
Bill Pmt -Cheque	12/21/2007	12111	Mainline Media	Advertising	434.50
Bill Pmt -Cheque	12/21/2007	12112	MAKIT NARROGIN HARDWARE	Workshop Supplies	305.10
Bill Pmt -Cheque	12/21/2007	12113	Mansell Pty Ltd	Consultancy Charges	5,599.55
Bill Pmt -Cheque	12/21/2007	12114	MCDOUGALL WELDMENTS	Cuballing Refuse Site	774.32
Bill Pmt -Cheque	12/21/2007	12115	MOBILE MASTERS	Radio Repairs	83.05
Bill Pmt -Cheque	12/21/2007	12116	MULGREW AUTOMOTIVE	Parts & Repairs	247.50
Bill Pmt -Cheque	12/21/2007	12117	NARROGIN BEARING SERVICE	Parts & Repairs	253.85
Bill Pmt -Cheque	12/21/2007	12118	NARROGIN HIRE SERVICE AND RETICULATION	Councillor Function & Town Maintenance	156.20
Bill Pmt -Cheque	12/21/2007	12119	Narrogin Liqour Store	Councillor Send Off	487.32
Bill Pmt -Cheque	12/21/2007	12120	NARROGIN PACKAGING	Toilet Rolls	83.00
Bill Pmt -Cheque	12/21/2007	12121	Narrogin Pumps Sales & Service	Cuballing Recreation Centre	1,640.20
Bill Pmt -Cheque	12/21/2007	12122	Narrogin Technology Solutions	Computer Maintenance	39.95
Bill Pmt -Cheque	12/21/2007	12123	NEAT 'N' TRIM UNIFORMS PTY LTD	Uniforms	639.50
Bill Pmt -Cheque	12/21/2007	12124	NGN AG REPAIRS	Parts & Repairs	259.00
Bill Pmt -Cheque	12/21/2007	12125	PHONOGRAPHIC PERFORMANCE COMPANY OF AUST	Licence Renewal	205.15
Bill Pmt -Cheque	12/21/2007	12126	PIONEER ROAD SERVICES PTY LTD	Cuballing West Road - Widening	15,451.13
Bill Pmt -Cheque	12/21/2007	12127	POPANYINNING GENERAL STORE	Fire Prevention	99.00
Bill Pmt -Cheque	12/21/2007	12128	Protector Alsafe	Safety Equipment	3,000.82
Bill Pmt -Cheque	12/21/2007	12129	Radiowest	Fire Safety Message	99.00
Bill Pmt -Cheque	12/21/2007	12130	RJ & CJ McDougall	Trenching	154.00
Bill Pmt -Cheque	12/21/2007	12131	RNR CONTRACTING PTY LTD	Cuballing West Raod - Widening	4,620.00
Bill Pmt -Cheque	12/21/2007	12132	ROSS H. MARTIN	Private Works	150.00
Bill Pmt -Cheque	12/21/2007	12133	Shire of Wandering.	DVROC Dinner	530.00
Bill Pmt -Cheque	12/21/2007	12134	SPORTFIRST NARROGIN	Shire Tennis Tournament	50.00
Bill Pmt -Cheque	12/21/2007	12135	STAR TRACK EXPRESS	Freight	351.47
Bill Pmt -Cheque	12/21/2007	12136	SUNNY BRUSHWARE SUPPLIES	Road Sweeper	767.80
Bill Pmt -Cheque	12/21/2007	12137	SUNNY SIGN COMPANY PTY LTD	Signs	305.14
Bill Pmt -Cheque	12/21/2007	12138	Synergy	Streetlighting - Nov	272.45
Bill Pmt -Cheque	12/21/2007	12139	The Underprivileged Childrens Guide	Advertising	423.50

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Bill Pmt -Cheque	12/21/2007	12140	TIMES PRINT	Shire of Cuballing Magnets	439.00	
Bill Pmt -Cheque	12/21/2007	12141	WA Land Information Authority	Valuations	123.20	
Bill Pmt -Cheque	12/21/2007	12142	WALGA	Advertising	771.41	
Bill Pmt -Cheque	12/21/2007	12143	WATER CORPORATION	Water Accounts	1,174.45	
Bill Pmt -Cheque	12/21/2007	12144	WESTERN POWER CORPORATION	Power Connection	300.00	
Bill Pmt -Cheque	12/21/2007	12145	WESTRAC EQUIPMENT	Parts & Repairs	795.17	
Cheque	11/12/2007	T2019	Cash	Social Club - Melbourne Cup Sweep		60.00
Cheque	11/16/2007	T2020	Narrogin Senior High School	Donation - Graduation		50.00
Cheque	11/21/2007	T2021	Leanne Hilsley	Hall Hire - Bond Refund		100.00
Cheque	12/04/2007	T2022	Building & Construction Industry Training	BCITF November 2007		353.40
EFT	13/11/2007	131107	SHIRE OF CUBALLING.	Wages & Salaries 31/10/07 - 13/11/2007	17,316.27	
EFT	11/27/2007	271107	SHIRE OF CUBALLING.	Wages & Salaries 14/11/07 - 27/11/2007	17,095.23	
EFT	12/05/2007	51207	Sirenc	Town Warning Siren	6,875.00	
EFT	12/07/2007	71207	CYO O'Connor College	Tafe Charges - Brett	330.46	
EFT	12/10/2007	101207	INGERSLEY ELECTRICAL	Cuballing Recreation Ground & CEO House	4,699.91	
EFT	12/10/2007	101207.1	Neil Flood	Travel November	489.78	
EFT	12/11/2007	111207	SHIRE OF CUBALLING.	Salaries & Wages 28/11/07 - 11/12/07	18,329.98	
EFT	12/10/2007	111207.1	Alex Richardson	Clothing Allowance	1,000.00	
EFT	12/11/2007	111207.2	Amerex Fire	Service Fire Equipment	123.20	
EFT	12/11/2007	111207.3	IKES HOME IMPROVEMENT & GLASS CENTRE	Cuballing Recreation Hall	3,071.20	
EFT	12/19/2007	191207	WA Treasury Corporation	Loan 60	4,995.78	
EFT	12/19/2007	191207.1	WA Treasury Corporation	Loan 61	2,670.19	
EFT	12/05/2007	T51207	Bronwyn Dew	Re-imburse for Micks Send off Gift		50.00
Credit Card	11/01/2007	11107	Commonwealth Bank	Annual Charge	40.00	
Credit Card	11/03./2007	31107	Narrogin Floral Studio	Councillors Send Off	175.00	
Credit Card	11/24/2007	241107	Myer	Uniforms - Naylor	189.88	
					246,703.25	613.40

8.1.2 STATEMENT OF FINANCIAL ACTIVITY

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

Background

Local Government (Financial Management) Regulations 1996, section 34, provides for monthly financial reporting requirements for local government.

Comment

A Statement of Financial Activity has been prepared for period ending 30 November 2007 in accordance with the abovementioned legislation and circulated with the Council meeting agenda.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Statement of Financial Position, as circulated, for the Shire of Cuballing for period ending 30 November 2007 be received.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Newman that the Chief Executive Officers Recommendation be adopted.

CARRIED 7/0

8.1.3 CHIEF EXECUTIVE OFFICER ANNUAL LEAVE

The Chief Executive Officer, Mr Peter Naylor, declares a financial interest in this item.

Submission to: Ordinary Meeting of Council
Location/Address: Shire Administration Office
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Nil
Council Policy: Nil
Budget Implications: Not applicable
File Reference: Staff 8
Voting Requirements: Simple Majority

Background

The Chief Executive Officer will be clearing 19 days of annual leave and public holiday entitlements from Tuesday 25 December 2007 until Friday 18 January 2008, inclusive, resuming on Monday 21 January 2008.

Comment

The Chief Executive Officer (CEO) will be available to receive calls to the Shire mobile telephone over the Xmas/New Year office closure period and then arrangements have been made with the CEO's and senior staff of neighbouring Councils to assist administration office staff should an urgent issue arise whilst the CEO is on annual leave.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Chief Executive Officers Annual Leave be endorsed.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Bradford 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

CUBALLING WEST ROAD

Construction works to widen and bitumen seal the road to a nominal width of 7 metres is now completed. The road sealing was completed on 12 November 2007. The reseal works to conclude the bitumen program for this road are to be completed early in the 2008 new year.

CUBALLING EAST ROAD

Construction works have begun to widen and bitumen seal to a nominal width of 7 metres. The bitumen works is expected to be completed on the 19 December 2007. Reseal of one kilometre of previous years work will be completed early in 2008 new year.

BEESTON STREET/ALTON STREET/CUBALLING TOWN STREETS

Construction works have begun to widen and bitumen seal to a nominal width of 6 metres. The bitumen works is expected to be completed on the 19 December 2007. Other reseal works on roads within Cuballing townsite will be completed early in 2008 new year.

GRADING/MAINTENANCE

Maintenance grading is proceeding throughout the Shire as time and resources permit. Most roads throughout the Shire are in good condition; a few major link roads are becoming corrugated due to heavy vehicular traffic with harvest commitments in progress.

PLANT AND EQUIPMENT

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

Isuzu Tip Truck (CN 026) has had the clutch and pressure plate replaced. The truck has done approximately 170,000 kilometres.

The Venieri front-end loader has problems with the front differential. The crown and pinion are not meshing properly as designed. Emails have been sent to Venieri in Italy, who have now contacted Drivetrain Australia to determine the cause and remedy the problem. In the meantime a replacement loader has been hired from Brooks Hire to complete the major works program. It is

proposed to update the plant replacement program to purchase new front end loader in 2008/2009.

Order has been placed with JEM Trucks, Bunbury, to replace the small Isuzu Truck (CN2) as per 2007/2008 budget and the plant replacement program.

STAFF

Graeme Renfrey and the Works Manager will be on call and working through the Christmas/New year period to maintain rubbish tips and roads as required.

Trainee Brett Ashton has completed the Certificate II in Civil Construction (Plant Operations), and is now enrolled to complete the Certificate III. It is expected that Brett will complete this course by 30 June 2008.

Position for Grader Maintenance Operator/Plant Operator closed on Friday 14 December 2007. Further information will be available at the Council meeting.

PRIVATE WORKS

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

Private works invoices for the month of November 2007, total \$5,692.11

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Managers Report be received and information noted.

COUNCIL ACTION

Moved Cr Newman, seconded Cr Bradford that the Chief Executive Officers Recommendation be adopted.

CARRIED 7/0

8.2.2 BUSH FIRE INCIDENT REPORTS

Submission to: Ordinary Meeting of Council
Location/Address: Various (as detailed in report)
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

Bush Fire Incident Reports have been received for recent fires within the Shire of Cuballing and/or neighbouring Shires.

Comment

A summary of the fires is hereunder:

Date	Property Owner	Details
7 November 2007	S Bogdanovich	Fire as result of control burn carried out earlier in evening by Popanyinning Brigade. Personnel attempted to inform property owner that log was still burning but area safe, however she wouldn't speak to brigade members and later in evening reported fire to 000.
10 November 2007	Nature Reserve (Clark St, Cuballing)	Cause of fire unknown, fire extinguished by local residents prior to Cuballing Brigade arriving. Brigade carried out mopping up procedures.
21 November 2007	B Fowler	Fire caused by electrical short circuit on grain truck. Approx 30 ha oat crop burnt. Fire well attended by units from Cuballing & Williams.
2 December 2007	A Webster	Fire caused by header striking rocks during harvesting procedures. Header damaged and rows of straw lost. Fire well attended by about 15 farmer response units and Cuballing town brigade.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Bush Fire Incidents Reports be noted and copies forwarded to the Fire and Emergency Services Authority.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Hawksley that the Chief Executive Officers Recommendation be adopted.

CARRIED 7/0

8.2.3 SHIRE OF CUBALLING TENDER 1-07/08 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
 Alex Richardson, Works Manager
Enabling Legislation: Local Government Act 1995
 Local Government (Functions and General) Regulations 1996
Council Policy: Delegated Authority Register
Budget Implications: Provision in 2007/2008 Budget
File Reference: Tenders & Contracts 2
Voting Requirements: Simple majority

Background

Tender 1-07/08 was advertised in the West Australian Newspaper on Saturday 24 November 2007, for supply of Bituminous Sealing Works for the Shire of Cuballing Capital Resealing Program for 2007/2008.

Comment

At the close of tenders on Tuesday 18 December 2007, tenders were received from Pioneer Road Services, RNR Contracting Pty Ltd, and Boral Asphalt, with all tender specifications being met by each company.

Road		Pioneer	RNR	Boral
Cuballing West	Appl Rate	1.80	1.70	1.89
	\$/m2	\$2.92	\$3.05	\$2.93
	Cost (GST ex)	\$61,320	\$64,050	\$61,530
Cuballing East	Appl Rate	1.80	1.70	1.96
	\$/m2	\$2.92	\$3.05	\$2.93
	Cost (GST ex)	\$20,440	\$21,350	\$20,510
Popanyinning West	Appl Rate	1.80	1.80	1.98
	\$/m2	\$2.92	\$3.05	\$2.93
	Cost (GST ex)	\$49,056	\$51,240	\$49,224
Yornaning East	Appl Rate	1.80	1.75	2.02
	\$/m2	\$2.92	\$3.05	\$2.93
	Cost (GST ex)	\$19,462	\$32,853	\$19,528
Yornaning East	Appl Rate	1.80	1.65	1.97
	\$/m2	\$2.92	\$3.05	\$2.93
	Cost (GST ex)	\$27,331	\$28,548	\$27,425
Stratherne/Parsons Intersection	Appl Rate	1.80	1.45	1.72
	\$/m2	\$2.92	\$3.05	\$2.93

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	Cost (GST ex)	\$29,200	\$30,500	\$29,300
Town Streets	Appl Rate	1.80	1.70	2.02
	\$/m2	\$2.92	\$3.05	\$2.93
	Cost (GST ex)	\$35,040	\$36,600	\$35,160
Cost (GST ex)		\$241,849	\$252,616	\$242,677

All of the tenders indicate the aggregate type to be used will be granite.

The difference in the proposed bitumen application rates vary by about 10% between the three tenders. This is due to the rates being based on either cold or hot supply of material. In the final analysis this is of little significance as the bitumen is heated and expands prior to application.

The proposed application rates could also vary on the day of reseal depending upon the road surface texture, weather conditions and road surface temperature, however should not have a great affect on the prices tendered. Pioneer Road Services have indicated that if awarded the tender they will do all testing as specified in Councils tender documentation to finalise Bitumen Application Rates (BAR) and aggregate sizes. For BAR less than 1.8l/m2 a binder variation rate of \$0.75c/litre will apply as a reduction to their tendered rates.

RNR Contracting and Boral have not specified this as a company representative visited the proposed work sites prior to submitting their tenders. Both have indicated that their tendered prices will be subject to the rise and fall of bitumen rates should they vary during the course of the contract period. This will also affect the price submitted by Pioneer Road Services.

All tenders are well within budget parameters for 2007/2008.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the tender submitted by Pioneer Road Services for supply of bituminous sealing works within the Shire of Cuballing for the 2007/2008 financial year be accepted.

COUNCIL ACTION

Moved Cr Bradford, seconded Cr Newman that the Chief Executive Officers Recommendation be adopted.

CARRIED 7/0

**8.2.4 CHIEF BUSH FIRE CONTROL OFFICER, MR MIKE BURGES –
APPOINTMENT OF DEPUTY FIRE CONTROL OFFICER
CUBALLING WEST**

Submission to:	Ordinary Meeting of Council
Location/Address:	Cuballing West
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Bush Fires Act 1954
Council Policy:	6.10
Budget Implications:	Nil
File Reference:	Bush Fire Control 5
Voting Requirements:	Simple majority

Background

Letter from the Chief Bush Fire Control Officer (CBFCO) recommending the appointment of Mr Nelson Young to the position of Deputy Fire Control Officer Cuballing West.

Comment

As explained in the CBFCO's letter Mr Nelson Young has contacted him expressing interest to be involved in the Cuballing Shire Bush Fire Brigade Network and more specifically as Deputy Fire Control Officer (FCO) for the Cuballing West Brigade Sector.

The Cuballing West Brigade Sector has been short of a Deputy FCO for a period of time and the appointment of Mr Young would fill the FCO positions within that brigade sector.

The Chief Executive Officer is sourcing a two way radio to be made available and installed in Mr Young's vehicle.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **Mr Nelson Young be appointed as Deputy Fire Control Officer for the Cuballing West Bush Fire Brigade Sector;**
- **Mr Young be encouraged to attend a Fire Control Officers Course as soon as possible; and**
- **The appointment be advertised in the Narrogin Observer.**

COUNCIL ACTION

Moved Cr Brown, seconded Cr Hawksley that the Chief Executive Officers Recommendation be adopted.

CARRIED 7/0

8.3 REPORTS – BUILDING

8.3.1 BUILDING SURVEYORS REPORT

Submission to: Ordinary Meeting of Council
Location/Address: Whole of Shire
Reporting Officer: Neil Flood, Environmental Health Officer/Building Surveyor
Enabling Legislation: Local Government (Miscellaneous Provisions) Act 1960
 Building Regulations 1989
 Builders’ Registration Act 1939
Council Policy: Register Delegated Authority
Budget Implications: Nil
File Reference: CMR 2
Voting Requirements: Simple majority

Summary

There were three (3) building applications approved and licenses issued for the month of November 2007.

Listed below is a summarised breakdown of the applications and proposed structures.

Approval License No	Name of Owner	Registered Builder (RB) or Owner Builder (OB)	Structure	Location of Building
26 – 2007/08	R Batt & J Planken	OB	New S/F Fibro Dwelling	Lot 52 Clifford St, Cuballing.
27 – 2007/08	M Akkerman	OB	New A/G Swim Pool	Lot 221 Campbell St, Cuballing
28 – 2007/08	A Dartnell	OB	New S/F Shed	Lot 142 Morrell St, Cuballing

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Building Surveyors Report be received and information noted.

COUNCIL ACTION

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

CARRIED 7/0

8.4 REPORTS – HEALTH

8.4.1 SHIRE OF NARROGIN – DOCTOR SHORTAGE, NARROGIN MEDICAL PRACTISES

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Local Government Act 1995
Council Policy:	Nil
Budget Implications:	No budget provision
File Reference:	Finance 15
Voting Requirements:	Simple majority

Background

The Shire of Narrogin writes seeking Council support to provide financial assistance to overcome an immediate problem facing the two medical practices operating in Narrogin.

Comment

The Narrogin region is currently experiencing a chronic shortage of doctors. As a result of this shortage and demonstrating the seriousness of the current situation, doctors from the Federal and Earl Street surgeries have approached the Shire of Narrogin seeking their cooperation and assistance in lobbying neighbouring local governments, with a view to Councils making a financial contribution toward recruitment and retention expenses, namely housing and vehicle expenses.

On the information received, the two surgeries propose to secure the services of a “Locum Agency” to facilitate the placement of four locum doctors from January 2008 under a six month contract. It is proposed three will work with the Earl Street Surgery and one will work with the Federal Street Surgery.

The key issue here is the simple fact the current workload of Narrogin’s remaining resident doctors is not sustainable. Detailed hereunder are the basic facts of the current predicament and the proposed involvement of local government:

- The Earl Street Surgery can accommodate eight doctors in its practice and the Federal Street Surgery has a capacity for four doctors. Currently the practices have four and two doctors respectively. The Earl Street Surgery will lose a doctor on the 12 December 2007, leaving it with only three.
- The Earl Street Surgery has approximately 30,000 (not including hospital inpatients/emergency or nursing home patients) patient visits per year and the Federal Street Surgery has approximately 14,000 patient visits per year.

- The Health Department has designated this region as an 'area of unmet need' which allows the recruiting of overseas trained doctors. An overseas trained doctor needs to work for five years in an area such as Narrogin to receive full accreditation. Other areas of the State require a lesser period, i.e. three to three and a half years in the north west. Some south west coastal areas have the same qualifying period as the Wheatbelt, which impacts on its ability to compete for doctors.
- Global Medics Limited can place four overseas trained doctors in Narrogin for a 6 month contract period. The charge for a procedural General Practitioner (GP) is \$8,500 per week and \$7,000 per week for a non-procedural GP. These amounts are GST exclusive. It is estimated that the procedural GP will earn approximately \$6,500 per week and the non-procedural GP approximately \$5,000 per week. The contract also requires the provision of housing and a vehicle.
- The practices will be able to recover a portion of these costs through patient and hospital visits but not all is recoverable.
- It is hoped that some, if not all, of these locum doctors will choose to remain in Narrogin beyond their contract period. However there is no guarantee of this and further requests for support beyond the contract period may be forthcoming.
- The assistance sought is for the provision of rental accommodation and vehicles. Three houses and three vehicles are required. Although four locums will be contracted, two are a husband and wife team.
- The amount of \$36,000 has been calculated as a minimum amount based on current house rental prices and vehicle lease costs.
- Local government will administer all funds received and provide appropriate financial reporting to contributors.
- Local governments that contribute to the provision of medical services can receive assistance through general purpose funding, based on the formula administered by the WA Local Government Grants Commission. However the level of assistance will vary depending on the amount of contribution and there is a minimum amount before the formula is effected.

The doctors have detailed they are seeking \$36,000 (plus GST), however this is not totally from local government as other local (Narrogin) interests such as the Cottage Homes and Karinya are being asked to consider making a contribution. Council has not budgeted any funds for such a contribution in the current financial year, however funding could be obtained from projected surplus election costs.

Although this matter is not specifically mentioned in the Shire of Cuballing Strategic plan, the issue of sustainable, adequate and available doctor and medical servicing in the region is of critical importance.

The seriousness of the situation is obvious. Narrogin and the regions residents could be seriously disadvantaged if a collaborative resolution is not found soon. One of the potential profound impacts to the region if the current situation is not improved upon through the placement of more doctors, is the likelihood services currently offered at the Narrogin Regional Hospital will be downgraded in some manner. There is a very real risk 24 hour on call doctor service will simply not be available at the Hospital.

In addition to this there is also a real risk of the existing doctors deciding enough is enough and seek other career options outside of the region where the working pressures are nowhere near as great as they are currently experiencing in Narrogin.

Should Council agree to make a financial contribution of some sort it is very likely the initial contribution is just the thin edge of the wedge. It is possible that once the first contribution is made, the requests will continue as a regional contribution from each shire to assist with the placement and retention of doctors in the region. It is also possible the current situation requires that Council agree to make a contribution of some description to assist with the costs of housing and vehicle costs.

At this time given the finer detail is yet to be worked through, it may be worth Council setting a 'Cap' to any contribution it may make, and delegate authority to the Shire President, Deputy Shire President and Chief Executive Officer to make a determination on the actual contribution to be made, once the necessary consultation and discussions have taken place with other local governments.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council;

- 1. Agree in principle to contribute toward the costs of offsetting medical practitioner recruitment and retention expenses as detailed in the submission from the Shire of Narrogin;**
- 2. Set the maximum value of any contribution that may be paid by the Shire of Cuballing at \$5,000 (plus GST); and**
- 3. Delegate authority to the Shire President, Deputy Shire President and Chief Executive Officer to determine actual contribution, if it is agreed to make such a contribution, by way of simple majority in accordance with the financial parameters determined by Council.**

COUNCIL ACTION

Moved Cr Bradford, seconded Cr Meharry that the Chief Executive Officers Recommendation be adopted.

CARRIED 7/0

8.5 REPORTS – TOWN PLANNING

8.5.1 WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) – PLANNING APPLICATION 134533 BOXSELL ROAD, HILLSIDE

Submission to: Ordinary Meeting of Council
Location/Address: Lot 2 Boxsell Road, Hillside
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Planning and Development Act 2005
Council Policy: Shire of Cuballing Town Planning Scheme No 2
Budget Implications: Nil
File Reference: Town Planning 12
Voting Requirements: Simple majority

Background

Correspondence from the WAPC advising that the Commission is prepared to endorse the planning application subject to compliance with certain conditions.

The application was previously presented to the June 2007 meeting of Council, at the meeting Council resolved not to support the application. Councils resolutions was as follows:

The WA Planning Commission (WAPC) be advised that the Shire of Cuballing does not support the proposed subdivision of Lot 2 Boxsell Road, Narrogin, for the following reasons:

1. *the proposal does not fully meet the requirements of the WAPC Policy DC 3.4 dealing with the Subdivision of Rural Land as additional rural lots are being created without specifically being provided for in the town planning scheme or endorsed local planning strategy;*
2. *the applicant has not demonstrated that access to all lots can be accommodated with an easement or gazetted road reserve without being affected by existing infrastructure; and*
3. *the proposal has the potential to result in land use conflict due to the existence of a nearby abattoir.*

Further, if the WAPC were to support the application, the Council would seek to inclusion of the following conditions:

- (1) *Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owner's cost.*

- (2) *All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation.*
- (3) *A detailed plan identifying building exclusion areas is to be prepared in conjunction with the local government and Department of Environment and Conservation (DEC). The building exclusion areas are to provide for adequate buffers to the existing abattoir and the extent of the buffer should be determined based on advise from the DEC.*
- (4) *A Restrictive Covenant, pursuant to section 129BA of the Transfer of Land Act 1893 (as amended) is to be placed on the Certificate of Title of the proposed lot(s) advising of the existence of a restriction on the use of the land. Notice of this restriction to be included on the Deposited Plan. The restrictive covenant is to state as follows:*

“A building exclusion area has been established for the lot to ensure that no residential of sensitive development occurs within buffer areas established for the abattoir”.

- (5) *The applicant/owner making arrangements satisfactory to the WAPC to ensure prospective purchasers of the proposed lots will be advised of the potential for amenity impacts arising from proximity to the existing abattoir located to the south of the lots.*
- (6) *A Conservation Covenant with the DEC, pursuant to section 129BA of the Transfer of Land Act 1893 (as amended) is to be placed on the Certificate of Title of the proposed conservation Lot 2 advising of the existence of a restriction on the use of the land to protect areas identified for conservation. Notice of this restriction to be included on the Deposited Plan. The Conservation Covenant is to be prepared in consultation with the DEC to provide adequate provisions as follows:*
 - i. Prohibit further clearing (other than necessary for fire or land management);*
 - ii. Clearly delineate a building envelope and/or building exclusion areas to be shown on the subdivision plan;*
 - iii. Prohibit stocking outside of any designated building area;*
 - iv. Protect remaining native vegetation.*

Comment

The conditions of approval imposed by the WAPC for the application are:

1. *Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lots advising of potential amenity impacts associated with the existing abattoir on Boxsell*

- Road, and that an adequate buffer will be required for any future development of the lot. (Shire of Cuballing)(Shire of Narrogin)*
2. *The proposed new road reserve area shown on the attached plan being constructed and dedicated as a public road. (Shire of Narrogin)*
 3. *The provision of a battleaxe access leg to proposed Lot 1 in accordance with the attached plan. (Shire of Narrogin)*
 4. *All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation. (Shire of Cuballing)*
 5. *The applicant/owner of the land shall make arrangements to ensure that prospective purchasers of the proposed lots are advised in writing that provision of a reticulated sewerage service will not be available to the lot and that all future dwellings on the lot will need to be connected to on-site effluent disposal system(s). (Shire of Cuballing)(Shire of Narrogin)*
 6. *A Conservation Covenant with the Department of Environment and Conservation, pursuant to section 129BA of the Transfer of Land Act 1893 (as amended) is to be placed on the Certificate of Title of proposed Lot 2 advising of the existence of a restriction on the use of the land to protect areas identified for conservation. Notice of this restriction to be included on the Deposited Plan. The Conservation Covenant is to be prepared in consultation with the Department of Environment and Conservation and is to include adequate provisions regarding the following:*
 - i) *Prohibit further clearing (other than for necessary land management practises);*
 - ii) *Clearly delineate a building envelope and/or building exclusion areas to be shown on the subdivision plan; and*
 - iii) *Prohibit stocking outside any existing cleared areas.*
 7. *Suitable arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to lot(s) shown on the approved plan of subdivision. (Water Corporation)*

Further to this, the WAPC advises the Shires of Cuballing and Narrogin as follows:

1. *The Shire is advised that an adequate buffer from the existing abattoir on Boxsell Road must be provided for any future dwellings on the proposed lots. The extent of the buffer should be determined with regard to the Environmental Protection Authority's Guidance Statement No. 3 – Separation Distances Between Industrial and Sensitive Land Uses. It is recommended that you contact the Department of Environment and Conservation and the Environmental Protection Authority in respect of this matter.*
2. *It is recommended that the Shire of Cuballing and the Shire of Narrogin rationalise the boundary between the two local*

government authorities by matching the municipal boundary with the cadastral boundary.

The above conditions may appear to be quite onerous, however most of the work is required to be done by the applicant and then letters of clearance issued by the Shires of Cuballing and Narrogin. The planning approval is for a three (3) year period and the applicant has until 14 November 2010 to fulfil the conditions and receive letters of clearance for the subdivision. At the time of preparing this report the applicant has not contacted either of the two local authorities on the matter.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **The correspondence be received and information noted; and**
- **Should the applicant indicate they are to proceed with the subdivision and meet the conditions as imposed by the Western Australian Planning Commission, then the Shire of Cuballing to meet with the Shire of Narrogin to discuss the Commission's advice in respect to boundary realignment to match with the proposed new cadastral boundary.**

COUNCIL ACTION

Moved Cr Newman, seconded Cr Bradford that the Chief Executive Officers Recommendation be adopted.

CARRIED 7/0

**8.5.2 WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) –
PLANNING APPLICATION 136056 LOT 131 BUNMULLING ROAD,
POPANYINNING**

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 131 Bunmulling Road, Popanyinning
Reporting Officer:	Trevor Moran, Town Planning Consultant Peter Naylor, Chief Executive Officer
Enabling Legislation:	Planning and Development Act 2005
Council Policy:	Shire of Cuballing Town Planning Scheme No 2
Budget Implications:	Nil
File Reference:	Town Planning 4
Voting Requirements:	Simple majority

Background

Planning application to subdivide Lot 131 Bunmulling Road, Popanyinning, into three separate Lots, has been submitted by the property owners Bertram & Julie Gray.

This application was presented to the November 15, 2007, Ordinary meeting of Council. At that meeting Council resolved to wait on comments from the Department of Environment and Conservation and the Department of Water, due to concerns about the low lying nature of the land and its possible proneness to flooding, prior to considering the application.

A planning application has previously been received for this Lot and was presented to the February 2006 meeting of Council for consideration. On that occasion Council resolved:

“That the Western Australian Planning Commission be advised:

- That Council is prepared to support the subdivision application on the proviso that the portion of Lot 131 on the northern side of Bunmulling Road, and 0.463ha in size (which is smaller than the permitted minimum lot size without a reticulated water supply in accordance with TPS No 2 clause 5.12.6), is ceded to the Crown at no cost and incorporated into Reserve 11342 (Lot 126); and*
- That an Environmental Impact study be undertaken because of the low-lying nature of the land.”*

Following the above resolution, and in their deliberations on the matter, the WAPC deferred a final decision on the application until 29 December 2006, and requested the proponents to provide a drainage management plan to the satisfaction of the Shire of Cuballing by this date. As the condition was not complied with the application was subsequently refused by the WAPC.

Comment

The application was been referred to Councils Town Planning Consultant, Mr Trevor Moran, and his comments follow:

The applicant proposes to subdivide Lot 131, Bunmulling Road into 3 lots, each over 4 hectares in area. Lot 131 is in the rural residential zone of TPS No 2. The objectives for the rural residential zone seek to provide for rural smallholders and a low density rural environment in close proximity to the rural townsite zone, provided that all lots are adequately serviced with the necessary infrastructure. A further objective is for houses to precede outbuildings on rural residential lots.

Clause 5.12.6 provides for a minimum lot size of 4 hectares unless the lot is connected to a reticulated water supply. Clauses 5.12.7 and 5.12.8 require planning approval for any subsequent development and the protection of vegetation from development where possible. Accordingly, the proposal meets the requirements of the Scheme in terms of minimum lot size. However, as a condition of subdivision the applicant should be required to inform prospective purchasers of the requirements of Clauses 5.12.7 and 5.12.8 of the Scheme and that no outbuilding will be approved unless a single dwelling is existing on the property or is to be constructed at the same time (Clause 4.2 (c)).

Also, as there is some concern over the low lying nature of the terrain, an engineers report should be required as a condition of subdivision advising on appropriate floor levels for subsequent development on each of the proposed lots.

In addition to Mr Moran's comments, another matter for consideration is access to the proposed lots. The existing property already has access from Bunmulling Road and it is expected that this will remain the access for proposed Lot 1. Lot 2 will also have access from Bunmulling Road, however Lot 3 will need to be from unmade road reserve Durham Road. Whilst this road reserve is virtually cleared and used by neighbouring rural property owner Kevin Lansdell to access his property it may need to be better constructed and formed to adequately service Lot 3.

At the time of preparing this report the WA Planning Commission had not received any comments/submissions from the Department of Environment and Conservation (DEC) or the Department of Water (DoW). Due to the time constraints in submitting comments to the WAPC on the application, if the Commission has not received any information from the DEC or DoW prior to the Council meeting it may be in Councils best interests to provide a submission to the WAPC or be in danger of not having its concerns endorsed as part of subdivision approval conditions, should the WAPC approve the application.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Western Australian Planning Commission be advised that Council is prepared to support Planning Application 136056 subject to the following conditions:

- That an Environmental Impact study be undertaken because of the low-lying nature of the land;
- The applicant be responsible for costs to install a cross over to provide access from Bunmulling Road to service proposed Lot 2;
- The applicant be responsible for upgrading/improvements required for the Durham Road road reserve and/or unnamed road reserve on the southern boundary of the property, to the satisfaction of the Shire of Cuballing, and installation of cross over to service proposed Lot 3; and
- The applicant be required to inform prospective purchasers of the requirements of Clauses 5.12.7 and 5.12.8 of Town Planning Scheme No 2, pertaining to development in Rural Residential Zoned areas, and that no outbuilding will be approved unless a single dwelling is existing on the property or is to be constructed at the same time (Clause 4.2 (c)).

COUNCIL ACTION

Moved Cr Bradford, seconded Cr Meharry that the Chief Executive Officers Recommendation be adopted.

CARRIED 7/0

**8.5.3 WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) –
PLANNING APPLICATION 136305 TANNERS ROAD, EAST
POPANYINNING**

Submission to:	Ordinary Meeting of Council
Location/Address:	Lots 5890 & 5175 Tanners Road, East Popanyinning
Reporting Officer:	Trevor Moran, Town Planning Consultant Peter Naylor, Chief Executive Officer
Enabling Legislation:	Planning and Development Act 1995
Council Policy:	Shire of Cuballing Town Planning Scheme No 2
Budget Implications:	Nil
File Reference:	Town Planning 12
Voting Requirements:	Simple majority

Background

Planning application submitted by property surveyor P H & K E Gow on behalf of property owners K D & D P Cousins to realign the boundaries of Lots 5890 & 5175 to provide road access to Lot 5175 (which is currently land locked) with a view to sale to a family member. The application does not propose to create additional lots and/or certificates of title.

Comment

The application was referred to Councils Town Planning Consultant, Mr Trevor Moran, and his comments follow:

The proposed subdivision seeks to relocate the boundary of the above two lots westwards to enable Lot 5175, which is currently landlocked but accommodates a house, to have road access. The effect is to reduce adjoining Lot 5890 by 45 hectares to 50 ha and increase Lot 5175 to 110 ha.

As no additional lots are created this appears to be a reasonable proposition on the information provided and should be supported.

As indicated in the planning application the proposed new eastern boundary for Lot 5890 is along the existing access road servicing the house and sheds which are generally on Lot 5175, however do encroach onto the boundary with Lot 5890. Whilst this is not a problem with the current ownership arrangements, subdivision approval would be needed in the future if either of the two existing lots were to be sold separately, and as they are on individual titles this could be the case.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Planning Application 136305 be supported.

COUNCIL ACTION

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

CARRIED 7/0

**8.5.4 WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC) –
PLANNING APPLICATION 136314 GREAT SOUTHERN HIGHWAY,
CUBALLING**

4.38pm Cr Newman declares a proximity interest and departs the chambers.

Submission to: Ordinary Meeting of Council
Location/Address: Lot 16 Great Southern Highway, Cuballing
Reporting Officer: Trevor Moran, Town Planning Consultant
Peter Naylor, Chief Executive Officer
Enabling Legislation: Planning and Development Act 2005
Council Policy: Shire of Cuballing Town Planning Scheme No 2
Budget Implications: Nil
File Reference: Town Planning 12
Voting Requirements: Simple majority

Background

Planning application submitted by property surveyor Gray & Lewis on behalf of property owner W Breytenbach to subdivide Lot 16 to create additional lot for the dwelling which fronts onto Great Southern Highway and which Council recently approved to operate as a Bed & Breakfast (September 2007 Council meeting). The purpose of the proposed subdivision is to separate the bed & breakfast business from the operating agricultural use, and allow each respective use to be contained on its own title.

Comment

The application was referred to Councils Town Planning Consultant, Mr Trevor Moran, and his comments follow:

The proposed subdivision is for the creation of a separate lot for the bed and breakfast business approved for the building in the north west corner of the subject land.

This is not dissimilar to the creation of a homestead lot and given that there are two existing dwellings on the property creates no additional dwelling entitlements.

As access points to the highway are not increased it appears on the information provided that the subdivision can be supported except that the proposed easement needs to be a restrictive covenant on the title, which cannot be removed without Council/MRWA agreement. This is to guard against two future owners of the two lots agreeing between

themselves to remove the easement and thereby create another access point.

Whilst WAPC Policy DC3.4 Subdivision of Rural Land has a general presumption against the further breakdown of agricultural land, section 4.3 makes provision of subdivision of Homestead Lots, and this has been alluded to in Mr Moran's comments. Further to this Council has considered a local planning policy for homestead lots and submitted it to the WAPC as part of the review of the Town Planning Scheme. Section 4.3 states as follows:

Homestead lots can be considered in rural areas where:

- (a) *There has been a declining population over two intercensal period;*
- (b) *The local planning strategy – settlement strategy and the town planning scheme provide guidance on acceptable minimum lot sizes and servicing requirements; and*
- (c) *The creation of homestead lots will not generate any additional needs for the provision of government and community services.*

Therefore it appears that Council could support the application with condition in relation to the proposed easement as suggested by Mr Moran.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Planning Application 136314 be supported with the following condition to be imposed:

A restrictive covenant, in relation to the proposed easement, to be placed on the two certificates of title, which cannot be removed without Shire of Cuballing and Main Roads WA agreement.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Meharry that the Chief Executive Officers Recommendation be adopted.

CARRIED 6/0

4.44pm Councillor Newman returns to the Chambers.

8.5.5 MR K COX AND MR D COX – APPLICATION TO ERECT TWO RESIDENCES ON LOT 144 PAGE ROAD, POPANYINNING

Submission to:	Ordinary Meeting of Council
Location/Address:	lot 144 Page Road, Popanyinning
Reporting Officer:	Neil Flood, Environmental Health Officer/Building Surveyor
Enabling Legislation:	Health Act 1911 Building Code of Australia
Council Policy:	Shire of Cuballing Town Planning Scheme No 2
Budget Implications:	Nil
File Reference:	Town Planning 4
Voting Requirements:	Simple majority

Background

Mr Ken Cox has submitted a building application to erect a transportable donga with a patio (gable) roof over the building. Now Mr Dennis Cox wishes to apply for approval in principal to erect the same building to back on too Ken Cox's building. Plans of the proposal are attached including Ken Cox's plan.

Comment

The Shire of Cuballing Town Planning Scheme No 2 part 5.12 Development in the Rural Residential Zone.

- 5.12.1 *Only one dwelling will be permitted on any lot used only for rural living purposes.*
- 5.12.2 *Council may permit ancillary accommodation providing it is located within the same building envelope or building clearance area as the first or primary dwelling.*

The building Mr Ken Cox is erecting on the lot does not appear to meet the ancillary accommodation criteria. Therefore to have the two buildings on the one lot they must be combined together to give the appearance of one building.

The proposed siting of the two buildings back to back will cause a number of problems which can be overcome eg ventilation of toilet, back exit via laundry.

The patio's over the donger's will have to be redesigned to allow for a box gutter and the ends will have to be enclosed to make the building look like one dwelling.

At the Ordinary Meeting of Council held on the 18 October 2007 Council resolved:

That Council approves Mr K G Cox's application for planning approval to site a transportable building on Lot 144 Page Road, Popanyinning subject to the following conditions:

1. *The Skillion roof on the building be replaced with a gable colourbond roof;*
2. *The patio to match the building roof;*
3. *Submission of a building application;*
4. *Submission of a septic tank application; and*
5. *Comply with Building Code of Australia.*

The proposal by Mr Dennis Cox will have 'saw tooth' roof, which is unusual for a dwelling.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council approve in principal Mr Dennis Cox application to building subject to:

- **Mr Ken Cox's Building Application be amended to comply with Mr Dennis Cox's application to give the appearance of one building;**
- **Structural Engineers Certificate for both roofs together with the box gutter;**
- **The ends of the buildings to be enclosed;**
- **Provision of another exit to both buildings;**
- **Provision of exhaust fans to toilet as they do not provide external air;**
- **Provision of hard wired smoke alarms to be interconnected to both buildings;**
- **Submission of building plans and specifications; and**
- **Submission of septic tank application.**

COUNCIL ACTION

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

CARRIED 7/0

9 OTHER BUSINESS

9.1 EXCESSIVE NOISE COMPLAINT

Submission to: Ordinary Meeting of Council
Location/Address: Lot 468 Brundell St, Cuballing
Reporting Officer: Cr T Wittwer, Shire President
Enabling Legislation: Environmental Protection (Noise) Regulations 1997
Council Policy: Nil
Budget Implications: Nil
File Reference: A4
Voting Requirements: Simple majority

Background

The Shire President informed the meeting of a letter of complaint received in relation to a recent 21st birthday party held at the Shire Chief Executive Officers residence.

Comment

The President further advised that the letter has been responded to and he has had subsequent telephone conversations with the complainant, and that he believes the matter has been resolved.

The letters of complaint and response were tabled for Council information.

Councillor Brown advised that she had also received a telephone complaint in respect to the party.

COUNCIL ACTION

Moved Cr Bradford, seconded Cr Brown that Council endorses the action of the Shire President in relation to the letter of complaint.

CARRIED 7/0

10. MEETING CLOSURE

There being no further business the Shire President declared the meeting closed at 5.00pm.

**CONFIRMED AS A TRUE RECORD OF PROCEEDINGS
ON THURSDAY 21 FEBRUARY 2008**

SHIRE PRESIDENT