



SHIRE OF CUBALLING

**ORDINARY COUNCIL MEETING
HELD ON THURSDAY 16 MARCH 2006**

MINUTES

SHIRE PRESIDENT

DATE

SHIRE OF CUBALLING

ORDINARY COUNCIL MEETING
THURSDAY 16 MARCH 2006

MINUTES

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Ordinary Council Meeting Minutes 16 March 2006
ORDINARY COUNCIL MEETING MINUTES

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE SHIRE OF CUBALLING
HELD IN THE COUNCIL CHAMBERS, CAMPBELL STREET, CUBALLING ON THURSDAY
16 MARCH 2006**

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

President welcomed Councillors, declared meeting open 3.00 pm.

2. RECORD OF ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

ATTENDANCE

Shire President Cr I L Watts
Cr C R Hawksley
Cr R J D Newman
Chief Executive Officer P T Naylor

Deputy President Cr T H Wittwer
Cr C R McKenzie
Cr J D Brown

Mr K Isbister (from 3:37pm)

APOLOGIES

Nil

LEAVE OF ABSENCE

Cr D S Bradford (Granted at the February 2006 Meeting of Council)

3. PUBLIC QUESTION TIME

Nil

4. APPLICATION FOR LEAVE OF ABSENCE

Nil

5. MINUTES

5.1 CONFIRMATION OF 16 FEBRAURY 2006 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 16 February 2006 be confirmed.

COUNCIL ACTION

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

CARRIED 6/0

SHIRE PRESIDENT

DATE

6. **PETITIONS, DEPUTATIONS, PRESENTATIONS**

Refer to presentation by Mr Kim Isbister at 3:37pm

7.1 **REPORTS – FINANCE AND ADMINISTRATION**

7.1.1 **LIST OF ACCOUNTS SUBMITTED FOR COUNCIL APPROVAL AND PAYMENT – MARCH 2006**

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.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council:

- Approve for payment the list of Creditors paid from the Municipal fund, as detailed below, totalling \$130,666.14:

Vouchers 10502-10561 inclusive	\$93,337.39
Electronic fund transfer B Draper	\$ 259.06
Electronic fund transfer A Ramsay	\$ 227.37
Electronic fund transfer B Dew	\$ 249.10
Electronic fund transfer Salaries & Wages	\$18,071.02
Electronic fund transfer Salaries & Wages	\$17,999.48
Credit Card Payment Great Southern Comm	\$ 60.00
Credit Card Payment Fuel	\$ 30.00
Credit Card Payment Safety Mesh	\$ 110.00
Credit Card Payment Strandbags	\$ 226.72
Credit Card Payment Staff Training	\$ 96.00

- Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$629.30:

Vouchers T1952 & T1953	\$ 574.60
Electronic fund transfer B Dew	\$ 54.70

COUNCIL ACTION

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

CARRIED 6/0

7.1.2 STATEMENT OF FINANCIAL ACTIVITY

Background

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

Comment

A Statement of Financial Activity has been prepared for period ending 28 February 2006 in accordance with the abovementioned legislation and circulated with the Council meeting agenda.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Statement of Financial Activity, as circulated, for the Shire of Cuballing for period ending 28 February 2006 be received.

COUNCIL ACTION

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

CARRIED 6/0

7.1.3 LOCAL GOVERNMENT ACT 1995 – ANNUAL REVIEW OF DELEGATION OF AUTHORITY TO THE CHIEF EXECUTIVE OFFICERS AND OTHER OFFICERS OF COUNCIL

Background

Provisions within section 5.42 of the Local Government Act 1995 deal with the Delegation of Authority to the Chief Executive Officer and other Officers of Council. Section 5.46 of the Act states that at least once in every financial year the Delegations are to be reviewed.

Comment

A copy of the Delegated Authority issued by Council to the Chief Executive Officer and other Officers of the Shire of Cuballing is circulated with the Council meeting agenda for Councillor information.

Council previously reviewed this document in March 2005. The existing delegations appear to be satisfactory and in the past twelve months have not presented any operational problems.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Delegated Authority Register for the Chief Executive Officer and other Officers of the Shire of Cuballing, as circulated and presented to the Council meeting, be adopted.

COUNCIL ACTION

Moved Cr Wittwer, seconded Cr McKenzie that the Chief Executive Officers Recommendation be adopted.

CARRIED 6/0

7.1.4 WEST AUSTRALIAN SYMPHONY ORCHESTRA – RATES INCENTIVE SCHEME

Background

Correspondence advising that the West Australian Symphony Orchestra (WASO) would like to offer support for sponsorship of the Rates Incentive Scheme for the 2006/07 rating year by offering concert tickets as a prize.

Comment

WASO are offering two double passes (4 tickets) to their Great Classics Concerts or Masters Concerts as prizes for Council to offer as part of the early rate payment incentive scheme.

Council has in the past canvassed accommodation venues for rates incentive prizes and these are increasingly becoming harder to obtain. The offer by WASO is a great initiative by them and adds a different dimension to the scheme.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the West Australian Symphony Orchestra be advised that the Shire of Cuballing will gratefully accept their offer of Concert tickets to be used as an Early Rate Payment Incentive Scheme for the 2006/07 rating year.

COUNCIL ACTION

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

CARRIED 6/0

7.1.5 **WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – 2006 ASSOCIATION HONOURS**

Background

Correspondence from the WA Local Government Association (WALGA) advising that nominations for the 2006 Association Honours program are now open and Member Local Governments, Zones and State Councillors are invited to submit nominations.

Comment

The Honours program is a way of publicly recognising and celebrating the outstanding achievements and contributions made by elected members and officers to their respective Councils, Local Government as a sector and to the wider community.

There are five categories of awards within the 2006 Honours program. These include:

- Local Government Medal – recognise outstanding achievement and significant contribution by elected members and officers to the Association and/or to Local Government.
- Life Membership – recognises the long and outstanding service of elected members and officers to the Association and/or to Local Government.
- Certificate of Appreciation – recognises personal commitment, eminent service and contribution to the Association.
- Long and Loyal Service Award – previously known as the Meritorious Service Award, this Honour recognises elected members who have provided long service of a high degree as an executive member of the Association for 8 or more years, or as an elected member for 12 or more years.
- Distinguished Service Award – recognises elected members who have provided distinguished service to the community through their Local Government.

Nominations for the Honours program close on Friday 12 May 2006.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

Council direction please.

COUNCIL ACTION

Moved Cr Wittwer, seconded Cr Newman that the Shire of Cuballing nominate Cr Ian Watts for the 2006 Western Australian Local Government Association Honours program.
CARRIED 6/0

7.1.6 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – DAYLIGHT SAVINGS

Background

WA Local Government Association (WALGA) correspondence seeking Council comment on whether WALGA should develop a Local Government policy position in relation to daylight savings.

Comment

Recent articles in the media have raised the issue of Western Australia's lack of daylight savings reform and the potential impact on the West Australian economy and community. Western Australia along with Queensland and the Northern Territory are the only State and Territory not to utilise daylight savings.

To ascertain whether the Association should develop a policy position on this matter they are seeking comment and guidance from the local government sector based on the following three questions.

- Does your Council support the introduction of Daylight Savings Time in Western Australia?
- Does your Council oppose the introduction of Daylight Savings Time in Western Australia?
- Is Daylight Savings Time a Local Government issue that members would like WALGA to pursue?

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

Council direction please.

COUNCIL ACTION

Moved Cr Newman, seconded Cr McKenzie that the Shire of Cuballing does not believe this is an issue that should be pursued by Western Australian Local Government Association.

CARRIED 6/0

7.1.7 **WHEATBELT AREA CONSULTATIVE COMMITTEE – PADDOCK TO PLATE FESTIVAL 2007**

Background

Correspondence from the Wheatbelt Area Consultative Committee (WACC) proposing the introduction of an annual rotating regional festival through the Wheatbelt to showcase the many and varied things throughout the region.

Comment

The proposal is for the “Paddock to Plate” (or alternative suitable name) Festival to celebrate the Wheatbelt through a demonstration of its heritage, culture and agricultural traditions.

The Festival would be held annually in a different Wheatbelt town, which would enable each respective area to promote their own particular theme.

Whilst the proposed concept certainly has some merit and would help the 44 Wheatbelt Shires work together for the betterment of the region, the Shire of Cuballing has received plenty of promotion in the past two years with the development of the Popanyinning In Spring and Cuballing Country Festivals. Should the proposed Festival gain the support of the Wheatbelt Shires and proceed it may well be to the detriment of the two local events.

Obviously this concept is still in its early stages and the inaugural festival is not planned until possibly November 2007. The accompanying correspondence does not set out a proposed cost structure and the Chief Executive Officer will attempt to ascertain this prior to the Council meeting.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

Council direction please.

COUNCIL ACTION

Moved Cr Brown, seconded Cr McKenzie that whilst the Shire of Cuballing acknowledges the “Paddock to Plate” Festival concept and its ability to promote the whole of the Wheatbelt region, the Shire of Cuballing has two local festivals (Popanyinning in Spring and Cuballing Country Festival) that have been initiated in recent years and will continue to focus on the success of these events as a priority.

CARRIED 6/0

6. **PRESENTATION**

3:37pm Mr Kim Isbister, Regional Risk Management Coordinator, entered the meeting.
Mr Isbister addressed Council and gave a brief overview of Risk Management Program.

7.2 **REPORTS – WORKS**

7.2.1 **WORKS SUPERVISORS REPORT**

BITUMEN SEALING PROGRAM

Cuballing West Road:

Reseal has been completed on the section of road from Wandering-Narrogin Road Intersection to the Knights Lane Intersection.

Primer seal has been completed on the next section of widening from Knights Lane to the Black Spot corner. This section of road will be resealed in 2006/07.

Primer seal has been completed on the Black Spot Corner project. This is also due for reseal, however it has been decided to wait a short while to ensure the road surface settles and no soft spots are evident.

Cuballing East Road:

Primer seal has been completed on the one kilometre of widening east of the Pauley Road Intersection. This section will be resealed as part of the 2006/07 works program.

Cuballing Town Streets:

Reseal of approximately 9,000m² of road within the townsite has been completed; this includes Austral, Alton and Bow Streets, and the completion of Campbell Street.

Balance of works to complete the sealing of Alton and Beeston Streets is still to be done. This section will be prepared and ready for primer seal and reseal in the next month.

Yornaning East Road:

Reseal of 2.3km of this road from 5.00slk to 7.3slk has been completed.

Popanyinning West Road:

Reseal of the section of road from the town boundary to Pattullo Road has been completed.

Primer seal of the widening from Pattullo Road to Penny Road will be undertaken in the next week. Staff is in the process of preparing the road surface for this work.

CUBALLING OVAL

The oval is in extremely good condition. An on site meeting was held on Friday 3 March 2006 with Lovegrove Turf Services, the company that carried out verticutting and decompacting of the oval in May last year. Tentative arrangements have been made for similar works to be carried out in May 2006. Core testing of the oval shows that the grass roots have now grown to 150mm in depth, this is a good indicator that the oval is being well maintained.

PARKS AND GARDENS

The Cuballing Youth and Community Park is now looking a treat with the grass starting to cover. Most of the park area is well used by local residents and visitors, and is very safe for families with young children.

MAINTENANCE GRADING

The summer grading program is ongoing. Due to the dryness of the road material, binding qualities are not the best.

STAFF

Hortus Australia has commenced the training program for the outside work force. Recently training has been undertaken in the horticultural and irrigation sectors.

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A function was held at the Cuballing Tavern on Thursday 9 March 2006 in recognition of Graeme Renfrey's 25th Anniversary with the Shire of Cuballing.

PLANT AND EQUIPMENT

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

Due to some ongoing problems with the Front End Loader the machine was taken to Welquip's workshop for attention. It appears that the troublesome area has been identified and a part has been ordered from Italy. Welquip have provided Council with a replacement loader during this period.

PRIVATE WORKS

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

Private works invoices for the month of February 2006 total \$8,335.98.

Reporting Officer

Alex Richardson, Works Supervisor

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Supervisors Report be received and information noted.

COUNCIL ACTION

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

CARRIED 6/0

7.2.2 BUSHFIRE INCIDENT REPORT

Background

One Bushfire Incident Report has been received in respect to a fire on the property of K & L Sexton, location 4990 Pauley Road, Cuballing East.

Comment

The fire was started by internal combustion in a large pile of pig manure that was stockpiled on the property.

Fortunately the fire was detected by neighbour Lock Burges who raised the alarm. The manure was spread out by the Shire loader and the fire contained and extinguished. No major losses occurred.

Reporting Officer

Peter Naylor, Chief Executive Officer

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CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Bushfire Incident Report be noted and a copy forwarded to the Fire and Emergency Services Authority.

COUNCIL ACTION

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

CARRIED 6/0

7.2.3 EXEMPTION FOR CLEARING IN EXISTING TRANSPORT CORRIDORS

Background

In November 2005 Council resolved to request the Western Australian Local Government Association (WALGA), in addition to seeking the introduction of a permanent exemption to be provided under Schedule 2 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 for clearing in existing transport corridors, to also seek a review of Schedule 2 of the Regulations for the introduction of a provision to allow improvement road works in 20 metre road reserves, as required, without having to seek a clearing permit.

Comment

In the recent WALGA State Council Agenda the first matter was raised however it appears the second overlooked. Discussions with the Shire of Dumbleyung indicate that they have also requested this matter to be revisited.

Unfortunately due to agenda time constraints this matter could not be presented to Council for further consideration prior to the Central Country Zone Bi-annual Conference to be held in Brookton on Friday 31 March 2006. Therefore an item has been prepared jointly by the Shires of Cuballing and Dumbleyung for inclusion on the agenda at the CCZ Bi-annual Conference.

A copy of the agenda item is included in the Council meeting agenda.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council endorses the Chief Executive Officers actions in preparing (jointly with the Shire of Dumbleyung) the agenda item for the Central Country Zone Bi-annual Conference to be held in Brookton on Friday 31 March 2006.

COUNCIL ACTION

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

CARRIED 6/0

7.2.4 CUBALLING GOLF CLUB – REQUEST FOR ASSISTANCE DURING PRE SEASON CLEAN UP

Councillors Brown and Wittwer, disclosed that they have an association with the applicant (or person seeking a decision). As a consequence there may be a perception that their impartiality on the matter may be affected, and declared that they will consider this matter on its merits and vote accordingly.

The Chief Executive Officer also disclosed that he has an impartiality interest in this matter.

Councillor Wittwer's wife (Wendy) is the secretary of the Cuballing Golf Club and the author of the letter.

Councillor Brown and the Chief Executive Officer are financial members of the Cuballing Golf Club.

Background

Correspondence from the Cuballing Golf Club requesting Council consideration to the use of Shire Plant and Machinery to prepare the Golf Course for the 2006 Golf Season.

Comment

The Golf Course is located on Crown Reserve #7530, which is Vested with the Shire of Cuballing for the purposes of Recreation.

The Cuballing Golf Club manages and operates the facility with very little input or assistance requested from Council.

Council employee, Anthony Mort, is on the Golf Club Committee and he has volunteered to operate the Plant and Machinery.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council grants approval to the Chief Executive Officer to liaise with the Cuballing Golf Club for use of Shire of Cuballing Plant and Machinery, at no cost, to assist with the Golf Course preparations for the 2006 golf season.

COUNCIL ACTION

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

CARRIED 6/0

7.3 REPORTS – BUILDING

7.3.1 BUILDING SURVEYORS REPORT

Summary

There were four (4) building applications approved and licenses issued for the month of February 2006.

Listed below is a summarized breakdown of the application and proposed structure:

Approval Date & License No	Name & Address of Owner	Registered Builder (RB) or Owner Builder (OB)	Structure	Location of Building
16 Feb 06 21/05-06	A Graham Lot 408 Cnr Colin & Smith Sts Cuballing	OB	Extension to house	Lot 408 Cnr Colin & Smith Streets Cuballing
2 Feb 06 22/05-06	N Copeland Lot 295 Clifford St Cuballing	Wake & Beacham RB	Garage	Lot 295 Clifford St Cuballing
23 Feb 06 23/05-06	D & N Dutton PO Box 65 Cuballing	Quality Builders RB 6978	Transportable home	Lot 355 Russell St Cuballing
23 Feb 06 24/05-06	N & C Bosly-Pask Loc 15624 Yornaning West Rd	OB	Ross Squire Kit Home	Location 15624 Yornaning West Road

Reporting Officer

Allan Ramsay, Environmental Health Officer/Building Surveyor

CHIEF EXECUTIVE OFFICER'S RECOMMENDATION

That the Building Surveyor's Report be received and information noted.

COUNCIL ACTION

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

CARRIED 6/0

7.3.2 DISCUSSION DRAFT – LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) AMENDMENT BILL 2005

Background

The Local Government (Miscellaneous Provisions) Amendment bill was introduced in the Legislative Assembly on 10 October 2005. Most of the proposals contained in this bill originate from the Local Government Miscellaneous Provisions Bill 2003. The Bill provided for regulations of qualifications to be held by building surveyors exercising delegated powers to approve building licenses and to align with national accreditation framework.

Comment

The amendment Bill provides for:

1. A mechanism to approve retrospectively the buildings that have been constructed illegally;
2. Regulating the qualifications to be held by surveyors performing functions under the Local Government (Miscellaneous provisions) Act 1960. The intent of these amendments is to permit the alignment of the required qualifications with the national accreditation framework developed by the Australian Building Codes Board;
3. Removing the ability of unqualified people, such as local government elected Councillors, to resolve to approve a building license application, without first obtaining the advice of an appropriately qualified and experienced person; and
4. Clarifies more clearly the existing definition of what is a private swimming pool for the purpose of applying the swimming pool barrier requirements.

The major concern for small local government authorities is the qualification requirements for building surveyors as produced by the Department of Housing and Works. It must be noted that the government does not have a policy position on the transitional arrangements and will not develop one until after the consultation period.

It is proposed to have a two-tiered system for qualifications. Level 1 building surveyors is one who is allowed to practice in an unrestricted fashion and in order to do that must have a degree qualification in building surveying (equivalent) as well as three years experience. The level two building surveyor is restricted to assessing and certifying compliance of buildings that are no more than 2000m² in total floor area and in order to do that must have an advanced diploma in building surveying as well as two years experience. The framework also recognizes people that can have their experience and qualifications assessed through a formal “recognition prior learning” process.

The discussion paper indicates that transitional provisions will not force existing local government employees out of a job. This will be restricted to that specific officer and does not extend to any other subsequent officer. Following the introduction of the new Building Act the building surveyor will need to be either fully qualified or have recognition of prior leaning as mentioned in the previous paragraph.

There are many officers currently working in country shires as building surveyors who will eventually not be able to work as building surveyor if they do not have the appropriate qualifications. Many of these officers are qualified Environmental Health Officers with, in most cases, a trade background, Registered Builders and many years of experience in building surveying. The current system of dual roles as an EHO & BS in country local authorities is a

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very efficient and economical system for local government where the types of construction is basically domestic with no multi storey complex construction as can be the case in the metropolitan area. The current system can continue to work for many years into the future providing the above aspects of prior learning are recognized.

Another factor, which is very important, is the portability of building surveyors such as when relieving officers are required and an officer leaves the employment of the specific local government to go to another. The discussion paper does not recognize this very important fact. This matter will need to be addressed and allow portability within different local authorities.

In the event that prior learning is not recognized after the cut off point of the transitional period the country local authorities may need to contract qualified Builders Surveyors, more than likely ex building surveyors from metropolitan city councils setting themselves up as consultants at excessive contract fees and travelling allowances.

The Environmental Health Officer/Building Surveyor will be available to address Council and further clarify any of the above.

Reporting Officer

Allan Ramsay, Environmental Health Officer/Building Surveyor

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council writes to the Department of Housing and Works advising of the following points:

- **That existing Building Surveyors currently working in Country Local Authorities be recognized for their prior learning and other relevant qualifications and continue working as Building Surveyors during and after the transitional period;**
- **That Building Surveyors currently working in country local authorities have the portability to leave one local authority and work for another as a Building Surveyor during and after the transitional period; and**
- **That the Department of Housing and Works produce a guideline for prior learning requirements for Building Surveyors to be sent to local authorities for comment.**

COUNCIL ACTION

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

CARRIED 6/0

7.4 **REPORTS – HEALTH**

7.4.1 **ENVIRONMENTAL HEALTH OFFICERS REPORT**

Purpose

To advise Council of Environmental Health inspections that have been carried out in the district during the month of January 2006.

On-Site Effluent Disposal

Two applications to construct on site effluent disposal systems were issued during the month of February 2006, as follows:

Application No	Name and Address
23/05-06	D & N Dutton Lot 355 Russell Street Cuballing
24/05-06	N & C Bosly-Pask Location 15264 Yornaning West Road

Reporting Officer

Allan Ramsay, Environmental Health Officer/Building Surveyor

CHIEF EXECUTIVE OFFICER'S RECOMMENDATION

That the Environmental Health Officers Report be received and information noted.

COUNCIL ACTION

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

CARRIED 6/0

7.4.2 **S & B LONG – APPLICATION TO KEEP MORE THAN TWO DOGS, LOT 391
ALTON STREET, CUBALLING**

Background

Correspondence and supporting information received from Mr & Mrs Long advising that they are prospective purchasers of Lot 391 and requesting Council consideration to issuing an exemption for the keeping of up to four dogs at the property.

Comment

Mr & Mrs Long currently reside in Beverley and have two aged German Shepherd and two Maltese Cross dogs. An exemption was granted by the Shire of Beverley for the keeping of the dogs, in accordance with the provisions of the Dog Act 1976, and the Shire has written a letter of reference stating that they have not received any reports of misconduct in relation to the dogs.

Shire of Cuballing Dogs Local Law 2004, section 3.2 (2) (a) states

“The limit on the number of dogs which may be kept on any premises is, for the purposes of section 26(4) of the Dog Act 1976, two dogs over the age of three months and the young of those dogs under that age if the premises are situated within a townsite”.

Dog Act 1976, section 26 (3) states

“Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption-

- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;*
- (b) shall not operate to authorise the keeping of more than 6 dogs on those premises; and*
- (c) may be revoked or varied at any time.*

Whilst the property that Mr & Mrs Long propose to purchase may not be ideally situated for the keeping of an excess number of dogs, being immediately to the south of the Cuballing Tavern, they have gone to a lot of trouble to explain what infrastructure will be put in place to ensure the dogs are securely maintained on the property to avoid any trouble. A problem however may well occur in the evening when tavern patrons are leaving the premises. This situated may have to be monitored and become a condition should a noise problem eventuate.

Should Council be in favour of granting an exemption it may be appropriate for certain conditions to be imposed to provide an opportunity for the exemption to be revoked or varied, in accordance with section 26(3)(c) of the Dog Act, as mentioned above.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council approve the application to keep the four (4) dogs at Lot 391 Alton Street, Cuballing, subject to the following conditions:

1. The applicants must maintain and hold valid registrations for each dog kept on the premises;
2. The exemption is only valid for the life of these four (4) dogs, should one (1) of the dogs die it cannot be replaced prior to seeking further approval from Council; and
3. Should there be any significant breach of the Dog Act 1976 then the exemption may be withdrawn at anytime.

COUNCIL ACTION

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

That Council approve the application to keep the four (4) dogs at Lot 391 Alton Street, Cuballing, subject to the following conditions:

1. **The applicants must maintain and hold valid registrations for each dog kept on the premises;**
2. **The exemption is only valid for the life of these four (4) dogs, should one (1) of the dogs die it cannot be replaced prior to seeking further approval from Council;**
3. **Should there be any significant breach of the Dog Act 1976 then the exemption may be withdrawn at anytime; and**
4. **Pens and enclosures to be constructed on the property in accordance with the letter of application.**

CARRIED 4/2

7.5 REPORTS – TOWN PLANNING

7.5.1 WESTERN AUSTRALIAN PLANNING COMMISSION – APPLICATION 130535 LOT 1 SPRINGHILL ROAD CUBALLING

Background

Correspondence from the WA Planning Commission (WAPC) requesting Council to provide any information, comment or recommended conditions on a subdivision proposal received for Lot 1 Springhill Road, Cuballing.

Comment

The subdivision application is on behalf of property owner Graham Maddison and is the property on the western side of Springhill Road immediately south/south west of the Cuballing Cemetery.

The application proposes to subdivide Lot 1 into three lots of 18.13ha, 9.59ha and 6.46ha.

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Whilst the WAPC and Councils Town Planning Scheme No 2 generally does not support the further break down of land within the General Agricultural areas, the land is within the gazetted townsite area and existing Lot 1 is currently 34.177ha and a lot larger than neighbouring Rural Residential blocks and/or other similarly zoned blocks within the Cuballing townsite. The proposed subdivision would still leave the proposed new lots quite a bit larger than other land within the townsite, however it would at least make them more consistent in size.

The land (Lot 1) is reasonably highly situated on the western side of Springhill Road and should not present any problems from a development perspective.

In addition to this the availability of an additional two blocks within the Cuballing townsite will only serve to enhance the development of the town and attract more people to the area.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Western Australian Planning Commission be advised that the Shire of Cuballing supports Planning Application 130535.

COUNCIL ACTION

Moved Cr Hawksley, seconded Cr Newman that Council does not support the Planning Application in its current format.

Council would like to see the area subdivided into 2 hectare blocks developed in accordance with the Shire of Cuballing Town Planning Scheme No. 2, and for the land to be rezoned from General Agriculture to Rural Residential.

Council is prepared to enter into discussions with the proponent with a view to developing the potential of the site for the betterment of the community.

CARRIED 6/0

8 ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

9 OTHER URGENT BUSINESS

Nil

10 MEETING CLOSURE

There being no further business the Shire President declared the meeting closed at 4:55 pm.

CONFIRMED AS A TRUE RECORD OF PROCEEDINGS ON _____

PRESIDENT

SHIRE PRESIDENT

DATE