



SHIRE OF CUBALLING

**ORDINARY COUNCIL MEETING
HELD ON THURSDAY 19 OCTOBER 2006**

MINUTES

SHIRE OF CUBALLING

COUNCIL MEETING THURSDAY 19 OCTOBER 2006

MINUTES

TABLE OF CONTENTS

1. **OPENING - ANNOUNCEMENT OF VISITORS**
2. **ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE**
3. **PUBLIC QUESTION TIME**
4. **APPLICATIONS FOR LEAVE OF ABSENCE**
5. **MINUTES**
 - 5.1 Confirmation of 21 September 2006 Meeting of Council (as circulated)
6. **PETITIONS, DEPUTATIONS, PRESENTATIONS & DECLARATIONS**
7. **DISCLOSURES IF INTEREST**
8. **REPORTS**
 - 8.1 **FINANCE AND ADMINISTRATION** (Beige)
 - 8.2 **WORKS** (Blue)
 - 8.3 **BUILDING** (Green)
 - 8.4 **HEALTH** (Pink)
 - 8.5 **TOWN PLANNING** (Yellow)
9. **ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
10. **OTHER URGENT BUSINESS**
11. **CLOSURE OF MEETING**

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 19 OCTOBER 2006**

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

President welcomed Councillors, declared meeting open 3.05pm.

2. RECORD OF ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

ATTENDANCE

Shire President, Cr I L Watts	Deputy President, Cr T H Wittwer
Cr C R Hawksley	Cr R J D Newman
Cr C R McKenzie	Cr D S Bradford
Chief Executive Officer, Mr P T Naylor	

APOLOGIES

Nil

LEAVE OF ABSENCE

Cr J D Brown (Leave granted at the September Ordinary Meeting of Council).

3. PUBLIC QUESTION TIME

Nil

4. APPLICATION FOR LEAVE OF ABSENCE

Nil

5. MINUTES

**5.1 CONFIRMATION OF 21 SEPTEMBER 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 21 September 2006 be confirmed.

COUNCIL ACTION

**Moved Cr Wittwer, seconded Cr Bradford that the Chief Executive Officer
Officers Recommendation be adopted.**

CARRIED 6/0

**5.2 SHIRE OF CUBALLING BUSH FIRE ADVISORY COMMITTEE
MEETING HELD ON THURSDAY 12 OCTOBER 2006**

Background

Minutes of the Shire of Cuballing Bush Fire Advisory Committee held Thursday 12 October 2006.

Comment

The minutes contain one recommendation from the Bush Fire Advisory Committee (item 4.3) in relation to the appointment of a Dual Fire Control Officer for the Shire of Wandering.

In addition to this, items 6.3, 6.5 & 6.7 will be of interest to Council.

- 6.3 Due to the dry seasonal conditions and the very low soil moisture index for the district the Committee has resolved for the Prohibited Burning Period to commence on 1 November 2006. This is the historic gazetted commencement date for this period, however in the past has generally suspended for at least 14 days.
- 6.5 Since the meeting the Chief Executive Officer has contacted the Hotham River Catchment Group Natural Resource Manager on this matter. It has been arranged for a pack of relevant materials for hobby properties to be organised and despatched to the property owners. Consideration will also be given to running an information day following the release of the packs.
- 6.7 The Cuballing Town Brigade has agreed to help the Popanyinning Brigade promote fire protection and gain interest in attracting new members. This processed commenced with a display at the recent Popanyinning In Spring festival.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **The minutes of the Shire of Cuballing Bush Fire Advisory Committee meeting held on Thursday 12 October 2006, be received; and**
- **The appointment of Mr Craig Cousins as Dual Fire Control Officer with the Shire of Wandering be endorsed.**

COUNCIL ACTION

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

CARRIED 6/0

6. PETITIONS, DEPUTATIONS, PRESENTATIONS & DECLARATIONS

6.1 TOWN PLANNING CONSULTANT

Councils Town Planning Consultant, Mr Trevor Moran, was in attendance at the Council Forum, prior to the commencement of the Ordinary Council meeting, to work through various planning issues with Council and staff.

6.2 TELSTRA COUNTRYWIDE

Mr John Morgan, Telstra Countrywide, entered the Chambers at 3.35pm

Mr Morgan addressed Council on the new Telstra 3G 850 Mobile Network.

Coverage for the new network will be phased in over the 2006/2007 years and additional software and site upgrades is expected to extend the mobile coverage range at regional and remote sites. However, unfortunately there does not appear that there will be any improvement on the CDMA network currently servicing the local area in the short term. It is expected the CDMA network will be closed in early 2008 once the new network is providing the same or better coverage.

Mr Morgan also addressed Council on new Telstra products:

- Telstra Homeline Options; and
- Telstra Businessline Plans.

Mr John Morgan departed the Chambers at 4.20pm

7. DISCLOSURES OF INTEREST

Councillors' and Employees' Disclosures of Interest.

7.1 DISCLOSURE OF FINANCIAL INTEREST AND PROXIMITY INTEREST

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

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

Nil

7.2 DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

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

Nil

8.1 REPORTS – FINANCE AND ADMINISTRATION

8.1.1 LIST OF ACCOUNTS SUBMITTED FOR COUNCIL APPROVAL AND PAYMENT – OCTOBER 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 \$109,625.85:**

Vouchers 10724-10743 inclusive	\$39,965.89
Voucher 10748	\$ 500.00
Vouchers 11411-11424 inclusive	\$24,067.18
Electronic fund transfers	\$45,072.78
Credit Card Payment	\$ 20.00

- **Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$0.00:**

Vouchers: nil

COUNCIL ACTION

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

CARRIED 6/0

8.1.2 STATEMENT OF FINANCIAL ACTIVITY

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 September 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 Position, as circulated, for the Shire of Cuballing for period ending 30 September 2006 be received.

COUNCIL ACTION

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

CARRIED 6/0

8.1.3 BUTLER SETTINERI – AUDIT REPORT 2005/2006 FINANCIAL YEAR

Background

Butler Settineri completed their Audit of Council's functions and operations for the 2005/2006 Financial Year on Friday 13 October 2006.

Comment

The Audit has been conducted in accordance with the Australian Audit Standards to ensure that during the reporting period the Shire of Cuballing complied with all statutory requirements, including the Local Government Act 1995 and associated Regulations.

At the time of preparing this report the Audit Report has not been received, however it is anticipated that the Report will be available for tabling at the Council meeting.

Due to time constraints the Auditor, Mr Paul Chabrel, requested not to meet with the Shire of Cuballing Audit Committee at the time of audit and that a telephone conference be arranged at a later date.

The Chief Executive Officer tabled the 2005/06 Audit Report.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

To be advised.

COUNCIL ACTION

Moved Cr Bradford, seconded Cr Newman that the Audit Report for the Shire of Cuballing for the 2005/2006 Financial Year be received.

CARRIED 6/0

8.1.4 SHIRE OF CUBALLING ANNUAL REPORT 2005/2006 FINANCIAL YEAR AND ANNUAL GENERAL MEETING OF ELECTORS

Background

Sections 5.3 and 5.54 of the Local Government Act 1995, requires local governments to prepare an Annual Report in each financial year, the Report is to be received by the local government by the 31 December. The Report is to be prepared in accordance with the provisions of the Act and the Local Government (Financial Management) Regulations 1996.

Comment

A copy of the draft Annual Report prepared for the Shire of Cuballing for the 2005/2006 Financial Year has been circulated with the Council meeting agenda for comment and/or amendment as considered necessary. As mentioned previously in item 8.1.3 the Audit Report is not yet available and therefore has not been included in the draft Annual Report but will be tabled at the Council meeting.

Section 5.26 of the Local Government Act 1995 requires that a General Electors meeting be held within 56 days of Council receiving the annual report. Section 5.29 of the Act requires public notice of 14 days of the meeting. Therefore it is proposed that the General Electors meeting for the Shire of Cuballing be held immediately following the November 16, 2006, meeting of Council, commencing at 7.30pm.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- Pursuant to section 5.54 of the Local Government Act 1995, the draft Annual Report for the Shire of Cuballing for the 2005/2006 Financial Year, as circulated and presented to the Council meeting, and with the inclusion of the 2005/2006 Audit Report, be received and accepted; and
- The General Electors meeting be held in the Shire of Cuballing Council Chambers on Thursday 16 November 2006, commencing at 7.30pm.

COUNCIL ACTION

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

CARRIED 6/0

8.1.5 PERIODIC REVIEW OF LOCAL LAWS

Background

It is a requirement under section 3.16 of the Local Government Act 1995 that local laws be reviewed within 8 years from the day they commenced.

Council at its April 20, 2006, meeting resolved to give Statewide notification of its intention to review the Standing Orders and Cuballing and Popanyinning Cemeteries Local Laws, adopted in 1998, as required in accordance with the abovementioned legislation.

Comment

Advertisements notifying of the proposed review of local laws were placed in the West Australian on Saturday 2 September 2006, and Narrogin Observer on Wednesday 6 September 2006.

The closing date for submissions is Wednesday 18 October 2006. At the time of preparing this report no submissions have been received.

Further to the above, S3.16 of the Local Government Act 1995, also provides that:

- (3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its Council.*
- (4) *When its Council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.*
**Absolute majority required*
- (5) *After it makes the determination, the local government is to give Statewide public notice-*
 - (a) *stating the title of the local law reviewed;*

- (b) *advising of its determination; and*
- (c) *advising that copies of the report of the review may be inspected or obtained from the local government's office.*

The Chief Executive Officer informed Council that at the closure of the submission period no submissions have been received.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

To be advised.

COUNCIL ACTION

Moved Cr Bradford, seconded Cr Newman that following the review of the Local Laws, no changes be made.

CARRIED 6/0

8.1.6 WESTERN AUSTRALIA LOCAL GOVERNMENT ASSOCIATION (WALGA) – LOCAL GOVERNMENT AMENDMENT BILL 2006

Background

Correspondence from WALGA seeking Councils cooperation in opposing the proposed change, in the Local Government Amendment Bill 2006, to the Local Government election system from the existing first-past-the-post system to a proportional preferential system.

Comment

As Council is aware the local government industry has for some time been considering changing the local government election date from May to October to enable newly elected Councillors to be part of a more meaningful budget preparation process in their first year in office. It was the industry understanding that the Local Government Amendment Bill 2006 was to amend the legislative provisions for this to happen in 2007 and include a transitional provision for members due to retire in May 2007 to remain in office until October 2007.

However when the Bill was introduced into Parliament it was found to also include an amendment to the election voting system, as mentioned above. This change has been proposed without consideration or consultation with the local government sector, an act which is in complete contrast to the State/Local Government Intergovernmental Agreement and shows apparent disregard for the industry.

The major concerns to the local government industry is that a proportional preferential system has the potential to introduce the following implications:

- Encourage the use of factions and consequently party politics in Local Government;
- Is less understood by voters and as such more open to manipulation by candidates;
- Involves listing candidates rather than voters aligning with one candidate;
- Results in higher error rates in completing voting cards thereby increasing the capacity for invalid votes; and
- Potentially increases the cost of administering the voting system.

Cr Bill Mitchell, WALGA President, raised this issue in his address to the Central Country Zone meeting on Friday 29 September 2006. Following the CCZ meeting the Shire President and Chief Executive Officer drafted a letter to the Minister for Local Government and Regional development voicing Councils objection to changing the voting system and the lack of consultation with the local government industry on the issue.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council opposes the proposed change to the Local Government Voting System (from first-past-the-post to proportional preferential) and endorses the Shire President and Chief Executive Officers actions in writing to the Minister for Local Government and Regional Development on the issue.

COUNCIL ACTION

Moved Cr Newman, seconded Cr Bradford that:

- **Council opposes the proposed change to the Local Government Voting System (from first-past-the-post to proportional preferential) and endorses the Shire President and Chief Executive Officers actions in writing to the Minister for Local Government and Regional Development on the issue.**
- **“We the elected councillors of the Shire of Cuballing hereby express our concern and alarm at the unilateral decision of the State Government to include provisions in the Local Government Amendment Bill 2006 to impose and apply a proportional-preferential voting system to Local Government elections.**

We believe that the proposed changes to the voting system will lead to factionalism and party politics in Local Government, will result in decreased voter turnout, increased informal votes and will impose substantially higher election costs on our communities.

We believe that the proposed changes to the voting system have been developed in contravention of the State Local Government Partnership

Agreement and effectively contravene the intent of the tripartite Inter Governmental Agreement recently signed by the Commonwealth, all State and Territory Governments and the Australian Local Government Association.

We believe these actions to be unacceptable to the Local Government sector and to the Western Australian community at large and the Minister for Local Government must be held accountable for them.

Therefore, we declared that we have no confidence in the Hon. Jon Ford MLC to continue to represent the local Government portfolio.”

CARRIED 6/0

8.1.7 DEPARTMENT OF SPORT AND RECREATION COMMUNITY SPORTING AND RECREATION FACILITIES FUND

Background

Each year the Department of Sport and Recreation (DSR) invites local governments and community sporting organizations to submit applications for funding under its Community Sporting and Recreation Facilities Fund (CSRFF).

Comment

The Popanyinning Community through the Progress Association has requested Council to consider the construction of tennis courts in Popanyinning. A site has been identified at the rear of the former school building on land that has management vested with the Shire of Cuballing. This site also provides for existing toilets and under cover area that can be improved to cater for the needs of the users of the new facility. A budget has been prepared for the project and financial assistance was included on Councils budget for 2006/2007. The local Popanyinning community has also committed funding and in-kind assistance to the project. A grant application was submitted to the Local Government Community Facilities Grants program but unfortunately advice has been received that the grant application was not successful. Therefore, even though there is not a formal tennis club in Popanyinning, an application has been prepared for submission under the CSRFF program for assessment.

A copy of the grant application is tabled for Council information.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the grant application be endorsed and submitted to the Department of Sport and Receptions Community Sporting and Recreation Facilities Fund.

COUNCIL ACTION

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

CARRIED 6/0

8.2 REPORTS – WORKS

8.2.1 WORKS SUPERVISORS REPORT

CUBALLING EAST ROAD BRIDGE DAMAGE (#3177)

As Council is aware the guardrails on the south side of this bridge were extensively damaged in a motor vehicle accident on Sunday 18 June 2006, and there has been some conjecture by the vehicle owners insurance company as their liability to pay for the repairs. Council's insurers advise that the Shire of Cuballing has a duty of care to all road users and have requested for remedial works to commence to ensure the bridge is in a safe standard for vehicular use prior to the ensuing harvest period. Mr Charlie Cutri has been employed as sub contractor to undertake works with assistance from Council staff, and works should commence in the near future (possibly Monday 16 October 2006).

POPANYINNING TOWNSITE

The town oval and general areas have been cleaned and mowed in readiness for the Popanyinning In Spring festival to be held on Saturday 14 October 2006.

CUBALLING EAST ROAD)

Mulching is in process along the section of this road that is to be upgraded in the 2006/07 budgeted works program.

POPANYINNING WEST ROAD

The preparation of the section to be upgraded (2 kilometres west Penny Road) is underway. Gravel being sourced close to the project from Mr Lyneham. Culvert extensions are in progress with the headwall materials being obtained from onsite rock from blasting.

CUBALLING OVAL

The oval is in very good condition with an application of fertilizer applied before the rain received last Wednesday (11 October 2006).

The new change rooms have nearly been completed. Pathways have been installed around the building to allow for wheel chair and disabled access, and pine rail fencing is also in place.

The new playground area has been prepared and ready for erection of fencing, playground and shade equipment when it arrives. Sand will be carted in and spread at the site for the soft fall area.

MAINTENANCE GRADING

Summer grading and bitumen shoulder maintenance is being undertaken throughout the Shire.

ROADSIDE SPRAYING

Spraying has commenced on the bitumen edges in an effort to reduce regrowth and summer grasses.

PLANT AND EQUIPMENT

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

Maintenance is being done on the fire trucks as required to ensure they are in good working order for the ensuing fire season.

PRIVATE WORKS

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

Private works invoices for the month of September 2006, total \$7,615.52.

Reporting Officer

Alex Richardson, Works Supervisor

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Supervisors Report be received and information noted.

COUNCIL ACTION

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

CARRIED 6/0

8.2.2 SHIRE OF WICKEPIN – APPOINTMENT OF DUAL FIRE CONTROL OFFICER 2006/2007

Background

Letter from the Shire of Wickepin advising of their appointment of Mr Steven Rose as Dual Fire Control Officer with the Shire of Cuballing for the 2006/2007 Fire Season.

Comment

Dual Fire Control Officers are appointed to provide legal cover for a Fire Control Officer in charge at a wildfire that burns across a Shire boundary. The Dual Fire Control Officer can stay in charge and follow the fire, or hand over control to a fire control officer from the second Shire (if one is available and in attendance).

Section 40 of the Bush Fires Act 1954 empowers Council to appoint dual fire control officers with neighbouring local authorities and section 38(2) of the Act requires such appointments to be advertised in a local paper.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That pursuant to section 40 of the Bush Fires Act 1954, Mr Steven Rose be appointed as Dual Fire Control Officer for the Shires of Cuballing and Wickepin for the 2006/2007 Fire Season.

COUNCIL ACTION

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

CARRIED 6/0

8.3 REPORTS – BUILDING

8.3.1 BUILDING SURVEYORS REPORT

Summary

There were two (2) applications approved and licenses issued for the month of September 2006.

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

Approval License No	Name of Owner	Registered Builder (RB) or Owner Builder (OB)	Structure	Location of Building
15/06-07	Peter Thompson	OB	Additions to Dwelling	RN 17343 Great Sthn Hwy Cuballing
16/06-07	Timothy Bradford	OB	Shed	Lot 310 Cuballing East Rd Cuballing

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

CARRIED 6/0

8.4 REPORTS – HEALTH

8.4.1 ENVIRONMENTAL HEALTH OFFICERS REPORT

Purpose

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

On-Site Effluent Disposal

One permit was issued to use a septic tank and leach drain system during the month of September 2006 as follows:

Approval Number	Name & Address
35/05-06	B & N Brennan Lot 55 Colin Street Cuballing

Food Premises Inspections

A sample of olive oil was collected from Hotham Olives, Popanyinning, for chemical analysis. Council contributes to the Local Health Authorities Analytical Committee to enable analysis of food products with a particular emphasis on local food manufacturers.

The business has only recently changed hand and therefore it is an opportune time to have the product analysed.

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 Officer Officers Recommendation be adopted.

CARRIED 6/0

8.5 REPORTS – TOWN PLANNING

**8.5.1 DEPARTMENT FOR PLANNING AND INFRASTRUCTURE (DPI) –
LOT 351 PROPOSED RESERVATION FOR “LANDSCAPE
PROTECTION & RECREATION”**

Background

Council has requested the DPI for management of the abovementioned land for landscape protection and recreation works to enable a nature walk trail to be developed and the area to largely remain in its natural state.

The DPI is now requesting Councils confirmation that it wishes to proceed with the proposal.

Comment

The reserve area has in the past been used for excavation of gravel, dumping of rubble and car bodies, and as an access road from Campbell Street (Cuballing West Road) to the Refuse Site. The Townscape Committee has been discussing the possibility of acquiring the land to revegetate the old gravel pit areas and develop nature and wildflower walks using the old access road as a spine. This proposal has a great deal of merit and would certainly add to local attractions.

Following an on site meeting with Greg Durrell, from the Department of Conservation and Land Management (CALM), in July 2004, Council staff wrote to the DPI requesting consideration to Lot 351 being vested with the Shire of Cuballing for purpose of landscape protection and recreation. In support of this application CALM requested the reserve on the southern side of Campbell Street be vested with them for revegetation purposes, an action that has already been progressed.

Obtaining management of the land will enable Council and the community (Townscape Committee) to undertake a joint project to clean up the site and provide a recreation area for bush walk enthusiasts within the town boundary. As stated in the DPI correspondence the matter will also be subject to preparation of a management plan for the reserve.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council informs the Department for Planning and Infrastructure that it wishes to proceed with the proposed reservation and management of Lot 351 (on Deposited Plan 50864) for the purpose of Landscape Protection and Recreation.

COUNCIL ACTION

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

CARRIED 6/0

8.5.2 MANAGEMENT PLAN – VACANT CROWN LAND, DARCY STREET CUBALLING, SHIRE OF CUBALLING AND WIRRULGI MIA ABORIGINAL CORPORATION

Background

In 1998 the Shire of Cuballing entered into discussions with the Wurrilgi Mia Aboriginal Corporation for the joint formation of a management plan for portion of vacant crown land situated in Darcy Street, Cuballing. These discussions, which also involved the Aboriginal Legal Service, and eventually the Department of Conservation and Land Management (CALM) and Department of Land Administration (DOLA), resulted in a Joint Management Plan being prepared for portion of the land, being Lot “A”, and signed by the Shire President, Cr Ian Watts, Chairman of the Wurrilgi Mia Aboriginal Corporation, Mr Kenneth Kickett, and the Minister for Lands. The area of land identified as Lot “B” was to be subject to an application for tenure under the Land Administration Act 1997 by the Wurrilgi Mia Aboriginal Corporation.

Whilst the Joint Management Plan (JMP) included many conditions and restrictions on the use of the land, the primary agreed goals were:

- To conserve the indigenous species of plants and animals, the natural environmental process and the aesthetic values of the reserve;
- To apply the knowledge of the local indigenous people to enhance conservation; and
- To facilitate the public enjoyment of the natural attributes by providing for passive recreational activities in a manner that does not compromise the conservation and other management objectives.

Comment

In recent times Mr Kenneth Kickett has approached the Shire Chief Executive Officer to ascertain what has transpired in relation to the JMP. The CEO’s investigations with DOLA (now DPI) have found that the whole process, beyond the signing of the JMP, seems to have stifled. Apparently following the signing of the JMP and the Corporations approach for tenure of Lot “B”, they were informed that prior to the matters processing further they would need to provide details of how the various costs involved with the land transactions were to be paid.

With the recent growth being experienced in Cuballing, which perhaps wasn’t evident in 1998, maybe it is now time for Council to revisit this matter.

The Town Planning Consultant and CEO are investigating possible crown land for future expansion of the townsite; some of the land being considered is adjacent to the mentioned vacant land on the south side of Darcy Street.

Given the various conditions that applied on the JMP, whilst the land hasn't officially been reserved and JMP enacted, many of these conditions have been fulfilled in a passive capacity.

Perhaps Council could consider a compromise with the Wurrilgi Mia Aboriginal Corporation and investigate reservation of Lot "B" as the Kickett Family Reserve, with management conditions and objectives similar to the Joint Management Plan of 1998, and include proposed Lot "A" in future development for the town. Realigning the boundaries of the two proposed lots to be adjacent with the southern boundary (running east-west) of reserve 3116 (lot 422).

With the introduction of the Native Title legislation, the adoption of a new Shire of Cuballing Town Planning Scheme, and growth and development being experienced within Cuballing, what was originally planned (including the general design and conditions) for the area may now not meet the current criteria or need of the community. Prior to considering amendments to the original Joint Management Plan, reservation of the land or seeking freehold title of any of the land for future developmental opportunities Council should consider meeting with the Department for Planning and Infrastructure (DPI) to formally discuss the matter and ascertain the latest requirements.

It is not expected that Council will be able to resolve the issue at this meeting but certainly it needs to be revisited and it may be pertinent for a Council delegation to meet with the DPI and then Mr Kickett.

A copy of the Joint Management Plan is circulated with the Council meeting agenda.

Reporting Officer

Peter Naylor, Chief Executive Officer

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- Council delegation meet with the Department for Planning and Infrastructure to formally discuss the Joint Management Plan and other proposals for the Darcy Street land; and
- Following the meeting with the DPI, Council delegation meet with Mr Kenneth Kickett to process the matter further.

COUNCIL ACTION

Moved Cr Bradford, seconded Cr Newman that Council delegation meet with the Department for Planning and Infrastructure to formally discuss the Joint Management Plan and other proposals for the Darcy Street land.

CARRIED 6/0

9. **MEETING CLOSURE**

There being no further business the Shire President declared the meeting closed at 5:20pm.

CONFIRMED AS A TRUE RECORD OF PROCEEDINGS ON

SHIRE PRESIDENT

DATE