

SHIRE OF CUBALLING

COUNCIL MEETING THURSDAY 19 FEBRUARY 2008

MINUTES

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ORDINARY COUNCIL MEETING MINUTES

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE CUBALLING
SHIRE, HELD IN THE COUNCIL CHAMBER, CAMPBELL STREET, CUBALLING
ON THURSDAY 19 FEBRUARY 2009**

1. OPENING – ANNOUNCEMENT OF VISITORS

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

2. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

ATTENDANCE

Shire President, Cr T H Wittwer
Cr D S Bradford
Cr C Hawksley
Cr R D Newman
Chief Executive Officer, Mr P T Naylor
Cr T P Haslam
Cr J R A Meharry

APOLOGIES

Nil

LEAVE OF ABSENCE

Cr J D Brown, granted at the Ordinary Meeting of Council held on Thursday 20 November 2008.

3. PUBLIC QUESTION TIME

Nil

4. APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Newman, seconded Cr Haslam that Leave of Absence be granted to Cr Bradford for the Ordinary Meeting of Council to be held on Thursday 19 March 2009.

CARRIED 6/0

5. **MINUTES**

5.1 **CONFIRMATION OF 19 DECEMBER 2008 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 19 December 2008 be confirmed.

COUNCIL ACTION

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

CARRIED 6/0

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

6.1 **EXPRESSIONS OF INTEREST TO FORM PONY & RIDING CLUB**

“Expressions of Interest” form containing about 30 names has been lodged at the Shire Administration Office to form a Pony & Riding Club within the Shire of Cuballing.

The form provides no contact details and/or no detailed information on how the club would operate and what it is they are seeking from Council.

Mrs Belinda Wilcox has contacted the Chief Executive Officer to ascertain if the form was received and if Council had any land available for the proposed club to operate.

The CEO informed Mrs Wilcox that the Shire does not have any land available, however would pursue through the State Land Services to determine what land may be accessible. In the meantime Mrs Wilcox was requested to provide further information for Council as to what they actually want to develop on a site if one became available, such as; possible club structure (management committee, incorporated, constitution, insurances), and what type of venue is to be established (ie pony club, horse trail, dressage, buildings (club house & storage)).

Council acknowledged receipt of the Expression of Interest to form a Pony & Riding Club and is awaiting further information from the proponents as indicated by the Chief Executive Officer.

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.

Councillors Newman and Wittwer declared a Financial Interest in Item 8.4.1.

Councillor Newman owns land adjoining the Cuballing townsite, and Councillor Wittwer owns lands adjoining the Yornaning townsite.

7.2 DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

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

Nil

8.1 REPORTS – FINANCE AND ADMINISTRATION

8.1.1 LIST OF ACCOUNTS SUBMITTED FOR COUNCIL APPROVAL AND PAYMENT – FEBRUARY 2009

Submission to: Ordinary Meeting of Council
Location/Address: Not applicable
Reporting Officer: Belinda Furphy, Administration Officer (Finance)
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 \$601,221.27:**

Vouchers 12754-12864	\$123,199.61
Electronic fund transfers	\$477,231.76
Credit Card	\$ 789.90

- **Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$200.00:**

Electronic fund transfer	\$ 200.00
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COUNCIL ACTION

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

CARRIED 6/0

8.1.2 STATEMENT OF FINANCIAL ACTIVITY

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

Background

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

Comment

A Statement of Financial Activity has been prepared for period ending 31 January 2009 in accordance with the abovementioned legislation and circulated with the Council Meeting Agenda.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Statement of Financial Position, as circulated, for the Shire of Cuballing for period ending 31 January 2009, be received.

COUNCIL ACTION

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

CARRIED 6/0

8.1.3 DEPARTMENT OF LOCAL GOVERNMENT AND REGIONAL DEVELOPMENT – COMPLIANCE AUDIT RETURN 2008

Submission to: Ordinary Meeting of Council
Location/Address: Shire Administration Office
Reporting Officer: Peter Naylor, Chief Executive Officer
Clare Thomson, Accountant
Enabling Legislation: Local Government Act 1995
Local Government (Audit) Regulations 1996
Local Government (Financial Management) Regulations 1996
Council Policy: Nil
Budget Implications: Nil
File Reference: Finance 23
Voting Requirements: Simple majority

Background

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

Comment

The Compliance Audit Return for the Shire of Cuballing for period 1 January 2008 to 31 December 2008 has been completed and a copy circulated to Councillors with the Council Meeting Agenda. Whilst undertaking the audit process there have been no instances that have come to staff notice of where Council has failed to comply with the relevant legislation and required processes during the reporting period. The Compliance Audit Return is to be submitted to the Department of Local Government and Regional Development by 31 March in each year.

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

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

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

The Local Government Compliance Audit Return for the Shire of Cuballing for reporting period 1 January 2008 to 31 December 2008, as prepared and circulated, be adopted and forwarded to the Department of Local Government and Regional Development.

COUNCIL ACTION

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

CARRIED 6/0

8.1.4 MINISTER FOR REGIONAL DEVELOPMENT - ROYALTIES FOR REGIONS, COUNTRY LOCAL GOVERNMENT FUND

Submission to:	Ordinary Meeting of Council
Location/Address:	Nil
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Nil
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	Grants 2
Voting Requirements:	Simple Majority

Background

In December 2008, the State Nationals Leader, and the Minister for Regional Development, Brendon Grylls, announced grants for rural and regional Councils under the Royalties for Regions (R4R) Program totalling more than \$70m.

The allocation to the Shire of Cuballing under the Country Local Government Fund (CLGF) in 2008/2009 is \$572,413 (excluding GST).

Allocation of the funds is very stringent and is tied to expenditure against the following local government asset classes according to the *Local Government Accounting Manual*:

- Buildings
- Infrastructure:
 - Roads
 - Bridges
 - Drainage
 - Parks, gardens & reserves
 - Footpaths & cycleways
 - Airports
 - Sewerage
 - Other

The grant funds cannot be applied to expenditure on non-infrastructure items. The funds are not to be used for purchasing plant and equipment, employing staff, engaging consultants, retiring debt or any other organization requirements that fall outside the above asset classes.

Comment

At the Ordinary Meeting of Council held in December 2008, Council staff tabled a prepared a list of projects, including estimated works and costings, for Council consideration that will fit within the guidelines for the R4R funding. Details of these projects have again been provided to Councillors with the Council Meeting Agenda.

As the funding is to be acquitted in the 2008/2009 financial year (it is expected that there will be some leeway given because of the late announcement of the funding),

and to enable the various projects to be presented to the Department of Local Government and Regional Development for consent, Council will need to give staff some direction at this meeting as to what projects are to be carried out.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

For Council consideration and direction please.

COUNCIL ACTION

Moved Cr Haslam, seconded Cr Bradford that the following projects be submitted to the Department of Local Government and Regional Development for approval to be funded under the Royalties for the Regions Country Local Government Fund Program:

- **Road Works Program – Apply final coat bitumen seal to previous construction projects;**
- **Clear and mulch roadside vegetation to allow for future widening road works to be carried out;**
- **Cuballing Agricultural Hall and Popanyinning Community Hall – upgrade of white goods and paint interior of halls;**
- **Popanyinning Fire Shed;**
- **Develop Equestrian Park in Cuballing (subject to availability of land);**
and
- **Develop tennis courts (2) at Popanyinning Oval.**

CARRIED5/1

8.1.5 WESTERN AUSTRALIAN ELECTORAL COMMISSION – LOCAL GOVERNMENT ORDINARY ELECTION 2009

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:	2009/10 Budget Provision
File Reference:	Elections 2
Voting Requirements:	Absolute Majority

Background

The Local Government Act 1995 (the *Act*) provides that a Local Government is to hold elections on the third Saturday in October every two years.

Section 4.20 of the *Act* provides that the Chief Executive Officer (CEO) is the returning officer of a local government for each election unless Council appoints a person other than the CEO. Section 4.20(4) of the *Act* enables a local government to declare the Electoral Commissioner to be responsible for the conduct of the election having first obtained the Commissioners written agreement.

The Western Australian Electoral Commission (WAEC), Electoral Commissioner, has provided a cost estimate of \$7,500 (GST incl) to conduct the 2009 election on behalf of the Shire of Cuballing. This agreement is subject to the Shire of Cuballing wanting to have the election undertaken by the Western Australian Electoral Commission (WAEC) as a postal vote.

The cost estimate has been based on the following:

- 650 electors;
- response rate of approximately 60%;
- three (3) vacancies; and
- count being conducted at the premises of the Shire of Cuballing.

And does not include:

- non-statutory advertising (ie additional advertisements in community newspapers and promotional advertising);
- any legal expenses other than those that are determined to be borne by the WAEC in a Court of Disputed Returns; and
- one local government staff member to work in the polling place on election day.

Comment

In order for Council to appoint the WA Electoral Commission to conduct the election the following two motions need to be passed by absolute majority:

- Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the

2009 ordinary elections together with any other elections or polls which may also be required; and

- Decide, in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the election will be as a postal election.

Council has previously appointed the WAEC to run the elections in 2003 and 2007, with Council staff (the CEO) running the 2005 election.

Whilst Council staff are willing and prepared to conduct the elections as an in-person elections, there are some advantages by having the Electoral Commissioner conduct a postal election:

- Increased voter participation;
- Convenience of electors;
- The availability of an experienced Returning Officer at “arms length” from local government business;
- Detailed candidates guides prepared by the Commissioner;
- All eligible electors being given information about the election; and
- Statutory requirements are fulfilled.

The deadline for appointing the Electoral Commissioner to conduct the elections is 1 August 2009.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Shire of Cuballing:

- **Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2009 ordinary elections together with any other elections or polls which may also be required; and**
- **Decide, in accordance with section 4.61(2) of the Local Government Act 1995, that the method of conducting the election will be as a postal election.**

Note: Absolute Majority Required.

COUNCIL ACTION

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

CARRIED 6/0

8.1.6 VICTORIAN BUSH FIRES APPEAL

Submission to:	Ordinary Meeting of Council
Location/Address:	Not applicable
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Local Government Act 1995
Council Policy:	Nil
Budget Implications:	No provision included on 2008/09 Budget
File Reference:	Finance 15
Voting Requirements:	Absolute Majority

Background

Councillors will be aware of the tragic bush fires that have been raging in Victoria and continue to do so causing massive loss of lives and properties.

Comment

There has been an outpouring of generosity nation wide from businesses and individuals alike in response to fire, with millions of dollars being raised through various appeals across Australia, and huge contributions of clothing and groceries.

This report is presented for Council consideration to making a cash donation to the Australian Red Cross Victorian Bush Fire Appeal 2009, from its Shire of Cuballing Municipal Fund.

The scale and impact that the devastating fire/s has and continues to cause is such that a monetary contribution from the Shire would be viewed as the right thing to do in such unprecedented circumstances.

Obviously Council has not budgeted for such a donation in the 2008/2009 Budget, however there are areas from within the budget where the funds can be obtained. A donation of \$5,000 would equate to less than \$10 per person for every resident within the Shire (based on ABC Census Statistics 2006).

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Shire of Cuballing makes cash donation of \$5,000 to the Australian Red Cross Victorian Bush Fire Appeal 2009, and the Shires 2008/2009 Budget be amended accordingly to include this expenditure.

COUNCIL ACTION

Moved Cr Bradford, seconded Cr Newman that the Shire of Cuballing makes cash donation of \$1,000 to the Australian Red Cross Victorian Bush Fire Appeal 2009, and the Shires 2008/2009 Budget be amended accordingly to include this expenditure.

CARRIED 4/2

8.2 REPORTS – WORKS

8.2.1 WORKS MANAGERS REPORT

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

GRADING/MAINTENANCE

Summer maintenance grading is proceeding throughout the Shire, the main emphasis being on school bus routes.

Bitumen patching and other routine maintenance works are progressing throughout the Shire.

2008/2009 ROAD CONSTRUCTION PROGRAM

Cuballing East Road:

Programmed works have been completed.

Reseal Works:

Programmed works have been completed.

Forrest Street, Popanyinning

Water binding and final trim works have almost been completed to enable bitumen sealing of the widening works and section of road to Popanyinning West Road and Dowling Street intersections.

Councillor Haslam, the Chief Executive Officer and Works Manager had recent onsite meeting with Mr Rob Dowling in relation to the use of large vehicular traffic on Dowling Street. It was agreed that if Shire carried out works on Boundary Road to provide improved access for large traffic the trucks would use that route and Dowling Street can be restricted to light vehicular traffic only. Works have commenced on Boundary Road.

PLANT AND EQUIPMENT

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

CUBALLING RECREATION GROUNDS

The water tank at the reticulation dam has been connected and watering of the oval is being carried through this method. Watering is being done during the daylight hours, commencing at 7:00am, as priming is necessary prior to pumping because the backpressure is not constant due to the height of the tank in comparison to the pump.

STAFF

Darryl Stanton is now full time employee, effective from Wednesday 4 February 2009.

John Ramage and Terry Clark are currently clearing accrued long service leave entitlements.

PRIVATE WORKS

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

Private works invoices for the months of December 2008 and January 2009, total \$18,923.33; Year to date \$47,031.54.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Managers Report be received and information noted.

COUNCIL ACTION

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

CARRIED 6/0

8.3 **REPORTS – HEALTH AND BUILDING**

8.3.1 **ENVIRONMENTAL HEALTH OFFICER/BUILDING SURVEYORS REPORT**

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Neil Flood, Environmental Health Officer/Building Surveyor
Enabling Legislation:	Local Government (Miscellaneous Provisions) Act 1960 Building Code of Australia, Building Regulations 1989 Builders' Registration Act 1939 Environmental Protection (Noise) Regulations 1997
Council Policy:	Register Delegated Authority Shire of Cuballing Health Local Law 2007 Shire of Cuballing Town Planning Scheme No 2
Budget Implications:	Nil
File Reference:	CMR 2
Voting Requirements:	Simple majority

Summary

There were six (6) applications approved and licenses issued for the months of December 2008 and January 2009.

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

Approval License No	Name of Owner	Registered Builder (RB) or Owner Builder (OB)	Structure	Location of Building
34-2008/09	D & H Sivyer	Owner Builder	S/F Timber Dwelling	Lot 48 Halls Rd Wardering
35-2008/09	C Caldwell	P Lowden (RB)	S/F Patio	Lot 111 Hotham Street Cuballing
36-2008/09	W Gill	B Garvey (RB)	Relocated T/F Hardy Plank Dwelling	Lot 6289 Tullets Rd Popanyinning West
37-2008/09	K Hillman	Owner Builder	Additions S/F Fibro House	Lot 71 (46) Derby Street Cuballing
38-2008/09	G Hobbs	Owner Builder	S/F Patio	Lot 407 Smith Street Cuballing
39-2008/09	T Carthew	RAHA Plantation (RB)	S/F Fibro Dwelling	Lot 9840 Williams Rd Popanyinning West

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

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

COUNCIL ACTION

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

CARRIED 6/0

8.3.2 MS COLLEEN WARNER – APPLICATION TO ERECT MEMORIAL AT YORNANING DAM

Submission to: Ordinary Meeting of Council
Location/Address: Yornaning Dam, Location 15785 (Reserve 5271)
Reporting Officer: Peter Naylor, Chief Executive Officer
Enabling Legislation: Nil
Council Policy: Nil
Budget Implications: Nil
File Reference: Recreation 14
Voting Requirements: Simple majority

Background

Letter from Ms Colleen Warner requesting Council approval to erect a bench seat memorial at Yornaning Dam in memory of her late brother Barry John Warner whom passed away on 8 December 2008.

Comment

Ms Warner explains that the Yornaning Dam was a favourite place of her brothers and he often used to visit the area with family members.

When Ms Warner visited the dam following the passing of her brother she noticed the memorial seat that was installed by the Henderson family in memory of their late father, and feels this would also be a nice tribute to her brother.

Ms Warner will reimburse Council for costs associated with the installation of the seat and plaque.

If Council is in favour of the memorial being installed it would be nice for a similar seat to the one in place to be purchased. The Chief Executive Officer has approached the Henderson family to ascertain from where they purchased the seat and plaque.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **Approval be granted to Ms Colleen Warner to install a memorial seat and plaque at Yornaning Dam in memory of her late brother, Barry John Warner;**
- **The Chief Executive Officer to Liaise with Ms Warner to ensure the memorial seat and plaque are similar to existing monument placed at Yornaning Dam by the Henderson family in 2007; and**

- **Ms Warner be responsible for all costs associated with purchase and installation of seat and plaque.**

COUNCIL ACTION

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

CARRIED 6/0

8.4 REPORTS – TOWN PLANNING

8.4.1 REVIEW OF SHIRE OF CUBALLING LOCAL PLANNING STRATEGY

Councillors Newman and Wittwer declared a Financial Interest in this item and departed the Council Chamber at 4:25pm.

Cr D S Bradford assumed the Chair in the absence of Cr Wittwer.

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Peter Naylor, Chief Executive Officer Trevor Moran, Town Planning Consultant
Enabling Legislation:	Planning and Development Act 2005 Town Planning Regulations 1967
Council Policy:	Town Planning Scheme No 2 Local Planning Strategy
Budget Implications:	Nil
File Reference:	Town Planning 8
Voting Requirements:	Simple majority

Background

In early 2007, Council worked with the Town Planning Consultant, Mr Trevor Moran, to prepare a number of addendums to the Shire of Cuballing Local Planning Strategy.

In April 2007, Council resolved to approve the various addendums to the Local Planning Strategy and forward them to the Western Australian Planning Commission (WAPC) for comment and endorsement.

In December 2008, Council considered the WAPC certified amendments to the local planning strategy, and resolved “*that the Amendment to the Shire of Cuballing Local Planning Strategy be advertised for public comment for a minimum period of 21 days in accordance with the provisions of the Town Planning Regulations 1967*”.

Comment

As previously reported to Council the various amendments to the Local Planning Strategy have basically been prepared to identify areas within the Shire to which pressures of growth, both residential and business, can be directed and/or accommodated in the future. It is anticipated that the proposals will allow the

population of the Cuballing and Popanyinning townsites to increase to approximately 800 and 250, respectively, and allow for the future development of an agricultural industry precinct at Yornaning if demand requires.

The Amendment was advertised in the Narrogin Observer newspaper on Wednesday 7 and Wednesday 14 January 2009, with submissions to be lodged by Wednesday 4 February 2009. In addition to this copies of the advertisement were sent directly to the Water Corporation, Western Power, Main Roads WA, Telstra, State Lands Services, Department of Environment & Conservation and the Environmental Protection Authority.

At the close of the submission period the only submission received was from the Environmental Protection Authority (EPA).

The EPA comments are quite generic and relate to environmental issues such as Flora and Vegetation, Watercourse buffers, Drainage and Stormwater Management, On-site Effluent disposal, and Separation Distances. Most of the comments in relation to these matters is based on Environmental legislation, policy and/or guidelines and will be need to be addressed at the time of implementing future developments as outlined in the amendment.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **The comments submitted by the Environmental Protection Authority (EPA) be noted and comments/recommendations pertaining thereto will be taken into consideration and addressed at time of implementing future development as outlined within the amendment document;**
- **The Local Planning Strategy (Amendment) document as presented be adopted without modification; and**
- **The Western Australian Planning Commission be informed of Councils decision, and that the submission from the EPA was noted and comments/recommendations will be taken into account for any subsequent action taken as a result of the LPS Amendment document.**

COUNCIL ACTION

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

CARRIED 4/0

4:30pm Councillors Newman and Wittwer re-entered the Council Chamber. Cr Wittwer resumed the Chair.

8.4.2 C & A WILSON – APPLICATION TO ERECT ANCILLARY ACCOMMODATION

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 6290 Tullets Road, Popanyinning West
Reporting Officer:	Neil Flood, EHO/BS
Enabling Legislation:	Planning and Development Act 2005
Council Policy:	Town Planning Scheme No 2
Budget Implications:	Nil
File Reference:	Town Planning 4
Voting Requirements:	Simple majority

Background

Council has received a request from Chris & Angela Wilson to erect/build a supplementary dwelling (ancillary accommodation) in the form of a two bedroom house on Lot 6290 Tullets Road, Popanyinning West.

A copy of their correspondence together with a proposed site plan is enclosed.

Comment

Shire of Cuballing Town Planning Scheme No 2:

Section 5.11 Development in the General Agriculture Zone

Sub Section 5.11.1

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

Section 5.12 Development in the Rural Residential Zone

Sub Section 5.12.1

Only one dwelling will be permitted on any lot used only for rural living purposes.

Sub Section 5.12.2

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

Planning and Development Act 2005

State Planning Policy 3.1

Residential Design Codes

Under this Policy the definition for “Ancillary Accommodation” is:

Self-contained living accommodation on the same lot as a single house that may be attached or detached from the single house occupied by members of the same family as the occupiers of the main dwelling.

Whilst the Shire of Cuballing Town Planning Scheme No 2 provides for the development of ancillary accommodation in the rural residential zone, there is no mention or provision within land zoned general agriculture. However the property is of “hobby farm” proportions and not utilised for general agriculture type industry, it may be something Council needs to consider in the future for these types of properties.

The proposal is for the ancillary accommodation to be occupied by family members, which meets the definition as outlined above, whom wish to retire and manage the property.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **Council grants planning approval to C & A Wilson to construct Ancillary Accommodation on Lot 6290 Tulleys Road, Popanyinning West;**
- **Planning approval is for a two-year period;**
- **The building application must comply with the Shire of Cuballing Town Planning Scheme No 2, the Building Code of Australia, and associated Regulations and Policies, and the Residential Design Codes of WA; and**
- **The applicants be advised that the planning approval does not mean that the Shire of Cuballing will support a future application for subdivision of the land.**

COUNCIL ACTION

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

CARRIED 6/0

9. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10. OTHER URGENT BUSINESS

10.1 GENETICALLY MODIFIED CANOLA

In December 2008, the State Government approved limited commercial-size trials for genetically modified (GM) canola to go ahead in Western Australia. Agriculture and Food Minister Terry Redmond has allowed trial crops to be planted in 2009 and involve about 20 farmers and approximately 1,000 hectares.

In response to the Ministers approval there have been mixed reaction from various sectors of the agriculture industry and environment groups.

A small number of Shires have developed the position not to support the growing of GM crops within their districts. A number of Shires do not feel it is their role to take a position on the matter and adopt a policy to restrict what type of crops farmers can grow on their properties. They feel it should be up to the individual landowner.

Council discussed the issue with varying opinions on the matter of GM crops being introduced within Western Australia and more importantly locally.

However Council formed the opinion that it is not Councils role to control what types of crops property owners can grow and at the end of the day if the State Government legislates to allow the introduction of GM crops then that will override a Council policy and whatever alternative position Council may take on the matter.

11. CLOSURE OF MEETING

There being no further business the Shire President declared the meeting closed at 4:50pm.