

SHIRE OF CUBALLING

COUNCIL MEETING THURSDAY 18 MARCH 2010

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 18 MARCH 2010**

**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 TH Wittwer  
Deputy President, Cr RDJ Newman  
Cr M Conley  
Cr TP Haslam  
Cr C Hawksley  
Cr CJ McDougall  
Cr JRA Meharry  
Chief Executive Officer, Mr P T Naylor

**3. APOLOGIES**

Nil

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

5. **MINUTES**

5.1 **CONFIRMATION OF 18 FEBRUARY 2010 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 18 February 2010 be confirmed.

**COUNCIL ACTION**

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

*CARRIED 7/0*

5.2 **AUDIT COMMITTEE MEETING HELD ON THURSDAY 18 FEBRUARY 2010**

In accordance with the provisions of the *Local Government Act 1995*, the Shire of Cuballing Audit Committee met on Thursday 18 February 2010.

During the meeting the Committee conducted a teleconference meeting with Auditor Paul Chabrel. Mr Chabrel discussed a number of minor matters pertaining to the Shire of Cuballing Audit and Financial Statements for the 2008/2009 Financial Year, and provided explanation to the meeting in respect to the matters raised.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

That the minutes of the Shire of Cuballing Audit Committee Meeting held on Thursday 18 February 2010, be received.

**COUNCIL ACTION**

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

*CARRIED 7/0*

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

Nil

7. **DISCLOSURES OF INTEREST**

Councillors' and Employees' Disclosures of Interest.

7.1 **DISCLOSURE OF FINANCIAL INTEREST AND PROXIMITY INTEREST**

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

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

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 – MARCH 2010**

**Submission to:** Ordinary Meeting of Council  
**Location/Address:** Not applicable  
**Reporting Officer:** Belinda Dent, Administration Officer  
**Enabling Legislation:** Local Government (Financial Management) Regulations 1996  
**Council Policy:** Register Delegated Authority  
**Budget Implications:** Nil  
**File Reference:** CMR 7  
**Voting Requirements:** Simple Majority

**Background**

Council is supplied with a list of payments for consideration.

**Comment**

A copy of the list of payments made from each of Councils bank accounts is attached to this item.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That Council:**

- **Approve for payment the list of Creditors paid from the Municipal fund, as detailed below, totalling \$247,608.32:**

<b>Vouchers 13666-13758</b>	<b>\$186,943.04</b>
<b>Electronic fund transfers</b>	<b>\$ 57,233.25</b>
<b>Credit Card</b>	<b>\$ 3,432.03</b>
  
- **Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$2,583.40:**

<b>Voucher T2095-T2099</b>	<b>\$ 2,583.40</b>
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**COUNCIL ACTION**

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

*CARRIED 7/0*

**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 28 February 2010 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 28 February 2010, be received.**

**COUNCIL ACTION**

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

*CARRIED 7/0*

**8.1.3 ANNUAL REVIEW OF DELEGATION OF AUTHORITY TO THE CHIEF EXECUTIVE OFFICER AND OTHER COUNCIL OFFICERS**

**Submission to:** Ordinary Meeting of Council  
**Location/Address:** Whole of Shire  
**Reporting Officer:** Peter Naylor, Chief Executive Officer  
**Enabling Legislation:** Local Government Act 1995  
**Council Policy:** Nil  
**Budget Implications:** Nil  
**File Reference:** Administration 5  
**Voting Requirements:** Absolute majority

**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**

The Chief Executive Officer has prepared a new Delegated Authority Register for Council consideration.

The new register contains additional information from previous document, providing objective of each delegation and reference to the associated legislation.

The items marked in red are new and/or expanded delegations which need to be included in the register. They haven't been numbered at this stage and this will be completed once Council has adopted and/or amended the document to its satisfaction.

A copy of the draft document is circulated with the Council Meeting Agenda.

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

*CARRIED 7/0*

#### **8.1.4 LOCAL GOVERNMENT STRUCTURAL REFORM**

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Shire of Cuballing
<b>Reporting Officer:</b>	Peter Naylor, Chief Executive Officer
<b>Enabling Legislation:</b>	Nil
<b>Council Policy:</b>	Nil
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	C&A 7
<b>Voting Requirements:</b>	Simple Majority

#### **Background**

As previously reported to Council, on 11 December 2009, the Shire of Cuballing received a letter from the Minister for Local Government advising that he considers that the optimal reform option for the Shire of Cuballing is to engage with neighbouring local governments to form a Regional Transition Group. Help to form such a Group will be available from the Department of Local Government.

A Regional Transition Group will provide the structure for transitioning several local governments into a single entity by 2013 and is to be established under a formal agreement between the Department of Local Government and participating local governments and will facilitate the harmonisation of core functions and services across participating local governments. This process is intended to provide a seamless transition to a new entity and a new start while allowing for the staging of key elements of structural reform.

The core functions and services include, but are not restricted to:

- Strategic and community planning;
- Infrastructure planning and asset management;
- Economic development;
- Corporate services (IT, HR, records, finance, rating and other administrative functions);
- Planning and management of natural resources;
- Building and approval processes;
- Statutory and strategic land use planning;
- Environmental health; and
- Waste management.

The work of the Local Government Reform Steering Committee and the Department of Local Government is continuing and the Minister is to further consider matters relating to boundary change and elected member representation.

The Shire of Cuballing's overall position stated in its submission (29 September 2009) that if amalgamation is the only form of structural reform acceptable to the State Government, the Shire of Cuballing's preferred option is to amalgamate with the Shires of Narrogin & Wickepin and the Town of Narrogin, subject to certain key principles and conditions being agreed upon.



This grouping of Councils forms the Regional Transition Group in which the Shire of Cuballing has been identified.

In respect to this matter, at the December 2009 Meeting Council resolved as follows:

*That the correspondence from the Minister advising that the Shire of Cuballing's optimal reform option is to engage with neighbouring local governments to form a Regional Transition Group lay on the table until the February Ordinary Council meeting to allow Councillors time to consider the ramifications and also to receive further advice from the Department of Local Government regarding the costs involved of the proposal.*

Since the December 2009 Meeting the Local Government Reform issue has been heavily debated throughout the local government sector, culminating in a Local Government Forum at the Ascot Racecourse on Tuesday 9 February 2010. The speakers at the forum included Hon John Castrilli MLA, Minister for Local Government, Mr Paul Papalia MLA, Opposition Spokesperson, Hon Brendon Grylls MLA, Minister for Regional Development and Hon Robin Chapple MLC, Greens Representative. The Forum was attended by the Shire President, Deputy President and Chief Executive Officer.

The Minister for Local Government's address continued down the path that the reform process is voluntary and if Councils wanted to embrace the process they would receive assistance, both financial and other, from the State Government, and those Councils that do not wish to amalgamate can choose to do so, however he believes that taking this action will be detrimental to their communities and they risk losing future grant funding as both the State and Federal Governments will be keen to provide funding for regional and strategic projects in larger communities. The Minister also answered several predetermined questions and took questions from the floor.

Mr Papalia reiterated that the Labor Party does not support forced amalgamations of local governments. Brendon Grylls spent most of his time addressing the Royalties for Regions Country Local Government Fund however did conclude by stating that the National Party also does not support forced amalgamations. Robin Chapple concurred with the opposition to forced amalgamations.

The Shire President and Chief Executive Officer also attended a Regional Transition Group (RTG) Discussion at the Town of Narrogin on Thursday 11 February 2010. The discussion was conducted by officers from the Department of Local Government and was also attended by the Mayor/Presidents and Chief Executive Officers from the Shires of Narrogin & Wickepin and the Town of Narrogin.

The purpose of this discussion/meeting was for the departmental officers to provide an overview of the Regional Transition Group process.

Following this meeting a brief discussion was held between the representatives of the four local governments. Whilst all genuinely agree that the reform process is somewhat confusing and has been handled very poorly, they also feel it may be worthwhile entering into further discussions to consider the option of the RTG. Through the RTG process the preparation of a Regional Business Plan may help to determine (perhaps once and for all) if local government amalgamation is a serious course of action and also help the Councils be part of the decision making process and have some control of what happens to their respective local government areas.

Further to the above and at the March 18, 2010 Ordinary Meeting of Council, Council resolved:

*That Council supports the Shire President, Deputy President and Chief Executive Officer to participate in further discussions with the Shires of Narrogin & Wickepin and the Town of Narrogin in respect to the Minister for Local Governments Regional Transition Group proposal.*

**Comment:**

On Thursday 11 March 2010, Cr's Wittwer, Newman, Conley, Haslam, Hawksley & Meharry, and the Chief Executive Officer attended a meeting in Wickepin to address the proposed Regional Transition Group (RTG) process. The Shires of Narrogin & Wickepin and the Town of Narrogin were also represented at the meeting. The meeting was facilitated by Ms Joanne Burges from the WA Local Government Association.

The meeting addressed a whole range of factors and issues relating to the RTG process, including the following:

- If the LG Reform process is voluntary as the Minister for Local Government continually alludes to then why can't Council's choose to join a Regional Collaboration Group as opposed to a RTG;
- The Poll provisions are still included in the Local Government Act 1995 and there is no indication from the Minister that he plans to instigate an amendment for Schedule 2.1 to be removed;
- There is major concern that if the Councils proceed down the path of voluntary amalgamation that could be affected by future reduction in grant funding, unless amalgamation is done on a whole of State basis;
- Recent media from Queensland indicates that the cost of amalgamation has been exorbitant with 20% rate hike necessary because promised savings and cost efficiencies have failed to eventuate;
- Future provision of services in a large versus small local government environment;
- Need to take a strategic planning/needs analysis for the proposed RTG district;
- Very difficult for the four local governments to make an informed decision based on the apparent lack of information/direction from the State Government; and

- If the proposed RTG process is rejected, what next? Business as usual until possibly the State Government has the political will to force reform.

The Cuballing Shire Councillors formed the opinion that it is extremely difficult to make an informed decision and the matter will have to be heavily debated at this Council Meeting, however were in general agreement that the following recommendation be presented to the meeting for consideration.

The Minister has requested that he be advised by 26 March 2010 in respect to Councils willingness to participate in the RTG.

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

That:

1. The Shire of Cuballing agrees to participate in the proposed Regional Transition Group (RTG) process with the Shires of Narrogin & Wickepin and the Town of Narrogin subject to the following conditions:
  - All of the four local governments agreeing to participate in the process;
  - Consideration being given for the 18 Principles, as included in the Shire of Cuballing Local Government Structural Reform Submission, dated 29 September 2009, for inclusion in the Regional Business Plan (RBP);
  - The RTG process being totally funded by the State Government;
  - Written guarantee being given by the State Government that there will be no attempt to amend the Local Government Act 1995 to remove Schedule 2.1, which includes the Poll provisions;
  - The Terms of Reference for the RTG RBP to be set by the four participating local governments; and
  - The consultant/project officer for the RBP to be appointed by the four participating local governments.
2. Should a situation evolve that not all of the four local governments, being the Shires of Cuballing, Narrogin & Wickepin, and Town of Narrogin resolve to participate in the Regional Transition Group process then agreement be sought from the Minister for Local Government for the four local governments to work together in a Regional Collaborative Group.

### **COUNCIL ACTION**

**Moved Cr Hawksley, seconded Cr Newman that:**

1. **The Shire of Cuballing declines to participate in the proposed Regional Transition Group with the Shires of Narrogin and Wickepin, and the Town of Narrogin, as Council cannot see any financial, social and/or environmental benefit to the local community in pursuing this course of action.**

2. **The Shire of Cuballing will continue to work in a regional collaborative basis with all its neighbours to pursue more efficient and effective service delivery.**

*CARRIED 7/0*

In arriving at this decision Council considered the following main points:

- Lack of clear and constructive information, leadership and direction from the Minister for Local Government;
- Council doesn't perceive there is any value in the Shire of Cuballing proceeding with the proposed Regional Transition Group (RTG) as other participating local governments have indicated an unwillingness to work with Council to sustain existing service provision to the local community;
- There is concern at probable loss of service provision to the local community with larger local government authority being managed from Narrogin;
- Local Government Reform should be based on triple bottom line of economic, social and environment and not purely on economics alone;
- The whole Local Government Reform process needs to be more clearly planned and relevant issues from recent mergers in Queensland and other Australian States taken into consideration; and
- The State Government plan for less than 100 local governments in Western Australia needs to be properly planned and proposed courses of action to achieve this goal documented and presented to the local government sector for consideration and comment.

## 8.2 REPORTS – WORKS

### 8.2.1 WORKS MANAGERS REPORT

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

#### **GRADING/GENERAL MAINTENANCE**

Summer grading maintenance is proceeding throughout the Shire. A grader has also been working on occasional weekends to ensure the road network is maintained to a suitable standard.

Bitumen patching is still progressing throughout the Shire, at this stage on roads programmed for reseal or second coat seal as part of the 2009/2010 roads program.

Ron Panting from the Department of Corrective Services, Community and Juvenile Justice, continues to assist Council with various light maintenance duties. Ron and his crew have assisted with clean ups in Popanyinning, Yornaning Dam (including painting of the toilets with linseed oil), and the Dryandra Regional Equestrian Park.

#### **REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM, ROYALTIES FOR REGIONS AND MAJOR PROJECTS**

The Recreation Vehicle Area, Yornaning Water Harvest, Cuballing Mens Shed, Popanyinning Fire Shed, and Cuballing Cricket Practice projects have all been completed.

Works are continuing at the Dryandra Regional Equestrian Park. The equestrian clubs continue to relocate equipment to the new grounds. 50 x 6m logs were delivered on site from Picton by contractor whom collected and delivered the front end loader to and from Westrac. The logs are to be placed around the perimeter of the dressage arena to reduce erosion. Ablution facility was delivered on 9 March and septic system will be installed in near future. The Club held its first rally on Sunday 21 February and members were quite impressed with works carried out to date. There was a general feeling of positiveness within the group and feedback has been good.

Popanyinning Tennis Courts project is almost completed with just minor earthworks to be carried out to tidy up the perimeter of the courts.

Works are in progress erecting the portico on the northern side of the Popanyinning Community Hall, waiting on brickwork to be completed.

**2009/2010 ROAD CONSTRUCTION PROGRAM**

Tender has been let for the reseal and final seal works included on the 2009/2010 capital works program. These works should be completed prior to end of March 2010.

Works on the Popanyinning West Road has commenced and it is expected the shoulders will be treated with primer seal on 23 March 2010.

**PLANT AND EQUIPMENT**

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

The Cat FEL has been to Bunbury for repairs to the faulty mirror supports. All of the front windows were also replaced under warranty.

Air conditioning units in all vehicles have recently been checked by Narrogin Auto Electrics.

Final Kevrek crane has been fitted to Toyota utility CN.1557.

Plans for the extension of the machinery shed are in the process of being drawn up and quotation obtained from Westons.

**STAFF**

John Ramage is currently clearing six (6) weeks of accrued long service leave entitlements.

Alex Richardson, Works Manager, to clear two (2) weeks of annual leave commencing on 23 March 2010.

Darryl Stanton has been employed in a temporary capacity for six week period to assist with the annual roadside spraying program.

**PRIVATE WORKS**

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

Private works invoices for year to date total \$13,935.19.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That the Works Managers Report be received and information noted.**

**COUNCIL ACTION**

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

*CARRIED 7/0*

**8.2.2 BUSH FIRE INCIDENT REPORT/S**

**Submission to:** Ordinary Meeting of Council  
**Location/Address:** Various, Cuballing Shire  
**Reporting Officer:** Peter Naylor, Chief Executive Officer  
**Enabling Legislation:** Bush Fires Act 1954  
**Council Policy:** 6.1  
**Budget Implications:** Nil  
**File Reference:** Bush Fire Control 10  
**Voting Requirements:** Simple majority

**Background**

The following Bush Fire Incident Report/s has been received for recent fire/s within the Shire of Cuballing.

**Comment**

A summary of the fire/s is hereunder:

<b>Date</b>	<b>Property Owner</b>	<b>Details</b>
23 January 2010	C Hawksley Loc 6124 Wandering-Narrogin Rd Cuballing	Fire ignited by lightning strike. Fire quickly suppressed by 3 fast attack units.
9 February 2010	A Furphy Lot 21 Gaths Rd Yornaning	Fire ignited by lightning strike. Fire quickly suppressed by 10 fast attack units and Cuballing Town Brigade.
10 February 2010	K Pauley Lot 19 Pauley Rd Cuballing	Fire ignited by lightning strike (from previous day). Fire quickly suppressed by 2 fast attack units.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That the Bush Fire Incident Reports be noted and copy forwarded to the Fire and Emergency Services Authority of WA.**

**COUNCIL ACTION**

**Moved Cr Conley, seconded Cr McDougall that the Chief Executive Officers recommendation be adopted.**

*CARRIED 7/0*

**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:** Allan Ramsay, 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 four (4) application(s) approved and license(s) issued for the month of February 2010. Listed below is a summarized breakdown of the application(s) and proposed structure(s):

<b>Approval License No</b>	<b>Name of Owner</b>	<b>Registered Builder (RB) or Owner Builder (OB)</b>	<b>Structure</b>	<b>Location of Building</b>
20-2009/10	G McDougall	OB	84m2 Shed	Lot 2 (184) Campbell St Cuballing
21-2009/10	R & L Francis	OB	Patio	Lot 138 (65) York Rd Popanyinning
22-2009/10	S Craig	OB	Kitchen & Patio Addition	Lot 112 (62) Alexandra St Popanyinning
23-2009/10	M Gullotto	OB	Shed	Lot 100 Reeds Rd Popanyinning

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

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

**COUNCIL ACTION**

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

*CARRIED 7/0*



**8.4 REPORTS – TOWN PLANNING**

**8.4.1 GREAT SOUTHERN WASTE – APPLICATION TO DEVELOP MUNICIPAL RECYCLING FACILITY**

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Lot 56 Austral Street, Cuballing
<b>Reporting Officer:</b>	Peter Naylor, Chief Executive Officer
<b>Enabling Legislation:</b>	Planning and Development Act 2005
<b>Council Policy:</b>	Town Planning Scheme No 2
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	Town Planning 3
<b>Voting Requirements:</b>	Simple majority

**Background**

Planning Application from Great Southern Waste to develop a Municipal Recycling Facility at Lot 56 Austral Street in Cuballing townsite.

The property was formerly the site of the Dryandra Timber Products business that has now ceased.

Council has previously granted approval for a truck trailer fabrication business at this site. Unfortunately the sale of the property and development of the business appears to have fallen through. The Chief Executive Officer (CEO) hasn't had any recent contact with the business proponent on the matter, however there was some issue in relation to the type/standard of accommodation being proposed for the property and this may have contributed to the purchase of land and business venture not proceeding.

In recent times Mr Lindsay Sims, Managing Director of Great Southern Waste, Narrogin, has contacted the CEO in relation to purchasing the property and view to developing a Municipal Recycling Facility on the site. The CEO has followed this up with Council's Town Planning Consultant and it has been identified that such an enterprise could be described as "Industry Light" in Shire of Cuballing Town Planning Scheme No 2. This type of business has a "D" use in the TPS Zoning Table which means that the use is not permitted unless the local government has exercised its discretion by granting planning approval. There is not a requirement under the provisions of the TPS for the proposal to be advertised and/or referred to neighbouring property owners for comment/feedback.

Great Southern Waste has recently purchased recycling plant from Avon Waste and it is planned to construct a large shed on the property to locate the equipment and run the recycling facility. The operation of the equipment provides minimal noise and basically no pollution or odour. A fact concurred by Shire of York CEO, Mr Ray Hooper, who also advised that no complaints were received from neighbouring properties whilst the plant was operating at the owner of Avon Waste (Mr Graham Fisher) residential property in York.

Photographs of the plant in operation will be tabled at the Council meeting.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

That Council supports the application by Great Southern Waste to develop a Municipal Recycling Facility at Lot 56 Austral Street, Cuballing, subject to the following conditions:

- It will be responsibility of the business proprietor to ensure compliance with the Environmental Protection (Noise) Regulations 1997;
- Business hours to be restricted to 8:30am to 6:30pm Monday to Friday, and 8:30am to 12:00noon Saturday;
- The business workshop to be located in the south eastern portion of the property (furthest point from neighbouring residential properties);
- Preferred business access to the property being from Alton Street (eastern side of property);
- Establishment of buffer growth around perimeter of property to assist with noise control and improve aesthetic of the area; and
- Plans to be submitted to Council for approval in accordance the Building Code of Australia.

**COUNCIL ACTION**

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

*CARRIED 7/0*

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

Nil

10. **OTHER URGENT BUSINESS**

Nil

11. **CLOSURE OF MEETING**

There being no further business the Shire President declared the meeting closed at 4.43pm.