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with access to modern services and infrastructure,  
in a unique part of the world*

# **SUMMARY MINUTES**

of the

**Ordinary Meeting of Council**

held

**THURSDAY 15<sup>th</sup> JUNE 2017**

Shire of Cuballing  
Council Chambers  
Campbell Street, Cuballing

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## 1. DECLARATION OF OPENING:

The Shire President, Cr Conley, declared the meeting open at 2:03pm.

## 2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:

### 2.1.1 Attendance

Cr Mark Conley  
Cr Eliza Dowling  
Cr Scott Ballantyne  
Cr Tim Haslam  
Cr Roger Newman  
Cr Dawson Bradford

President  
Deputy President

Mr Gary Sherry  
Ms Tonya Williams

Chief Executive Officer  
Deputy Chief Executive Officer

Ms Raewyn Street  
One other member of the gallery.

### 2.1.2 Apologies

Nil

### 2.1.3 Leave of Absence

Nil

## 3. STANDING ORDERS:

### COUNCIL DECISION – 2017-41:

That Standing Orders be suspended for the duration of the meeting to allow for greater debate on items.

Moved: Cr Dowling

Seconded: Cr Bradford

Carried 6/0

## 4. PUBLIC QUESTION TIME:

### 4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE:

Nil

**4.2 WRITTEN QUESTIONS PROVIDED IN ADVANCE:**

Nil

**4.3 PUBLIC QUESTIONS FROM THE GALLERY:**

Nil

**5. APPLICATIONS FOR LEAVE OF ABSENCE:**

Nil

**6. CONFIRMATION OF MINUTES:**

6.1.1 Ordinary Meeting of Council held on Thursday 18<sup>th</sup> May 2017

**COUNCIL DECISION – 2017-42:**

That the minutes of the Ordinary Meeting of Council held on Thursday 18<sup>th</sup> May 2017 be confirmed as a true record of proceedings.

Moved: Cr Haslam

Seconded: Cr Dowling

Carried 6/0

**7. PETITIONS/DEPUTATIONS/PRESENTATIONS/  
SUBMISSIONS:**

Nil

**8. DISCLOSURE OF FINANCIAL INTEREST:**

Cr Conley declared a Financial Interest in Agenda Item 12.1.2 in that he has an ongoing business relationship with Mr Sexton.

Cr Newman declared a Financial Interest in Agenda Item 9.2.2 in that he has a lease arrangement with Optus for the land included in the development application.

Cr Dowling declared an Impartiality Interest in Agenda Item 9.2.4 in that she has an interest in land that fronts a section of Calcoran Road very near the Ducks Nuts Motorbike Park.

## **9. REPORTS OF OFFICERS AND COMMITTEES:**

The Shire President Cr Conley advised of a change in the order of proceedings and requested that Council consider Agenda Item 9.2.4 at this time.

Cr Dowling declared an Impartiality Interest in Agenda Item 9.2.4 in that she has an interest in land that fronts a section of Calcoran Road very near the Ducks Nuts Motorbike Park.

9.2.4 Reconsideration of refusal decision for the Development Application for an expanded Motorbike Park - Lot 101 Reeds Road, East Popanyinning

### **COUNCIL DECISION – 2017-43:**

That Council approve the Development Application for the proposed expansion of the Motorcycle Park operations on Lot 101 (Plan 60143), Reeds Road, East Popanyinning subject to the following conditions:

1. no more than 50 motorcycles are permitted to be operating at any one time;
2. of the 50 motorcycles permitted to be operating at any one time, a maximum of 20 motorcycles may be ridden on the motorcycle track (currently the Senior Track) closest to the north-eastern property boundary of Lot 101 (Plan 60143), Reeds Road, East Popanyinning;
3. no track shall be constructed or normal operation of the motorcycle park occur where a motorcycle is operated within 40 metres of the eastern boundary of Lot 101 (Plan 60143), Reeds Road, East Popanyinning;
4. the Senior (eastern most) Track will be constructed in a way that reduces the speed of the bikes by incorporating jumps, bends and curves;
5. the provision of a clear site plan/s which is to scale, is based on aerial photography, which shows all motorcycle the four tracks and existing facilities. The site plan/s are to be to satisfaction of the local government and are to be provided prior to the commencement of expanded operations on any realigned track;
6. unless otherwise restricted by when there is a Harvest and Movement of Machinery in Paddocks Ban, the Motorcycle Park operators shall be between:
  - a. 9.00am to 5.00pm on Sundays and public holidays; and
  - b. 8.00am to 5.00pm on Mondays, Wednesdays, Thursdays, Fridays and Saturdays;

The Motorcycle Park is to be closed to riders and clients on Tuesdays;

7. the applicant is to submit and gain local government approval of a Dust Suppression Plan, prior to the commencement of expanded operations. The approved Dust Suppression Plan is to be implemented and maintained to the satisfaction of the local government;

8. the applicant is to submit and gain local government approval of a Management Plan, prior to the commencement of expanded operations, which addresses the responsibility for the behaviour of riders, clients and visitors, minimises risks, promotes safety and promotes being a good neighbour. The approved Management Plan is to be implemented to the satisfaction of the local government; and
9. the applicant is to submit and gain local government approval of a Fire and Emergency Management Plan prior to the commencement of expanded operations. The approved Fire and Emergency Management Plan are to be implemented and maintained to the satisfaction of the local government.

#### **ADVICE**

- A) In relation to Condition 8, the Management Plan is to:
  - address the responsibility for rider/visitor behaviour and management measures to be implemented to minimise adverse impact on the amenity of the locality;
  - outline the approach to maximise the safety and security of riders/visitors;
  - seek the operation to be a good neighbour and be considerate of neighbours including noise, litter and the approach to reducing fire risks; and
  - highlight the requirement to not enter adjoining private land.
- B) Noise emissions must comply with the Environmental Protection (Noise) Regulations 1997. The Environmental Protection Act 1986 contains penalties where the assigned levels prescribed by the Environmental Protection (Noise) Regulations 1997 are exceeded.
- C) It is recommended that:
  - written policies and procedures on injury management and the transfer of injured people to medical care are developed and regularly reviewed;
  - appropriate evacuation resources are provided and maintained;
  - the applicant/operator has suitably trained personnel on-site whenever there are clients using the trails; and
  - creek crossings should be designed in accordance with the Department of Water's creek crossing brochure.
- D) The applicant/operator shall take all necessary steps to ensure the safety of persons visiting and working at the site at all times.
- E) The applicant/operator is to retain adequate public liability and personal accident insurances at all times.
- F) Any fuel or oil discharges associated with the Motorcycle Park must comply with the Environmental Protection (Unauthorised Discharges) Regulations 2004. The applicant/operator may consider the inclusion of designated bike repair/maintenance areas to reduce the risk of hydrocarbon discharge to the land and/or the creek.
- G) It is the responsibility of the applicant/operator to advise the local government when all conditions relating to the development have been satisfied. If all conditions have been appropriately met to the satisfaction of the local government,

the local government will provide written confirmation that the expanded operations can commence.

- H) The applicant/operator is advised that the local government reserves the right to cancel this approval where it is of the view that any or all of the conditions of approval are not being appropriately complied with.
- I) If the applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

Moved: Cr Bradford

Seconded: Cr Newman

Carried 5/1

The decision of Council is significantly different from the Officer's Recommendation because Council was of the opinion that:

- the application is consistent with other planning decisions of Council that have taken a proactive approach to the development of local business within the Shire of Cuballing; and
- the proposed activity is consistent with similar activities in a rural setting

Ms Street & the other member of the gallery left the meeting at 2:43pm

## 9.1 DEPUTY CHIEF EXECUTIVE OFFICER:

### 9.1.1 List of Accounts Submitted for Council Approval and Payment – May 2017

#### **COUNCIL DECISION – 2017-44:**

That Council receives the List of Accounts for May 2017 paid under delegated authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 payments including payments from Council's:

1. Trust Fund in May 2017 totalling \$25,409.95 included at Attachment 9.1.1A; and
2. Municipal Fund in May 2017 totalling \$169,557.25 included at Attachment 9.1.1B.

Moved: Cr Newman

Seconded: Cr Dowling

Carried 6/0

### 9.1.2 Statement of Financial Activity

#### **COUNCIL DECISION – 2017-45:**

That the Statement of Financial Activity, as included at Attachment 9.1.2A for the Shire of Cuballing for period ending 31st May 2017 be received

Moved: Cr Dowling

Seconded: Cr Ballantyne

Carried 6/0



9.1.3 Fees and Charges 2017/2018 Adoption

**COUNCIL DECISION – 2017-46:**

That Council adopt the draft Schedule of Fees and Charges for the 2017/2018 financial year effective as of 1st July 2017 as included at Attachment 9.1.3 with the addition of a fee for a daily hire of the Cuballing Oval of \$50 per day.

Moved: Cr Newman

Seconded: Cr Dowling

Carried 6/0

9.1.4 Related Party Transactions Policy

**COUNCIL DECISION – 2017-47:**

That Council adopt the Draft Related Party Transactions Policy included at Attachment 9.1.4A.

Moved: Cr Ballantyne

Seconded: Cr Dowling

Carried 6/0

9.1.5 Related Party Transactions Ordinary Citizen Transactions

**COUNCIL DECISION – 2017-48:**

That Council resolve that for the year ended 30<sup>th</sup> June 2017:

1. Paying Rates;
2. Fines;
3. Use of Shire of Cuballing owned facilities such as Recreation Centre, Civic Centre, library, parks, ovals and other public open spaces (whether charged a fee or not); and
4. Attending Council functions that are open to the public;

are Ordinary Citizen Transactions and have been provided to Key Management Personnel as defined in AASB124 on the same terms and conditions that apply to the general public and have been provided in the course of delivering public service objectives and are unlikely to influence the decision that users of Council's financial statements make.

Moved: Cr Dowling

Seconded: Cr Ballantyne

Carried 6/0

## **9.2 CHIEF EXECUTIVE OFFICER:**

### **9.2.1 2017/18 Appointment of Fire Control Officers**

#### **COUNCIL DECISION – 2017-49:**

**That Council:**

- 1. adopt the Shire of Cuballing Bushfire Advisory Committee's Recommendations to appoint:**
  - a. Anthony Mort as Chief Bush Fire Control Officer for 2017/18; and**
  - b. Graeme Dent as Deputy Chief Bush Fire Control Officer for 2017/18;**
  
- 2. appoint the following persons as Fire Control Officers for the Shire of Cuballing for the 2017/18 bush fire season:**

<b>CBFCO</b>	<b>Anthony Mort</b>
<b>DCBFCO</b>	<b>Graeme Dent</b>
<b>Popanyinning East:</b>	<b>Justin Page</b>
<b>Popanyinning Town:</b>	<b>Fred Chapman</b>
<b>Popanyinning West:</b>	<b>Craig Cousins</b>
<b>Cuballing East:</b>	<b>Mike Burges and Rob Harris</b>
<b>Cuballing West:</b>	<b>Nelson Young</b>
<b>Shire of Cuballing:</b>	<b>Gary Sherry and Bruce Brennan</b>
  
- 3. seek to have neighbouring Council's appoint the following persons as Dual Fire Control Officers for the 2017/18 bush fire season:**

<b>Shire of Narrogin:</b>	<b>Rob Harris</b>
<b>Shire of Wickepin:</b>	<b>Mike Burges</b>
<b>Shire of Pingelly:</b>	<b>Graeme Dent</b>
<b>Shire of Wandering:</b>	<b>Craig Cousins</b>
<b>Shire of Williams:</b>	<b>Nelson Young</b>
  
- 4. adopt the Shire of Cuballing Bushfire Advisory Committee's Recommendation to appoint Anthony Mort and Gary Sherry as Clover Burning Permit Officers.**

**Moved: Cr Newman**

**Seconded: Cr Haslam**

**Carried 6/0**

Cr Newman declared a Financial Interest in Agenda Item 9.2.2 in that he has a lease arrangement with Optus for the land included in the development application and left the Council Chamber at 3:39pm.

9.2.2 Application for Telecommunications Facility – Lot 2 Springhill Road, Cuballing

**COUNCIL DECISION – 2017-50:**

That Council approve the Development Application for a telecommunications facility at Lot 2 on Plan 14367 Springhill Road, Cuballing, subject to the following conditions:

1. the development hereby approved must be carried out in accordance with the plans submitted with the application, addressing all conditions, or otherwise amended by the local government and shown on the approved plan and these shall not be altered and/or modified without the prior knowledge and written consent of the local government;
2. this development approval shall lapse and be of no further effect if the development hereby permitted has not been substantially commenced within 2 years of the date hereof. Where the Development Approval has lapsed, no further development is to be carried out; and
3. any lighting devices are to be positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries, in accordance with Australian Standard AS4282/1997.

**ADVICE**

- A) All operations must be carried out in accordance with the separate requirements of the Australian Communications and Media Authority and Australian Radiation Protection and Nuclear Safety Agency pertaining (but not limited) to electromagnetic energy.
- B) The operator is encouraged to maintain a low-fuel area near the telecommunication facility.
- C) If the applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

Moved: Cr Ballantyne

Seconded: Cr Dowling

Carried 5/0

Cr Newman entered the Council Chamber at 3:42pm

9.2.3 Delegating Council Authority – 2017/18

**COUNCIL DECISION – 2017-51:**

That Council endorses the Shire of Cuballing Delegations Register June 2017 included at Attachment 9.2.3A Draft June 2017 Delegations Register as amended.

Moved: Cr Bradford

Seconded: Cr Haslam

Carried 6/0

9.2.5 Draft 2017 - 2027 Community Strategic Plan

**COUNCIL DECISION – 2017-52:**

That Council:

1. advertises the Draft Community Strategic Plan 2017-2027, included at Attachment 9.2.5A, for a six week consultation period inviting residents to have further input into the development of the document.
2. seek general community input through a community survey; and
3. after the consultation period submissions received be presented to Council for consideration and possible inclusion into the Plan prior to formal adoption.

Moved: Cr Newman

Seconded: Cr Bradford

Carried 6/0

**9.3 MANAGER OF WORKS & SERVICES:**

Nil

**9.4 ENVIRONMENTAL HEALTH OFFICER:**

Nil

**9.5 BUILDING OFFICER:**

Nil

**10. CONFIDENTIAL MATTERS:**

10.1.1 Lease Agreement – Dryandra Timber Products – 58 (Lot 1) Austral Street, Cuballing

**COUNCIL DECISION – 2017-53:**

**That Council:**

1. offer the draft Lease, included at Attachment 10.1.1A for 58 (Lot 1) Austral Street, Cuballing to Dryandra Timber Products;
2. delegate the Chief Executive Officer to make minor amendments to the draft lease included at for 58 (Lot 1) Austral Street, Cuballing in concluding negotiations with Dryandra Timber Products; and
3. authorise the Shire President and Chief Executive Officer to sign and seal the draft Lease for 58 (Lot 1) Austral Street, Cuballing, included at Attachment 10.1.1A with any negotiated minor amendments.

Moved: Cr Ballantyne

Seconded: Cr Bradford

Carried 6/0

11. **ELECTED MEMBERS' MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:**

Nil

12. **URGENT BUSINESS WITHOUT NOTICE WITH THE APPROVAL OF THE PRESIDENT OR MEETING:**

12.1.1 Urgent Business – Debt Write Off

**COUNCIL DECISION – 2017-54:**

**That Council consider the urgent business relating to the sale of obsolete materials.**

Moved: Cr Dowling

Seconded: Cr Ballantyne

Carried 6/0

Cr Conley declared a Financial Interest in Agenda Item 12.1.2 in that he has an ongoing business relationship with Mr Sexton and left the meeting at 4:01pm.

12.1.2 Sale of Shire of Cuballing Surplus or Obsolete Equipment

**COUNCIL DECISION – 2017-55:**

That Council accept the offer of purchase for four 14.00R24 grader tyres for \$500 (GST Exclusive) from Mr Steve Sexton of Cuballing.

Moved: Cr Dowling

Seconded: Cr Newman

Carried 5/0

Cr Conley entered the Meeting at 4:03pm.

**13. NEXT MEETING**

Special Council Meeting, 12.30pm, Wednesday 28<sup>th</sup> June 2017 at the Shire of Cuballing Council Chambers, Campbell Street, Cuballing.

Ordinary Council Meeting, 2.00pm, Thursday 20<sup>th</sup> July 2017 at the Shire of Cuballing Council Chambers, Campbell Street, Cuballing.

**14. CLOSURE OF MEETING:**

There being no further business, the Shire President, Cr Conley, closed the meeting at 4:04pm.