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SUMMARY MINUTES

of the

Ordinary Meeting of Council

held

WEDNESDAY 19th SEPTEMBER 2018

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	President
Cr Eliza Dowling (From – 2.06pm)	Deputy President
Cr Scott Ballantyne	
Cr Roger Newman	
Cr Tim Haslam	
Cr Dawson Bradford	
Mr Gary Sherry	Chief Executive Officer
Mr Richard Pares	Deputy Chief Executive Officer
Mr Bruce Brennan	Manager of Works and Services
Mr Paul Lewis	
Mr Sam Macnamara	
Mr Carry Van Empel	
Mr Brian Harwood	

2.1.2 Apologies

Nil

2.1.3 Leave of Absence

Nil

3. STANDING ORDERS:

COUNCIL DECISION – 2018/83:

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

Moved: Cr Newman

Seconded: Cr Ballantyne

Carried 5/0

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:

4.3.1 Cuballing Street Pruning – Beeston Street

Mr Paul Lewis asked about the recent tree pruning on streets in Cuballing townsite where the pruning of Beeston Street was included in advertising, however only a very small area of Beeston Street was actually pruned. Why was this the case?

The Manager Works and Services, Mr Bruce Brennan, advised that the machine that completed the pruning is very large, and best suited to pruning large areas of vegetation on rural roads. However to operate safely in a townsite situation, the area to be pruned is impacted by safety concerns over houses, vehicles and particularly power lines. The areas within Cuballing that could be pruned safely were completed, but other areas that required pruning were not. Parts of Beeston Street were pruned but other areas were not. Shire staff will complete some pruning later in the year.

4.3.2 Tree Change in the Shire of Cuballing

Mr Paul Lewis asked about a recent news report that indicated that an increasing number of people living in metropolitan Perth were retiring to country towns. Mr Lewis asked if the Shire of Cuballing should be looking to attract such people to the Shire.

Cr Dowling entered the Meeting at 2.06pm.

The Chief Executive Officer, Mr Gary Sherry, advised that he believed that the movement of retirees to rural areas was active in the Shire of Cuballing. The Shire of Cuballing has a large number of ratepayers who claimed the Senior and Pensioner rates discount. There are also significant number of rural lifestyle properties within the Shire that are owned by retirees or by people living in the metropolitan area who intend to retire to these properties in the future.

4.3.3 Shire Expenditure Queries

Mr Paul Lewis asked about recent Shire expenditure on:

- fluorescent light tubes. Mr Lewis believes that expenditure of \$33 per tube was very expensive.
- on a town planning consultant at \$121 per hour; Mr Lewis believes that this hourly rate is very expensive for an employee; and
- the CEO Credit card expenditure of \$2,395.63 listed as LGIS Golf Day.

In response:

- The Deputy Chief Executive Officer, Mr Richard Pares, advised that the LED fluorescent tubes represented good value to Council over the longer term because they lasted significantly longer than normal tubes, were considerably brighter, used substantially less electricity than other lights and were much safer because they don't shatter. The Shire has adopted a program to install these types of lights into all Shire buildings over a number of years;
- The Chief Executive Officer, Mr Gary Sherry, advised that the town planning consultant was not an employee but a contractor who was only paid for work completed, met all his own overhead costs and provided his own equipment; and
- The Chief Executive Officer, Mr Gary Sherry, advised that the CEO Credit card expenditure listed did include expenditure on a local government golf day, but also expenditure on the Local Government Supervisors conference, local government week expenses, fuel expenses, roadside clearing permit application costs and bank fees.

4.3.4 Cuballing Golf Club Lease - Insurance

Mr Paul Lewis asked about the Council policy of paying the insurance on the club house at the Cuballing Golf Club highlighted in their recently signed lease agreement. Mr Lewis believed that this insurance cost should be paid by the Golf Club.

The Chief Executive Officer, Mr Gary Sherry, advised that the Council payment of insurance of the Cuballing Golf Club building does reflect that this building is a Shire asset. The recent signing of a lease agreement only formally established the long standing arrangements between Council and the Cuballing Golf Club. Further the Cuballing Golf Club members maintained the Golf Club land and have at their expense completed significant improvements at the Golf Club. The Shire payment of the club house insurance does also reflect that the Council insures buildings used by the Cuballing Cricket Club, Cuballing Tennis Club and other community groups.

4.3.5 Cuballing Mens Shed – Improving Toilets

Mr Carry Van Empel, Secretary of the Cuballing Mens Shed (CMS), sought Council assistance for the Cuballing Mens Shed to upgrade their Mens Shed to include a toilet facility.

The CMS are looking to, or have been requested to, consider activities from their Mens Shed premises including:

- a regular Womens Shed. This has been very successful at the Wickepin Mens Shed and there is interest from local residents;
- youth activities. This could be an after school activity or school holiday program; and
- activities for the elderly who could visit from the Karinya Nursing Home.

All of these activities require improved toilet facilities to proceed.

The CMS had looked at constructing a toilet and yesterday bid on an unused transportable disabled toilet facility on a surplus auction site. Unfortunately, although the CMS was the highest bidder, the auction did not meet the reserve. The cost of the facility is \$7,000 with additional buyers premium and GST.

The Shire President, Cr Conley, advised that the Council was considering the Mens Shed proposal at this meeting and would look to assist where possible.

4.3.6 Gate Permit – Unmade Road Reserve - Townsendale

Mr Sam Macnamara, asked about the Council process in considering his request for a gate permit.

The Shire President, Cr Conley, advised that the Council were considering Mr Macnamara's permit today and the matter would be finalised today.

4.3.7 Application for Development Approval - 1 Ridley Street, Cuballing

Mr Paul Lewis expressed his concerns over the development application at Ridley Street, Cuballing that is before Council.

The Shire President, Cr Conley, advised that Mr Lewis that Council was aware of Mr Lewis's comments submitted to Council as part of the development application process and Council would consider them when reviewing the development application at this meeting.

5. APPLICATIONS FOR LEAVE OF ABSENCE:

Cr Bradford requested Leave of Absence from the October 2018 Ordinary Meeting of Council.

COUNCIL DECISION – 2018/84:

That Council grant Cr Bradford Leave of Absence from the October 2018 Ordinary Meeting of Council.

Moved: Cr Dowling

Seconded: Cr Ballantyne

Carried 6/0

6. CONFIRMATION OF MINUTES:

6.1.1 Ordinary Meeting of Council held on Wednesday 15th August 2018

COUNCIL DECISION – 2018/85:

That the minutes of the Ordinary Meeting of Council held on Wednesday 15th August 2018 be confirmed as a true record of proceedings.

Moved: Cr Dowling

Seconded: Cr Bradford

Carried 6/0

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

Nil

8. DISCLOSURE OF FINANCIAL INTEREST:

Cr Bradford declared a Direct Financial Interest in 11.1.2 in that he has an ongoing contractual arrangement with Great Southern Fuel Supplies.

Mr Sherry declared a Direct Financial Interest in 12.1.1 in that he is the Officer being reviewed.

9. REPORTS OF OFFICERS AND COMMITTEES:

9.1 DEPUTY CHIEF EXECUTIVE OFFICER:

9.1.1	List of Accounts Submitted for Council Approval and Payment – August 2018
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COUNCIL DECISION – 2018/86:

That Council receives the List of Accounts for August 2018 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 August 2018 totalling \$14,508.15 included at Attachment 9.1.1A; and
2. Municipal Fund in August 2018 totalling \$147,764.02 included at Attachment 9.1.1B.

Moved: Cr Dowling

Seconded: Cr Newman

Carried 6/0

The Shire President, Cr Conley, advised of a change in the order of proceedings and requested that Council consider Agenda Item 9.2.2, 9.2.4 and 9.2.3 at this time.

9.2.2	Gate Permit – Unnamed Road Reserve - Townsendale
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OFFICER'S RECOMMENDATION:

That Council grant permission to Mr Sam Macnamara to erect a gate on unnamed road reserve identified in Attachment 9.2.2A subject to:

1. The exact position of the gate determined with on-site in consultation with the Shire of Cuballing's Manager Works & Services to ensure that vehicles stopping to open/close the gate do not impact on other traffic on Nottles Road;

2. The gate permit is valid until 31st August 2021 and the permit holder shall reapply for permission within 3-months prior to this date. If the permit holder does not reapply for the permit by the due date, Council will issue a written notice to have the gate removed;
3. the gate shall not be locked;
4. the gate is to be constructed to the standard of a rural gate as determined by the Manager Works & Services and shall not include any electrified or barbed wire;
5. the payment of any gate permit fees and charges imposed by the Shire of Cuballing at any time;
6. the costs for constructing and maintaining the gate are the responsibility of the permit holder;
7. this permit does not allow rubbish, disused or used materials to be placed on any portion of the road reserve;
8. this permit does not allow permanent grazing of the road reserve at any time and requires the continued preservation and reasonable maintenance of Mr Macnamara's boundary fence adjoining the road reserve.
9. the permit holder shall ensure any clearing of vegetation required to construct and maintain the gate complies with the EP (Clearing of Native Vegetation) Regulations 2004; and
10. this gate permit may be cancelled at any time by written notice issued by Council if the above conditions of approval are not being satisfactorily maintained.

Cr Dowling advised that Mr Gath had advised her that information had been excluded from the Officer's Report. Cr Dowling asked the Chief Executive Officer what information was not in the Officer's Report.

The Chief Executive Officer, Mr Gary Sherry, advised that in his discussions with Mr Gath, Mr Gath believed the Officer's Report should have included that:

- **the Chief Executive Officer had not discussed this matter with the previous owner of the property Mr Ian Nottle;**
- **Mr Gath believed that his reputation had been damaged because of rumours circulating that he had stolen sheep from his neighbours property; and**
- **the gate was erected in the unnamed road reserve between 20th and 27th of August and between 31st August and 3rd September. Mr Gath believes that this is an obvious breach of the Local Government Act and that the Shire should have taken action. The gate was only taken down after each of these occasions when Mr Gath advised the Chief Executive Officer of the fact it was up.**

COUNCIL DECISION – 2018/87:

That Council refuse permission to Mr Sam Macnamara to erect a gate on unnamed road reserve identified in Attachment 9.2.2A.

Moved: Cr Haslam

Seconded: Cr Bradford

Carried 4/2

Council did not resolve the Officer's Recommendation because:

- 1. gate permits haven't been a practice within the Shire of Cuballing in the past; and**
- 2. issuing a gate permit will not solve issues between neighbours.**

Mr Macnamara left the Council Chamber at 2.45pm.

9.2.4 Application for Development Approval – two sheds, one sea container and the storage and sale of firewood, sand, gravel and mulch at Lot 120 (No. 1) Ridley Street, Cuballing

COUNCIL DECISION – 2018/88:

That Council approve the Development Application for two sheds, one sea container and the storage and sale of firewood, sand, gravel and mulch at Lot 120 on Plan 104400 (No. 1) Ridley Street, Cuballing subject to the following conditions:

- 1. the development approval, for the storage and sale of firewood, sand, gravel and mulch, is granted for a 3 year approval period only (to 21 September 2021). To continue operating after 21 September 2021, there is a need to lodge a new development application to the Shire;**
- 2. a clear site development plan, is submitted and approved by the local government, prior to the commencement of operations;**
- 3. the development hereby approved must be carried out in accordance with the plans and specifications submitted with the application (addressing all conditions) or otherwise amended by the local government and shown on the approved plans and these shall not be altered and/or modified without the prior knowledge and written consent of the local government;**
- 4. this approval for the sheds and sea container shall expire if the development hereby approved has not been substantially commenced within a period of three years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the local government. Where the development approval has lapsed, no further development is to be carried out;**
- 5. the provision of details prior to occupation as to how stormwater will be addressed for the proposed development to the satisfaction of the local government. The stormwater facilities provided in accordance with this condition shall be**

- permanently maintained in an operative condition to the satisfaction of the local government;
6. the applicant/operator is to ensure that noise levels are considerate of adjoining and nearby properties at all times which comply with the Environmental Protection (Noise) Regulations 1997 (and any associated amendments);
 7. the use hereby approved must not create community safety concerns, or otherwise adversely affect the amenity of the subject locality by reason of (or the appearance or emission of) smoke, fumes, vibration, odour, vapour, dust, waste water, waste products or other pollutants;
 8. the hours of operation are limited to between 7.30am to 5.30pm Monday to Friday and 8.30am to 5.30pm Saturday, not including any public holidays;
 9. the landowner/operator shall maintain the site in a tidy condition so as not to prejudicially affect the amenity of the area;
 10. prior to the commencement of operations, the landowner/operator is to provide details of how waste material (including bark) will be appropriately disposed to the satisfaction of the local government;
 11. the applicant/operator is to implement dust control measures to the satisfaction of local government on an on-going basis;
 12. the applicant is required to submit a Landscape and Planting Plan to the satisfaction of local government prior to the commencement of site works, which is implemented prior to 21 September 2019;
 13. the landscaped and planted area shall be maintained to the satisfaction of the local government at all times;
 14. a Bushfire Management Plan to be prepared and implemented to the satisfaction of the local government prior to occupation. Thereafter, the approved Bushfire Management Plan shall be subsequently maintained to the satisfaction of the local government;
 15. the vehicular crossover onto Corrie Street is to be designed, constructed and drained to the satisfaction of the local government prior to occupation and thereafter suitably maintained by the applicant/operator;
 16. the external walls and roof of the sheds are clad in colourbond colours to the satisfaction of the local government; and
 17. the sheds are not used for habitable purposes.

ADVICE:

- A) In relation to Condition 12, this includes the planting of a minimum 5 metre wide landscaping strip adjoining the western boundary and a minimum 3 metre wide landscaping strip adjoining the northern boundary to screen the firewood, sand, gravel and mulch storage.
- B) In relation to Condition 14, the property is classified as a Bush Fire Prone Area as set out at <https://maps.slip.wa.gov.au/landgate/bushfireprone/>.

- C) To address Shire of Cuballing Town Planning Scheme No. 2 requirements, a Building Permit should be lodged as soon as possible for a dwelling on Lot 120 Ridley Street. The dwelling is required to be completed and occupied by the applicant/operator by 21 September 2021
- D) The applicant should ensure they drive responsibly on Corrie Street and encourage their customers to likewise drive responsibly on Corrie Street.
- E) Some signs are exempt from development approval while other signs require a Development Application to the Shire. Please contact the Shire for further details.
- F) Advertising signs that are visible from the Great Southern Highway/Ridley Street may need approval from Main Roads WA. Further information is available from Main Roads WA.
- F) The applicant is encouraged to review the orientation of the dwelling to address passive solar design.
- G) The applicant is encouraged to revegetate portions of the drainage line that dissects the property given it flows into Hotham River South.
- H) 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 Dowling

Seconded: Cr Ballantyne

Carried 6/0

9.2.3 Cuballing Mens' Shed Redevelopment

COUNCIL DECISION – 2018/89:

That Council:

1. support the Cuballing Mens' Shed plans, included at Attachment 9.2.3A to upgrade the Mens' Shed at 97 Alton Street, Cuballing;
2. agree to consider financial support in the 2019/20 financial year to implement the Cuballing Mens' Shed plans;
3. continue to provide inkind assistance the Cuballing Mens' Shed Inc to develop funding options for implementing their plans; and
4. request staff to review existing sewage waste disposal facilities at the Cuballing CWA Hall, Cuballing Agricultural Hall, Shire of Cuballing Depot and Cuballing Mens' Shed and develop any option required to improve these facilities.

Moved: Cr Ballantyne

Seconded: Cr Newman

Carried 6/0

The Meeting was adjourned at 3.24pm.
Mr Van Empel, Mr Lewis and Mr Harwood left the meeting at 3.24pm.

The Meeting resumed at 3.31pm

9.1.2 Statement of Financial Activity

COUNCIL DECISION – 2018/90:

That the Statement of Financial Activity, as included at Attachment 9.1.2A, for the Shire of Cuballing for period ending 31st July 2018 be received.

Moved: Cr Ballantyne

Seconded: Cr Bradford

Carried 6/0

9.2 CHIEF EXECUTIVE OFFICER:

9.2.1 Firebreak Order 2018/19

COUNCIL DECISION – 2018/91:

That Council adopt the draft Firebreak Order 2018/19 as included at Attachment 9.2.1B.

Moved: Cr Newman

Seconded: Cr Bradford

Carried 6/0

9.2.5 Application for Development Approval: Manufacturing Shed – Lot 22 Francis Street, Popanyinning

COUNCIL DECISION – 2018/92:

That Council approve the Development Application for a manufacturing shed at Lot 22 on Plan 223056 (No. 92) Francis Street, Popanyinning subject to the following conditions:

1. this approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the local government. Where the Development Approval has lapsed, no further development is to be carried out;
2. the development hereby approved must be carried out in accordance with the plans and specifications 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;

3. all run-off resulting from wash-down of the manufacturing area is to be directed to a leach drain or greywater system approved by the local government. Details to be provided with the Building Permit to the satisfaction of the local government. The approved design and system are to be implemented to the satisfaction of the local government prior to occupation;
4. the provision of details with the Building Permit as to how stormwater will be addressed for the proposed development to the satisfaction of the local government. The local government will require that all stormwater from the manufacturing shed and impervious areas are collected, detained and suitably treated on site to the satisfaction of the local government prior to occupation. The stormwater facilities provided in accordance with this condition shall be permanently maintained in an operative condition to the satisfaction of the local government;
5. the applicant/operator is to ensure that noise levels are considerate of adjoining and nearby properties at all times which comply with the Environmental Protection (Noise) Regulations 1997 (and any associated amendments);
6. the applicant/operator is to implement dust control measures to the satisfaction of local government on an on-going basis;
7. the applicant is required to submit a Landscape and Planting Plan to the satisfaction of local government prior to the commencement of site works, which is implemented prior to to occupation;
8. any landscaped and planted area shall be maintained by the operator to the satisfaction of the local government at all times; and
9. the vehicular crossover onto Francis Street is to be designed, constructed, sealed and drained to the satisfaction of the local government and Main Roads Western Australia prior to 31 December 2019.

ADVICE

- A) The applicant is advised that this Development Approval is not a Building Permit. *A Building Permit must be formally applied for and obtained before the commencement of any site and/or development works.*
- B) The applicant is advised that the approved development must comply with all relevant provisions of the National Construction Code (Building Code of Australia).
- C) In relation to Condition 4, stormwater is to be suitably detained on site (e.g. rainwater tanks, soakwells). The local government will support stormwater run-off being connected to a Shire stormwater legal point of discharge provided it is appropriately designed via a soakwell/silt pit to the satisfaction of the local government.
- A) In relation to Condition 7, this could include:
 - the planting a row of trees and/or bushes, adjoining the Lot 22 Francis Street frontage, prior to occupation to the satisfaction of the local government; or
 - the continuation of the colourbond screen fence across the front of Lot 22 Francis Street.

- D) The property is classified as a Bush Fire Prone Area as set out at <https://maps.slip.wa.gov.au/landgate/bushfireprone/>. The applicant/operator is encouraged to develop and regularly review a Bushfire Emergency Evacuation Plan for the property.
- E) The applicant/operator is reminded of their general environmental duty to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
- F) The local government encourages the applicant/operator to consider matters including the location of property boundaries, and the preparation of a concept plan/development guide plan and future zoning.
- G) 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 Newman

Seconded: Cr Dowling

Carried 6/0

9.3 MANAGER OF WORKS AND SERVICES:

Nil

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

Nil

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

11.1.1 Urgent Business – Purchase of Diesel – Commitment to Supply Agreement

COUNCIL DECISION – 2018/93:

That Council consider the urgent confidential business relating to the purchase of diesel.

Moved: Cr Ballantyne

Seconded: Cr Newman

Carried 6/0

Cr Bradford declared a Direct Financial Interest in 11.1.2 in that he has an ongoing contractual arrangement with Great Southern Fuel Supplies and left the Council Chamber at 3.46pm.

11.1.2 Purchase of Diesel - Commitment to Supply Agreement

COUNCIL DECISION – 2018/94:

That Council enter into the Commitment to Supply Agreement included at Confidential Attachment 11.1.2 for a five year agreement for Great Southern Fuel Supplies to supply diesel to the Shire of Cuballing.

Moved: Cr Dowling

Seconded: Cr Newman

Carried 5/0

Cr Bradford returned to the meeting at 3.52pm.

12. CONFIDENTIAL MATTERS:

Mr Sherry declared a Direct Financial Interest in 12.1.1 in that he is the Officer being reviewed and left the Council Chamber at 3.54 pm.

Mr Pares and Mr Brennan left the meeting at 3.54pm.

12.1.1 Chief Executive Officer – Performance and Salary Review

COUNCIL DECISION – 2018/95:

That Council:

1. note the Chief Executive Officer performance review process including the findings of the collated Chief Executive Officer Review document as presented in Attachment 12.1.1A;
2. will develop Key Performance Indicators (KPIs), based on those detailed in the review document as presented in Attachment 12.1.1A, that will form the basis for performance measurement at the Chief Executive Officers 2018/19 Review; and
3. these KPI's will be considered by Council at the October 2018 Ordinary Council meeting.

Moved: Cr Dowling

Seconded: Cr Ballantyne

Carried 6/0

13. NEXT MEETING

Ordinary Council Meeting, 2.00pm, Wednesday 17th October 2018 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 4.45pm.