



*A progressive, diverse and caring community,
with access to modern services and infrastructure,
in a unique part of the world*

SUMMARY MINUTES

of the

Ordinary Meeting of Council

held

WEDNESDAY 16th DECEMBER 2020

Shire of Cuballing
Council Chambers
Campbell Street, Cuballing

COUNCIL MEETING PROCEDURES

1. All Council meetings are open to the public, except for matters raised by Council under “confidential items”.
2. Members of the public may ask a question at an ordinary Council meeting at “Public Question Time”.
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceedings, just raise your hand when the Presiding Member announces Public Question Time.
4. All other arrangements are in accordance with the Council’s standing orders, policies and decisions of the town.

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Cuballing for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Cuballing disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person’s or legal entity’s own risk.

In particular, and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Cuballing during the course of any meeting is not intended to be and is not taken as notice or approval from the Shire of Cuballing. The Shire of Cuballing warns that anyone who has an application lodged with the Shire of Cuballing must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of that application and any conditions attaching to the decision made by the Shire of Cuballing in respect of the application.

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1. DECLARATION OF OPENING:

The Shire President, Cr Conley, declared the meeting open at 2.02pm.

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:

2.1.1 Attendance

Cr Mark Conley	President
Cr Eliza Dowling	Deputy President
Cr Scott Ballantyne	
Cr Dawson Bradford	
Cr Robert Harris	
Cr Deb Hopper	
Mr Gary Sherry	Chief Executive Officer
Ms Bronwyn Dew	Deputy Chief Executive Officer
Mr Bruce Brennan	Manager of Works and Services

2.1.2 Apologies

Nil

2.1.3 Leave of Absence

Nil

3. STANDING ORDERS:

COUNCIL DECISION – 2020/129:

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

Moved: Cr Ballantyne

Seconded: Cr Dowling

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 Wednesday 18th November 2020

COUNCIL DECISION – 2020/130:

That the Minutes of the Ordinary Meeting of Council held on Wednesday 18th November 2020 be confirmed as a true record of proceedings.

Moved: Cr Dowling

Seconded: Cr Harris

Carried 6/0

7. PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS:

Nil

8. DISCLOSURE OF FINANCIAL INTEREST:

Cr Bradford declared a Financial Interest in 9.2.4 in that he is the applicant.

Cr Dowling declared an Impartiality Interest in 11.1.3 in that she has been invited to the event.

9. REPORTS OF OFFICERS AND COMMITTEES:

9.1 DEPUTY CHIEF EXECUTIVE OFFICER:

9.1.1 List of Payments – November 2020

COUNCIL DECISION – 2020/131:

That Council receives:

- 1. the List of Accounts paid in November 2020 under delegated authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, including payments from Council's Municipal Fund totalling \$368,142.22 included at Attachment 9.1.1A; and**

2. a summary of transactions completed on Credit Cards by Council Staff for the period ending 31st October 2020 included at Attachment 9.1.1B.

Moved: Cr Hopper

Seconded: Cr Bradford

Carried 6/0

9.1.2 Statement of Financial Activity – 30th November 2020

COUNCIL DECISION – 2020/132:

That the Statement of Financial Activity, as included at Attachment 9.1.2A for the Shire of Cuballing for period ending 30th November 2020 be received.

Moved: Cr Hopper

Seconded: Cr Ballantyne

Carried 6/0

9.1.3 Sale of Property – Outstanding Rates

COUNCIL DECISION – 2020/133:

That Council:

1. pursuant to Section 6.64(1)(b) of the Local Government Act 1995, proceed with the sale by public auction of 202 Cuballing East Road Cuballing WA 6311 which has rates and services in arrears for 3 or more years;
2. should the sale by public auction of 202 Cuballing East Road Cuballing WA 6311 be unsuccessful then pursuant to Section 6.64(1)(d) of the Local Government Act 1995, proceed with the transfer of that property to the Shire of Cuballing; and
3. delegate authority to the Chief Executive Officer to complete these transactions.

Moved: Cr Hopper

Seconded: Cr Harris

Carried 6/0

9.1.4 Provision of Online Licensing Services – Variation and Extension of Agreement

COUNCIL DECISION – 2020/ 134:

That Council:

1. approve DOT964017 variation and extension to the agreement for the Provision of Licensing Services in Shire of Cuballing in Terms of Section 11 of the Road Traffic (Administration) Act 2008 included at Attachment 9.1.34; and

2. approve DOT964017 variation and extension to the agreement for the provision of non-road law functions in Shire of Cuballing included at Attachment 9.1.4B.

Moved: Cr Bradford

Seconded: Cr Dowling

Carried 6/0

9.2 CHIEF EXECUTIVE OFFICER:

9.2.1 Council Meeting Schedule 2021

COUNCIL DECISION – 2020/135:

That Council adopt the following Schedule of Council Meetings for 2021:

1	Wednesday 17 February 2021	Ordinary Meeting	2:00 PM	Council Chambers
2	Wednesday 17 March 2021	Ordinary Meeting	2:00 PM	Council Chambers
3	Wednesday 21 April 2021	Ordinary Meeting	2:00 PM	Popanyinning Hall
4	Wednesday 19 May 2021	Ordinary Meeting	2:00 PM	Council Chambers
5	Wednesday 16 June 2021	Ordinary Meeting	2:00 PM	Council Chambers
6	Wednesday 21 July 2021	Ordinary Meeting	2:00 PM	Council Chambers
7	Wednesday 18 August 2021	Ordinary Meeting	2:00 PM	Council Chambers
8	Wednesday 15 September 2021	Ordinary Meeting	2:00 PM	Council Chambers
9	Wednesday 20 October 2021	Ordinary Meeting	2:00 PM	Council Chambers
10	Wednesday 17 November 2021	Ordinary Meeting	2:00 PM	Council Chambers
11	Wednesday 15 December 2021	Ordinary Meeting	2:00 PM	Council Chambers

Moved: Cr Hopper

Seconded: Cr Ballantyne

Carried 6/0

9.2.2 Management Plans for Independent Aged Living Units

COUNCIL DECISION – 2020/136:

That Council adopt the:

1. Independent Living Seniors Accommodation - Management Practices - December 2020 included at Attachment 9.2.2A;
2. Independent Living Units Housing Management Manual December 2020 included at Attachment 9.2.2B; and
3. Handbook for Tenants December 2020 included at Attachment 9.2.2C.

Moved: Cr Hopper

Seconded: Cr Ballantyne

Carried 6/0

Mr Brennan left the meeting at 3.15pm.

Mr Brennan entered the meeting at 3.16pm.

COUNCIL DECISION – 2020/137:

That Council approve the retrospective Development Application for a piggery and associated expansion of the piggery (animal husbandry – intensive) including various sheds, shelters and an additional effluent pond at Lot 2909 on Deposited Plan 111431 (No. 16007) and Lot 6461 on Deposited Plan 121905 Great Southern Highway, Yornaning, subject to the following conditions:

- 1. 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;**
- 2. the applicant shall prepare and submit a Drainage Management Plan to the specification and satisfaction of the local government, prior to the local government registering the piggery under the Shire of Cuballing Health Local Laws 2007, which sets out:**
 - (i) attenuation measures such as earth bunds and interceptor drains to limit off-site impacts;**
 - (ii) that waste water run-off and by-products from piggery operations including machinery, plant and equipment wash-down will drain into a suitable treatment system/s;**
 - (iii) how the design addresses relevant Water Quality Protection Note 26 and Note 39 prepared by the Department of Water; and**
 - (iv) how wastewater will not contaminate groundwater or surface waters;**
- 3. the approved Drainage Management Plan is to be suitably implemented to the satisfaction of the local government prior to the local government registering the piggery under the Shire of Cuballing Health Local Laws 2007;**
- 4. the applicant to implement dust control measures for the piggery to the satisfaction of local government on an on-going basis;**
- 5. a Fire Management Plan to be prepared and implemented to the satisfaction of the local government prior to the local government registering the piggery under the Shire of Cuballing Health Local Laws 2007. Thereafter, the approved Fire Management Plan shall be subsequently maintained to the satisfaction of the local government;**
- 6. an Environmental Management Plan, with the exception of the proposed effluent pond location, to be implemented and maintained to the satisfaction of the local government;**

7. as part of the Environmental Management Plan, the proposed effluent pond is to be located on cleared land to the satisfaction of the local government with details agreed prior to the commencement of site works; and
8. the reuse of effluent and the spreading of sludge on the landowner's properties is setback a minimum of 50 metres from waterways and made roads and a minimum of 20 metres from property boundaries to neighbours and is applied in a way that minimises amenity impact on the locality are to the satisfaction of the local government.

ADVICE

- A) In relation to conditions 6, 7 and 8, the native vegetation on Lot 6461 (along with other parts of the application area) contain significant biodiversity values which are a Federal Government responsibility. Biodiversity assets are mapped as containing 'Wheatbelt Woodlands' which are a Threatened Ecological Community (TEC) under the Environment Protection and Biodiversity Conservation Act 1999.
- B) The applicant is advised that the piggery must comply with other statutory requirements including the Public Health Act 2016, Health (Miscellaneous Provisions) Act 1911 and the Shire of Cuballing Health Local Laws 2007. The piggery shall be registered with the local government as an offensive trade under the Shire of Cuballing Health Local Laws 2007.
- C) The applicant is advised that the piggery is required to gain a Works Approval and a licence from the Department of Water and Environmental Regulation (DWER). The applicant is encouraged to contact DWER to confirm regulatory requirements under the Environment Protection Act 1986 and the Environmental Protection Regulations 1987.
- D) The local government encourages the applicant to:
 - (i) comply with the National Environmental Guidelines for Indoor Piggeries (2018) or any updates;
 - (ii) be registered and operated in accordance with the Australian Pork Industry Quality Assurance Program;
 - (iii) undertake appropriate mortalities management practices to prevent groundwater and surface water contamination, odour nuisance, spread of infectious diseases and vermin breeding;
 - (iv) establish and maintain a complaints management system; and
 - (v) report any environmental incident promptly to the Department of Water and Environmental Regulation and to the local government.
- E) It is the responsibility of the applicant to advise the local government when all conditions relating to the development have been satisfied.
- F) The application site is located within the Murray Surface Water Area as proclaimed under the Rights in Water and Irrigation Act 1914.
- G) The applicant is encouraged, as part of the Environmental Management Plan, to construct suitable fencing between the piggery operations on Lot 2909 and in the north-west section of Lot 6461 and the native vegetation on Lots 6461.

- H) The applicant is encouraged to seek advice from the Hotham Williams Catchment Council about protecting the native vegetation on Lot 6461 from any negative impacts of the piggery operations on Lot 2909 and in the north-west section of Lot 6461.
- 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 Hopper

Seconded: Cr Dowling

Carried 6/0

Cr Bradford declared a Financial Interest in 9.2.4 in that he is the applicant and left the meeting at 3.26pm.

9.2.4 Change of Use - 1531 West Yornaning Road, Lol Gray (Lot 2 on Diagram 31806)

COUNCIL DECISION – 2020/138:

That Council approve the change of use change is use of a farm building is sought to establish a depot for stock feed sales at 1531 West Yornaning Road, Lol Gray (Lot 2 on Diagram 31806) conditional upon:

1. development/land use shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government;
2. if the subject development has not substantially commenced within 2 years, the approval shall lapse and be of no further effect;
3. the facility is permitted to operate 24 hours a day, 7 days per week;
4. prior to occupation or use of the development, the vehicular crossovers onto Springhill Road are to be located, designed, constructed, sealed and drained to the satisfaction of the local government. Thereafter, the operator shall appropriately maintain these areas to the satisfaction of the local government; and
5. a Fire Management Plan to be prepared and implemented to the satisfaction of the local government prior to comment of operations. Thereafter, the approved Fire Management Plan shall be subsequently maintained to the satisfaction of the local government.

ADVICE

- A. Currently the Restricted Access Vehicles (RAV) are not permitted to access Yornaning West Road from Narrogin Wandering Road;

- B. In relation to proposed crossovers, any gates should be off set to ensure heavy vehicles or other vehicles are not blocking Springhill Road when entering the site;**
- C. The local government encourages the operator to liaise with the school bus operator who accesses Yornaning West Road to establish a traffic schedule to avoid potential conflict with school bus operations;**
- D. The local government encourages the operator to install low speed signage within the site;**
- 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. If an applicant is aggrieved by this determination there is a right (pursuant to the Planning and Development Act 2005) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.**

Moved: Cr Hopper

Seconded: Cr Ballantyne

Carried 6/0

Cr Bradford returned to the meeting at 3.36pm.

9.2.5 Appointment of Popanyinning Town FCO

COUNCIL DECISION – 2020/139:

That Council appoint Mr Wayne Bird as Fire Control Officer for the Popanyinning Town area.

Moved: Cr Dowling

Seconded: Cr Ballantyne

Carried 6/0

9.2.6 Planning Application – Grouped Development – Lot 7 Alton Street And Lot 90 Beeston Street, Cuballing

COUNCIL DECISION – 2020/140:

That Council approve the development application on Lot 7 Alton Street and Lot 90 Beeston Street, Cuballing, conditional upon:

- 1. development/land use shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government;**
- 2. 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 Council. Where the Planning Approval has lapsed, no further development is to be carried out;

3. the vehicular crossover between the subject land and Ridley Street is to be designed, constructed and drained to the satisfaction of the Council;
4. 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;
5. prior to occupation or use of the development, the vehicular crossovers onto Alton Street are to be located, designed, constructed, sealed and drained to the satisfaction of the local government. Thereafter the vehicle cross over shall be maintained to the satisfaction of the local government;
6. the proponent is required to submit a Landscape and Planting Plan to the satisfaction of the Council;
7. the site is landscaped and planted in accordance with the approved Landscape and Planting Plan; and
8. the landscaped and planted area shall be maintained to the satisfaction of the Council at all times.

ADVICE NOTES

- A. In relation to Condition 3, stormwater is to be suitably detained on site (e.g. rainwater tanks, soakwells). The Council 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 Council.
- B. If an applicant is aggrieved by this determination there is a right (pursuant to the Planning and Development Act 2005) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

Moved: Cr Harris

Seconded: Cr Hopper

Carried 6/0

9.2.7 Application 160215 – Lot 7 Alton Street And Lot 90 Beeston Street, Cuballing

COUNCIL DECISION – 2020/141:

That Council advise the Western Australian Planning Commission that it supports Application 160215 for the amalgamation of Lot 7 Alton Street And Lot 90 Beeston Street, Cuballing.

Moved: Cr Harris

Seconded: Cr Dowling

Carried 6/0

9.3 MANAGER OF WORKS AND SERVICES:

9.3.1 Sale at Public Auction of Surplus Equipment – Komatsu GD555-5 Motor Grader

COUNCIL DECISION – 2020/142:

That Council sell Council's existing Komatsu GD555-5 motor grader, registration 1GJO538 by auction with a reserve price of \$104,500 (GST Inclusive).

Moved: Cr Bradford

Seconded: Cr Ballantyne

Carried 6/0

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 - Cuballing Rail Reserve Draft Concept Design

COUNCIL DECISION – 2020/143:

That Council consider the urgent business relating to the consideration of the draft Cuballing Rail Reserve Concept Design and permission to camp at 81 Alton Street Cuballing.

Moved: Cr Dowling

Seconded: Cr Ballantyne

Carried 6/0

11.1.2 Cuballing Rail Reserve Concept Design – Consideration of Draft

COUNCIL DECISION – 2020/144:

That in the draft Cuballing Railway Reserve Concept Plan included at Attachment 11.1.2A, Council:

1. supports moving the Heritage Machinery Display but does not support moving the Heritage Machinery Display to Alton Street;
2. does support an Art Walk at the north east end of the railway reserve, but does not support a dedicated parking area at this location;
3. does support the Popup Drive In as a unique idea that is possible in the space; and

4. supports the remainder of the concepts and ideas in the draft Cuballing Railway Reserve Concept Plan.

Moved: Cr Ballantyne

Seconded: Cr Hopper

Carried 6/0

11.1.3 Permission to Camp – 81 Alton Street, Cuballing

Cr Dowling declared an Impartiality Interest in 11.1.3 in that she has been invited to the event.

COUNCIL DECISION – 2020/145:

That Council permit parking and camping by up to 30 guests of Mr John Robertson at 81 Alton Street, Cuballing on Thursday 31st December 2020 conditional upon:

1. camping is strictly permitted for only for this event on Thursday 31st December 2020 and Friday 1st January 2020. Permission to camp ceases at 10am on Friday 1st January 2020;
2. camping is only permitted in a swag, tent, camping trailer, caravan or motor home, manufactured for the purpose of camping;
3. no alcohol is permitted to be consumed on 81 Alton Street, Cuballing at any time;
4. no camp fires are permitted on the Council property;
5. any mobile power generators external to a vehicle should not be used after 9pm or before 7am;
6. if dogs accompany campers, the Dog Act 1976 and the Shire of Cuballing Dog Local Law applies;
7. all rubbish must be collected for disposal; and
8. noise at the site of camping at Thursday 31st December 2020 should be minimised between 11pm and 8am.

Moved: Cr Bradford

Seconded: Cr Hopper

Carried 6/0

12. CONFIDENTIAL MATTERS:

12.1.1 2021 Australia Day Citizenship Awards

COUNCIL DECISION – 2020/147:

That Council embargo the publication of the 2021 Citizen of the Year until after the Shire of Cuballing’s Australia Day event where the 2021 Citizen of the Year award will be announced.

Moved: Cr Hopper

Seconded: Cr Ballantyne

Carried 6/0

13. NEXT MEETING:

Ordinary Council Meeting, 2.00pm, Wednesday 17th February 2021 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 4.01pm.