

*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**

**THURSDAY 15th OCTOBER 2015**

Shire of Cuballing

Council Chambers

Campbell Street, Cuballing

**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 conservations 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 with 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.

**Minutes**

[1. DECLARATION OF OPENING: 4](#_Toc433641592)

[2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE: 4](#_Toc433641593)

[2.1.1 Attendance 4](#_Toc433641594)

[2.1.2 Apologies 4](#_Toc433641595)

[2.1.3 Leave of Absence 4](#_Toc433641596)

[3. STANDING ORDERS: 4](#_Toc433641597)

[4. PUBLIC QUESTION TIME: 4](#_Toc433641598)

[4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE: 4](#_Toc433641599)

[4.2 WRITTEN QUESTIONS PROVIDED IN ADVANCE: 5](#_Toc433641600)

[4.3 PUBLIC QUESTIONS FROM THE GALLERY: 5](#_Toc433641601)

[4.3.1 Reduction in Waste Disposal Site Opening Hours 5](#_Toc433641602)

[4.3.2 Rates Incentive Prize 5](#_Toc433641603)

[4.3.3 Popanyinning School 5](#_Toc433641604)

[4.3.4 Proposed Regional Waste Disposal Site 6](#_Toc433641605)

[4.3.5 Proposed Regional Waste Disposal Site 6](#_Toc433641606)

[4.3.6 Proposed Regional Waste Disposal Site 7](#_Toc433641607)

[5. APPLICATIONS FOR LEAVE OF ABSENCE: 7](#_Toc433641608)

[6. CONFIRMATION OF MINUTES: 7](#_Toc433641609)

[6.1.1 Ordinary Meeting of Council held on Thursday 17th September 2015 7](#_Toc433641610)

[7. PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS: 7](#_Toc433641611)

[8. DISCLOSURE OF FINANCIAL INTEREST: 7](#_Toc433641612)

[9. REPORTS OF OFFICERS AND COMMITTEES: 9](#_Toc433641613)

[9.1 DEPUTY CHIEF EXECUTIVE OFFICER: 9](#_Toc433641614)

[9.1.1 List of Accounts Submitted for Council Approval and Payment – September 2015 9](#_Toc433641615)

[9.1.2 Statement of Financial Activity 9](#_Toc433641616)

[9.1.3 Financial Systems Review 9](#_Toc433641617)

[9.1.4 Annual Report 2014/2015 10](#_Toc433641618)

[9.2 CHIEF EXECUTIVE OFFICER: 10](#_Toc433641619)

[9.2.1 Special Meeting of Council – Elect President, Deputy President and Committee positions 10](#_Toc433641620)

[9.2.2 10 Year Road Construction Program 10](#_Toc433641621)

[9.2.3 Proposed Demolition of Popanyinning School 12](#_Toc433641622)

[9.2.4 Waste Management Issues 13](#_Toc433641623)

[9.3 MANAGER WORKS & SERVICES REPORT: 14](#_Toc433641624)

[9.4 ENVIRONMENTAL HEALTH OFFICER: 14](#_Toc433641625)

[9.5 BUILDING OFFICER: 14](#_Toc433641626)

[10. ELECTED MEMBERS’ MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN: 14](#_Toc433641627)

[11. URGENT BUSINESS WITHOUT NOTICE WITH THE APPROVAL OF THE PRESIDENT OR MEETING: 14](#_Toc433641628)

[11.1.1 Urgent Business - Wheatbelt South Aged Housing Alliance 14](#_Toc433641629)

[11.1.2 Wheatbelt South Aged Housing Alliance - MOU 15](#_Toc433641630)

[12 CONFIDENTIAL ITEM: 15](#_Toc433641631)

[13 NEXT MEETING 15](#_Toc433641632)

[14 CLOSURE OF MEETING: 15](#_Toc433641633)

# DECLARATION OF OPENING:

The Shire President, Cr Conley, declared the meeting open at 3.03pm.

# ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:

### 2.1.1 Attendance

Cr Mark Conley President

Cr Roger Newman Deputy President

Cr Scott Ballantyne

Cr Dawson Bradford

Cr Eliza Dowling

Cr Tim Haslam

Mr Gary Sherry Chief Executive Officer

Ms Tonya Williams Deputy Chief Executive Officer

Mr Bruce Brennan Works Supervisor

Mr C Hawksley

Mr S Maughan

Ms D Hopper

Mr S Paice

Mr H Rozmianiec

### 2.1.2 Apologies

Nil

### 2.1.3 Leave of Absence

Nil

# STANDING ORDERS:

**COUNCIL DECISION:**

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

**Moved: Cr Haslam Seconded: Cr Newman**

**Carried 6/0**

# PUBLIC QUESTION TIME:

## RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE:

Nil

## WRITTEN QUESTIONS PROVIDED IN ADVANCE:

Nil

## PUBLIC QUESTIONS FROM THE GALLERY:

4.3.1 Reduction in Waste Disposal Site Opening Hours

Ms Hopper, after to referring to the proposed reduction in opening hours at the Cuballing and Popanyinning Waste Disposal sites, asked if this would result in more waste being illegally dumped. Further Ms Hopper believed that this could negatively impact farming residents who would not have access to kerbside waste collection.

The Shire President, Cr Conley, thought that the proposed opening hours would not result in an increase in illegally dumped waste. The introduction of a voluntary kerbside waste collection would significantly reduce the number of times residents would require access to a waste disposal site. Further with the waste collection vehicle travelling between Popanyinning and Cuballing there will be the opportunity for some farming residents to access the kerbside waste and recycling collection.

4.3.2 Rates Incentive Prize

Mr Rozmianiec outlined an issue with Council’s rates incentive prize that he recently won. The prize was a nights accommodation at Caves House, but was conditional upon on Mr Rozmianiec purchasing another nights accommodation. Therefore it would cost him $160 to access his Council prize. Mr Rozmianiec thought a gift voucher for a local business may be a better option for Council.

The Shire President, Cr Conley, advised that Council would consider Mr Rozmianiec’s situation in offering a rates incentive prize next year.

4.3.3 Popanyinning School

Mr Maughan outlined his views on the Council’s proposal to demolish the Popanyinning School. Mr Maughan has lived in Popanyinning for 9 years and is aware of the historic value and fond memories that many local residents have of the School.

Mr Maughan advised that, as a Christian, he offered church services from the Popanyinning School until the white ants made it not possible. While Mr Maughan now conducts the weekly service in the Popanyinning Hall, the group’s preference is to use the School building.

Mr Maughan was aware of the cost of repairs required at the Popanyinning School and believed that it was a good investment.

In Mr Maughan’s opinion the general consensus of the Popanyinning public was the School should be restored and remained in Council control. The Popanyinning community did not support the sale or demolition of the building.

Mr Maughan advised that the public buildings in Popanyinning included the:

* Popanyinning Hall that is in very good condition;
* the restored Popanyinning Railway station that is in great condition but does not have power and water connected and is owned by Brookfield Rail; and
* the Popanyinning School.

Mr Maughan’s future use of the Popanyinning School site was as a community radio station. Mr Maughan expected to be able to access a radio mast and if this mast was erected at the School, this could be used to broadcast a community based radio station with Christian values.

The Shire President, Cr Conley, thanked Mr Maughan for contributing to the debate about the Popanyinning School and Council would consider his views. Cr Conley advised that Council were considering this matter later in the meeting and he anticipated that Council would conduct a community meeting in the near future.

4.3.4 Proposed Regional Waste Disposal Site

Mr Paice asked about the status of the planning application for the proposed Regional Waste Disposal Site. In particular Mr Paice asked how long a planning application could remain without being decided. Also as the Great Southern Regional Waste Group’s MOU with the owners of the Nebrikinning Road site had now expired, how did this impact on the planning application.

The Chief Executive Officer, Mr Sherry, advised that a decision on the planning application could not proceed without a determination of the Environmental Protection Agency (EPA). The EPA had originally decided that no formal review was required, however this has been overturned on appeal. Mr Sherry advised that he was not aware of any time limit existed on planning applications or if a limit. Cr Conley took this section of Mr Paice’s question on notice and an answer would be provided to Mr Paice after further research.

With regard to the expiry of the Great Southern Regional Waste Group’s MOU with the owners of the Nebrikinning Road site, Mr Sherry advised that the owners of the property were required to sign the planning application form and if they chose they could withdraw their support for the planning application at any time. Should the property owners choose to withdraw support, the planning application would lapse.

4.3.5 Proposed Regional Waste Disposal Site

Mr Hawksley asked for an update on the Environmental Protection Agency’s (EPA) recent visit to Cuballing. Mr Hawksley asked who had met with the EPA on behalf of the Shire of Cuballing.

The Shire President, Cr Conley, advised that the Chairman of the EPA, Mr Paul Vogel, had visited the Shire of Cuballing and met with members of the Great Southern Regional Waste Group on Wednesday 7th October 2015. Cr Conley and the Shire Chief Executive Officer represented the Shire of Cuballing.

Mr Vogel had outlined the process of EPA consideration of the proposed Regional Waste Disposal Site to date and the Minister’s recent decision to require the EPA to assess the proposal. Mr Vogel outlined that the Minister only required the EPA to assess the impact of feral animal predation on the Dryandra Woodlands. Other areas of concern such as hydrological processes and water quality would not be assessed by the EPA, as it was the Minister’s opinion that these matters could be handled by DER in the licensing process.

Mr Vogel advised that the EPA could complete an assessment in two ways, being Assessment on Proponent Information or Public Environmental Review. The first method would suffice if the EPA believed that the proponent, in this case the Great Southern Regional Waste Group, could provide information that would meet the assessment requirements. If that information did not exist, a full Public Environmental Review would be required.

4.3.6 Proposed Regional Waste Disposal Site

Mr Hawksley asked about the impact of forthcoming changes to the Department of Environmental Regulation guidelines for Waste Disposal sites, including substantially increased buffer zones.

The Shire President, Cr Conley, advised that he was aware that future DER guidelines would impact on the proposed Regional Waste Disposal and that they had the potential to impact on Council’s desire to move from Landfills to transfer stations in the townsites in the Shire of Cuballing. Cr Conley advised that Council would continue to move through the process of regulation for all waste management activities.

**Mr Maughan, Mr Paice and Mr Rozmianiec left the meeting at 3.30pm.**

# APPLICATIONS FOR LEAVE OF ABSENCE:

Nil

# CONFIRMATION OF MINUTES:

### 6.1.1 Ordinary Meeting of Council held on Thursday 17th September 2015

**COUNCIL DECISION:**

**That the minutes of the Ordinary Meeting of Council held on Thursday 17th September 2015 be confirmed as a true record of proceedings.**

**Moved: Cr Dowling Seconded: Cr Newman**

**Carried 6/0**

# PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS:

Nil

# DISCLOSURE OF FINANCIAL INTEREST:

**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.

**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.

Cr Newman declared a Proximity Interest in item 9.2.2 in that he owns or leases property beside a road included in the 10 Year Road Construction Plan.

Cr Ballantyne declared a Proximity Interest in item 9.2.2 in that he owns or leases property beside a road included in the 10 Year Road Construction Plan.

Cr Bradford declared a Proximity Interest in item 9.2.2 in that he owns or leases property beside a road included in the 10 Year Road Construction Plan.

Cr Dowling declared a Proximity Interest in item 9.2.2 in that he owns or leases property beside a road included in the 10 Year Road Construction Plan.

Cr Haslam declared a Proximity Interest in item 9.2.2 in that he owns or leases property beside a road included in the 10 Year Road Construction Plan.

The Chief Executive Officer, Mr Sherry advised the meeting that that, in accordance with the authority delegated by the Minister for Local Government, the Executive Director Sector Regulation and Support has approved the Shire of Cuballing’s application, dated 14 October 2015, under section 5.69(3) of the local Government Act 1995 for -

• Councillors Roger Newman, Scott Ballantyne, Eliza Dowling, Timothy Haslam and Dawson Bradford of the Shire to remain present at the Ordinary Council Meeting to be held 15 October 2015 and to participate in the discussion and decision making procedures relating to Item 9.2.2 - 10 Year Road Construction programme.

The provided approval is subject to the following conditions:

1. The approval is valid for the 15 October 2015 Ordinary Council Meeting when item 9.2.2 is considered;

2. You, as the CEO, are to provide a copy of the Department's letter of approval to the abovementioned Councillors;

3. The disclosing Councillors must declare the nature and extent of their interest at the 15 October 2015 Ordinary Council Meeting immediately prior to the matter being considered, together with the approval given;

4. You, as the CEO, are to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, where the item is considered;

5. You, as the A/CEO, are to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval; and

6. The approval granted is based solely on the disclosures of interest made in accordance with the application. Should other interests be identified, these interests will not be included in this approval.

# REPORTS OF OFFICERS AND COMMITTEES:

## 9.1 DEPUTY CHIEF EXECUTIVE OFFICER:

### 9.1.1 List of Accounts Submitted for Council Approval and Payment – September 2015

**COUNCIL DECISION:**

**That Council notes the Chief Executive Officer’s List Of Accounts for September 2015 paid under Delegated Authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 included at Attachment 9.1.1A including payments from:**

**1. the Municipal fund totalling $216,063.48; and**

**2. the Trust Fund totalling $22,342.05**

**Moved: Cr Bradford Seconded: Cr Newman**

**Carried 6/0**

### 9.1.2 Statement of Financial Activity

**COUNCIL DECISION:**

**That the Statement of Financial Activity, as included at Attachment 9.1.2A for the Shire of Cuballing for period ending 30th September 2015 be received.**

**Moved: Cr Newman Seconded: Cr Haslam**

**Carried 6/0**

9.1.3 Financial Systems Review

**COUNCIL DECISION:**

**That Council endorse the scope and quotation from Butler Settineri to conduct a Financial Systems Review commencing in November 2015.**

**Moved: Cr Haslam Seconded: Cr Dowling**

**Carried 6/0**

### 9.1.4 Annual Report 2014/2015

**AUDIT COMMITTEE RECOMMENDATION:**

**That Council**

1. **Accept the Management Report for the financial year ended 30th June 2015 as included at Attachment 9.1.4A;**
2. **Accept the Audit Report for the financial year ended 30th June 2015 as included at Attachment 9.1.4B;**
3. **Accept the Annual Report for the financial year ended 30th June 2015 as included at Attachment 9.1.4C; and**
4. **Hold the Annual Electors Meeting on Thursday 19th November 2015 at 6.30pm in the Shire of Cuballing Council Chambers.**

**This matter was not considered by Council because the Audit Report Was not been received in time.**

## 9.2 CHIEF EXECUTIVE OFFICER:

9.2.1 Special Meeting of Council – Elect President, Deputy President and Committee positions

**COUNCIL DECISION:**

**That Council hold a Special Meeting of Council to be held at 5.30pm on Thursday 22nd October 2015 at the Shire of Cuballing Council Chambers to conduct the election of Councillors to the Positions of Shire President, Deputy Shire President and to appoint Councillors to committees.**

**Moved: Cr Dowling Seconded: Cr Newman**

**Carried 6/0**

9.2.2 10 Year Road Construction Program

Cr Newman declared a Proximity Interest in item 9.2.2 in that he owns or leases property beside a road included in the 10 Year Road Construction Plan.

Cr Ballantyne declared a Proximity Interest in item 9.2.2 in that he owns or leases property beside a road included in the 10 Year Road Construction Plan.

Cr Bradford declared a Proximity Interest in item 9.2.2 in that he owns or leases property beside a road included in the 10 Year Road Construction Plan.

Cr Dowling declared a Proximity Interest in item 9.2.2 in that he owns or leases property beside a road included in the 10 Year Road Construction Plan.

Cr Haslam declared a Proximity Interest in item 9.2.2 in that he owns or leases property beside a road included in the 10 Year Road Construction Plan.

The Chief Executive Officer, Mr Sherry advised the meeting that, in accordance with the authority delegated by the Minister for Local Government, the Executive Director Sector Regulation and Support has approved the Shire of Cuballing’s application, dated 14 October 2015, under section 5.69(3) of the local Government Act 1995 for -

• Councillors Roger Newman, Scott Ballantyne, Eliza Dowling, Timothy Haslam and Dawson Bradford of the Shire to remain present at the Ordinary Council Meeting to be held 15 October 2015 and to participate in the discussion and decision making procedures relating to Item 9.2.2 - 10 Year Road Construction programme.

The provided approval is subject to the following conditions:

1. The approval is valid for the 15 October 2015 Ordinary Council Meeting when item 9.2.2 is considered;

2. You, as the CEO, are to provide a copy of the Department's letter of approval to the abovementioned Councillors;

3. The disclosing Councillors must declare the nature and extent of their interest at the 15 October 2015 Ordinary Council Meeting immediately prior to the matter being considered, together with the approval given;

4. You, as the CEO, are to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, where the item is considered;

5. You, as the A/CEO, are to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval; and

6. The approval granted is based solely on the disclosures of interest made in accordance with the application. Should other interests be identified, these interests will not be included in this approval.

**COUNCIL DECISION:**

**That Council adopt the draft 10 Year Road Construction Program included at Attachment 9.2.2A.**

**Moved: Cr Ballantyne Seconded: Cr Haslam**

**Carried 6/0**

9.2.3 Proposed Demolition of Popanyinning School

OFFICER’S RECOMMENDATION:

That Council:

1. note the submissions set out in Attachment 9.2.3C and request that staff respond to the submitters thanking them for their submission;

2. conduct a public meeting on Wednesday 11th November 2015 at the Popanyinning Town Hall to further discuss:

a. Council’s intention to consider the demolition of the Popanyinning School; and

b. new and alternative community uses for the Popanyinning School that would make the renovation of the Popanyinning School a beneficial activity for Council;

c. the possible sale of the Popanyinning School to a private individual and what conditions Council should consider in any sale;

3. request staff to provide information on the possibility of private purchase of the Popanyinning School site or building for a private purchase; and

4. consider at a future meeting of Council the proposed demolition of the Popanyinning School.

**MOTION:**

**That Council:**

**1. note the submissions set out in Attachment 9.2.3C and request that staff respond to the submitters thanking them for their submission;**

**2. conduct a public meeting on Wednesday 11th November 2015 at the Popanyinning Town Hall to further discuss:**

**a. Council’s intention to consider the demolition of the Popanyinning School; and**

**b. new and alternative community uses for the Popanyinning School that would make the renovation of the Popanyinning School a beneficial activity for Council;**

**3. request staff to provide information on the possibility of private purchase of the Popanyinning School site or building for a private purchase; and**

**4. consider at a future meeting of Council the proposed demolition of the Popanyinning School.**

**Moved: Cr Ballantyne**

**Motion lapsed for want of a Seconder.**

**COUNCIL DECISION:**

**That Council:**

**1. note the submissions set out in Attachment 9.2.3C and request that staff respond to the submitters thanking them for their submission;**

**2. conduct a public meeting on Wednesday 11th November 2015 at the Popanyinning Town Hall to further discuss:**

 **a. Council’s intention to consider the demolition of the Popanyinning School; and**

 **b. new and alternative community uses for the Popanyinning School that would make the renovation of the Popanyinning School a beneficial activity for Council;**

 **c. the possible sale of the Popanyinning School to a private individual and what conditions Council should consider in any sale;**

**3. request staff to provide information on the possibility of private purchase of the Popanyinning School site or building for a private purchase; and**

**4. consider at a future meeting of Council the proposed demolition of the Popanyinning School.**

**Moved: Cr Haslam Seconded: Cr Newman**

**Carried 6/0**

9.2.4 Waste Management Issues

**COUNCIL DECISION:**

**That Council:**

**1. because of the closer proximity of residences, construct the Cuballing Waste Transfer station in 2015/16 using grant funding received through the Great Southern Regional Waste Group;**

**2. plan to complete construction of the Popanyinning Waste Transfer Station in 2016/17;**

**3. acknowledge that there will be a considerable number of years before the commencement of operations of the Great Southern Regional Waste Groups Regional Waste Disposal site;**

**4. support the Great Southern Regional Waste Group to establish a short term regional waste site solution to operate while the Regional Waste Disposal site is being developed;**

**5. move to have Council staff supervise the operations of the Popanyinning and Cuballing Waste Disposal/Transfer Stations;**

**6. seek interest from local residents in Council providing a voluntary kerbside waste collection; and**

**7. seek interest from local residents in Council providing a voluntary kerbside recycling collection service.**

**Moved: Cr Newman Seconded: Cr Haslam**

**Carried 6/0**

## 9.3 MANAGER WORKS & SERVICES REPORT:

Nil

## 9.4 ENVIRONMENTAL HEALTH OFFICER:

Nil

## 9.5 BUILDING OFFICER:

Nil

# ELECTED MEMBERS’ MOTION OF WHICH PREVIOUSNOTICE HAS BEEN GIVEN:

Nil

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

11.1.1 Urgent Business - Wheatbelt South Aged Housing Alliance

**COUNCIL DECISION:**

**That Council** **consider the urgent business relating to Wheatbelt South Aged Housing Alliance.**

**Moved: Cr Haslam Seconded: Cr Newman**

**Carried 6/0**

**Ms Hopper left the meeting at 4.51pm.**

11.1.2 Wheatbelt South Aged Housing Alliance - MOU

**COUNCIL DECISION:**

**That Council:**

**1. supports a regional approach to construct dedicated aged persons independent living units;**

**2. agrees to enter into a Memorandum of Understanding to establish the Wheatbelt South Aged Housing Alliance; and**

**3. agrees to contribute $3,500 as seed funding to the Alliance for development of a Business Plan to attract State and/or Federal funding to construct aged persons independent living unit in the various communities.**

**Moved: Cr Newman Seconded: Cr Ballantyne**

**Carried 6/0**

**12 CONFIDENTIAL ITEM:**

Nil

**13 NEXT MEETING**

3pm, Thursday 19th November 2015 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 4.55pm.