



SHIRE OF CUBALLING

**ORDINARY COUNCIL MEETING
HELD ON THURSDAY 30 JULY 2009**

MINUTES

SHIRE OF CUBALLING

COUNCIL MEETING THURSDAY 30 JULY 2009

AGENDA

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ORDINARY COUNCIL MEETING MINUTES

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE
CUBALLING SHIRE, HELD IN THE COUNCIL CHAMBER, CAMPBELL
STREET, CUBALLING ON THURSDAY 30 JULY 2009**

1. OPENING – ANNOUNCEMENT OF VISITORS

The Shire President welcomed Councillors and declared the meeting open at 3:05pm.

2. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

ATTENDANCE

Shire President, Cr TH Wittwer
Deputy President, Cr JD Brown
Cr DS Bradford (from 3:20pm)
Cr TP Haslam
Cr C Hawksley
Cr JR A Meharry
Cr RD Newman
Chief Executive Officer, Mr P T Naylor

3. APOLOGIES

Nil

4. LEAVE OF ABSENCE

Nil

5. **MINUTES**

5.1 **CONFIRMATION OF 25 JUNE 2009 ORDINARY MEETING OF COUNCIL**

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the minutes (as circulated) of the ordinary meeting of the Shire of Cuballing held in the Council Chambers on 25 June 2009 be confirmed.

COUNCIL ACTION

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

CARRIED 6/0

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

Council discussed the Narrogin Equestrian and Pony Club's relocation to Cuballing.

7. **DISCLOSURES OF INTEREST**

Councillors' and Employees' Disclosures of Interest.

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

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

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

Item 8.1.5:

Mr Peter Naylor, Chief Executive Officer, declared a Financial Interest in this item.

Item 8.1.6:

Councillors Brown, Haslam, Meharry, Newman & Wittwer declared a Proximity Interest in this item as proposed road works on the Draft Budget is adjacent to property that they own, is owned by family members, and/or they occupy in a professional capacity.

In accordance with the provisions of S5.69 of the *Local Government Act 1995*, the Minister for Local Government has approved for the disclosing members (Councillors Brown, Haslam, Meharry, Newman & Wittwer) to fully participate in the discussion and adoption of the 2009/2010 Budget.

7.2 **DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY**

Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the Member or employee has given or will give advice.

8.1 REPORTS – FINANCE AND ADMINISTRATION

8.1.1 LIST OF ACCOUNTS SUBMITTED FOR COUNCIL APPROVAL AND PAYMENT – JULY 2009

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

Background

Council is supplied with a list of payments for consideration.

Comment

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

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council:

- **Approve for payment the list of Creditors paid from the Municipal fund, as detailed below, totalling \$207,493.83:**

Vouchers 13116-13188	\$111,065.67
Electronic fund transfers	\$ 94,577.84
Credit Card	\$ 1,850.32

- **Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$829.05:**

Voucher T2070	\$ 53.40
Vouchers T2105-T2107	\$ 775.65

COUNCIL ACTION

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

CARRIED 6/0

Cr Bradford attended the meeting at 3:20pm.

**Shire of Cuballing
Cheque Detail
June 18 through July 23, 2009**

<u>Type</u>	<u>Num</u>	<u>Date</u>	<u>Name</u>	<u>Description</u>	<u>Original Amount</u>
Bill Pmt - Cheque	13116	18/06/2009	Allpack Signs	Arrow warning, childrens crossing, arrow sign	-910.80
Bill Pmt - Cheque	13117	18/06/2009	AUSTRALIA POST	May Account West Australian	-27.30
Bill Pmt - Cheque	13118	18/06/2009	Baileys Hotel Motel	Training - Alex Richardson 5/06/2009	-108.00
Bill Pmt - Cheque	13119	18/06/2009	BEAUREPAIRES	Parts for CN157	-645.60
Bill Pmt - Cheque	13120	18/06/2009	BURGESS RAWSON (WA) PTY LTD	Reimburse Water Memorial Park	-187.99
Bill Pmt - Cheque	13121	18/06/2009	COURIER AUSTRALIA	Frieght Malaga to Cuballing	-12.62
Bill Pmt - Cheque	13122	18/06/2009	CUBALLING TAVERN	Staff lunch fairwell Belinda & Sarah with Peter	-37.50
Bill Pmt - Cheque	13123	18/06/2009	Cuballing Tennis Club.	VOID:	0.00
Bill Pmt - Cheque	13124	18/06/2009	CUBY ROADHOUSE	Good and Services May 2009	-438.90
Bill Pmt - Cheque	13125	18/06/2009	East Narrogin Primary	Reimburse costs for banner	-68.16
Bill Pmt - Cheque	13126	18/06/2009	FARMWORKS AUSTRALIA PTY LTD	Pine Posts	-363.00
Bill Pmt - Cheque	13127	18/06/2009	Great Southern Waste Disposal	Management of Shire Tip 1st May to 1st June 09	-2,750.00
Bill Pmt - Cheque	13128	18/06/2009	Great Southern Ranger Services	Animal patrol 04/06/09	-293.70
Bill Pmt - Cheque	13129	18/06/2009	Institute of Public Works Engineering Au	Training Module 6 Engineering - 6th & 7th July 2009	-660.00
Bill Pmt - Cheque	13130	18/06/2009	LANDGATE	UV Interim valuation	-191.10
Bill Pmt - Cheque	13131	18/06/2009	LANDVISION	Planning Services May 2009	-264.00
Bill Pmt - Cheque	13132	18/06/2009	LO-GO Appointments	L. Thomas Wages	-2,851.60
Bill Pmt - Cheque	13133	18/06/2009	MAKIT NARROGIN HARDWARE	General Maintenance Supplies	-488.70
Bill Pmt - Cheque	13134	18/06/2009	NARROGIN AUTO ELECTRICS	Repair Glow Plugs CN1557 Toyota Hilux	-379.41

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Bill Pmt - Cheque	13135	18/06/2009	NARROGIN PACKAGING	Chem/Enviroblocks	-121.39
Bill Pmt - Cheque	13136	18/06/2009	NARROGIN TOYOTA	Power steering,uni shaft, lube bushes, brakes, air hose	-485.90
Bill Pmt - Cheque	13137	18/06/2009	PARRYS	Protective Clothing	-877.75
Bill Pmt - Cheque	13138	18/06/2009	PETTY CASH	Reimburse Petty Cash 18th June 2009	-270.85
Bill Pmt - Cheque	13139	18/06/2009	Pictures for Pleasure	2009 Shire Council photo framed	-70.00
Bill Pmt - Cheque	13140	18/06/2009	QUICKFIT WINDSCREENS & NARROGIN GLASS	O/N 5153 Screws & Tamper Bit	-41.80
Bill Pmt - Cheque	13141	18/06/2009	SHIRE OF WICKEPIN	Accommodation Environmental Health & Buidling Officer Half Share	-800.00
Bill Pmt - Cheque	13142	18/06/2009	Small Business Centre Wheatbelt South	Annual Contribution 2009	-1,000.00
Bill Pmt - Cheque	13143	18/06/2009	TELSTRA	Phone charges for May 2009	-696.22
Bill Pmt - Cheque	13144	18/06/2009	WALGA	Market Force Advertising	-66.41
Bill Pmt - Cheque	13145	18/06/2009	WESTRAC EQUIPMENT	Parts for Graders & Loader	-3,307.45
Bill Pmt - Cheque	13146	18/06/2009	Wheatbelt Development Commission.	Reimbursement of WDC Funding unspent - Wheatbelt summer festival	-250.62
Bill Pmt - Cheque	13147	18/06/2009	WHITFORD FERTILISERS - NARROGIN	Gypsum	-282.00
Bill Pmt - Cheque	13148	18/06/2009	Cuballing Tennis Club.	Tennis Membership - P.Naylor	-90.00
Bill Pmt - Cheque	13149	22/06/2009	Australian Taxation Office	BAS May 2009	-35,468.00
Bill Pmt - Cheque	13150	23/06/2009	CASH.	Coles Purchases June 2009	-500.00
Bill Pmt - Cheque	13151	26/06/2009	Allpack Signs	Warning Sign - Gravel Road	-594.00
Bill Pmt - Cheque	13152	26/06/2009	Amerex Fire	Service Fire Equipment, Pressure Test and Flamestop 1.5kg	-473.00
Bill Pmt - Cheque	13153	26/06/2009	B & K Kakoschke Pty Ltd	Training Paul Doyle - Certificate III in Civil Construction	-1,210.00
Bill Pmt - Cheque	13154	26/06/2009	B Flood	Mileage for May 1 and 7	-185.60
Bill Pmt - Cheque	13155	26/06/2009	BIRD'S SILOS & SHELTERS	Freight for Popanyinning Heritage Trail Signs	-142.12
Bill Pmt - Cheque	13156	26/06/2009	Geoff Perkins Farm Machinery Centre	Repair CN92 - Hydraulic Fittings	-207.15

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Bill Pmt - Cheque	13157	26/06/2009	GREAT SOUTHERN FUEL SUPPLIES	Fuel for May 2009	-8,922.40
Bill Pmt - Cheque	13158	26/06/2009	LO-GO Appointments	Lo-Go Staff Appointments - Lorraine Thomas	-1,584.22
Bill Pmt - Cheque	13159	26/06/2009	Market Creations	2009 Narrogin Chamber of Commerce Business & Community Directory Levy	-110.00
Bill Pmt - Cheque	13160	06/26/2009	Cancelled	Printing Error	0.00
Bill Pmt - Cheque	13161	26/06/2009	SHARED SERVICES CENTRE	Centre and edge line marking MIW 77571	-3,419.74
Bill Pmt - Cheque	13162	26/06/2009	WALGA	Tube for Banners in the Terrace	-50.00
Bill Pmt - Cheque	13163	26/06/2009	WESTRAC EQUIPMENT	Repair CN387 - Step Order No: 5163	-1,071.88
Bill Pmt - Cheque	13164	26/06/2009	WICKEPIN TREE NURSERY	960 Farm Trees less deposit \$52.00	-476.00
Bill Pmt - Cheque	13165	26/06/2009	Narrogin Earthmoving & Concrete	Concrete min load - Restoration site	-534.38
Bill Pmt - Cheque	13166	29/06/2009	HIF	Health Insurance Fund Contributions - Peter Naylor June 2009	-214.50
Bill Pmt - Cheque	13167	29/06/2009	Lightning Images International	Lighting Audit - Council Works Order 4902	-3,575.00
Bill Pmt - Cheque	13168	29/06/2009	PIE NETWORKS	Keys Bilock	-56.50
Bill Pmt - Cheque	13169	29/06/2009	SHIRE OF CUBALLING.	Split Cheques between Muni & Trust	0.00
Bill Pmt - Cheque	13170	29/06/2009	TOWN OF NARROGIN	Annual Contribution Narrogin Regional Library	-2,750.00
Bill Pmt - Cheque	13171	29/06/2009	WALGSP	Superannuation Contributions June 2009	-6,824.46
Bill Pmt - Cheque	13172	29/06/2009	SHIRE OF CUBALLING.	Social Club Contributions - June 2009	-145.00
Bill Pmt - Cheque	13173	29/06/2009	SHIRE OF CUBALLING. BUILDERS REGISTRATION BOARD OF WA	Rates Contributions - Terry Clark June 2009	-100.00
Cheque	13174	02/07/2009		BRB Payments for June 2009	-100.50
Bill Pmt - Cheque	13175	02/07/2009	Allpack Signs	Signs for Popo West Rd, Hazard Board, Brackets, Caps and Arrow stickers	-1,012.00
Bill Pmt - Cheque	13176	02/07/2009	Anda-Lea Tree Nursery	Tree Seedlings	-627.40
Bill Pmt - Cheque	13177	02/07/2009	AUSTRALIA POST	Postage Stamps -2 boxes of 200	-220.00
Bill Pmt - Cheque	13178	02/07/2009	BEAUREPAIRES	Grader Tyre Repair	-275.00

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Bill Pmt - Cheque	13179	02/07/2009	EDWARDS MOTORS PTY LTD	Service CN1	-358.45
Bill Pmt - Cheque	13180	02/07/2009	Fuji Xerox	Charges for June 2009	-105.48
Bill Pmt - Cheque	13181	02/07/2009	HAINES NORTON (WA) PTY LTD	2009 Financial Reporting Manual & CD	-770.00
Bill Pmt - Cheque	13182	02/07/2009	LANDGATE	GRV Interim Values Country Full Value	-826.50
Bill Pmt - Cheque	13183	02/07/2009	LO-GO Appointments	Wages L. Thomas	-2,534.75
Bill Pmt - Cheque	13184	02/07/2009	LOVEGROVE TURF SERVICES PTY LTD	Overplant oval with Kikuyu	-15,400.00
Bill Pmt - Cheque	13185	02/07/2009	PETTY CASH	Postage, Refreshments, Office Maintenance, Stationery & Admin Other	-273.90
Bill Pmt - Cheque	13186	02/07/2009	Synergy	Electricity Street Lighting May-June 09	-398.30
Bill Pmt - Cheque	13187	02/07/2009	TELSTRA	CEO, MOW & Leading Hand Mobile Charges	-119.99
Bill Pmt - Cheque	13188	02/07/2009	WESTRAC EQUIPMENT Building & Construction Industry Training Fund	4 x Belts	-390.68
Trust	2070	2/06/2009		BCITF Payment for May 2009	-53.40
Trust	2105	15/06/2009	Dept of Planning & Infrastructure Building & Construction Industry Training Fund	Local Authority Plates - RJ Brown	-135.00
Trust	2106	07/02/2009		BCITF Payment for June 2009	-526.80
Trust	2107	07/22/2009	CASH.	Reimburse Townscape Petty Cash	-113.85
Direct	F906191067012	19/06/2009	G D AND T L CAMPBELL	Rent Lot 25 Cuballing St 09/06/09 to 22/06/09	-400.00
Direct	F906232558398	23/06/2009	Wages	Wages Week Ending 23/06/2009	-21,030.11
Direct	F906232574285	23/06/2009	WA Treasury	Loan Repayment	-16,587.33
Direct	F	1/07/2009	SHIRE OF CUBALLING.	Commander Telephone System	-136.24
Direct	F907012830833	1/07/2009	SHIRE OF CUBALLING.	Trans Funds from Muni to Trust	-233.40
Direct	F907012829815	01/07/2009	RAMSAY SUPERANNUATION FUND	Superannuation for Pay period 23/06/09	-81.99
Direct	F907022875723	02/07/2009	Alex Richardson	Phone Rental Reimbursement June 09	-89.85
Direct	F907022876317	02/07/2009	Medina Grand Perth	Councillors Accommodation Local Government Week August 2009	-9,600.00
Direct	F907022876380	07/02/2009	SHIRE OF CUBALLING.	Transfer from Trust to Muni	-157.50
Direct	F907031067013	03/07/2009	G D AND T L CAMPBELL	Rent for Lot 25 Cuballing Road	-400.00
Direct	F907062940864	07/06/2009	SHIRE OF CUBALLING.	Prepaid Rates transferred to Trust	-300.00

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Direct	F907072973364	07/07/2009	Wages	Wages Week Ending 07/07/2009	-20,664.94
Direct	F907153156977	15/07/2009	Furphy, Belinda J	54Wages Rebanked due to Change of Account Number	-1,201.53
Direct	F907153157281	15/07/2009	Austral Mercantile Collections Pty Ltd	Rates Collection - Recovery from Rates	-3,570.09
Direct	F907171067014	16/07/2009	G D AND T L CAMPBELL	Rent Lot 25 Cuballing Rd	-400.00
Direct	F907213304544	07/21/2009	Wages	Wages Week Ending 21/07/2009	-19,724.86
Direct	Creditcard	29/06/2009	Commonwealth Bank	Peter Naylor CC Charges June 09	-1,850.32
					-
					-
					207,493.83
					829.05

8.1.2 STATEMENT OF FINANCIAL ACTIVITY

Submission to: Ordinary Meeting of Council
Location/Address: Not applicable
Reporting Officer: Clare Thomson, Accountant
Enabling Legislation: Local Government (Financial Management) Regulations 1996
Council Policy: Nil
Budget Implications: Nil
File Reference: CMR 7
Voting Requirements: Simple majority

Background

Local Government (Financial Management) Regulations 1996, section 34, provides for monthly financial reporting requirements for local government.

Comment

A Statement of Financial Activity has been prepared for period ending 30 June 2009 in accordance with the abovementioned legislation and circulated with the Council Meeting Agenda.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Statement of Financial Position, as circulated, for the Shire of Cuballing for period ending 30 June 2009, be received.

COUNCIL ACTION

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

CARRIED 7/0

8.1.3 ANNUAL RETURNS

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

Background

The *Local Government Act 1995*, Section 5.76, provides that in each year Councillors, the Chief Executive Officer, and other employees (relevant persons) to whom delegated powers have been authorised in accordance with the provisions of the *Act*, must lodge an annual return in the prescribed form by 31 August in that year.

Comment

Copies of the prescribed form (Form 3) have been circulated with the Council Meeting Agenda for early attention.

Corruption and Crime Commission Act 2003, Sections 4 & 28, requires the Chief Executive Officer to notify the Department of Local Government and the Corruption and Crime Commission of any annual returns lodged after the due date of 31 August.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

For Councillor Information and early attention please.

COUNCIL ACTION

Resolved that the information be noted.

8.1.4 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) – LOCAL GOVERNMENT WEEK CONVENTION 2009

Submission to:	Ordinary Meeting of Council
Location/Address:	Nil
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Nil
Council Policy:	Nil
Budget Implications:	2009/2010 Budget allocation
File Reference:	C & A 5
Voting Requirements:	Simple Majority

Background

The WALGA Annual General Meeting (AGM) is to be held at the Perth Convention Exhibition Centre on Saturday 8 August 2009, as part of the Local Government Week Convention.

Comment

Copies of the Agenda for the WALGA AGM have been provided to Councillors with the Council Meeting Agenda. Councils delegates to the AGM, Cr's Wittwer and Brown, received original copies of the document.

In previous years Council has resolved for the delegates to listen to the debate on each of the various agenda items presented to the meeting and make a joint informed decision on how to vote in the best interests of the Shire of Cuballing and the local government industry as a whole.

However it would be beneficial for Council to take this opportunity to peruse the AGM Agenda to gain an insight into and discuss the various items being presented for consideration.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the two Council Delegates for the Western Australian Local Government Association Annual General Meeting be requested to listen to the debate on the various matters presented to the meeting for consideration and make a joint informed decision in the best interests of the Shire of Cuballing and the local government industry as a whole.

COUNCIL ACTION

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

CARRIED 7/0

8.1.5 CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE APPRAISAL

Mr Peter Naylor, Chief Executive Officer, declared a Financial Interest in this item and departed the Council meeting at 3:36pm.

Submission to: Ordinary Meeting of Council
Location/Address: Nil
Reporting Officer: Cr Thomas Wittwer, Shire President
Enabling Legislation: Local Government Act 1995
Council Policy: Chief Executive Officer Contract of Employment
Budget Implications: Nil
File Reference: Staff 8 & Staff 15
Voting Requirements: Simple Majority

Background

Council recently engaged the services of Mr John Phillips, Executive Manager of Western Australian Local Government Association Workplace Solutions, to carry out the annual performance appraisal of the Chief Executive Officer, Mr Peter Naylor.

Councillors completed appraisal forms with the information being collated by Mr Phillips and final report presented to Council at a special forum held on Friday 3 July 2009.

At the forum Council discussed the performance appraisal process and final report with Mr Phillips and the Chief Executive Officer, with the matter to be presented to this Council meeting for formal adoption.

Comment

The performance appraisal process was very thorough and it enabled Council to gain an objective view of the Chief Executive Officers performance. Council has carried out the CEO performance appraisal process in-house for the past six years (2003-2008) and it was important to be able to get an independent assessment with the use of an external facilitator. The result of the process was pleasing not only from Council's perspective, but also from the CEO, and some clear directives have been put in place for the next 12 month period.

The overall outcome of the appraisal, as detailed in the report is:

“Overall Mr Naylor’s performance as Chief Executive Officer, Shire of Cuballing, was considered to have exceeded Elected Members’ expectations in all Key Result Areas and he has achieved the associated outcomes for the review period. He is considered to have performed at a commendable level as Council’s Chief Executive Officer.”

In addition to the performance appraisal process, there are some other matters to be addressed in relation to the Chief Executive Officers Contract of Employment and the salary component of the contract.

With the current Local Government Reform process being carried out by the Minister for Local Government, the CEO in attempting to have some future security is seeking an extension to the existing employment contract and inclusion of new “payout” clause in the case of a possible merger of the Shire of Cuballing. Council discussed this at the forum on 3 July 2009 and has concurred with the CEO requests.

Also clause 12.2.2 of the CEO Contract of Employment states:

“Upon completion of a satisfactory Performance Review the Officer shall receive an increase to the cash component of the remuneration package of not less than the same proportion of any increase in the Consumer Price Index (CPI) applicable at 31 March in the year preceding the Performance Review and the CPI applicable at 31 March in the year of the Performance Review. The increase shall apply from 1 July in each year. A Performance Review shall not result in a decrease in the remuneration package.”

The Consumer Price Index figure for the period March 2008 to March 2009 was 2.5%.

SHIRE PRESIDENTS RECOMMENDATION

That Council:

1. Adopts the Chief Executive Officer 2009 Annual Performance Review Report;
Endorses the overall rating of “Exceeds Expectations”;
Endorses a review of the performance criteria and performance indicators for the 2010 review; and
Schedules the next CEO annual performance review to be completed by 31 March 2010.
2. The existing Contract of Employment between the Shire of Cuballing and the Chief Executive Officer, Mr Peter Naylor, be terminated and a new contract of employment be entered into for five year period 1 July 2009 to 30 June 2014; and
Clause to be included in new contract in relation to 12 month salary package payment to the CEO in the event of the Shire of Cuballing merging with another local government.
3. The Chief Executive Officer salary (cash component) be increased by 2.5%, in accordance with the consumer price index for 12 month period March 2008 to March 2009, effective from 1 July 2009.

COUNCIL ACTION

Moved Cr Haslam, seconded by Cr Newman that Council:

1. **Adopts the Chief Executive Officer 2009 Annual Performance Review Report;**
Endorses the overall rating of “Exceeds Expectations”;
Endorses a review of the performance criteria and performance indicators for the 2010 review; and
Schedules the next CEO annual performance review to be completed by 31 March 2010.
2. **The existing Contract of Employment between the Shire of Cuballing and the Chief Executive Officer, Mr Peter Naylor, be terminated and a new contract of employment be entered into for five year period 1 July 2009 to 30 June 2014; and**
Clause to be included in new contract in relation to 12 month salary package payment to the CEO in the event of the Shire of Cuballing merging with another local government.
3. **The Chief Executive Officer salary (cash component) be increased by 3%, in accordance with the consumer price index for 12 month period March 2008 to March 2009, effective from 1 July 2009**

CARRIED 5/2

Mr. Peter Naylor, Chief Executive Officer, re-entered the Council meeting at 3:50pm.

8.1.6 SHIRE OF CUBALLING BUDGET 2009/2010 FINANCIAL YEAR

Councillors Brown, Haslam, Meharry, Newman & Wittwer declared a Proximity Interest in this item as proposed road works on the Draft Budget is adjacent to property that they own, is owned by family members, and/or they occupy in a professional capacity.

In accordance with the provisions of S5.69 of the *Local Government Act 1995*, the Minister for Local Government has approved for the disclosing members (Councillors Brown, Haslam, Meharry, Newman & Wittwer) to fully participate in the discussion and adoption of the 2009/2010 Budget.

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Local Government Act 1995
Council Policy:	3.11
Budget Implications:	Nil
File Reference:	Finance 9
Voting Requirements:	Simple Majority

Background

Circulated with the Council Meeting Agenda is a second draft Budget, and associated supporting information, prepared for the 2009/2010 Financial Year.

Comment

Minor amendments have been made to the initial draft budget in accordance with Council discussions at the June 2009 Ordinary Meeting of Council, and with the finalisation of operations for the 2008/2009 Financial Year. Adjustments have also been made in relation to receipt of Local Government Grants Commission allocations and advance payment of first quarterly grant for 2009/2010. Full details of this information will be provided as the document is dealt with at the meeting.

Rate models have been prepared for 3, 4 & 5 per cent increases and these have previously been provided to Councillors. As identified at the June Council Meeting valuations for rural properties have significantly increased effective from 1 July 2009 and this will have an impact on the rating of these properties. The increase in property values is not uniform, in fact they fluctuate quite a lot, and this will have an impact on the rate increase of certain individual properties regardless of the percentage of rate increase levied across the board.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

For Council discussion and direction please.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Newman that:

- Council adopt a 4% rate increase for the 2009/2010 Financial Year;
- Purchase of new grader be funded by loan funds instead of utilising Reserve Account funds; and
- The draft budget, as presented, for 2009/2010 Financial Year, with the above amendments and other minor amendments/adjustments, be prepared in the statutory format and present to the August 2009 meeting of Council for adoption.

CARRIED 7/0

8.2 REPORTS – WORKS

8.2.1 WORKS MANAGERS REPORT

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

GRADING/MAINTENANCE

Winter grading maintenance is proceeding throughout the Shire, commencing on southern boundary and working northwards.

Both graders are working in similar area with one about two weeks behind the other to alleviate problems created by leaf and grass matter over the road due to winter grading processes.

Dependant upon weather conditions it is planned to grade the bitumen edges along the Wandering – Narrogin Road within the next two weeks.

Bitumen patching is progressing throughout the Shire.

Tree planting (rehabilitation) will be carried out in the gravel pit on Halls Road on Tuesday 28 July 2009, as part of National Tree Planting Day. The surface area has been prepared and works will be coordinated by Mr Ian Grainger. Students from Narrogin Senior High School will assist with the tree planting.

The Mulching Machine commenced work in the Shire on Thursday 2 July 2009. Springhill and Grout Roads have been completed, as has the section of Stratherne Road from Great Southern Highway to Parsons Road. The machine is currently working on Wardering Road.

PLANT AND EQUIPMENT

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

CUBALLING OVAL

Lovegrove Turf Services recently completed maintenance works on the Oval. Works included planting Kikuyu lawn runners, fertilising, and aggravating (this involved coring and loosening the soil).

The wet weather conditions have supplemented the works and hopefully will help the oval attain a good grass coverage for the summer period.

RECREATION VEHICLE AREA, MENS SHED AND POPANYINNING TENNIS COURTS PROJECTS

Tree planting has been carried out in the new Recreation Vehicle to help improve the visual amenity of the area.

Work is proceeding on the Mens Shed project as time permits. The work benches have been constructed and painted, and will be installed when the electrician has completed works, the chemical toilet has arrived.

With the support of the Popanyinning community the tennis court project at the Popanyinning Recreation Grounds has commenced. The old tennis court area has been cleared of vegetation, old court surfaces ripped up and fencing removed. The new formation is proceeding and will be completed when the area dries out sufficiently to allow machinery to work.

REFUSE SITES

Earthworks have been carried out at the Cuballing Refuse Site to allow for further tree planting to be done on the northern side of the mound.

Popanyinning Refuse Site has had additional fencing placed along the northern side of the face to help restrict wind blown litter.

MAIN ROADS WA ASSESSMENT TO UPGRADE ROADS TO NETWORK 6 RESTRICTED ACCESS VEHICLE (RAV) USE

The Chief Executive Officer recently requested Main Roads WA to carry out an assessment of Cuballing West Road, Campbell Street and Cuballing East Road for Network 6 RAV vehicle access. The three roads have been upgraded in recent years and should now be suitable for access for larger traffic.

Main Roads Narrogin and completed their assessment and put a recommendation, with certain operating conditions, to their Heavy Vehicles section for consideration.

STAFF

Alex Richardson, Works Manager, is clearing three weeks annual leave entitlements, commencing on Monday 27 July 2009.

Graeme Renfrey will off work on sick leave from early August when he enters hospital to have surgery on his legs.

PRIVATE WORKS

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

Private works invoices for the month of June 2009, total \$12,578.18; Year to date (30 June 2009) \$110,577.62.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That the Works Managers Report be received and information noted.

COUNCIL ACTION

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

CARRIED 7/0

8.2.2 SHIRE OF WANDERING – APPOINTMENT OF DUAL FIRE CONTROL OFFICERS

Submission to:	Ordinary Meeting of Council
Location/Address:	Whole of Shire
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Bush Fires Act 1954
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	Bush Fire Control 5
Voting Requirements:	Simple majority

Background

Correspondence from the Shire of Wandering advising of the appointment of Mr Bruce Penny as Dual Fire Control Officer with the Shire of Cuballing for the 2009/2010 Fire Season.

Comment

Dual Fire Control Officers are appointed to provide legal cover for a Fire Control Officer in charge at a wildfire that burns across a Shire boundary. The Dual Fire Control Officer can stay in charge and follow the fire, or hand over control to a fire control officer from the second Shire (if one is available and in attendance).

Section 40 of the *Bush Fires Act 1954* empowers Council to appoint dual fire control officers with neighbouring local authorities and section 38(2) of the *Act* requires such appointments to be advertised in a local paper.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That pursuant to section 40 of the *Bush Fires Act 1954*, Mr Bruce Penny be appointed as Dual Fire Control Officer for the Shire of Cuballing and Wandering for the 2009/2010 Fire Season, subject to the officer possessing the appropriate accreditations, and further noting that the Dual Fire Control Officer is not permitted to issue burning permits for land within the Shire of Cuballing.

COUNCIL ACTION

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

CARRIED 7/0

8.3 REPORTS – HEALTH AND BUILDING

8.3.1 ENVIRONMENTAL HEALTH OFFICER/BUILDING SURVEYORS REPORT

Submission to: Ordinary Meeting of Council
Location/Address: Whole of Shire
Reporting Officer: Allan Ramsay, Environmental Health Officer/Building Surveyor
Enabling Legislation: Local Government (Miscellaneous Provisions) Act 1960
 Building Code of Australia, Building Regulations 1989
 Builders’ Registration Act 1939
 Environmental Protection (Noise) Regulations 1997
Council Policy: Register Delegated Authority
 Shire of Cuballing Health Local Law 2007
 Shire of Cuballing Town Planning Scheme No 2
Budget Implications: Nil
File Reference: CMR 2
Voting Requirements: Simple majority

Summary

There were three (3) application(s) approved and license(s) issued for the month of July 2009. Listed below is a summarized breakdown of the application(s) and proposed structure(s):

Approval License No	Name of Owner	Registered Builder (RB) or Owner Builder (OB)	Structure	Location of Building
1-2009/10	S Harcourt	OB	S/F Shed	Lot 1 Great Southern Hwy Yornaning
2-2009/10	R & M James	OB	S/F Shed	Loc 3499 Great Southern Hwy Popanyinning
3-2009/10	P Fennell	OB	Addition to Dwelling	Lot 105 Bullara Street Cuballing

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

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

COUNCIL ACTION

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

CARRIED 7/0

8.3.2 SHIRE OF WAGIN – REGIONAL REFUSE SITE STUDY

Submission to:	Ordinary Meeting of Council
Location/Address:	Nil
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Local Government Act 1995
Council Policy:	Nil
Budget Implications:	2009/2010 Budget allocation
File Reference:	Health 4a
Voting Requirements:	Simple majority

Background

Council over the past 12 months has been working with a group of Councils under the umbrella of “Zero Waste Management Scheme”. The Shire of Cuballing joined with the Shires of Dumbleyung, Lake Grace, Narrogin, Pingelly, Wagin, Wandering, West Arthur, Wickepin, Williams, Woodanilling, and the Town of Narrogin to form the Wagin Group for purposes of preparing a Strategic Waste Management Plan in accordance with the provisions of the Waste Avoidance and Resource Recovery Legislation.

The Shire of Wagin is requesting the other Councils in the Wagin Group to consider participating in investigations to establish a Regional Waste Refuse Site.

Comment

Wagin Shire has identified a need from their perspective to investigate the possibility and feasibility of establishing a regional refuse site given they believe their refuse site has a limited life, estimated between 1 – 5 years. They are hoping that at least the Shires which join their boundary will be part of the regional assessment study.

The site identified for investigation by the Shire of Wagin is near Piesseville, however any investigation undertaken could seek to identify more than one option. For example the Shire of Cuballing has been considering a similar action at the gravel site on Yornaning West Road and this site could be included as part of the investigation process. It would be important to the Shire of Cuballing that any site identified is workable in a practical sense as well as compliance wise.

The investigation process will draw on the experience of similar projects whereby Regional Waste Refuse Sites have been established, such as the site established recently in the Shire of Kondinin for the Shires of Corrigin, Kulin, Kondinin and Narembeen.

Waste management is fast becoming a key issue in the short to medium term for local governments in WA as the Department of Environment and Conservation seeks to improve practises relating to treatment and handling of waste.

Some of these issues are being addressed through the development of a Regional Investment Plan (RIP) for the Wagin Group of Councils, Phase two of the Strategic Waste Management Plan (SWMP), that is being prepared, and where the recommendations of the SWMP will be actioned, it has been noted that the establishment of a regional refuse site/s has not been given a high priority in the plan.

The projects which the Wagin Group has included within the RIP and how each project addresses the Waste Authority's Investment Criteria are as follows:

- **Project 1: Improvement of Landfill Management**
Investment for this project will be used to appoint a consultant to research and develop a generic landfill management plan and site specific landfill procedures. This will improve the Environmental state and compliance of landfills in the region and addresses the Waste Authority's Investment Criteria (WAIC) No 1 & 3.
- **Project 2: Greenwaste Recycling**
Investment for this project will be used to appoint a consultant to research, investigate and establish a regional approach to greenwaste recycling. This will aid in the diversion of waste away from landfill in the future through resource recovery. This project therefore addresses WAIC No 1 & 3.
- **Project 3: Installation of Litter Fences**
Investment for this project will be used to purchase and install portable litter fences around all open pit landfills in the region. This will assist in the containment of wind blown waste and security of access to the landfills. This project therefore addresses WAIC No 2.
- **Project 4: Fencing Wire and Wet Cell Battery Recycling**
Investment for this project will be used to purchase capital items and subsidise educational initiatives and project management which will accommodate for and promote the recycling of source separated fencing wire and wet cell batteries at 7 landfills in the region. This project therefore addresses WAIC No 2, 4 & 5.
- **Project 5: Kerbside Recycling**
Investment for this project will be used to appoint a consultant to research, investigate and establish an efficient kerbside recycling system for areas in the region currently without this service. This project will ultimately assist in the introduction of kerbside recycling in these areas and therefore addresses WAIC No 1 & 3.
- **Project 6: Materials Recycling Facility (MRF)**
Investment for this project will be used to appoint a consultant to research, investigate and develop a strategy for the establishment of a

regional MRF, possibly at the Narrogin landfill. This project addresses WAIC No 1 & 3.

Strategically it makes sense to formally examine the option of setting up a regional refuse site, however it would be appropriate to assess more than one site, ie Council could request that the Yornaning West site be included as part of the exercise. Eventually if regional refuse sites are a preferred option then it may also be favourable to establish up to two sites within the Wagin Group area.

The Shire of Wagin has indicated that the cost to participate in the regional refuse site study could be in the vicinity of \$2,000 - \$3,000 depending upon how many of the Councils are willing to be involved.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That:

- **The Shire of Cuballing advises that it is willing to participate in a regional study into the establishment of a regional refuse site/s within the membership of the Wagin Zero Waste Management Group; and**
- **The Shire of Cuballing requests the gravel site on Yornaning West Road be included as part of the study process.**

COUNCIL ACTION

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

CARRIED 7/0

8.4 REPORTS – TOWN PLANNING

8.4.1 MR PAUL LEWIS – APPLICATION FOR OVERSIZE OUTBUILDING

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 1 (No 28) Beeston Street, Cuballing
Reporting Officer:	Allan Ramsay, Environmental Health Officer/Building Surveyor
Enabling Legislation:	Town Planning Scheme No 2
Council Policy:	Local Planning Policy - Outbuildings
Budget Implications:	Nil
File Reference:	Town Planning 3
Voting Requirements:	Simple majority

Background

Application for planning consent from Mr Paul Lewis (the applicant) for the construction of a 63m² Zincalume outbuilding on Lot 1 (No 28) Beeston Street, Cuballing.

The property has an existing 36m² asbestos clad shed and three small garden type sheds positioned together at the rear of the property giving another 33m². The total area including the new shed would give a combined area of 132m².

The applicant has indicated that the outbuilding is to be used for general storage purposes and will not be used for commercial or business enterprises. He has also indicated that the three small garden sheds could be removed from the property to reduce the total area and to allow his application to be approved. The proposed shed will be Zincalume sheeting.

Comment

The property is zoned Rural Residential under the Shire of Cuballing Town Planning Scheme No 2, and under the Local Planning Policy for Outbuildings, Zincalume clad sheds cannot exceed a total floor area of 85m².

Council has previously approved oversized outbuildings in rural residential areas. Mr Lewis has indicated that he is willing to remove the three small garden sheds from the property. This would then give an area of 99m², 14m² over the allowable 85m². Removing the three small garden sheds and replacing them with a new shed in a better location would also enhance the appearance of the property.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council approves the construction of a 9 metre x 7 metre Zinalume clad outbuilding on Lot 1 (No 28) Beeston Street, Cuballing, subject to the following conditions:

- The issue of an approved building licence for the construction of the outbuilding;
- The outbuilding to be sited in accordance with the Shire of Cuballing Town Planning Scheme No 2;
- The outbuilding, hereby permitted, shall only be used for the purpose incidental to the residential use of the property and shall not be used for any habitable, commercial or industrial purpose; and
- The three small garden sheds that are located at the rear of the property are to be removed from the property prior to issuing a building licence for the proposed outbuilding.

COUNCIL ACTION

Moved Cr Brown, seconded Cr Bradford that the Chief Executive Officers recommendation be adopted.

CARRIED 7/0

8.4.2 APPLICATION TO CONDUCT INDUSTRY (GENERAL) BUSINESS IN CUBALLING

Submission to:	Ordinary Meeting of Council
Location/Address:	Lot 56 Austral Street, Cuballing
Reporting Officer:	Peter Naylor, Chief Executive Officer
Enabling Legislation:	Environmental Protection (Noise) Regulations 1997
Council Policy:	Town Planning Scheme No 2
Budget Implications:	Nil
File Reference:	Town Planning 3
Voting Requirements:	Simple majority

Background

Application from Trevor Cox Welding & Fabrication to conduct an Industry (General) Business at Lot 56 Austral Street, Cuballing. The business is primarily involved in medium engineering, consisting of the production and repair of heavy duty vehicles. The property was formerly the site of the Dryandra Timber Products business that has now ceased.

This matter was previously presented to the 25 June 2009 meeting of Council, the following resolution was adopted:

That Council, in acknowledging the requirement to comply with clause 9.4 of Town Planning Scheme No 2, provides in principle support to Trevor Cox Welding & Fabrication to commence a Industry (General) Business at Lot 56 Austral Street, Cuballing, subject to the following conditions:

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

In complying with the requirements of Town Planning Scheme No 2, clauses 9.4, letters were forwarded to neighbouring property owners/occupiers and notices posted at the property. Submission period closed on Friday 3 July 2009.

Comment

At the close of the submission period only one submission was received, however since that time another letter has been received but not from one of the neighbouring property owners.

Copies of the submissions are with in the Council Meeting Agenda.

The issues raised in the submissions need to be considered by Council, however staff are of the opinion that the issues are adequately covered in the conditions outlined by Council in the resolution from June Council meeting.

It would appear that following the submission period, and from the comments made, there is no reason as to why Council should not support the application subject to complying with certain conditions.

CHIEF EXECUTIVE OFFICERS RECOMMENDATION

That Council supports the application by Trevor Cox Welding & Fabrication to commence a Industry (General) Business at Lot 56 Austral Street, Cuballing, subject to the following conditions:

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

COUNCIL ACTION

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

CARRIED 7/0

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

Nil

10. **OTHER URGENT BUSINESS**

Nil

11. **CLOSURE OF MEETING**

There being no further business the Shire President declared the meeting closed at 5:10pm.