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

# **SUMMARY MINUTES**

**of the**

**Ordinary Meeting of Council**

**held**

**WEDNESDAY 20<sup>th</sup> FEBRUARY 2019**

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.

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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 2.03pm.

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

### **2.1.1 Attendance**

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

President  
Deputy President

Mr Gary Sherry  
Ms Bronwyn Dew  
Mr Bruce Brennan

Chief Executive Officer  
Deputy Chief Executive Officer  
Manager of Works and Services

Mr John Robertson  
Ms Helen Elliott  
Mr Paul Lewis

### **2.1.2 Apologies**

Cr Scott Ballantyne

### **2.1.3 Leave of Absence**

Nil

## **3. STANDING ORDERS:**

### **COUNCIL DECISION – 2019/01:**

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

**Moved: Cr Dowling**

**Seconded: Cr Haslam**

**Carried 5/0**

## **4. PUBLIC QUESTION TIME:**

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

Nil

## **4.2 WRITTEN QUESTIONS PROVIDED IN ADVANCE:**

Nil

## **4.3 PUBLIC QUESTIONS FROM THE GALLERY:**

### **4.3.1 Fence at 79 Alton Street Cuballing**

Mr John Robertson advised that he is intending to construct a fence on the southern boundary of his 79 Alton Street property. This boundary borders Shire land that has several large trees and a chain mesh fence. Before Mr Robertson builds his fence, he would like the Shire of Cuballing to remove the trees and mesh fence.

The Shire President, Cr Conley, noted Mr Robertson's intentions.

### **4.3.2 Aged Person Units - 81 Alton Street & 192 Campbell Street Site**

Mr John Robertson noted Council's intentions to construct Aged Person's units at 81 Alton Street & 192 Campbell Street. Mr Robertson noted that this was a poor location because:

- Campbell Street is a busy road;
- the sites are close to the Cuballing Tavern;
- they are located in the heritage/civic precinct and housing will detract from this purpose;
- the units will bring low income tenants into Cuballing; and
- aged units should not be located in the town centre.

Mr Robertson also expressed concern about the cost of the units.

The Shire President, Cr Conley, advised that Council was seeking funding to construct either 2 or 4 aged persons units. This grant funding would significantly offset the cost to Council of such aged person's units.

### **4.3.3 Cuballing War Memorial**

Mr John Robertson noted that he had discussed renovating the Cuballing War Memorial some two years ago and he had offered to construct a cruciform shelter on the site for the cost of \$12,000 materials. Mr Robertson believed that Council should complete:

- removing the drainage feature on the site. This area is rough and unsightly;
- construct a limestone wall against the railway side of the memorial area and inscribe the names of Cuballing service men on this wall;
- remove the copper logs that define the area;
- install a kerb against the road and relevel the Memorial area
- remove the granite plinth added to the front of the memorial recognising the service of World War Two veterans. Mr Robertson believes this addition is of ordinary quality and doesn't fit with the original memorial;
- remove the dead trees on the site; and
- replace the bench seating dedicated to Ms Campbell that has deteriorated significantly.

The Shire President, Cr Conley, advised that Council had considered completing works at the Cuballing Memorial in 2017/18 financial year, however a reduction in funding saw this project

delayed for financial prudence. Council has again allocated funding for this year and Council expects work to progress.

#### 4.3.4 74 Austral Street – Future Development

Mr John Robertson queried the Council's proposed future development plan for 74 Austral Street. Mr Robertson believes that:

- the previously proposed Council stockpile is not missed by anyone and a local business has opened to provide this service;
- Council should focus on developing residential land at 74 Austral Street. Mr Robertson believes that Cuballing needs more residents to combat the rural decline in population. If Cuballing has more residents, businesses will follow into town;
- Council should not have any type of camping on this site. Mr Robertson believes that a preferable site is the Reserve vested in Council for the purpose of Camping on Cuballing East Road. This site was the historical site of camping in Cuballing.

The Shire President, Cr Conley, noted Mr Robertson's comments.

#### 4.3.5 Chief Executive Officer's Employment Contract Renewal

Mr John Robertson noted that Council was reviewing the CEO's Employment Contract at this meeting. Mr Robertson noted that in the term of his current employment contract the CEO had:

- failed to achieve the demolition of the Popanyinning School;
- failed to achieve the establishment of a regional waste site in the Shire of Cuballing;
- failed to achieve a satisfactory camping policy;
- achieved considerable improvement at Yornaning Dam; and
- achieved the construction of entry statements to Cuballing.

Mr Robertson believe that Council need to have a CEO that fitted into the community like the previous CEO Peter Naylor. Mr Robertson believed that CEO contracts, after an initial term, should only have extensions for single year at a time to prevent complacency.

The Shire President, Cr Conley, noted Mr Robertson's comments.

#### 4.3.6 Cuballing Volunteer Group

Ms Helen Elliott noted the Cuballing Volunteer Group had completed two clean up exercises in Cuballing but were feeling discouraged because Council did not wish to entertain the Group's idea regarding a sign at the Cuballing Cemetery. Ms Elliott noted a Council delegate had only attend one meeting and that the CEO intended to attend the Group's Meeting in March.

The Shire President, Cr Conley, advised that Council would be willing to review any plans for the Cuballing Cemetery or any other area. Cr Conley, while noting that the group don't wish to move to a formal group, the preparation of minutes or notes would assist in communicating with Council. Cr Conley advised he supported a Council Delegate attending the Group's meetings.

#### 4.3.7 Development Approval - Lot 120 (No. 1) Ridley Street, Cuballing

Mr Paul Lewis noted the approval granted by Council for a development at 1 Ridley Street Cuballing. Mr Lewis advised that the approval allowed for location of stockpiles of product on the northern property boundary and this was not how the construction was proceeding.

The Shire President, Cr Conley, advised that the Shire of Cuballing would review this matter.

#### 4.3.8 Insurance Claim – Cuballing Golf Club

Mr Paul Lewis noted the Council process to replace the storage shed at the Cuballing Golf Club and expressed his concerns over:

- the cost to ratepayers of the shed replacement;
- the Cuballing Golf Club being an exclusive organisation that denies access to other residents/ratepayers;
- the Cuballing Golf storing hazardous flammable materials in the new shed that risked another recurrence of the fire that destroyed the old shed; and
- the Cuballing Golf Club being permitted to have electrical equipment operating in the storage shed when members are not at the premises; and
- the Shire of Cuballing directly supporting the Cuballing Golf Club to replace destroyed machinery or to maintain the Cuballing Golf Club.

The Shire President, Cr Conley, advised that he supported Council's actions in replacing the storage shed at the Cuballing Golf Club and that community organisations such as the Cuballing Golf Club support and enhance the Cuballing community.

The Chief Executive Officer, Mr Sherry, advised that:

- the cost to ratepayers of the shed replacement was \$1,000 insurance excess. This would remain the same if the cost of the shed replacement changed;
- there are no plans for the Shire to assist the Golf Club in any way other than to replace the storage shed through the insurance claim;
- he was not aware of any Council input into the Cuballing Golf Club's construction of both the Cuballing Golf Club club house and storage shed. This work by the Cuballing Golf Club had resulted in a transfer of value to the Shire of Cuballing of assets valued for approximately \$850,000. That Council now provided the \$1,000 insurance excess appeared to be value for money for ratepayers/residents.

Mr Robertson and Ms Elliott left the Meeting at 2:54pm.

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

Nil

## **6. CONFIRMATION OF MINUTES:**

6.1.1 Ordinary Meeting of Council held on Wednesday 19<sup>th</sup> December 2018

### **COUNCIL DECISION – 2019/02:**

That the minutes of the Ordinary Meeting of Council held on Wednesday 19<sup>th</sup> December 2018 be confirmed as a true record of proceedings.

Moved: Cr Bradford

Seconded: Cr Haslam

Carried 5/0

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

Nil

## **8. DISCLOSURE OF FINANCIAL INTEREST:**

Mr Sherry declared a Direct Financial Interest in 12.1.1 in that it is his employment contract that is being considered.

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

### **9.1 DEPUTY CHIEF EXECUTIVE OFFICER:**

9.1.1 List of Accounts Submitted for Council Approval and Payment – December 2018

### **COUNCIL DECISION – 2019/03:**

That authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 payments including payments from Council's:

1. Trust Fund in December 2018 totalling \$26,055.95 included at Attachment 9.1.1A; and
2. Municipal Fund in December 2018 totalling \$323,161.71 included at Attachment 9.1.1B.

Moved: Cr Newman

Seconded: Cr Dowling

Carried 5/0



9.1.2 List of Accounts Submitted for Council Approval and Payment – January 2019

**COUNCIL DECISION – 2019/04:**

That Council receives the List of Accounts for January 2019 paid under delegated authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 payments including payments from Council's:

1. Trust Fund in January 2019 totalling \$54,309.05 included at Attachment 9.1.2A; and
2. Municipal Fund in January 2019 totalling \$153,921.13 included at Attachment 9.1.2B.

Moved: Cr Newman

Seconded: Cr Bradford

Carried 5/0

9.1.3 Statement of Financial Activity – 31<sup>st</sup> December 2018

**COUNCIL DECISION – 2019/05:**

That the Statement of Financial Activity, as included at Attachment 9.1.3A for the Shire of Cuballing for period ending 31<sup>st</sup> December 2018 be received.

Moved: Cr Newman

Seconded: Cr Dowling

Carried 5/0

9.1.4 Capital Purchase - Cuballing Golf Club Shed Reinstatement – Out of Budget Expenditure

**COUNCIL DECISION – 2019/06:**

That Council approve out of Budget expenditure to reinstate the storage shed at the Cuballing Golf Club at an expected cost to Council of \$47,923.50 (GST Exclusive).

Moved: Cr Haslam

Seconded: Cr Dowling

Carried 5/0

9.1.5 Statement of Financial Activity – 31<sup>st</sup> January 2019

**COUNCIL DECISION – 2019/07:**

**That the Statement of Financial Activity, as included at Attachment 9.1.5A for the Shire of Cuballing for period ending 31<sup>st</sup> January 2019 be received.**

**Moved: Cr Bradford**

**Seconded: Cr Dowling**

**Carried 5/0**

**9.2 CHIEF EXECUTIVE OFFICER:**

9.2.1 Third Party Appeal Rights for Decisions Made by Development Assessment Panels

**COUNCIL DECISION – 2019/08:**

**That Council make a submission to WALGA on Third Party Appeal Rights for decisions made by Development Assessment Panels based on the correspondence set out in Attachment 9.2.1B.**

**Moved: Cr Bradford**

**Seconded: Cr Dowling**

**Carried 5/0**

9.2.2 Council Policy – Dog Licence Refunds

**OFFICER'S RECOMMENDATION:**

That Council:

1. Adopt the draft policy 12.1 Dog Licence Refunds included at Attachment 9.2.2A; and
2. Adopt the draft delegation A20: Refunds of Dog Licences of Council's authority included at Attachment 9.2.2B.

**COUNCIL DECISION – 2019/09:**

**That Council only make refunds for dog licences that are required by the Dog Act 1976 or Dog Regulations 2013.**

**Moved: Cr Dowling**

**Seconded: Cr Haslam**

**Carried 5/0**

Council did not resolve the Officer's Recommendation because of concerns regarding the administrative burden on implementing the proposed draft policy and delegation.

### 9.2.3 Emergency Heart Defibrillator – Access and Maintenance

#### **COUNCIL DECISION – 2019/10:**

That Council generally supports locating additional defibrillators in the Shire of Cuballing and specifically supports:

1. the Cuballing Tennis Club and Popanyinning Progress Association in funding applications to locate defibrillators at the Cuballing Recreation Centre and Popanyinning Hall; and
2. providing ongoing maintenance of defibrillators located at the Cuballing Roadhouse, Cuballing Recreation Centre, Dryandra Regional Equestrian Centre and Popanyinning Hall.

Moved: Cr Bradford

Seconded: Cr Haslam

Carried 5/0

### 9.2.4 74 Austral Street – Future Development

Mr Brennan left the Meeting at 4.06pm.

Mr Brennan returned to the Meeting at 4.08pm.

#### **OFFICER'S RECOMMENDATION:**

That Council seek public comment on the draft 74 Austral Street Cuballing Draft Future Development Plan, included at Attachment 9.2.4A.

#### **COUNCIL DECISION – 2019/11:**

That Council consider amendments to the draft Future Development Plan for 74 Austral Street Cuballing prior to any future public comment.

Moved: Cr Haslam

Seconded: Cr Newman

Carried 5/0

Council did not resolve the Officer's Recommendation to allow for further development of the Plan prior to public comment.

### **9.3 MANAGER OF WORKS AND SERVICES:**

Nil

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

Nil

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

### **11.1.1 Urgent Business – Sale of Toyota Corolla**

#### **OFFICER'S RECOMMENDATION:**

That Council sell the Toyota Corolla Sedan to Narrogin Toyota for \$15,500 (GST Inclusive).

#### **COUNCIL DECISION – 2019/12:**

**That Council consider the urgent business relating to resolution of the sale process for Council's Toyota Corolla sedan.**

**Moved: Cr Haslam**

**Seconded: Cr Bradford**

**Carried 5/0**

Council did not resolve the Officer's Recommendation to ensure that Council obtains the highest value for this transaction.

### **11.1.2 Sale of Toyota Corolla Sedan**

#### **COUNCIL DECISION – 2019/13:**

**That Council delegate to the Chief Executive Officer the authority to dispose of the Toyota Corolla Sedan to the highest quotation received for the sale of that vehicle of at least 3 quotations received.**

**Moved: Cr Bradford**

**Seconded: Cr Newman**

**Carried 5/0**

Mr Lewis left the Meeting at 4.35pm.

Mr Sherry declared a Direct Financial Interest in 12.1.1 in that it is his employment contract that is being considered and left the meeting at 4.35pm.

## **12. CONFIDENTIAL MATTERS:**

### **12.1.1 Chief Executive Officer's Employment Contract Renewal**

#### **COUNCIL DECISION – 2019/14:**

**That Council:**

- 1. renew the appointment of Mr Gary Allan Sherry as Chief Executive Officer of the Shire of Cuballing under the terms and conditions included in the employment contract included at Attachment 12.1.1A Draft CEO's Employment Contract; and**

2. authorise the signing and sealing of the employment contract included at Attachment 12.1.1A Draft CEO's Employment Contract.

Moved: Cr Newman

Seconded: Cr Haslam

Carried 5/0

### **13. NEXT MEETING**

Ordinary Council Meeting, 2.00pm, Wednesday 20<sup>th</sup> March 2019 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 4.40pm.