



**Confirmed Minutes
ORDINARY MEETING
OF COUNCIL**

20 February 2024

SHIRE OF CUE
Ordinary Meeting of Council
MINUTES

Held in the Council Chambers, 73 Austin Street Cue on
Tuesday, 20 February 2024 commencing at 6:00 PM

1 DECLARATION OF OPENING

The meeting was opened at 06:00 PM

The Presiding Member welcomed those present and read the following disclaimer:

No responsibility whatsoever is implied or accepted by the Shire of Cue for any act, omission or statement or intimation occurring during this Meeting.

It is strongly advised that persons do not act on what is heard at this Meeting and should only rely on written confirmation of council's decision, which will be provided within fourteen (14) days of this Meeting.

PRESENT:

Shire President Les Price
Deputy Shire President Elizabeth Houghton
Councillor Ron Hogben
Councillor Ian Dennis
Councillor Leonie Fitzpatrick
Councillor Julie Humphreys

STAFF:

Chief Executive Officer Richard Towell
Deputy Chief Executive Officer Glenn Boyes
Executive Assistant Janelle Duncan
Senior Admin Officer Stephanie Wandek

GALLERY:

2 APOLOGIES AND APPROVED LEAVE OF ABSENCE

Nil

3 DISCLOSURE OF MEMBER'S INTERESTS

Nil

4 PUBLIC QUESTION TIME

Nil

5 CONFIRMATION OF MINUTES

Council Decision: 01022024 **Voting Requirement: Simple Majority**

MOVED: Cr Julie Humphreys **SECONDED: Cr Ian Dennis**

That the Minutes of the Ordinary Meeting 19 December 2023 are confirmed as a true and correct record of the meeting.

CARRIED: 6/0
AGAINST: None

06:01pm Ms Stephanie Wandek entered the chamber

6 APPLICATION FOR LEAVE OF ABSENCE

Nil

7 DEPUTATIONS

Nil

8 PETITIONS

Nil

9 ANNOUNCEMENTS WITHOUT DISCUSSION

Nil

10 REPORTS

10.1 ACCOUNTS AND STATEMENTS OF ACCOUNT

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Glenn Boyes - Deputy Chief Executive Officer

DATE: 19 January 2024

Matters for Consideration:

To receive the attached List of Accounts Due and submitted to the Ordinary Council Meeting on 20 February 2024.

Background:

The Local Government, under its delegated authority to the CEO to make payments from municipal and trust funds, is required to prepare a monthly list of accounts showing each account paid and present it to Council at the next Ordinary Council meeting. The list of accounts prepared and presented to Council must form part of the minutes of that meeting.

Comments:

The list of accounts are for the months of December 2023 and January 2024.

Statutory Environment:

Local Government (Financial Management Regulations) 1996 – Clause 13.

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Consultation:

Richard Towell, Chief Executive Officer

Officers Recommendation:

Voting Requirement: Simple Majority

That Council endorse the attached payments for the period 01 December 2023 to 31 December 2023 and 01 January 2024 to 31 January 2024, which have been made in accordance with delegated authority under s5.42 of the *Local Government Act 1995*.

December 2023

Municipal Fund Bank EFTs	EFT NUMBER 12835 - 13000	\$ 617,951.53
Direct Debit Fund Transfer	General	\$ 41,642.76
Direct Debit Fund Transfer	CEO Credit Card	\$ 7,489.16
Payroll		\$ 161,793.93
BPAY		\$ 115,395.22
Cheques		\$ 0
Total		\$ 944,272.60

January 2024

Municipal Fund Bank EFTs	EFT NUMBER 13001 - 13063	\$ 542,733.26
Direct Debit Fund Transfer	General	\$ 34,834.87
Direct Debit Fund Transfer	CEO Credit Card	\$ 5,864.56
Payroll		\$ 123,491.93
BPAY		\$ 12,862.39
Cheques		\$ 0
Total		\$ 719,787.01

Council Decision: 02022024	Voting Requirement: Simple Majority	
MOVED: Cr Julie Humphreys	SECONDED: Cr Ron Hogben	
<p>That Council endorse the attached payments for the period 01 December 2023 to 31 December 2023 and 01 January 2024 to 31 January 2024, which have been made in accordance with delegated authority under s5.42 of the <i>Local Government Act 1995</i>.</p>		
December 2023		
Municipal Fund Bank EFTs	EFT NUMBER 12835 - 13000	\$ 617,951.53
Direct Debit Fund Transfer	General	\$ 41,642.76
Direct Debit Fund Transfer	CEO Credit Card	\$ 7,489.16
Payroll		\$ 161,793.93
BPAY		\$ 115,395.22
Cheques		\$ 0
Total		\$ 944,272.60
January 2024		
Municipal Fund Bank EFTs	EFT NUMBER 13001 - 13063	\$ 542,733.26
Direct Debit Fund Transfer	General	\$ 34,834.87

Direct Debit Fund Transfer	CEO Credit Card	\$	5,864.56
Payroll		\$	123,491.93
BPAY		\$	12,862.39
Cheques		\$	0
Total		\$	719,787.01
CARRIED: 5/1			
AGAINST: Deputy Shire President Houghton			

10.2 FINANCIAL STATEMENT

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Glenn Boyes - Deputy Chief Executive Officer

DATE: 19 January 2024

Matters for Consideration:

The attached monthly Financial Report is for the periods ending 31 December 2023 and 31 January 2024 and includes the following statements and notes:

- Statement of Financial Activity
- Major Variances
- Net Current Funding Position
- Cash and Investments
- Trust Fund
- Cash Backed Reserve
- Receivables
- Capital Disposals
- Borrowings
- Capital Acquisitions
- Rate Revenue
- Grants and Contributions

Background:

Under the *Local Government (Financial Management) Regulations 1996*, a monthly Financial Report must be submitted to an Ordinary Council meeting within two months after the end of the month to which the statement relates. The monthly Financial Report presents an overview of the financial position of the local

government at the end of each month. The monthly Financial Report must be adopted by Council and form part of the minutes.

Comments:

The monthly Financial Report is for the months of December 2023 and January 2024.

Statutory Environment:

Local Government (Financial Management Regulations) 1996 – Clause 14.

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Consultation:

Richard Towell, Chief Executive Officer

Officers Recommendation:

Voting Requirement: Simple Majority

That Council receive the attached monthly Financial Report, prepared in accordance with the *Local Government (Financial Management) Regulations 1996*, for the period ending 31 December 2023 and 31 January 2024.

Council Decision: 03022024	Voting Requirement: Simple Majority
MOVED: Cr Ian Dennis	SECONDED: Cr Ron Hogben
That Council receive the attached monthly Financial Report, prepared in accordance with the <i>Local Government (Financial Management) Regulations 1996</i> , for the period ending 31 December 2023 and 31 January 2024.	
CARRIED: 5/1	
AGAINST: Councillor Fitzpatrick	

10.3 DONATION REQUEST - WHEATBELT CHRISTIAN FELLOWSHIP

APPLICANT: Pastor Geoff van Schie

DISCLOSURE OF INTEREST: Nil

AUTHOR: Richard Towell - Chief Executive Officer

DATE: 29 January 2024

Matters for Consideration:

Request for financial assistance to conduct Christian values education in Murchison schools.

Background:

Pastor Geoff van Schie has been visiting the Cue Primary School since 2015 on a volunteer basis. Pastor van Schie delivers an education program, known as Gospelair, centred around Christian values including Respect, Trust and Patience. The program is also delivered to Meekatharra, Mount Magnet, Yalgoo and Pia Wadjarri. Pastor van Schie has a strong rapport with the children in Cue and always attends the Shire's Christmas event to usually lead the children in a singalong, enjoyed by the audience. Council has previously approved donations of \$4,000 for the last five financial years.

Comments:

A copy of Pastor van Schie's request is attached. Wheatbelt Christian Fellowship is governed by an incorporated parent body, being the Willetton Christian Church.

The Shire has made a donation of \$4,000 towards this cause for the past five years. This year, Pastor van Schie has asked if the Shire would consider increasing this donation this year. When Gospelair started in 2015 aviation fuel (avgas) was around \$1.80 per litre and currently it is \$3.00 per litre. Due to the rising cost of avgas Pastor van Schie has asked if Council would consider increasing the donation. It is proposed Council provide a donation of \$5,000 for the coming school year to assist Pastor van Schie to continue delivering his education program in Cue.

Statutory Environment:

Nil

Policy Implications:

Council policies D2 and D16 apply.

D.2 DONATIONS AND GRANTS

D.2.1 The Council decides requests for donations and grants that are not provided for in the budget with a preference generally to those of a local nature or significance.

D2.2 The CEO has discretion to make donations in accordance within the budget allocation made for the CEO.

D.16 PROVISION OF SPONSORSHIP AND DONATIONS

Policy Statement

Calculation of Value of Requested Donation or Sponsorship

This Policy deals with requests for donation or sponsorship from external bodies. Requests may be for a cash donation or sponsorship; in kind (provision of goods and services or waiving of fees) donation or a combination of cash and in kind.

In assessing requests for in kind donation or sponsorship, or a combination of in kind and cash sponsorship, then the value of the in kind request will be calculated. The full cost of the request (including calculated value of any in kind component) will be considered.

Donations

Donations by the Council reflect its commitment to improve the wellbeing of the community of the Shire of Cue. Because of the philanthropic nature of donations, the Council does not seek a direct cost – benefit return from the donation, and does not require a business case to be put. However, the Council does give preference to donations which will assist organisations which benefit the community of the Shire of Cue, or improve the services provided to visitors to the Shire of Cue.

Where the funds are not fully expended on the approved donation the surplus money is to be returned to the Shire.

All donations are to be acquitted in the financial year that it was granted unless prior approval is granted.

Eligibility

To be eligible to apply for a donation, the applicant must be an Association incorporated in accordance with the Associations Incorporations Act 1987 which includes organisations with religious and / or charitable objectives; and / or community based not for profit groups providing a direct service to the stakeholders and visitors of the Shire of Cue which demonstrably contribute to the wellbeing of residents and visitors, and serve to promote the development of the community.

Service Areas

The range of service areas considered for donations may include:

- a) Senior citizen's / community centre;*
- b) Community information and support services;*
- c) Youth services;*
- d) Children's services;*
- e) Emergency relief services;*
- f) Recreation services / sports clubs;*
- g) Community services;*
- h) Health services;*
- i) Education services;*

Organisations are expected to acknowledge the contribution made by the Shire of Cue.

Where a donation is approved for a specific purpose – such as purchase of equipment – the organisation is required to provide evidence of expenditure.

Assessment Process

Applications are to be made in writing to the Chief Executive Officer detailing as a minimum:

Reason for request;

Amount requested (whether monetary, in kind or a combination of both); and

If donation is to be used towards the purchase of equipment, who will ultimately be the owner of the equipment and be responsible for its upkeep / maintenance.

Any sponsorship or donation approved by the Chief Executive Officer will be funded from the G/L Account 04143 – CEO Discretionary Expenses.

Any request for sponsorship or donation which the Chief Executive Officer believes is outside his / her delegation, is in excess of the aforementioned budgetary item and / or requires the consideration of Council will be referred to Council.

Where a request for sponsorship or donations is referred to Council, the Council may decline the application or subject to sufficient funds being available in the Council's budget, approve the application.

Financial Implications:

An allowance has been made in the Annual Budget under Donations to continue this program.

Strategic Implications:

Shire of Cue Strategic Community Plan 2023 to 2038

Social Objective

Outcome

3.2 Encourage community participation and services

3.2.4 Support provision of emergency services, support and encourage community volunteers

Consultation:

Pastor Geoff van Schie - Wheatbelt Christian Fellowship

Officers Recommendation:

Voting Requirement: Simple Majority

That Council agree to donate \$5,000 to Wheatbelt Christian Fellowship to assist with the delivery of the Gospelair Christian values education program to Cue Primary School for the 2024 year.

Council Decision: 04022024	Voting Requirement: Simple Majority
MOVED: Cr Julie Humphreys	SECONDED: Cr Elizabeth Houghton
That Council agree to donate \$5,000 to Wheatbelt Christian Fellowship to assist with the delivery of the Gospelair Christian values education program to Cue Primary School for the 2024 year.	
CARRIED: 5/1	
AGAINST: Councillor Fitzpatrick	

10.4 LEASE LOT 592 HEYDON PLACE

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell - Chief Executive Officer
DATE: 29 January 2024

Matters for Consideration:

To consider leasing Lot 592 Heydon Place, Cue to the Department of Biodiversity, Conservation and Attractions (DBCA).

Background:

DBCA has expressed interest in tenanting Lot 592 Heydon Place. DBCA are looking to establish a Ranger Station in Cue with the possibility of six staff residing in Cue.

It is proposed that the Shire lease the premises to DBCA for a period of 2 years to assist with the establishment of the Ranger Station. The premises will be utilised as their workshop, depot and administration office.

Comments:

The proposed lease is for twenty four months. Rental for the property is proposed at \$26,000 per annum or \$500 per week payable monthly in advance. All outgoings are to be paid for by the tenant.

In accordance with *Section 3.58 of the Local Government Act 1995*, the proposed lease is classified as a disposal and requires that the proposed disposition is given local public notice for a period of two weeks and invites submissions to be made on the proposal to the Shire of Cue prior to the closing date of the advertising period.

Details to be advertised of the proposed disposition include the market value of the disposition. Part four of the Officer's recommendation includes a resolution to declare the market value of the property to be \$367,000. This is the fair value attributed to the property by a valuation undertaken by Griffin Valuations at 30 June 2023 when they revalued the Shire of Cue's Land and Buildings assets.

Statutory Environment:

Local Government Act 1995, Section 3.58. Disposing of property

(1) *In this section dash;*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

- (2) Except as stated in this section, a local government can only dispose of property to dash;
- (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property dash;
- (a) it gives local public notice of the proposed disposition dash;
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
- and
- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include dash;
- (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition dash;
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be of the value at the time of the proposed disposition.

Policy Implications:

Nil

Financial Implications:

The proposal will provide rental income for the property of \$26,000 per annum. The Shire of Cue has a 2023-2024 budget allocation of \$155,000 for commercial property rental income and the actual income of \$112,755 as at 31 January 2024.

Strategic Implications:

Shire of Cue Strategic Community Plan 2023-2038

Economic Objective 1.1 - Maximise local economic opportunities to benefit the whole community

Outcome 1.1.3 Utilise the land available in the area for a range of new business to be self-sustaining

Consultation:

Glenn Boyes – Deputy Chief Executive Officer

Rowan Dawson - Department of Conservation Biodiversity and Attractions

Brad Rushforth - Department of Conservation Biodiversity and Attractions

Officers Recommendation:

Voting Requirement: Simple Majority

That Council:

- Authorise the CEO to give Local Public notice of the lease arrangement between the Shire of Cue and the Department of Biodiversity, Conservation and Attractions according to *section 3.58 of the Local Government Act 1995*.
- Authorise the CEO and the Shire President to affix the seal of the Shire of Cue to the lease document if no objections are received
- Declare the fair value of \$367,000 attributed to the property from the revaluation carried out at 30 June 2023, as a true indication of the current market value of the property for the purpose of satisfying *section 3.58(4)(c)(ii) of the Local Government Act 1995*.

06:37pm Councillor Elizabeth Houghton left the chamber

06:38pm Councillor Elizabeth Houghton re-entered the chamber

Council Decision: 05022024

Voting Requirement: Simple Majority

MOVED: Cr Ian Dennis

SECONDED: Cr Julie Humphreys

That Council:

- Authorise the CEO to give Local Public notice of the lease arrangement between the Shire of Cue and the Department of Biodiversity, Conservation and Attractions according to *section 3.58* of the *Local Government Act 1995*.
- Authorise the CEO and the Shire President to affix the seal of the Shire of Cue to the lease document if no objections are received
- Declare the fair value of \$367,000 attributed to the property from the revaluation carried out at 30 June 2023, as a true indication of the current market value of the property for the purpose of satisfying *section 3.58(4)(c)(ii)* of the *Local Government Act 1995*.

CARRIED: 5/1

AGAINST: Deputy Shire President Houghton

10.5 REVIEW OF SHIRE OF CUE LOCAL LAWS

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Richard Towell - Chief Executive Officer

DATE: 8 February 2024

Matters for Consideration:

Consider the recommendations in relation to the review of the Shire of Cue Local Laws.

Background:

Pursuant to *Section 3.16* of the *Western Australian Local Government Act 1995*, a Local Government is required to periodically review its local laws. The review should be undertaken within 8 years from the time of the gazettal of the local law or acceptance of a report of a review of the local law. The aim of a review is to determine whether or not a Local Government considers that a local law should be retained unchanged, be repealed or be amended.

The review is not to be used for amending or repealing legislation. Where a review finds that it is necessary to change or replace a local law, the local government must then commence the process outlined in *Section 3.12* of the *Act* to implement any changes.

At the ordinary meeting of Council held on 18 July 2023, Council resolved to give

local public notice of its intention to review the Shire of Cue Local Laws and invite submissions from the community in relation to the local laws.

The advertising period was undertaken from 27 July 2023 and closed on 18 September 2023 with no submissions being received.

Comments:

The review of the local laws is a statutory requirement. The advertising and public consultation process is to be for a period not less than six weeks including input from staff to determine the relevance and effectiveness of the local laws.

An internal review of each local law has been conducted by the administration and a summary of the review is attached.

Taking into account that the Local Government Act Reforms will standardise meeting procedures which are expected to take affect within the next year, it is recommended that no changes are made to the Standing Orders Local Law.

DFES is coordinating a review of the *Emergency Services Acts* with approval from the Western Australian Cabinet to consolidate the *Fire Brigades Act 1942*, the *Bush Fires Act 1954* and the *Fire and Emergency Services Act 1998* into the Consolidated Emergency Services Act. The new Emergency Services legislation is likely to see the discontinuance of bush fire brigade local laws. While the current Bush Fire Brigade local law is outdated, it still fulfills the requirement. It is therefore recommended that the current local law remain in place until the review is completed.

The remaining local laws being the Cue-Daydawn Cemetery local law, the Dogs local law and the Activities in Thoroughfares and Public Places and Trading local law are all based on WALGA Template local laws. These local laws still remain fit for purpose, and it is recommended that no changes be made.

Statutory Environment:

Local Government Act 1995, Section

3.16 Periodic review of local laws

1. *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*
 2. *The Local government is to give local public notice stating that-*
 - a. *the local government proposes to review the local law: and*
 - b. *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
-

- c. *submissions about the local law may be made to the local government before a day to be specified in the notice being a day that is not less than 6 weeks after the notice is given.*
3. *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
4. *When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.*

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Shire of Cue Strategic Community Plan 2023-2038

Outcome 2.1 – A strategically focused and unified Council functioning efficiently

Strategy 2.1.2 – Continue to improve and review organisational plans

Strategy 2.1.3 – Maintain accountability and financial responsibility

Consultation:

James McGovern – Manager Governance and Procurement, WALGA

Officers Recommendation:

Voting Requirement: Simple Majority

That Council:

Note that the required local public notice period for the review of the local laws was undertaken from 27 July 2023 to 18 September 2023 with no submissions being received.

And that

Cue Bush Fire Brigade Local Law 1942 not be repealed or amended

Activities in Thoroughfares and Public Places and Trading Local Law 2001 not be repealed or amended

Dogs Local Law 2001 not be repealed or amended

Cue-Day Dawn Cemetery Local Law 2001 not be repealed or amended

Standing Orders Local Law 2015 not be repealed or amended

Council Decision: 06022024	Voting Requirement: Simple Majority
MOVED: Cr Julie Humphreys	SECONDED: Cr Ian Dennis
That Council:	
Note that the required local public notice period for the review of the local laws was undertaken from 27 July 2023 to 18 September 2023 with no submissions being received.	
And that	
Cue Bush Fire Brigade Local Law 1942 not be repealed or amended	
Activities in Thoroughfares and Public Places and Trading Local Law 2001 not be repealed or amended	
Dogs Local Law 2001 not be repealed or amended	
Cue-Day Dawn Cemetery Local Law 2001 not be repealed or amended	
Standing Orders Local Law 2015 not be repealed or amended	
CARRIED: 6/0	
AGAINST: None	

10.6 DEVELOPMENT APPLICATION - PROPOSED TELECOMMUNICATION INFRASTRUCTURE

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Eugene Ferraro - Shire Town Planner

DATE: 14 February 2024

Matters for Consideration:

Application for Planning Approval for Telecommunications Infrastructure on Kalli Road.

Provide the Department of Planning, Lands and Heritage (DPLH) with the Shire's comments on the proposal to lease a portion of Kalli Road for telecommunication purposes.

Background:

The Australian Academic Research Network is an internet service provider delivering high-speed telecommunication services for research and educational organisations. The telecommunications infrastructure proposed on Kalli Road will form part of a larger program aimed at improving telecommunication capacities for these research organisations in regional and remote areas.

The infrastructure proposed at Kalli Road will be a temperature-controlled 7.8m x 3.45m x 3.09m vault that will house telecommunications technology. The vault will be located within a fenced compound, see attached. As this facility does not meet the definition of a 'low-impact' facility under the Commonwealth *Telecommunications Act 1997*, the Shire's planning approval is required.

Comments:

The proposal is to be located on a 355m² portion of the Kalli Road reserve, see attached. The facility is to be located in the Weld ranges, on a site approximately 73km northwest of the Cue townsite and approximately 2.6km from the eastern boundary. The site is proposed at the western end of the Kalli Road reserve. The affected portion of Kalli Road is unmade, as the physical road alignment is located some 800m north of the reserve. As Crown land, the application has been authorised by the DPLH.

A draft lease has been prepared by DPLH that will provide the telecommunication company with security of tenure over the 355m² parcel. While the Shire is not party to the lease arrangements, DPLH has sought the Shire's comments on the proposed lease.

The affected section of Kalli Road is one of many roads in the Shire where the constructed road does not align with the road reserve. Recent advice from DPLH indicates that if and when a road reserve is provided over the constructed road, the unmade section of the road reserve will remain in place as a closed road. Consequently, the Shire has been assured by DPLH that the lease and construction of the telecommunication facilities on this section of Kalli Road will not impact the Shire's ultimate goal of regularising Kalli Road within a dedicated road reserve.

The existing Kalli Road reserve is included within the “Local Distributor Road” reservation within TPS 2. While TPS 2 does not include any specific provisions relating to this reservation, under the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Clause 60, all development within TPS 2 requires planning approval.

Assessment

The use of a portion of Kalli Road for telecommunications infrastructure raises no town planning-related issues. The proposed facilities are remote from any existing settlements or dwellings and will have no adverse impact on the adjoining landholdings. The proposed facilities will also have no adverse impact on traffic safety, given that the actual road alignment is located 800m north of the road reserve. Further, the proposal will not have an adverse impact on any planning for the area, as it is unlikely that the actual road alignment will ever be relocated to the road reserve and that the affected road reserve is likely to remain a closed road for the foreseeable future.

Conclusion

The proposed infrastructure facilities will form part of a network that seeks to improve telecommunications infrastructure in remote parts of this region. The facilities will be remote from existing settlements and dwellings and no adverse impacts on the local community or its infrastructure are envisaged.

No planning objections are raised to the proposed lease and use of the 355m² portion of Kalli Road for telecommunications infrastructure.

Statutory Environment:

Shire of Cue Local Planning Scheme No. 2

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Consultation:

Department of Planning Lands and Heritage

Officers Recommendation:

Voting Requirement: Simple Majority

That Council:

1. Advise the Department of Planning, Lands and Heritage that it does not object to the 355m² portion of Kalli Road being leased for telecommunication purposes; and
2. Approve the application for telecommunication infrastructure on Kalli Road, Cue, subject to the following conditions:

Conditions:

1. Nil

Advice to Applicant

Note 1.

If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

Note 2.

Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

Note 3:

If an applicant or owner 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. Further information can be obtained by calling SAT on (08) 9219 3111 or by visiting their website at www.sat.justice.wa.gov.au .

Note 4:

All Aboriginal sites are covered by the provisions of the Aboriginal Heritage Act 1972-80 regardless if they are known to the Department of Aboriginal Sites (DAS) or not. Under the Act it is an offence to alter an Aboriginal site without the written permission of the Minister of Aboriginal Affairs. It is the responsibility of the owner/developer to ensure that the provisions of the Act are complied with by contacting the DAS, Western Australia Museum, prior to the commencement of any development;

Council Decision: 07022024

Voting Requirement: Simple Majority

MOVED: Cr Ian Dennis

SECONDED: Cr Julie Humphreys

That Council:

1. Advise the Department of Planning, Lands and Heritage that it does not object to the 355m² portion of Kalli Road being leased for telecommunication purposes; and
2. Approve the application for telecommunication infrastructure on Kalli Road, Cue, subject to the following conditions:

Conditions:

1. Nil

Advice to Applicant

Note 1.

If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

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CARRIED: 5/1

AGAINST: Deputy Shire President Houghton

11

MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 MOTIONS FOR CONSIDERATION AT THE NEXT MEETING

Nil

13 NEW BUSINESS OF AN URGENT NATURE

Councillor Houghton would like to discuss the status of the Information Forum eg; closed meeting. The Chief Executive Officer confirmed the Information Forum is a closed meeting.

Councillor Houghton asked if we could increase the Ranger services in Cue? The Chief Executive Officer said the Ranger was here today.

14 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

15 CLOSURE

The Presiding Member thanked those present for attending the meeting and declared the meeting closed at 07:29 PM.

To be confirmed at Ordinary Meeting on the 19 March 2024.

Signed:

Presiding Member at the Meeting at which time the Minutes were confirmed.
