



Confirmed Minutes
ORDINARY MEETING
OF COUNCIL

19 March 2024

SHIRE OF CUE
Ordinary Meeting of Council
MINUTES

Held in the Council Chambers, 73 Austin Street Cue on
Tuesday, 19 March 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 - *06:01pm entered the chamber*
Senior Admin Officer Stephanie Wandek

GALLERY:

Nil.

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: 01032024

Voting Requirement: Simple Majority

MOVED: Cr Ian Dennis

SECONDED: Cr Julie Humphreys

That the Minutes of the Ordinary Meeting 20 February 2024 are confirmed as a true and correct record of the meeting.

CARRIED: 6/0

AGAINST: None

6 APPLICATION FOR LEAVE OF ABSENCE

Nil.

7 DEPUTATIONS

Nil.

8 PETITIONS

Nil.

9 ANNOUNCEMENTS WITHOUT DISCUSSION

Cr Dennis provided an update to the Councillors that he had withdrawn his disputed return and formally resigned from the sworn in position of Deputy President.

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: 7 March 2024

Matters for Consideration:

To receive the attached List of Accounts Due and submitted to the Ordinary Council Meeting on 19 March 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 month of February 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 01/02/24 - 29/02/24, which have been made in accordance with delegated authority under s5.42 of the *Local Government Act 1995*.

FEBRUARY 2024

Municipal Fund Bank EFTs	EFT 13064 - 13171	\$	340,753.51
Direct Debit Fund Transfer	General	\$	35,350.58
Direct Debit Fund Transfer	CEO Credit Card	\$	11,281.66
Payroll		\$	135,811.46
BPAY		\$	29,473.88
Cheques		\$	0.00
Total		\$	552,671.09

06:17pm Janelle Duncan left the chamber

06:18pm Janelle Duncan re-entered the chamber

Council Decision: 02032024	Voting Requirement: Simple Majority		
MOVED: Cr Julie Humphreys	SECONDED: Cr Ron Hogben		
That Council endorse the attached payments for the period 01/02/24 - 29/02/24, which have been made in accordance with delegated authority under s5.42 of the <i>Local Government Act 1995</i> .			
FEBRUARY 2024			
Municipal Fund Bank EFTs	EFT 13064 - 13171	\$	340,753.51
Direct Debit Fund Transfer	General	\$	35,350.58
Direct Debit Fund Transfer	CEO Credit Card	\$	11,281.66
Payroll		\$	135,811.46
BPAY		\$	29,473.88
Cheques		\$	0.00
Total		\$	552,671.09
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: 7 March 2024

Matters for Consideration:

The attached monthly Financial Report is for the period ending February 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 month of February 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 February 2024.

Council Decision: 03032024 **Voting Requirement:** Simple Majority

MOVED: Cr Julie Humphreys

SECONDED: Cr Ian Dennis

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

CARRIED: 6/0

AGAINST: None

10.3 COMPLIANCE AUDIT RETURN 2023

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Glenn Boyes - Deputy Chief Executive Officer

DATE: 7 March 2024

Matters for Consideration:

Endorsement of the Compliance Audit Return 2023.

Background:

Each year a Local Government is required to complete a Compliance Audit Return (CAR) for the period 1 January to 31 December. Regulations require that the CAR is reviewed by the Audit Committee prior to adoption by Council. Once adopted by Council, a certified copy of the CAR, a copy of the relevant section of the minutes and any additional information explaining or qualifying the CAR is to be submitted to the Departmental CEO by 31 March following the period to which the CAR relates.

Comments:

The Compliance Audit Return for the period 1 January 2023 to 31 December 2023 has been prepared by the Shire of Cue administration. The CAR provides an internal control to assess statutory compliance and covers areas such as disclosure of interest, official conduct, tenders for providing goods and services, delegation of power and duties and appointment of senior employees.

Statutory Environment:

Local Government Act 1995, Section 7.13(1)(i)

7.13. Regulations as to audits

(1) Regulations may make provision as follows -

(i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are

-

(i) of a financial nature or not; or

(ii) under this Act or another written law.

Local Government (Audit) Regulations 1996:

14. Compliance audits by local governments

(1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.

(2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.

(3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.

(3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be -

(a) presented to the council at a meeting of the council; and

(b) adopted by the council; and

(c) recorded in the minutes of the meeting at which it is adopted.

15. Certified copy of compliance audit return and other documents to be given to Departmental CEO

(1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with -

(a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and

(b) any additional information explaining or qualifying the compliance audit is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.

(2) In this regulation -

certified in relation to a compliance audit return means signed by -

(a) the mayor or president; and

(b) the CEO.

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Shire of Cue Strategic Community Plan 2023 - 2038

Outcome 2.1.3

Maintain accountability and financial responsibility

Consultation:

Richard Towell, Chief Executive Officer

Officers Recommendation:

Voting Requirement: Absolute Majority

That Council, by absolute majority;

1. Accept the Audit Committee's recommendation to Council that it adopts the 2023 Compliance Audit Return; and
2. Adopt the 2023 Compliance Audit Report as presented.

Council Decision: 04032024

Voting Requirement: Absolute Majority

MOVED: Cr Ian Dennis

SECONDED: Cr Julie Humphreys

That Council, by absolute majority;

1. Accept the Audit Committee's recommendation to Council that it adopts the 2023 Compliance Audit Return; and
2. Adopt the 2023 Compliance Audit Report as presented.

CARRIED: 6/0

AGAINST: None

10.4 2023 - 2024 BUDGET REVIEW

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Glenn Boyes - Deputy Chief Executive Officer

DATE: 7 March 2024

Matters for Consideration:

To consider and adopt the Budget Review as presented in the Statement of Financial Activity showing the year-to-date actuals for the period 1 July 2023 to 31 December 2023.

Background:

A Statement of Financial Activity incorporating budget variations and forecasts to 30 June 2024 based on year-to-date actuals for the period ending 31 December 2023 is presented for Council to consider.

The *Local Government (Financial Management) Regulations 1996*, regulation 33A, requires that local governments conduct a budget review between 1 January and 31 March in each financial year. A copy of the review and determination is to be provided to the Department of Local Government within 14 days of the adoption of the review.

Comments:

The Budget Review has been prepared to include information required by the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*. Council adopted a 10% and a \$25,000 minimum for the reporting of material variances to be used in the Statements of Financial Activity and the Budget Review.

Statutory Environment:

Local Government (Financial Management) Regulations 1996

Regulation 33A

(1) *Between 1 January and the last day of February in each financial year a local government is to carry out a review of its annual budget for that year.*

(2A) *The review of an annual budget for a financial year must -*

(a) *consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*

- (b) *consider the local government's financial position as at the date of the review; and*
- (c) *review the outcomes for the end of that financial year that are forecast in the budget.*
- (d) *include the following -*
 - (i) *the annual budget adopted by the local government;*
 - (ii) *an update of each of the estimates included in the annual budget;*
 - (iii) *the actual amounts of expenditure, revenue and income as at the date of the review;*
 - (iv) *adjacent to each item in the annual budget adopted by the local government that states an amount, the estimated end-of-year amount for the item.*

(2) *The review of an annual budget for a financial year must be submitted to the council on or before 31 March in that financial year.*

(3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

(4) *Within 14 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

Policy Implications:

The Budget is based on the principles contained in the Strategic Community Plan and the Corporate Business Plan.

Financial Implications:

The proposed amendments are made with the intention of more accurately reflecting the predicted financial outcome for the 2023-2024 financial year.

Strategic Implications:

The Budget Review has been developed based on existing strategic planning documents adopted by Council.

Consultation:

Richard Towell, Chief Executive Officer

Officers Recommendation:

Voting Requirement: Absolute Majority

That Council by absolute majority:

1. Accept the budget review as presented; and
2. Adopt the revised budget figures as budget amendments for the year ending 30 June 2024.

06:57pm Cr Ian Dennis left the chamber

06:59pm Cr Ian Dennis re-entered the chamber

Council Decision: 05032024

Voting Requirement: Absolute Majority

MOVED: Cr Ron Hogben

SECONDED: Cr Julie Humphreys

That Council by absolute majority:

1. Accept the budget review as presented; and
2. Adopt the revised budget figures as budget amendments for the year ending 30 June 2024.

CARRIED: 4/2

AGAINST: Deputy Shire President Houghton, Councillor Fitzpatrick

10.5 EXTRAORDINARY ELECTION 2024

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Richard Towell - Chief Executive Officer

DATE: 12 March 2024

Matters for Consideration:

To engage the Western Australian Electoral Commission to facilitate an extraordinary election and determine the method of election.

Background:

In February 2024, Councillor Neil Montgomery resigned as a Councillor. The resignation requires an extraordinary election to be held in accordance with section 2.32(b) of the *Local Government Act 1995*. Previously Council has conducted all its elections (ordinary and extraordinary) as postal elections.

Comments:

As noted above, Councillor Montgomery resigned as a Councillor for the Shire of Cue effective on Sunday 11 February 2024. The term of office for Councillor Montgomery was four (4) years from the ordinary election of 24 October 2023 which would/will expire on the 16 October 2027.

In accordance with section 2.31 of the *Local Government Act 1995*, should the office of a Councillor or of an elector mayor or president become vacant under section 2.32, an extraordinary election to fill the office is to be held.

While Local Government/extraordinary elections may be conducted in-house, it has been the practice of the Shire of Cue in recent times for elections to be conducted by the Western Australian Electoral Commissioner. This ensures that there can be no question of the independence of the process.

An in-person election conducted in Cue would tend to limit the number of electors able to vote, it is therefore recommended that the extraordinary election be conducted as a postal election.

Furthermore, in accordance with section 4.37 of the *Local Government Act 1995*, a new Electoral Roll is required given the election day for which it is scheduled for is

more than 100 days after the election day for another election. That is, since the (election) appointment of Councillor Montgomery at the Special Meeting of Council on the 24 October 2023.

Statutory Environment:

Local Government Act 1995 - Sect 2.31

2.31 Resignation

- (1) *An elector mayor or president may resign from the office of mayor or president.*
- (2) *A councillor may -*
 - (a) *resign from the office of councillor;*
 - (b) *resign from the office of councillor mayor or president, deputy mayor or deputy president*
- (3) *Written notice of resignation is to be signed and dated by the person who is resigning and delivered to the CEO*
- (4) *The resignation takes effect from the date of delivery of the notice or from a later day specified in the notice.*

Local Government Act 1995 - Sect 2.32

2.32 How extraordinary vacancies occur in offices elected by electors

The office of a member of a council as an elector mayor or president or as a councillor becomes vacant if the member -

- (b) *resigns from the office*

Local Government Act 1995 - Sect 4.20

4.20 CEO to be returning officer unless other arrangements made

- (1) *Subject to this section the CEO is the returning officer of a local government*
- (2) *A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint* person other than the CEO to be the returning officer of the local government for -*
 - (a) *an election; or*
 - (b) *all elections held while the appointment of the person subsists.*

** Absolute majority required.*

- (3) *An appointment under subsection (2) -*

- (a) *is to specify the term of the person's appointment; and*
- (b) *has no effect if it is made after the 80th day before an election day.*

- (4) *A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

** Absolute majority required.*

Local Government Act 1995 - Sect 4.37

4.37 New roll for each election

- (1) An electoral roll is to be prepared for the election.
- (2) If the district is not divided into wards the same electoral roll can be used for the election of an elector mayor or president and the election of a councillor or councillors.
- (3) A new electoral roll need not be prepared for the election if -
 - (a) it is an extraordinary election the election day for which is less than 100 days after the election day for another election; and
 - (b) the CEO, with the approval of the Electoral Commissioner, decides that the roll that was used for the earlier election is suitable for use at the extraordinary election.

Local Government Act 1995 - Sect 4.61

4.61 Choice of methods of conducting election

- (1) The election can be conducted as a -
postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or
voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.
- (2) The local government may decide* to conduct the election as a postal election.
* Absolute majority required.
- (3) A decision under subsection (2) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.
- (4) A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20(4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.
- (5) A decision made under subsection (2) on or before the 80th day before election day cannot be rescinded after that 80th day.
- (6) For the purposes of this Act, the poll for an election is to be regarded as having been held on election day even though the election is conducted as a postal election.
- (7) Unless a resolution under subsection (2) has effect, the election is to be conducted as a voting in person election

Local Government Act 1995 - Sect 4.8

4.8 Extraordinary elections

(1) *If the office of a councillor or of an elector mayor or president becomes vacant under section 2.32, an election to fill the office is to be held, except if the vacancy is filled under Schedule 4.1A or 4.1B*

Policy Implications:

Nil

Financial Implications:

A cost estimate of \$11,000 has been provided for the conduct of a postal election by the Western Australian Electoral Commission. The 2023/2024 Budget contains an allocation of \$22,000 for election expenses to allow for this extraordinary election.

Strategic Implications:

Nil

Consultation:

Cr Les Price, Shire President Western Australian Electoral Commission

Officers Recommendation:

Voting Requirement: Absolute Majority

That Council:

1. declare, in accordance with section 4.20(4) of the *Local Government Act 1995* that the Electoral Commissioner to be responsible for the conduct of the extraordinary election;
2. decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the extraordinary election will be as a postal election.

Council Decision: 06032024

Voting Requirement: Absolute Majority

MOVED: Cr Julie Humphreys

SECONDED: Cr Elizabeth Houghton

That Council:

1. declare, in accordance with section 4.20(4) of the *Local Government Act 1995* that the Electoral Commissioner to be responsible for the conduct of the extraordinary election;
 2. decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the extraordinary election will be as a postal election.
-

CARRIED: 6/0 AGAINST: None

10.6 BANK BUILDING DEVELOPMENT APPLICATION

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Eugene Ferraro - Shire Town Planner

DATE: 14 March 2024

Matters for Consideration:

Application for planning approval for extensions to the existing former Bank of WA building located on Lot 93, 64 Austin Street, Cue to enable its use as a restaurant/café, reception centre and shop.

Background:

The former bank building is a well-known landmark located on the main street of the Cue townsite. The bank building is historically significant and is listed on the State Heritage Register.

A summary of the bank building's history is as follows:

The former bank building site was purchased by the Western Australian Bank in 1894. Tenders for the construction of a bank on the site were issued in 1899 and the building was completed in 1900. The bank was designed by John Talbot Hobbs, a prolific and influential architect in Western Australia around the turn of the 20th century. The stone for the walls was quarried from the Cue area, while the stone for the window sills and doorsteps was brought from Melbourne.

The Western Australian Bank continued to trade on this site until 1927 when the property was transferred to the Bank of New South Wales and remained under that ownership until the Shire purchased the site in 1978. The building was used as both a bank branch and a sub-branch between its construction in 1900 and its close in 1961.

The Shire purchased the building in 1978 and leased the building to private companies, after which it was then sold in 1996 and used as a private residence. During this time mostly unsympathetic modifications were made to the building, including the removal of skirtings and fireplaces and the addition of a concrete floor in the kitchen area.

The building was eventually repurchased by the Shire in 2019 and has since undertaken a comprehensive restoration, to enable the building to be returned to a public type use. Restorations have been undertaken in accordance with the 2003 Conservation Plan prepared by Considine and Griffiths and the 2015 Heritage Strategy prepared by Stephen Carrick Architects. These restorations have included removing unsympathetic additions and modifications and the replacement of the original skirtings and wood mouldings.

It should be noted that since its construction in 1900, various additions have been installed and removed from the building, namely in the form of verandahs and lean-tos.

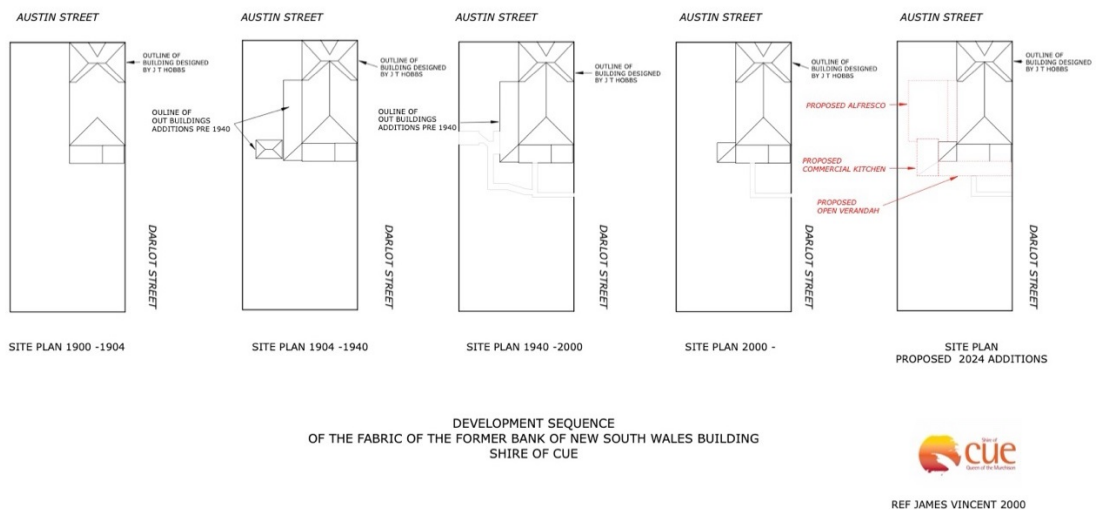


Figure 1 Summary of modifications that have been made to the bank building over time

Comments:

Proposal Development:

Given its central and prominent location in the town centre, the Shire has taken the view that the building would be well suited as a restaurant/café to serve the town and the passing trade. An assessment of the building has determined that the building cannot structurally accommodate a commercial kitchen without undertaking major modifications. Consequently, this application seeks to add a purpose-built structure to accommodate the requirements of a modern commercial kitchen.

Detailed drawings have been prepared by the Shire’s heritage architects to ensure the extensions achieve heritage protection strategies for both the structure and the precinct.

The proposal to add a commercial kitchen also provides the opportunity for an outdoor eating area, that can be easily serviced by the new kitchen, while providing the opportunity to enjoy the fabric of the historic building and the precinct. The new kitchen has been designed as a lightweight extension of the existing lean-to located at the back of the building.

The proposed alfresco area will be an open verandah-type structure located on the Southwestern side of the building and connected to the proposed kitchen. Other than its connection to the new kitchen, the proposed alfresco verandah will be free-standing and not connected to the walls or roof of the stone building. This will ensure that the new verandah will be distinguishable from the heritage building. Being a separate structure, the proposed alfresco verandah can, if needed, be removed in future without adversely impacting the fabric of the heritage building. The alfresco area will extend along the western wall of the stone building along the alignment of a verandah which was constructed early in the building's history and has since been removed.

A modern toilet block is also proposed to be constructed at the rear of the site and will replace other outdated facilities. In addition, a small verandah is also proposed to be added to the lean-to at the rear of the building to provide for additional protection to the building and its future operations.

Proposal - Use:

The site is proposed to be used primarily as a restaurant/café, which may operate from early morning to late evening. In addition to its restaurant/café use, the building may also be used to accommodate private functions such as weddings etc. and the addition of a reception centre use will enable the operators to optimise the use of the building. Finally, portions of the building (e.g. banking chambers) could also be used for the selling of souvenirs and gifts. The shop component is likely to be ancillary to the main restaurant/café use and may add to the economic viability of the establishment.

Town Planning Assessment:

The bank building site (lot 93) is zoned Commercial under the Shire of Cue Local Planning Scheme No. 2 (LPS 2).

The use, Restaurant/Café and Shop are listed as a 'P' use in the Commercial zone in Table 1 of the LPS. A 'P' use means:

“that the use is permitted if it complies with any relevant development standards and requirements of this Scheme;”

The use, Reception Centre is listed as a 'D' use in the Commercial zone in Table 1 of the LPS. A 'D' use means:

“that the use is not permitted unless the local government has exercised its discretion by granting development approval;”

Furthermore, Lot 93 is also included within a Special Control Area (SCA 1) which the following additional requirements apply:

SCA 1 - Austin Street

Purpose

To ensure development does not adversely affect or detract from the historic character of the area or the heritage buildings in the area.

Objectives

Ensure the retention and conservation of the heritage buildings and the special historic character of the area through controlling development;

Ensure that development is designed and sited in a way that respects and complements the heritage buildings and the special historic character of the area in terms of architectural style, scale, form and materiality;

To achieve high quality and innovative architectural responses which complement the heritage buildings and the special historic character of the area.

Additional Provisions

a. Despite any other provision of the Scheme, development approval is required for all use and development of land in the area and shall be subject to the discretion of the local government, notwithstanding that the use may be designated as a 'P' use or the development listed as being exempted development pursuant to the deemed provisions outlined in cl.61, Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

b. The local government may refer applications for development approval to the Heritage Council of Western Australia, an independent heritage architect or heritage planner or any other agency or organisation it deems necessary and shall have due regard to any advice received.

Referrals

Pursuant to the requirements of SCA 1, preliminary detailed drawings were referred to the Historic Heritage Conservation branch of the Department of Planning, Lands and Heritage for advice. The detailed drawings included three options relating to the design of the alfresco area, ranging from a free-standing verandah to elaborate structures connected to the stone building. The Department confirmed that Option 3 (free standing) was the preferred design, as it did not detract from the building, while providing the opportunity for patrons to view the original stone structure. The proposed additions were determined to have no impact on the cultural significance of the bank building.

The Department further advised that:

1. The proposed addition to be lightweight/reversible and capable of being removed without significantly impacting upon the original fabric.
 2. Verandah to be fixed within the mortar joints of the stone façade and fixings to be of stainless steel only.
-

Detailed drawings of the final proposed plan and the response from the Department of Planning, Lands and Heritage are attached.

Assessment

The former bank building is highly valued by the local community and serves as an important reminder of the town's rich and extensive history. The building has not served as a bank building for over 60 years. The proposal to return the building to a public purpose will provide the community with the opportunity to enjoy the character and amenity that the building offers. The proposal for a new commercial kitchen will avoid the need to modify the stone structure to accommodate modern requirements. Furthermore, the proposed alfresco area will enable patrons to more fully enjoy the character of the building and the ambience of the town, while providing added protection to the external walls.

The extensions meet heritage protection requirements, as new additions will be distinguishable from the heritage structures. The proposal to erect a free-standing structure and not rely on the stone walls of the former bank building for structural support is commendable and will ensure that there will be no impact on the heritage value.

The proposed reception centre and shop uses are supported as they will provide a future operator the opportunity to expand revenue opportunities, without adversely impacting the amenity or heritage values of the area.

Clause 34 of TPS 2 provides that the Shire may approve development that does not comply with, among other things the parking requirements of the Scheme. Given the abundance of on-street parking available in the town, prescribing on-site car parking is likely to detract from the heritage values of the precinct and is unnecessary given the abundance of on-street parking available in the town centre.

TPS 2 does not prescribe a minimum setback from boundaries in the Commercial zone, other than ensuring buildings meet the requirements of the Building Codes of Australia. This matter will be dealt with through the building process.

Conclusion

The former Bank of New South Wales building is a building of cultural heritage significance that requires preservation. In 2019 the Shire of Cue purchased the building to ensure its appropriate restoration and reuse. Over the years, detailed heritage plans and strategies have been prepared for this building and the proposal to use the building as a restaurant/café is consistent with the recommendations of these documents. The detailed plans have been prepared by the Shire's heritage architects and have been supported by the heritage branch of the Department of Planning, Lands and Heritage.

Recognising that the bank building cannot accommodate a commercial kitchen without substantial modifications to the stone building, the proposal for a lightweight

extension to the existing lean-to is appropriate. The proposed undercover alfresco area will complement the proposed use and provide the opportunity for patrons to enjoy the amenity the heritage building and the precinct offers.

Being located within the town centre, the proposed restaurant/café, reception centre and shop are appropriate and will not adversely impact the character, or historical values of the townsite, while providing an improved amenity to residents.

No planning objections are raised to the proposal.

Statutory Environment:

Shire of Cue Local Planning Scheme No. 2.

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Outcome 1.1. Maximise local economic opportunities to benefit the whole community

1.1.1 Work with commercial sector to grow and support local infrastructure and services.

1.1.2 Develop main street shopping and commercial precinct by working with property owners to maintain and improve our heritage listed buildings.

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

1.1.5 To facilitate services in the town

Outcome 1.2 Development strategies to increase number of tourists visiting the Shire

1.2.2 Showcase our heritage and mining attractions.

1.2.3 Develop new tourism attractions to enhance and encourage visitors to stay long

Outcome 3.1 Community infrastructure that meets the needs of our residents

3.1.3 Provide, maintain and improve community infrastructure and facilities

Outcome 3.2 Encourage community participation and services

3.2.3 Encourage healthy living and social interaction

Outcome 4.3 Environmental Objectives

4.3.2 Maintain the integrity of heritage assets

4.3.3 *Preserve heritage assets for future generations*

Outcome 4.5 Implement sustainability and protection strategies for the future of the area

4.5.2 *Support town and tourism strategies within the region*

Consultation:

Richard Towell, Chief Executive Officer
Department of Planning, Lands and Heritage
Stephen Carrick Architects

Officers Recommendation:

Voting Requirement: Simple Majority

That Council approve the application for planning approval to accommodate a restaurant/café, reception centre and shop and for the construction of a new commercial kitchen, alfresco dining area, toilet block and other works as detailed in the approved plans on Lot 93, 64 Austin Street, Cue, subject to the following conditions:

Council Decision: 07032024

Voting Requirement: Simple Majority

MOVED: Cr Julie Humphreys

SECONDED: Cr Ian Dennis

That Council approve the application for planning approval to accommodate a restaurant/café, reception centre and shop and for the construction of a new commercial kitchen, alfresco dining area, toilet block and other works as detailed in the approved plans on Lot 93, 64 Austin Street, Cue, subject to the following conditions:

AMENDMENT:

MOVED: Cr Leonie Fitzpatrick

SECONDED: Cr Ian Dennis

The following be added after the word conditions:

Conditions

1. Nil

Advice to Applicant

Nil

CARRIED: 6/0 AGAINST: None

10.7 MURCHISON GEOREGION CONSTITUTION

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: The author is a voting member of the Project Working Group.

AUTHOR: Richard Towell - Chief Executive Officer

DATE: 15 March 2024

Matters for Consideration:

That Council consider the endorsement of the Murchison GeoRegion and Geoparks Constitution.

Background:

The Murchison GeoRegion project has been jointly developed by the seven Murchison local governments (Cue, Meekatharra, Mount Magnet, Murchison, Sandstone, Wiluna and Yalgoo) and it is supported by various State Government agencies.

The project seeks to enhance tourism and economic development across the Murchison subregion based on geotourism. It harnesses the Murchison's diverse geology, natural landscapes, biodiversity and culture (Aboriginal and Non-Aboriginal).

The Project focuses on 21 priority geosites across the Murchison using interpretation based on the 'ABC' spectrum of geotourism.

- Abiotic (non-living) - geology, landforms and climate; and
- Biotic (living) - flora and fauna; and
- Culture (people) - Aboriginal and non-Aboriginal - past and present.

The project has been funded by contributions from the seven local governments and currently operates through the Murchison GeoRegion Project Working Group which employs a Project Officer.

The long-term vision is to establish a UNESCO Global Geopark within the Murchison, recognising there are numerous physical, economic, political, and other imperatives that must first be worked through. The strategy is therefore to develop the Murchison GeoRegion in a manner and to a standard that would meet the requirements of UNESCO. UNESCO requires an independent entity to be established and to have operated effectively for twelve months before applying for UNESCO Global Geopark status.

The Project Working Group has explored different governance models including the formation of a Regional Subsidiary. It has been decided the governance model is best suited to be an incorporated association to allow for industry membership and future growth. Through the Murchison Executive Group and more recently the Murchison

Comments:

The attached constitution was adopted by the Project Working Group on the 20 February 2024 and they are seeking endorsement from participating Councils of the proposed governance structure.

Statutory Environment:

Local Government Act 1995

Policy Implications:

Shire of Cue Policy Manual

Financial Implications:

The Shire of Cue currently contribute \$21,350 per year in equal contribution to the other participating local governments for the marketing, operation and development of the project. The proposed governance structure will enable industry membership that will provide fees to the association potentially reducing the contributions required by local governments in the future.

Strategic Implications:

Shire of Cue Strategic Community Plan 2023-2038

Outcome 1.2 - Develop strategies to increase number of tourists visiting the Shire.

Outcome 4.5 - Implement sustainability and protection strategies for the future of the area.

Consultation:

Murchison GeoRegion Working Group

Officers Recommendation:

Voting Requirement: Simple Majority

That Council endorse the Constitution of the Murchison GeoRegion and Geoparks Incorporated.

Council Decision: 08032024 **Voting Requirement:** Simple Majority

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

That Council endorse the Constitution of the Murchison GeoRegion and Geoparks Incorporated.

CARRIED: 6/0
AGAINST: None

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

Nil.

14 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

15 CLOSURE

The Presiding Member thanked those present for attending the meeting and declared the meeting closed at 07:36 PM.

To be confirmed at Ordinary Meeting on the 16 April 2024.

Signed:

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