



**MINUTES
ORDINARY MEETING
OF COUNCIL**

16TH OF FEBRUARY 2016

NOTICE OF MEETING

Please be advised that meeting of the

Ordinary Meeting of Council

commencing at **6:30pm**

to be held on

Tuesday, 16th of FEBRUARY 2016

in Council Chambers at Austin Street, Cue WA

Rob Madson
Chief Executive Officer
11th of February 2016

DISCLAIMER

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Please note this agenda contains recommendations, which have not yet been adopted by Council.

SHIRE OF CUE

DISCLOSURE OF FINANCIAL INTEREST AND INTERESTS AFFECTING IMPARTIALITY

To: Chief Executive Officer

As required by section 5.65(1)(a) or 5.70 of the Local Government Act 1995 and Council’s Code of Conduct, I hereby declare my interest in the following matter/s included on the Agenda paper for the Council meeting to be held on _____ (Date)

Item No.	Subject	Details of Interest	Type of Interest Impartial/Financial	*Extent of Interest

(see below)

* Extent of Interest only has to be declared if the Councillor also requests to remain present at a meeting, preside, or participate in discussions of the decision making process (see item 6 below). Employees must disclose extent of interest if the Council or Committee requires them to.

Name (Please Print)

Signature

Date

NB

1. This notice must be given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter in which you have declared an interest is discussed, Section 5.65(1) (a) & (b).
2. It remains Councillors’/Employees’ responsibility to make further declarations to the Council if a matter arises during the course of a meeting and no previous declarations have been made.
3. It is a Councillor’s/Employee’s responsibility to ensure the interest is brought to the attention of the Council/Committee when the Agenda item arises and to ensure that it is recorded in the minutes.
4. It remains the Councillor’s responsibility to ensure that he/she does not vote on a matter in which a declaration has been made. The responsibility also includes the recording of particulars in the minutes to ensure they are correct when such minutes are confirmed.
5. It is recommended that when previewing Agenda, Councillors mark Agendas with items on which an interest is to be declared and complete the declaration form at the same time.
6. Councillors may be allowed to remain at meetings at which they have declared an interest and may also be allowed to preside (if applicable) and participate in discussions and the decision making process upon the declared matter subject to strict compliance with the enabling provisions of the Act and appropriately recorded resolutions of the Council. Where Councillors request consideration of such Council approval the affected Councillor must vacate the Council Chambers in the first instance whilst the Council discusses and decides upon the Councillor’s application.

Remember: The responsibility to declare an interest rests with individual Councillors / Employees. If in any doubt seek legal opinion or, to be absolutely sure, make a declaration.

Office Use Only: Date/Initials

1. Particulars of declaration given to meeting _____
2. Particulars recorded in the minutes: _____
3. Signed by Chief Executive Officer _____

Meetings generally open to the public

5.23. (1) Subject to subsection (2), the following are to be open to members of the public:

- (a) All Council meetings; and
- (b) All meetings of any committee to which a local government power or duty has been delegated.

(2) If a meeting is being held by a Council or by a committee referred to in subsection (1) (b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following --

- (a) A matter affecting an employee or employees;
 - (b) The personal affairs of any person;
 - (c) A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) A matter that if disclosed, would reveal:
 - (i) A trade secret;
 - (ii) Information that has a commercial value to a person; or
 - (iii) Information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) A matter that if disclosed, could be reasonably expected to:
 - (i) Impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) Endanger the security of the local government's property; or
 - (iii) Prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - (g) Information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and
 - (h) Such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

SHIRE OF CUE

REVOKING OR CHANGING DECISIONS MADE AT COUNCIL MEETINGS

Local Government (Administration) Regulations 1996 (Regulation No.10)

If a previous Council decision is to be changed then support for a revocation motion must be given by an **Absolute Majority** of Councillors (that is at least 4 Councillors) if a previous attempt to rescind has occurred within the past three months or, if no previous attempt has been made the support must be given by at least **1/3rd** of all Councillors (that is at least 4 Councillors).

Regulation 10(1a) also requires that the support for revocation must be in writing and signed by the required number of Councillors, including the Councillor who intends to move the revocation motion.

Any revocation motion must be carried by the kind of vote that put the motion into place in the first instance (that is, if carried originally by an Absolute Majority or Special Majority vote then the revocation motion must also be carried by that same kind of vote).

If the original motion was carried by a Simple Majority vote then any revocation motion must be carried by an Absolute Majority vote.

To the Presiding Member,

The following Councillors give notice of their support for the bringing forward to the Council meeting to be held on _____ of a motion for revocation of Council resolution number _____ as passed by the Council at its meeting held on _____

Councillor's Names

Councillor's Signature

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

SHIRE OF CUE
Ordinary Council Meeting
MINUTES

Held in the Council Chambers, Austin Street Cue on Tuesday 16th of February 2016 commencing at 6:30pm.

1.	OFFICIAL OPENING.....	7
2.	PUBLIC QUESTION TIME	7
3.	APOLOGIES AND LEAVE OF ABSENCE.....	8
4.	PETITIONS/PRESENTATIONS/SUBMISSIONS.....	8
5.	CONFIRMATION OF MINUTES	8
6.	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION.....	10
7.	MATTERS FOR WHICH THE MEETING MAY GO BEHIND CLOSED DOORS	10
8.	REPORTS	10
8.1	CHIEF EXECUTIVE OFFICER	10
8.2	RANGERS REPORT	14
8.3	WORKS & SERVICES REPORT.....	15
8.4	ACCOUNTS & STATEMENTS OF ACCOUNTS	18
8.5	FINANCIAL STATEMENT.....	20
8.6	NOTICE OF MOTION.....	22
8.7	REVOCATION OF BUILDING ORDER – LOT 630 DOWLEY STREET, CUE	26
8.8	PROPOSED ADDITIONAL OUTBUILDING, LOT 1639 (FORMERLY LOT 639) RAILWAY ST, CUE.....	29
9.	INFORMATION BULLETIN.....	32
9.1	EBO REPORT.....	32
9.2	STATUS OF RESOLUTIONS OF COUNCIL.....	39
10.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	40
11.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN.....	40
12.	URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION .	40
12.1	GRV UNIMPROVED DIFFERENTIAL MINIMUM PAYMENTS.....	40
13.	MATTERS BEHIND CLOSED DOORS.....	42
14.	CLOSURE.....	43

1. OFFICIAL OPENING

The Shire President 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.

Please be advised that in accordance with a Department of Local Government recommendation this Meeting is being electronically recorded with my permission.

PRESENT:

Councillor Ross Pigdon, Shire President

Councillor Les Price, Deputy Shire President

Councillor Leonie Fitzpatrick

Councillor Pixie Pigdon

STAFF:

Mr Rob Madson, Chief Executive Officer

Mr Richard Towell, Manager Finance

Mrs Noelene Meredith, Manager Corporate & Community Services

GALLERY:

Mr Roger Le Maitre (left at 7:15)

Mr Fred Spindler (left at 7:15)

2. PUBLIC QUESTION TIME

Mr Roger Le Maitre

1. At the December meeting Item 8.7 was let lie on the table until this meeting. Is it the intention of Council to vote on the delegations register today ?

No. That motion related to the granting of delegations to the Acting Chief Executive Officer and now that we have a permanent Chief Executive Officer that's no longer required because the delegations are granted to the Chief Executive Officer.

2. Reference Item 8.6 of today's agenda. How does Council propose to answer the residents questions received regarding legal expenses without breaching confidentiality ?

It will be done behind closed doors. During the presentation of that report we will go through the details of what can and can't be disclosed to the public such as total amounts that have been paid. When it comes down to what has been paid in relation to certain individual matters advice will be sought and details given to council then. Some of those matters won't be able to be discussed outside the meeting. Further advice was received today from the Department of Local Government regarding some of those details and this will be provided to the council.

3. Will Council provide an update on the arrangement with the Shire and Western Mining regarding the supply of water from the bore to the caravan park ? If, in the CEO’s opinion, the matter has become hopelessly bogged down in legal issues will Council ask the CEO to contact Western Mining with a view to cancelling the arrangement and substituting another more straightforward one eg. having them supply a rock or something like that similar to that outside the mining camp or Brockman Park.

Council will take this on notice.

3. APOLOGIES AND LEAVE OF ABSENCE

Officers Recommendation:

That a Leave of Absence be granted to Cr Ian Dennis and Cr Ron Hogben for the Ordinary Meeting of 16th of February 2016.

Council Decision 01022016:

MOVED: CR PRICE SECONDED: CR FITZPATRICK

That a Leave of Absence be granted to Cr Ian Dennis and Cr Ron Hogben for the Ordinary Meeting of 16th of February 2016.

CARRIED: 4/0

4. PETITIONS/PRESENTATIONS/SUBMISSIONS

Nil

5. CONFIRMATION OF MINUTES

Officers Recommendation:

That the Minutes of the Ordinary Meeting of 15th of December 2015 are confirmed as a true and correct record of the meeting.

Council Decision 02022016:

MOVED: CR FITZPATRICK SECONDED: CR PIGDON

That the Minutes of the Ordinary Meeting of 15th of December 2015 are confirmed as a true and correct record of the meeting.

CARRIED: 4/0

Officers Recommendation:

That the Minutes of the Special Meeting of 12th of January 2016 are confirmed as a true and correct record of the meeting with the following amendments:

Page 17 Item 12 Council Decision Number should be 04012016

Page 18 Item 13.1 Matters Behind Closed Doors0

Appointment of Chief Executive Officer

That Council appoint Mr Rob Madson to the position of Chief Executive Officer for a period of twelve months by an absolute majority.

Council Decision number should be 0501206 not 04012016

Council Decision 03022016:

MOVED: CR FITZPATRICK SECONDED: CR PRICE

That the Minutes of the Special Meeting of 12th of January 2016 are confirmed as a true and correct record of the meeting with the following amendments:

Page 17 Item 12 Council Decision Number should be 04012016

Page 18 Item 13.1 Matters Behind Closed Doors0

Appointment of Chief Executive Officer

That Council appoint Mr Rob Madson to the position of Chief Executive Officer for a period of twelve months by an absolute majority.

Council Decision number should be 0501206 not 04012016

CARRIED: 4/0

Officers Recommendation:

That the Minutes of Special Meeting of 19th of January 2016 are confirmed as a true and correct record of the meeting with the following amendments:

Page 3 Item 3 Council Decision number should be 07012016 not 05012016

Page 7 Item 8.1 Council Decision number should be 08012016 not 06012016

Page 10 Item 8.2 Council Decision number should be 09012016 not 07012016

Page 12 Item 8.3 Council Decision number should be 10012016 not 08012016

Council Decision 04022016:

MOVED: CR R PIGDON SECONDED: CR P PIGDON

That the Minutes of Special Meeting of 19th of January 2016 are confirmed as a true and correct record of the meeting with the following amendments:

Page 3 Item 3 Council Decision number should be 07012016 not 05012016

Page 7 Item 8.1 Council Decision number should be 08012016 not 06012016

Page 10 Item 8.2 Council Decision number should be 09012016 not 07012016

Page 12 Item 8.3 Council Decision number should be 10012016 not 08012016

CARRIED: 4/0

6. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION.

The President gave a verbal summary of the MRVC meeting Mount Magnet on 16 February 2016 which was called to consider the impact of an application by the Shire of Dalwallinu to annexe a portion of the Shire of Yalgoo.

7. MATTERS FOR WHICH THE MEETING MAY GO BEHIND CLOSED DOORS

The Chief Executive Officer advised that he wished to raise an item (13.1) regarding a staff matter that would require the meeting to go behind closed doors. No decision is to be made.

8. REPORTS**8.1 CHIEF EXECUTIVE OFFICER**

During my first three weeks, I have spent much of my time attempting to get up to speed with the Shire's operational structures and current projects. Unfortunately, I have been hampered by dealings with numerous ongoing complaints and actions against the Shire in various forms. I will be making it a priority to have these matters dealt with swiftly to enable the Shire's resources to be properly directed toward the effective management of the Shire's day to day functions for the benefit of the community.

Staffing

Mr Brett Edwards has been engaged through LO-GO Appointments to act as Manager Works & Services while the selection process for a permanent replacement is undertaken.

Mr Richard Towell has been appointed permanently to the position of Manager Finance. Mr Towell had previously been on temporary placement with the Shire from LO-GO Appointments for a period exceeding three months.

Applications for Manager/s of Cue Tourist Park closed Friday 5 February 2016. Three applications were received. Interviews are currently being arranged and it is anticipated that the selection process will be completed by week's end.

Applications for the position of Plant Operator also closed Friday 5 February 2016. As Mr Travis Fraser has notified the Shire of his resignation, effective 12 February 2016, two vacancies now exist and if possible I will be making both appointments from the list of current applicants.

STATUS OF GRANTS

Submitted	Close Date	Project	Grant	Provider	Grant Amount	Project Cost	Result
07/10/2015	31/10/2015	Footpaths	Cycling Infrastructure Grants	Dept of Transport	\$50,000	\$100,000	Pending
13/08/2014	Indefinite	Heritage Advisory Service	Heritage Advisory Office Assistance Grant	Heritage Commission	\$10,000	\$15,000	Successful
05/09/2014	Indefinite	RV Park	RV Park Dump Point	Tourism Commission	\$27,896	\$52,000	Successful
24/09/2014	30/09/2014	Water upgrade Park	CSRFF	Department of Sport and Recreation	\$94,682.50	\$189,365	Successful
19/10/2014	31/10/2014	Marshall Street	Blackspot	Main Roads	\$167,391	\$247,000	Successful

ORDINARY MEETING – 16 FEBRUARY 2016

10/11/2014	11/12/14	Streetscape (Oasis)	RGS Program	Mid West Development Commission	\$211,152	\$880,000	Unsuccessful
11/11/2014	Indefinite	Cue Industrial Site	CLGF	Royalties for Regions	\$358,405	\$358,405	Successful
27/8/2015	27/11/2014	Streetscape (Oasis)	NSRF	Dept of Infrastructure and Regional Development	\$448,698	\$880,000	Successful
05/02/2015	Indefinite	Water Park	Community pools	Department of Sport and Recreation	\$10,000	\$10,000	Successful

AIRPORT STATISTICS FOR THE 2015 / 16 FINANCIAL YEAR

Month	Landings	Pax Inbound	Pax Outbound	Income	Budget	Actual YTD	Variance (Mthly)
July	5			\$ 584	\$ 417	\$ 584	\$ 168
August	4			\$ 440	\$ 417	\$ 1,025	\$ 24
September	0			\$ 0	\$ 417	\$ 1,025	-\$ 417
October	4			\$ 2,341	\$ 417	\$ 3,366	\$ 1,924
November	0			\$ 155	\$ 417	\$ 3,520	-\$ 262
December	0			\$ 168	\$ 417	\$ 3,688	-\$ 249
January	1			\$ 0	\$ 417	\$ 3,688	-\$ 417
February					\$ 417		
March					\$ 417		
April					\$ 417		
May					\$ 417		
June					\$ 417		
Totals	14			\$ 3,688	\$ 5,000		

CARAVAN PARK REVENUE 2015 /16

Month	Revenue	Last Year Actual	Actual YTD	Variance YTD	Expenditure	Cashflow
July	21,087	23,001	21,087	-1,914	10,258	10,829
August	20,269	15,449	41,356	4,820	17,966	2,303
September	12,358	12,323	53,714	35	7,618	4,740
October	5,155	4,360	58,869	795	11,674	-6,519
November	3,348	3,645	62,217	-297	10,045	-6,697
December	2,829	1,702	65,045	1,127	13,609	-10,780
January	1,899	3,395	66,944	-1,496	4,028	-2,129
February		3,307				
March		3,088				
April		8,384				

ORDINARY MEETING – 16 FEBRUARY 2016

May		18,493			
June		20,276			
Totals	66,945	117,422		75,198	-8,253

STATUS OF PROJECTS

Project	Description	Status %
Employee Housing (Group)	Project complete with installation of lawns and window awnings. Some ongoing maintenance issues with paving collapsing after rains.	Complete
Employee Housing (Individual)	Project nearing completion with lawns and window awnings installed. Final stages of shed being completed.	95% Complete
Records Management	This will be an on-going project. We have secured the services of Kim Ryan as our Customer Service Officer. As part of Kim's duties she will continue to remediate our records management.	Ongoing
Local Laws Review	As required by the Act. Advertising has been undertaken.	20% Complete
Water Park	Works currently being undertaken with the new pump shed being installed and shade sails replaced. The hard stand has now been resurfaced. The only outstanding job is to install new grass around the outside.	90% Complete
Marshall Street	Blackspot funding application has been submitted and has been successful. An audit of the proposed structure has been undertaken and it has been recommended that this project be undertaken when the proprietor of the BP Garage undertakes their additions and alterations.	30% Completed
Brockman Park	Footpaths have been constructed, with reticulation currently being installed. Curbing has been installed	50%
Cue Post Office Building Renovations	All planning is now complete, waiting for Council approval to seek grants.	40%

ORDINARY MEETING – 16 FEBRUARY 2016

Oasis Redevelopment	Round 2 grant application successful - \$440,000 GST excl	10% Complete
Flood Damage Repairs	Stage one works are underway with \$586k spent on Austin Downs Dalgaranga Road. Stage two works have commenced.	25%
OH&S	LGIS have attended the Shire and have carried out an Audit of our current status in relation to our statutory obligations under the Legislation.	Ongoing
RV Park	Holding Tank installed, concrete hopper installed. Electricity and water are connected, new fencing to be erected.	60%
Town Hall	Reticulation and landscaping works required. New shelving has been erected, front entry tiles to be replaced. Shade sail poles have been cemented into place and shade sails erected in January 2016.	50%
Public Toilets	New Hand Wash Basins installed. Painting now completed, new fittings installed and floors epoxy painted. Waiting on new toilet roll holders and hand dryers.	Completed
Roads 2 Recovery – Cue Wondinong Road	Work is progressing on the Wondinong Road with current works near the Garden Rock turn off.	Ongoing
Bishops House	Electrical work completed, new roof completed, rear of building demolished, timber front verandah nearing completion, window, doors and flooring have been ordered.	40% completed
Staff Housing Repairs	Ongoing – external painting has been completed, interior yet to be done.	45% completed
Fencing	Completed	100% completed

8.2 RANGERS REPORT

December

I attended Cue on Wednesday 2 December 2015. Patrols were conducted of the town site and surrounding areas and license enquiries made. Registration files were checked for compliance. Patrols were conducted of Nallan Nature reserve. No campers were sighted.

One complaint was received regarding an alleged dog attack. Due to the complaint being mostly hearsay evidence and also insufficient evidence, very little could be done at that stage. Enquiries were made regarding the alleged offending dogs. The investigation is continuing.

I also attended Cue on Sunday 13 and Thursday 17 December 2015. Patrols were conducted of the town site and surrounding areas and license enquiries made. Registration files were checked for compliance. Patrols were conducted of Nallan Nature reserve and once again, no campers were sighted.

No new written complaints were received.

A final firebreak inspection was carried out and all firebreaks had been completed. This is a very positive result and land owners should be commended for their diligence in adhering to council requirements.

January

I attended Cue on Monday 4 January 2016. Patrols were conducted of the town site and surrounding areas and license enquiries made. Registration files were checked for compliance. Patrols were conducted of Nallan Nature reserve. No campers were sighted.

One unregistered, unwanted dog was handed in for destruction and one feral cat was caught and destroyed.

I also attended Cue on Thursday 28 January 2016. Patrols were conducted of the townsite and surrounding areas and license enquiries made. Registration files were checked for compliance. Patrols were conducted of Nallan Nature reserve. No campers were sighted.

Brief meeting was held with the new CEO regarding the contract renewal. No new written complaints were received.

8.3 WORKS & SERVICES REPORT

SHIRE OF CUE Works Report – Works Supervisor December 2015, January 2016

Construction Crew

Road construction has continued on Cue Wondinong Road – 8.2km to 20.7km. Works included pushing up gravel with the dozer at the gravel pit, removing scrub from the roadside as well as road construction. Current works are nearing the Garden Rock intersection with around 6km of sheeting still to be completed.

Offshoots were constructed to allow water to get away in a rain event. This required the fence to be cut at various locations on the south side of the road. The fence repairs will be undertaken in January 2016.

This is a good time to reflect on the success of the water bores the shire has placed along the roads and also the acquisition of the pumps for extracting water from the bore to the turkeys nest and from the turkeys nest to the water truck. Water is a vital part of achieving good compaction in a road pavement.

Much time in the past has been lost due to the distance from the construction site to the water bore and the amount of time taken to fill the truck at the bore.

For example at Kalli Road it was a 2.5 hour round trip from the work site to the water bore and a further 45 minutes to fill up. This meant only 2 truckloads of water per day.

With our current set up we can fill the water truck in 7 minutes and there is only a 20 minute round trip to the bore. This allows constant delivery of water throughout the day, allowing much greater efficiency and reducing the overall cost of construction considerably.

The only road still needing water bores is Lakeside Road – and provision will be made in future budgets to address this.

All construction machinery was returned to the depot over the Christmas break for cleaning.

With the completion of the dome shelter, the depot is looking much tidier with traffic signs in some sort of order and unwanted items taken to the landfill.

December was a short month as the depot was closed over the Christmas break. Some cooler days in January has assisted in completing outside works.

Most of the depot staff undertook skin cancer inspections and a general health appraisal.

Other Works

- The dozer and grader are used regularly for landfill maintenance.

Plant Hours

Plant No	Plant Description	Rego	Hours – 1 December 15	Hours – 31 January 16	Month	YTD
P8	Cat 926E Loader	CD 426	3,116	Repair		8 hrs
P9	Cat 140H Grader	CD 555	1,346	1442	126	704 hrs
P23	Backhoe CD 712	CD 712	1,695	1734	39	138 hrs
P24	Toyota Forklift 1985	CD 671	8,634	8654	20	82 hrs
P34	Caterpillar Skidsteer	226B3SC	1,137	1205	68	241 hrs
P36	Cat Vibratory Roller	1ABF701	8,905	8,935	30	133 hrs
P46	Caterpillar 950 Loader	1EIG171	4,090	4,199	109	478 hrs
P51	D6BXL111 Dozer	Not reg'd	4,014	4,099	85	472 hrs
P57	Bomag Multi Tyre Roller	YL 484	4,367	4,424	57	403 hrs
P12	Isuzu – NPR350 Truck	CD-645	46,188	47,882	1,694	3,241 km
P14	Isuzu NPR3000 – Fuel Truck	CD 684	121,681	123,304	1,623	5,140 km
P44	International Garbage Truck	CD 17944	120,653	121,616	963	2,267 km
P30	Hino series Dump Truck	CD 736	60,759	62,537	1,778	7,965 km
P38	Prime Mover Cabover	GNG3831	790,601	790,960	359	3,263 km
P45	Iveco Prime Mover	CD 788	371,784	373,489	1,705	7,370 km
P13	Nissan Navara – BuildersUte	CD 683	43,394	44,750	1,356	7,106 km
P42	Toyota Prado – CEO	0 CD	136,178	136,848	670	20,881km
P49	Holden Colorado – Admin	14 CD	72,038	76,883	4,845	22,883km
P54	Ford Ranger – Roads Supervisor	CD 706	56,454	61,462	5,008	29,506km
P41	Community Bus	1DZG-567	15,704	17,195	1,491	5,659 km
P61	Mack Trident Prime Mover	CD 775	316,933	320,136	3,203	10,330km
P62	Ford Ranger – Works Manager	IEWU-037	8,020	15,810	7,790	15,810km
P63	Ford Ranger - Town Supervisor	IEWU-331	3,871	5,714	1,843	5,714 km

Town Crew

Brockman Park works are continuing which includes construction of a gazebo, shade shelter and the installation of street furniture. Back filling the concrete curbing has started ready for reticulation and lawn.

Seating was also installed at the Water Park and the Lookout.

Maintenance works were completed at the Caravan Park and the cemetery.

The Works department has a number of tasks that are scheduled and completed on a regular basis throughout each month.

- Rubbish pickup - twice weekly
- Mowing and maintenance of Austin St median strips
- Landfill maintenance
- Airstrip inspections and maintenance including cleaning building and generator upkeep
- Daily cleaning of public toilets
- Hall maintenance
- Mowing of oval
- Reticulation upgrade / repair
- Whipper snipping / spraying verges
- Fogging - mosquito spraying (when required)
- Water Park maintenance / testing
- Radio tower upkeep
- Plant maintenance, servicing and repair
- Maintenance of shire housing

8.4 ACCOUNTS & STATEMENTS OF ACCOUNTS													
APPLICANT:	Shire of Cue												
DISCLOSURE OF INTEREST:	Nil												
AUTHOR:	Richard Towell – Manager Finance												
DATE:	9 th of February 2016												
Matters for Consideration:													
To receive the List of Accounts Due & Submitted to Ordinary Council Meeting on Tuesday 16 th of February 2016 as attached – see Appendix 1													
Comments:													
The list of accounts is for the month of December 2015 and January 2016.													
Background:													
The local government under its delegated authority to the CEO to make payments from the municipal and trust funds is required to prepare a list of accounts each month showing each account paid and presented 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.													
Statutory Environment:													
Local Government (Financial Management Regulations) 1996 – Clause 13.													
Policy Implications:													
Nil													
Financial Implications:													
Nil													
Strategic Implications:													
Nil													
Consultation:													
Nil													
Officer's Recommendation:	Voting requirement: Simple Majority												
<p><i>That Council endorse the payments for the period 1st of December 2015 to 31st of January 2016 as listed, which have been made in accordance with delegated authority per LGA 1995 S5.42.</i></p> <p><i>December 2015</i></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><i>Municipal Fund Bank EFTs 3413-3487</i></td> <td style="text-align: right;"><i>\$392,099.36</i></td> </tr> <tr> <td><i>Direct Debit Fund Transfer</i></td> <td style="text-align: right;"><i>\$34,435.94</i></td> </tr> <tr> <td><i>Payroll</i></td> <td style="text-align: right;"><i>\$102,026.66</i></td> </tr> <tr> <td><i>BPAY</i></td> <td style="text-align: right;"><i>\$29,275.17</i></td> </tr> <tr> <td><i>Cheques No's</i></td> <td style="text-align: right;"><i>\$</i></td> </tr> <tr> <td><i>Total</i></td> <td style="text-align: right;"><i>\$557,837.13</i></td> </tr> </table>		<i>Municipal Fund Bank EFTs 3413-3487</i>	<i>\$392,099.36</i>	<i>Direct Debit Fund Transfer</i>	<i>\$34,435.94</i>	<i>Payroll</i>	<i>\$102,026.66</i>	<i>BPAY</i>	<i>\$29,275.17</i>	<i>Cheques No's</i>	<i>\$</i>	<i>Total</i>	<i>\$557,837.13</i>
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January 2016

Municipal Fund Bank	EFTs 3488-3568	\$586,834.38
Direct Debit Fund Transfer		\$20,960.99
Payroll		\$104,938.93
BPAY		\$19,604.92
Cheques	No's	\$
Total		\$732,339.22

Council Decision 06022016

Voting requirement: Simple Majority

MOVED: CR PRICE

SECONDED: CR FITZPATRICK

That Council endorse the payments for the period 1st of December 2015 to 31st of January 2016 as listed, which have been made in accordance with delegated authority per LGA 1995 S5.42.

December 2015

Municipal Fund Bank	EFTs 3413-3487	\$392,099.36
Direct Debit Fund Transfer		\$34,435.94
Payroll		\$102,026.66
BPAY		\$29,275.17
Cheques	No's	\$
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January 2016

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Direct Debit Fund Transfer		\$20,960.99
Payroll		\$104,938.93
BPAY		\$19,604.92
Cheques	No's	\$
Total		\$732,339.22

CARRIED: 4/0

8.5 FINANCIAL STATEMENT	
APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell – Manager Finance
DATE:	9 th February 2016
Matters for consideration:	
<p>The Statement of Financial Activity for the periods ended 31st of December 2015 and 31st January 2016 including the following reports:</p> <ul style="list-style-type: none"> • Statement of Financial Activity • Significant Accounting Policies • Graphical Representation – Source Statement of Financial Activity • Net Current Funding Position • Cash and Investments • Major Variances • Budget Amendments • Receivables • Grants and Contributions • Cash Backed Reserve • Capital Disposals and Acquisitions • Trust Fund <p>see Appendix 2</p>	
Comments:	
The Statement of Financial Activity is for the months of December 2015 and January 2016.	
Background:	
Under the Local Government (Financial Management Regulations 1996), a monthly Statement of Financial Activity must be submitted to an Ordinary Council meeting within 2 months after the end of the month to which the statement relates. The statement of financial activity is a complex document but presents a complete overview of the financial position of the local government at the end of each month. The Statement of Financial Activity for each month must be adopted by Council and form part of the minutes.	
Statutory Environment:	
Local Government (Financial Management Regulations) 1996 – Clause 14.	
Policy Implications:	
Nil	
Financial Implications:	
Nil	
Strategic Implications:	
Nil	
Consultation:	RSM Bird Cameron Chartered Accountants
Nil	

ORDINARY MEETING – 16 FEBRUARY 2016

Officer's Recommendation:	
<p><i>That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the periods ended 31st of December 2015 and 31st January 2016..</i></p>	
Council Decision 07022016	Voting requirement: Simple Majority
<p>MOVED: CR FITZPATRICK SECONDED: CR P PIGDON</p> <p>That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the periods ended 31st of December 2015 and 31st January 2016..</p> <p>CARRIED: 4/0</p>	

8.6 NOTICE OF MOTION	
APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Rob Madson - Chief Executive Officer
DATE:	9 February 2016
Matters for Consideration:	
Notice of motion from Cr Pixie Pigdon regarding report on legal expenses	
Background:	
<p>I have received an email from Cr Pixie Pigdon entitled <i>Notice of Motion – Council Legal fees paid from 01 July 2014 to current</i>, the content of the email being:</p> <p><i>“Can you please provide a detailed account of all legal fees incurred by the council since the 01 July 2014 and broken down to each matter addressed through council’s legal advisors. I am concerned for the good governance of the district as there is concern within the community that the council may not be prudent in its allocation of financial resources on legal matters.</i></p> <p><i>Information required as:</i></p> <p><i>Name of Legal Matter</i></p> <p><i>Name of Legal provider</i></p> <p><i>Cost of legal advice per matter per year if ongoing over a number of financial years</i></p> <p><i>I understand that this information is public information and as such I would like this addressed at the 16th February Council meeting</i></p> <p><i>Thank you”</i></p>	
Comments:	
<p>During a recent visit to the offices of the Shire’s legal advisers, Civic Legal, I raised the issue of reporting on legal matters with Anthony Quahe. Mr Quahe warned against discussing such matters in the public arena as it may involve matters of legal privilege depending on the circumstances of each case.</p> <p>Mr James McGovern, Manager Governance of the WA Local Government Association has further advised:</p> <p><i>“An element of caution needs to be taken when providing information to Council, which is likely to then enter the public domain, that may be of a confidential nature.</i></p> <p><i>Section 5.94 (p) of the LG Act informs that information contained in the agenda or papers to be tabled at a meeting are to be publicly available but is limited by Section 5.95(3):</i></p> <p><i>(3) Subject to subsection (4), a person’s right to inspect information referred to in section 5.94 does not extend to the inspection of</i></p> <p><i><u>information referred to in paragraph (n) or (p) of that section if the meeting or that part of the meeting to which the information refers —</u></i></p>	

(a) was closed to members of the public; or

(b) in the CEO’s opinion, could have been closed to members of the public but was not closed.

A meeting may be closed to the public under Section 5.23(2) for a number of reasons, the most relevant to your enquiry being:

(b) the personal affairs of any person; and

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting

It would be prudent for the Councillor’s request regarding legal costs to be provided in detail under separate cover, marked confidential and discussed in accordance with Section 5.23(2)(b) and (d)”

Statutory Environment

LOCAL GOVERNMENT ACT 1995 - SECT 5.23

5.23 Meetings generally open to public

(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —

(b) the personal affairs of any person; and

(d) legal advice obtained, or which may be obtained, the local government and which relates to a matter to be discussed at the meeting;

LOCAL GOVERNMENT ACT 1995 - SECT 5.94

5.94 Public can inspect certain local government information

A person can attend the office of a local government during office hours and, unless it would be contrary to section 5.95, inspect, free of charge, in the form or medium in which it is held by the local government and whether or not it is current at the time of inspection —

(p) any notice papers and agenda relating to any council or committee meeting and reports and documents that have been —

(i) tabled at a council or committee meeting; or

(ii) produced by the local government or a committee for presentation at a council or committee meeting and which have been presented at the meeting;

	<p>LOCAL GOVERNMENT ACT 1995 - SECT 5.95</p> <p>5.95 . Limits on right to inspect local government information</p> <p>(3) Subject to subsection (4), a person’s right to inspect information referred to in section 5.94 does not extend to the inspection of information referred to in paragraph (n) or (p) of that section if the meeting or that part of the meeting to which the information refers —</p> <p>(a) was closed to members of the public; or</p> <p>(b) in the CEO’s opinion, could have been closed to members of the public but was not closed.</p> <p>(4) Subsection (3) does not apply in relation to information —</p> <p>(a) that is a record of the decisions made at a meeting of a council, a committee or electors; or</p> <p>(b) of a kind prescribed as being information that can be inspected by members of the public despite subsection (3).</p>
<p>Policy Implications:</p>	
<p>Nil</p>	
<p>Financial Implications:</p>	
<p>Nil</p>	
<p>Strategic Implications:</p>	
<p>Nil</p>	
<p>Consultation:</p>	<p>Anthony Quahe - Civic Legal James McGovern – Manager Governance WALGA</p>
<p>Officer’s Recommendation:</p>	<p>Voting requirement: Simple majority</p>
<p><i>That Council:</i></p> <ol style="list-style-type: none"> 1. <i>Instruct the Chief Executive Officer to provide a report to the Council meeting to be held on 15 March 2016 detailing the Shire’s legal expenses from 1 July 2014, itemising the name of the legal matter, the name of the legal adviser and cost of the legal advice.</i> 2. <i>That the report be considered behind closed doors.</i> 	

Council Decision 08022016

MOVED: CR FITZPATRICK

SECONDED: CR P PIGDON

That Council:

1. Instruct the Chief Executive Officer to provide a report to the Council meeting to be held on 15 March 2016 detailing the Shire's legal expenses from 1 July 2014, itemising the name of the legal matter, the name of the legal adviser and the cost of the legal advice.
2. That the report be considered behind closed doors.

CARRIED: 4/0

8.7 REVOCATION OF BUILDING ORDER – LOT 630 DOWLEY STREET, CUE	
APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Rob Madson - Chief Executive Officer
DATE:	8 February 2016
Matters for Consideration:	
Endorsement of CEO action to revoke building order 01/2015 and amendment of CEO delegations.	
Background:	
<ul style="list-style-type: none"> • Following numerous actions by Council officers seeking to achieve compliance with various provisions of the <i>Building Act 2011</i> in relation to a residence on Lot 630 Dowley Street, a building order (# 01/2015) was made on 20 November 2014 requiring all work on the residence to cease until statutory provisions relating to the issuing of a valid building permit had been met. • Full compliance with the relevant provisions was achieved on 25 January 2016. • An agreement was reached with the owner/builder that appeal proceedings lodged with the State Administrative Tribunal would be withdrawn following the revocation of the building order. Instruments detailing this agreement were lodged with the relevant parties' legal representation on 29 January 2016. 	
Comments:	
<p>Although Council's delegations to the Chief Executive Officer do not specifically include the power to revoke a building order under Section 117 of the <i>Building Act 2011</i>, the following details were taken into consideration in the decision to revoke building order 01/2015:</p> <ul style="list-style-type: none"> • A decision on the matter of revocation was time critical to the process of the State Administrative Tribunal directions hearing due 4 February 2016. • As Council had delegated the powers conferred upon it by Section 110 of the <i>Building Act 2011</i> to make a building order to the Chief Executive Officer, the delegation of the power to revoke a building order was an apparent oversight. • Consultation with the WA Building Commission resulted in advice to invoke the provisions of Section 43 of the <i>Interpretations Act</i>, which states "<i>If an Act or statutory rule confers a power on any person or body to make an order (whether or not the order must be in writing), the power includes power to amend or repeal any order made in the exercise of that power.</i>" While this advice was later found to be inapplicable, as it relates to the NSW <i>Interpretations Act 1987</i>, Section 59 of the WA <i>Interpretations Act 1984</i> provides that the delegation of a power is deemed to include the delegation of a connected power. The power to revoke a building order is clearly connected to the power to make a building order. <p>While the application of the <i>Interpretations Act 1984</i> in this instance was sufficient to achieve the revocation of building order 01/2015, for future transparency it would be preferable to have the power to revoke building orders set out in the <i>Building Act 2011</i> added to the Chief Executive Officer's delegated powers.</p>	

<p>Statutory Environment:</p>	<p>BUILDING ACT 2011 - SECT 117</p> <p>117. Revocation of building order</p> <p>(1) A permit authority may, by notice in writing, revoke a building order at any time and must serve each person to whom the order is directed with a copy of the notice.</p> <p>INTERPRETATION ACT 1984 - SECT 59</p> <p>59. Power to delegate, effect of</p> <p>(2) The delegation of a power shall be deemed to include the delegation of any duty incidental or connected therewith and the delegation of a shall be deemed to include the delegation of any power incidental thereto or connected therewith.</p> <p>BUILDING ACT 2011 - SECT 127</p> <p>127. Delegation: special permit authorities and local governments</p> <p>(1) A special permit authority or a local government may delegate any of its powers or duties as a authority under another provision of this Act.</p> <p>(2) A delegation of a special permit authority's powers or duties may be only to an employee of the permit authority, or to an employee of one of the legal entities that comprise the special permit authority.</p> <p>(3) A delegation of a local government's powers or duties may be only to a local government employee.</p> <p>(4) The delegation must be in writing executed by or on behalf of the delegator.</p>
<p>Policy Implications:</p>	
<p>Nil</p>	
<p>Financial Implications:</p>	
<p>Nil</p>	
<p>Strategic Implications:</p>	
<p>Nil</p>	
<p>Consultation:</p>	<p>Phil Swain – Environmental Health officer John Mitchell – Building Officer Anthony Quahe - Civic Legal Paul Scalzi – WA Building Commission</p>

Officer's Recommendation:	Voting requirement: Simple majority
<p><i>That Council:</i></p> <ol style="list-style-type: none"> 1. <i>Endorse the Chief Executive Officer's action in revoking building order 01/2015.</i> 2. <i>Delegate to the Chief Executive Officer the powers conferred upon it by Section 117 of the WA Building Act 2011</i> 	
Council Decision 09022016	
<p>MOVED: CR FITZPATRICK SECONDED: CR PRICE</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Endorse the Chief Executive Officer's action in revoking building order 01/2015. 2. Delegate to the Chief Executive Officer the powers conferred upon it by Section 117 of the WA Building Act 2011. <p>CARRIED: 4/0</p>	

8.8 PROPOSED ADDITIONAL OUTBUILDING, LOT 1639 (FORMERLY LOT 639) RAILWAY ST, CUE.	
APPLICANT:	Shire of Cue
FILE:	
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Philip Swain – Environmental Health Officer
DATE:	8 February 2016
Matters for Consideration:	
<p>The Shire has received an Application for Development Approval to construct a 73.5m² outbuilding on Lot 1639 Railway St Cue. The structure requires a planning approval and building permit, as the collective area of outbuildings on the lot will exceed the requirements of Council Policy by 24m².</p>	
Background:	
<p>The Shire has previously approved additional and oversize outbuildings on residential sites within the town, however, each application needs to be considered on its own merits.</p> <p>Previous advice from the Shire’s planning consultant indicates that there are provisions within the current Residential Planning Codes to allow the Council to use its discretionary authority to approve the shed, if it is satisfied that adjoining or nearby amenity was not going to be adversely affected by the development.</p>	
Comments:	
<p>A planning application has been received from Mr Graham Morphett and Ms Susan Ward to construct a proposed 7m x 10.5m x 3.74m (height) = 73.5m² outbuilding to be located separate to the existing dwelling and an existing shed of dimensions 7.5m x 14m = 105m².</p> <p>The proposed site location is shown in Appendix 3</p> <p>Former Lot 639 was 1106ms in area. In 2014 the owners approached the Shire with an offer to purchase a portion of Reserve 38357 (Lot 638), which is currently vested with the Shire. The Shire approved the land acquisition in 2014 and the boundary realignment to create Lot 1639 with a land area of 1932m² has been finalised by the Department of Lands. Landgate has finalised the land transfer although the Shire is currently seeking clarification of the same in writing</p>	
Statutory Environment:	
<p>Lot 1639 Railway St is presently shown within the Shire of Cue Town Planning Scheme No.2 (District Scheme) as being zoned as Residential R10/30. An outbuilding (shed) could be determined as an ancillary use to the dwelling on the lot and hence can be approved by Council. The Council has no specific stipulation within the Local Planning Scheme No.2 in relation to outbuilding sizes on residential lots, however, planning policy C3 stipulates that no more than two (2) outbuildings shall be constructed on a lot and in accordance with the Policy requirements below.</p> <p>Under the provisions of the Scheme the Residential Design Codes are applicable to residential developments including outbuildings. The Residential Design Codes define an outbuilding as “<i>An enclosed non-habitable structure that is detached from any dwelling.</i>” Clause 6.10.1 of the Residential Design Codes states as a performance Criteria the following in relation to outbuildings: “<i>Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.</i>” The Acceptable Development section contained within</p>	

Clause 6.10.1 indicates one way of meeting the associated performance criteria as:

“Outbuildings that:

- (i) are not attached to a dwelling;
- (ii) are non-habitable;
- (iii) collectively do not exceed 60 sq metres in area or 10 percent in aggregate of the site area, whichever is the lesser;
- (iv) do not exceed a wall height of 2.4m;
- (v) do not exceed ridge height of 4.2m;
- (vi) are not within the primary setback area;
- (vii) do not reduce the amount of open space required in table 1; and
- (viii) comply with the siting and design requirements for the dwelling, but do not need to meet rear setback requirements of table 1.”

The proposed outbuilding is 73.5m² in area and the existing shed on-site is 105m² giving collectively an outbuilding area of 178.5m². The proposed wall and ridge height of 3.74m along with other items (i), (ii), (vi), (vii) and (viii) above comply with the criteria stipulated within the Residential Design Codes, provided the primary setback is taken as Railway St.

Policy Implications:

Council Policy C3 stipulates the following criteria for the approval of outbuildings in a residential area;

“The Shire will permit up to two (2) outbuildings on a lot, the combined area of which must comply with the following. Table 2 outlines the maximum total floor area allowable under this policy in the Residential zone.

Table 2 - Maximum Floor Areas

Zone	Maximum Floor Area (combined)
Residential	8% of the lot area

The maximum wall height from natural ground level for outbuildings shall be as outlined in Table 3.

Table 3 - Maximum Wall Heights

Zone	Wall Height	Ridge Height
Residential	3.0m	4.0m

The new lot area is 1932m² and whilst the total area of outbuildings exceeds the Policy requirement of 155m², the exceedance (24m²) is not substantial given the size of the lot. Consequently, it seems reasonable, that the proposed outbuilding will not detract from the streetscape or the amenity of the area.

Financial Implications:

Standard planning fees stipulated by regulation apply to this application.

Strategic Implications:	
No specific strategies highlighted within the Shire of Cue Strategic Plan 2010-2015. The Strategic Plan is currently under review. The Town Planning Scheme No.2, in its own right, is a strategic document that gives a direction for development within the Shire of Cue.	
Consultation:	
No specific consultation is required by the Scheme or the Code in this instance and the lots adjoining the lots are vacant and are either vested with the Shire or the State.	
Officer's Recommendation:	
<p><i>That Council approves the additional outbuilding to be located on Lot 1639 Railway St, Cue in accordance with the following conditions;</i></p> <ul style="list-style-type: none"> <i>i) The Applicants obtaining a building permit for the new structure;</i> <i>ii) A side boundary setback of 1.5m being maintained;</i> <i>iii) That the applicant connect the operation to mains power and that any use of a generator on the site be for back-up purposes only;</i> <i>iv) The applicant seeking the approval of the Water Corporation for the development;</i> <i>v) That all storm water from the development being retained on site with a minimum capacity of 1m³ per 80m² of runoff.</i> 	
Council Decision: 10022016	Voting requirement: Simple Majority
<p>MOVED: CR R PIGDON SECONDED: CR PRICE</p> <p>That Council approves the additional outbuilding to be located on Lot 1639 Railway St, Cue in accordance with the following conditions;</p> <ul style="list-style-type: none"> i) The Applicants obtaining a building permit for the new structure; ii) A side boundary setback of 1.5m being maintained; iii) That the applicant connect the operation to mains power and that any use of a generator on the site be for back-up purposes only; iv) The applicant seeking the approval of the Water Corporation for the development; v) That all storm water from the development being retained on site with a minimum capacity of 1m³ per 80m² of runoff. <p>CARRIED: 4/0</p>	

Mr Le Maitre and Mr Spindler left the meeting at 7:15pm.

9. INFORMATION BULLETIN**9.1 EBO REPORT****ACTION SHEET**

Council's Environmental Health Officer – Philip Swain

Date: 18-22 January 2016**Next visit proposed – 15-19 February 2016**

Date	Subject	Action Taken
12/1/2016	Ombudsmen's Office LG Swimming Pool Drownings	Following a request to Local Governments, I have provided advice to the state Ombudsman regarding swimming pools and fencing within the Shire and the current legislative framework for the same. Action: No further action
18/1/2016	Puma Fuel Facility Robinson St Cue	The installation of the septic system is partially completed and the abluion is on site. Water and power are yet to be installed. Water will be provided via an on-site tank as there is currently no access to the reticulated supply. I will issue a PTU for the septic installation when the septics are completed. Action: PS to issue PTU when septics completed
18/1/2016	Reporting Building Statistics	I have completed the monthly return to the DoCEP. Local Governments have been requested to change the ABS data reporting from the end of December to the end of January and then 3 monthly after that. Consequently I will not be finalising the next ABS report until the end of this month. Action- PS to prepare ABS report at end of Jan 2016. Other reports as required.
18/1/2016	Dilapidated Dwelling Lot 28 Dowley St Cue – Lane's House	Following a complaint in October, Administration has condemned the building in accordance with the Health Act 1911 and advised the owner accordingly I have forwarded the Heritage Architects report and recent photographs to the owner who has employed the services of a builder to determine if the building will be demolished or restored. The owner's builder is currently relocating to Meekatharra and has had a preliminary look at the house and will provide further advice shortly. Action: Awaiting owner response

19-20/1/2016	Cue Motors Lots 10 & 200 Austin St	<p>The Applicant has submitted an application for a caretaker dwelling on the lots in accordance with TPS2. A report in relation to the caretaker dwelling proposal was submitted to the Special Council Meeting of 19 January and approved. I have also had a separate request for the proprietor to be able to reside on the lot in a caravan temporarily which has been approved for 3 months in accordance with the Caravan and Camping Ground Regulations. I will arrange for the issue of the Development Approval accordingly.</p> <p>Action: Development Approval to be issued and applicant to submit building application.</p>
20/1/2016	Water Playground	<p>I have taken the monthly samples and forwarded these for analysis. The Town Crew Supervisor has been liaising with the installer regarding the system problems and a water leak. I have contacted the company which installed the system and outlined a number of concerns. The company have agreed to send the installer to site in mid February.</p> <p>Action: Rob Atkins and PS to meet installer on site next month. PS to advise sample results when available.</p>
18-22/1 /2016	Building Permits	<p>1. Show cause notice on property – We are waiting on a further response from the Building Commissioner after raising this issue with WALGA and the Commission. 2. Uncertified Application - Caretaker dwelling application – Lot 357 Austin St Cue Roadhouse. Most information has been provided and we are waiting on insurance and some minor plan changes before issuing this Building Permit 3. Uncertified Application - Service Station Canopy and ablutions Lots 354 & 355 Austin St. The planning approval has been issued and additional detail has been requested, including the approval of traffic management arrangements from the Main Roads Department. I have met with the owner on Monday and reiterated the need for the MRD approval. 4. Building Approval Certificate application relocated building. This application has been subject to SAT directions. The Development Application has been issued and the BAC has been finalised and issued this week. 5. Certified Application -verandah to non-approved dwelling can now be issued following the finalisation of the above. The applicant had commenced construction of the structure but following discussions with the CEO and myself has agreed to take down the works until the approvals are issued. This application has been subject to SAT directions. 6. Uncertified application additional shed /outbuilding Lot 639 Railway St. The</p>

		<p>lot has been the subject of a boundary realignment with the addition of land from Reserve 38357 which is vested with the Shire. The garage proposal will be the second outbuilding on the lot and exceeds marginally the outbuilding policy and hence I have requested, and received, a Development Application from the proponents which has been referred to the February meeting.</p> <p>Action – JM to issue Certificates of Design Compliance when documentation is finalised for outstanding applications. CEO to issue Building Permits as required.</p>
18-22/1/2016	SAT Matters – Building Order	<p>Outstanding Building Approval Certificate (BAC) and Building Permit (BP) Applications – SAT Matter. The Shire has approved the issuing of a Development Approval in accordance with the SAT directions. Following this the BAC was issued this week for the non-approved works and a BP for the remaining works on the property is being processed. The matter is set down for a directions hearing on 5 February however it is understood that the defendant will direct their Counsel to instruct SAT to withdraw their appeal once the BP is issued and the Shire will be requested to withdraw the Building Order.</p> <p>Action: CEO to clarify SAT procedures following issue of the Building Permit.</p>
18-22/1/2016	Statutory Inspections	<p>The current Food Business, Lodging House and Public Building Inspections are up to date.</p> <p>Action: Routine inspections as required</p>
21/1/2016	Lot 508 Burt Place – Shed Construction Shire Dwelling	<p>I have provided advice to the works staff regarding the installation of the shed which will recommence next Wednesday. It will be necessary to install a gate behind the carport and a section of fence has been requested by the tenant</p> <p>Action: Staff to proceed with shed construction as directed.</p>
21/1/2016	Renewal of Building Permit	<p>I had previously received an application to renew a Building Permit from a previously approved dwelling that is yet to commence. The Shire is able to extend Building Permits upon application for up to a further 2 years. There have been some delays with documentation however the permit has now been issued expiring in August 2017.</p> <p>Action: No further action</p>

<p>Pending</p>	<p>Murchison Club Hotel Food Business Inspection/ Lodging House Inspection/ Public Building Inspection</p>	<p>I have discussed the outstanding kitchen works with the new Manager. They are preparing to undertake the kitchen floor replacement over Christmas and will be requesting approval of the flooring material shortly. Other minor issues are being addressed by the Manager. Last month I forwarded correspondence seeking consultation on the replacement floor and remedy of the issues with smoke detectors within the motel units. I have since been advised that the premises may be changing hands.</p> <p>Action: MCH to advise on floor material for kitchen and progress regarding smoke detector compliance for the motel units.</p>
<p>Pending</p>	<p>Condition of Premises – Shops on Lot 5 Austin St, Cue</p>	<p>In October the Shire issued a show cause notice to the owner requesting advice within 21 days in relation to the necessary works. The owners previously undertook a site clean-up and have undertaken some minor repairs, however matters have not progressed for some months. Discussions with the owners have confirmed that the necessary repair works will be undertaken and I have requested confirmation of this in writing.</p> <p>Action: Awaiting confirmation in writing of proposed works</p>
<p>Pending</p>	<p>Roadhouse Expansion Proposal</p>	<p>The demolition of existing housing has been completed. The contractors took precautions with some materials and samples of materials confirmed asbestos in some product. Upgrading of the septic installation on Lot 357 Austin St has occurred.</p> <p>The main development requires Main Roads Department approval and although approval in principle has been issued, there is considerable work to be undertaken before the new access into and out of the roadhouse will be approved. I have sought a clarification from the owners regarding progress with the Main Roads Department and again sought additional information to progress the Building Permits.</p> <p>Action: Awaiting Building Permit details and MRD approval</p>

Pending	Lot Revestments	<p>In July Council approved the revestment to the State of 3 lots. I have conducted site visits taken photographs and investigated potential site contamination. The statutory declarations have been prepared for 2 lots however the 3rd lot contains mine tailings from historic mining and hence may be contaminated. I have referred this matter to the Department of Local Government and Communities (DLGC) who are liaising with the Department of Lands with respect to the preparedness of the State to accept the revestment. The other documentation is with the ACEO for signing before being forwarded to the DLGC.</p> <p>Action: Awaiting advice from the DLGC.</p>
Pending	Built Strata Subdivision Proposal Lot 74 Robinson St Cue	<p>In relation to this proposal and as a built, rather than a survey strata, I again sought clarification from the Department of Health with respect to the State Sewerage Policy at the request of the surveyors in Geraldton. The WAPC have modified their processes for smaller built strata's up to 5 lots on < 2500m² of land, whereby the only advice from a local government is a building compliance certificate. The Department of Health have reviewed their position on this matter and confirmed, on the basis of certain conditions, that it may go ahead. I have advised the surveyors and am awaiting the BA</p> <p>Action: PS awaiting BA16 Application from HTD Surveyors</p>
Pending	Cue Roadhouse Bank Guarantee	<p>Due to the owners undertaking refinancing with a new company I received a request for the Shire to release the current bank guarantee. This has been done in discussions with the CEO and a new guarantee should be obtained on or around 11 November.</p> <p>Action: Awaiting new bank guarantee from Bankwest as Topgroup Pty Ltd's financier</p>
Pending	Reedy's Minesite Development	<p>I have had contact from consultants undertaking development work at Reedy's and will be making application shortly for staff ablution facilities and crib room at the site. As this is non-residential Minesite construction building permits are exempt however the on-site effluent disposal system will require Shire approval.</p> <p>Action- On-Site effluent disposal system Shire approval to be issued when application received</p>

Pending	Town Hall Improvements	<p>I have conducted an inspection now that the necessary electrical works have been completed. Staff are installing locks to secure the gates open when the hall is in use to comply with the Regulations. I will arrange for the relevant documentation to be forwarded to John Mitchell to enable the issue of the Certificate of Construction Compliance and the Occupancy Permit.</p> <p>Action: PS to arrange for Building Surveyor to finalise Certificate of Construction Compliance and issue of the Occupancy Permit.</p>
Pending	Staff Housing – Lot 508 Burt Place Shed Construction	<p>I have discussed the approved plans on site with the Town Crew Supervisor and the retaining wall construction will commence shortly. The site are approved for the shed will be levelled with clean fill and the shed constructed on the retained pad.</p> <p>Action: TCS to progress retaining and landscaping of Lot 508 Burt</p>
Pending	Building Surveyor Delegations	<p>Council's appointed Contract Building Surveyor is Mr John Mitchell of the Shire of Merredin. The existing delegations give the authority to the CEO to appoint the contract building surveyor. The CEO and I are currently finalising the contractual relationship and new rates with the Shire of Merredin</p> <p>Action: CEO to finalise agreement documentation with Shire of Merredin</p>
Pending	Lodging House Inspection – Queen of the Murchison	<p>The owners are currently carrying out external and internal maintenance of the premises. Items to be addressed were mainly minor but some are outstanding from the last inspection. The faulty exit light has been replaced and the non-compliant locking devices to the rear doors will be replaced shortly. The owners have obtained the necessary fittings but they are yet to be installed</p> <p>Action: Confirm repairs December visit</p>
Pending	Council Sewer Scheme and Oxidation Ponds	<p>I have drafted a reply to the Department of Health regarding this matter and requested further advice on the Health Act and Economic Regulatory Authority implications of the scheme.</p> <p>Action: Nil , awaiting Department of Health advice</p>
Pending	Post Office/ Police Station Building	<p>Redevelopment proposals including the effluent disposal system are being developed by consultants. The building is currently zoned Public Purposes – Police Station & Post Office. The lot is to be zoned to commercial in TPS 2 as this allows for the approval of a variety of Civic uses in addition to Commercial and even residential use.</p> <p>Action: Awaiting consultancy outcomes</p>

Pending	Planning Application Lot 587 Heydon Place – Caretaker Accommodation	A planning report for the development was approved in October 2014 and the applicant has been advised. The applicant advises that they are in a legal dispute with a creditor and dependent upon that outcome will progress the development in the short to medium term. Action: Awaiting Building Permit application
Pending	Local Law Review	The local law review has been advertised for six (6) weeks and submissions have closed. No public submissions were received. Administration will complete the review of existing local laws before referring a report to Council on outcomes of the review. Action: PS to prepare report and recommendations in relation to the current local laws
Pending	Western Mining Tailings Removal	Western Mining have completed the second stage tailing removal. Some further water samples could not be taken due to a lack of heavy rains. Results to date have not highlighted any issues. Consideration needs to be given by Council to the future rehabilitation and use of the area. Administration will propose a consultation session with the company prior to a Council meeting at a date to be set Action- Administration to make arrangements for a Councillor consultation.
Pending	Pensioners Cottages	Two huts have been repainted and are now available for use. The flooring in the ablutions has been replaced. Action: Project pending quotations & grant approval

9.2 STATUS OF RESOLUTIONS OF COUNCIL

Motion No	Subject	Status	Open / Closed	Responsible Officer
Special Meeting August 2013	Disposal of surplus equipment	The Pig Trailer is being auctioned in Perth	Closed	CEO
17022014	Local Laws	Review has been advertised as required.	Open	EBO / CEO
05102015	Write Off Sundry Debtor	Written off	Closed	CEO
03102015	Budget Amendment	Advised accountants	Closed	CEO
07102015	Council Meeting Dates	Advertised as required	Closed	CEO
09102015	Grant funding for PO	Grants empire engaged to write business case and submit to any funding body	Closed	CEO
10102015	Tender – Bishop's House	Refer to our Building Surveyor to get a Certificate of design compliance prior to going to tender	Open	CEO
11102015	Tender – Flood Damage / plant and equipment	Appointed and a re-start meeting held	Closed	CEO
12102015	Tender Flood Damage / Supervisor	Appointed and a pre-start meeting held	Closed	CEO
13102015	Incubator Hub	Lawyers have been instructed to prepare the lease	Open	CEO
14102015	Cue Motors	This matter is closed as the new TPS 2 provides a mechanism where this lot is considered to have non-conforming rights	Closed	CEO
15102015	Appointment of Acting CEO	Acting CEO appointed	Closed	CEO

ORDINARY MEETING – 16 FEBRUARY 2016

16102015	Recruitment Agency – CEO Position	Fitzgerald Strategies engaged	Closed	CEO
17102015	Defamation – ABC / Ernie Campbell	Notices of concerns have been sent to the relevant parties.	Open	CEO

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

12. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

12.1 GRV UNIMPROVED DIFFERENTIAL MINIMUM PAYMENTS	
APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Rob Madson – Chief Executive Officer
DATE:	16 February 2016
Matters for Consideration:	
Approval of an application to the State Administrative Tribunal (SAT) to make an order quashing the GRV Unimproved differential rate minimum in accordance with Section 6.82(1) of the <i>Local Government Act 1995</i> .	
Background:	
<p>Jenni Law, Director Local Government Regulation and Support with the Department of Local Government and Communities, wrote to council on 16 December 2015 advising that a review of the Shire’s 2015/16 annual budget had identified that the Shire of Cue had imposed GRV-based differential general rates and minimum payments that did not comply with the <i>Local Government Act 1995</i>. The reason for non-compliance was that the Shire did not seek Ministerial approval to adopt a minimum payment that would apply to more than 50% of the properties in the category GRV Unimproved (minimum payments in this category actually applied to 100% of the properties).</p> <p>The Shire has been requested to apply to the State Administrative Tribunal to quash the offending category of minimum payment, the alternative being that the Department of Local Government and Communities would request the Minister to apply for the SAT determination. The matter was requested to be presented to Council for resolution by 31 January 2016, however this correspondence was not listed as outstanding and was only brought to my notice yesterday.</p>	
Comments::	
<p>Given the length of time this matter has been with the Shire for consideration and that the original time for response has passed, I would like this addressed at the Council meeting of 16th February 2016 as urgent business. The Department of Local Government and Communities has not yet brought this matter before the Minister and therefore there is still time for the Shire to act on the original advice.</p>	

Once the rates have been quashed by the State Administrative Tribunal, The Shire will need to seek Ministerial approval to re-impose the minimum payment and, once that is received, adopt a new 2015/16 budget incorporating the approved rates in the correct manner. The Department of Local Government and Communities has also requested that when the rate is reimposed that it be renamed to GRV Vacant rather than GRV Unimproved.

Statutory Environment:

LOCAL GOVERNMENT ACT 1995 - SECT 6.35

6.35 . Minimum payment

(4) A minimum payment is not to be imposed on more than the prescribed percentage of —

(a) the number of separately rated properties in the district; or

(b) the number of properties in each category referred to in subsection (6),

unless the general minimum does not exceed the prescribed amount.

(5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, **with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4)** for that land.

(6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —

(a) to land rated on gross rental value; and

(b) to land rated on unimproved value; and

(c) to each differential rating category where a differential general rate is imposed.

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996 - REG 52

52 . Percentage prescribed for minimum payment (Act s. 6.35(4))

The percentage prescribed for the purposes of section 6.35(4) is 50%.

LOCAL GOVERNMENT ACT 1995 - SECT 6.82

6.82 . General review of imposition of rate or service charge

(1) Where there is a question of general interest as to whether a rate or service charge was imposed in accordance with this Act, the local government or any person may refer the question to the State Administrative Tribunal to have it resolved.

(3) The State Administrative Tribunal dealing with a matter referred to it under this section may make an order quashing a rate or service charge which in its opinion has been improperly made or imposed.

Policy Implications:

Nil

Financial Implications:

An application fee of \$411 is payable to the State Administrative Tribunal.

Rates for 34 assessments for which the minimum rate of \$520 was levied will be quashed, however once the correct administrative procedures have been followed the rates will be re-levied.

Strategic Implications:

Nil

Council Decision 13022016:

MOVED: CR FITZPATRICK SECONDED: CR P PIGDON

That the meeting come out from behind closed doors.

CARRIED: 4/0

14. CLOSURE

The President thanked those present for attending the meeting and declared the meeting closed at 7:48pm.

To be confirmed at Ordinary Meeting on the 15th of March 2016

Signed:.....

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