



**MINUTES
ORDINARY MEETING
OF COUNCIL**

20TH OF JUNE 2017

NOTICE OF MEETING

Please be advised that the next

Ordinary Meeting of Council

is to be held on

Tuesday, 20th June 2017

commencing at **6:30pm**

in the Council Chambers at 73 Austin Street, Cue WA

Rob Madson
Chief Executive Officer
16 June 2017

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 _____

Local Government Act 1995 - SECT 5.23

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
AGENDA

Held in the Council Chambers, Austin Street Cue on Tuesday 20th June 2017 commencing at 6:30pm

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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 Ian Dennis

Councillor Leonie Fitzpatrick

Councillor Ron Hogben

Councillor Pixie Pigdon

Councillor Fred Spindler

STAFF:

Mr Rob Madson, Chief Executive Officer

Mr Richard Towell, Deputy Chief Executive Officer

Miss Kim Ryan, Records Officer

GALLERY:

Norma Van Vuuren

Kath Willett

Nicki Curtin

Janelle Duncan

John Curtin

Trevor Brimson

Angela Pickering

Elizabeth Houghton

Davyd Hooper

Angela Hooper

Adam Houghton

Peter Tegg

Gideon Van Vuuren

Terry Bloxsome

Ernie Campbell

Jim Jones

2. PUBLIC QUESTION TIME

1. Ernie Campbell, Darlot St Cue

On the 18th April I asked a question why are we putting so much time and money into the Bishop's house when we already have an office for the workshop? Can I have a reply to that question and a breakdown of the cost to date and the completion date please?

The minutes of the April Ordinary Council meeting were displayed on the projector screen which showed that the question had been answered by directing Mr Campbell to take the matter up with the CEO. Mr Campbell asked if he could get an answer in writing. CEO advised it was a matter for the budget but he will provide further details in writing.

Why can't the whole 91 kilometres of the Cue-Beringarra Road be resealed at once if the funds are in the bank?

CEO advised that taking this approach would not be cost effective and that pot holes in the existing seal would be dealt with.

Why is the Shire doing contracted work when there are contractors in town and surrounding districts, like the fence around the oval. Why aren't the crew doing the whipper snipping and cleaning of rubbish?

CEO advised that the fence installation was the type of work that local government generally does and the other jobs are getting done.

Any idea what it is going to cost for the fence line and was it budgeted for? Can I have it in writing?

CEO advised he would provide the information.

2. Terry Bloxsome, 65 Stewart St Cue

Cue – Wondinong road, I believe that it's \$100,000 over budget, is this correct?

CEO advised no it is not correct.

3. Elizabeth Houghton, 74A Robinson St Cue

When will the areas I previously reported to the Shire be cleaned up?

CEO advised that the car bodies had been removed by the Shire and arrangements were made for the local CDEP to do the remaining clean up but this was not able to be achieved due to various changes to the CDEP management structure. The clean up is now to be done through Yulella Aboriginal Corporation.

Is the block near our place where the Shire has been dumping dirt a commercial block? Are the Shire going to keep this as a dumping area or move it up to the Industrial area?

CEO advised that the area is on a road reserve and is currently used for temporary storage to allow easy access to materials used in town maintenance. Alternative locations are being investigated.

Has the white sand you are bringing in got lime in it?

CEO advised he didn't know.

The 6 mile parking bay is a mess. Has anybody been out there to have a look.

CEO advised he was not aware of the issue and would bring it to the attention of Main Roads WA as it is their responsibility.

A question was asked about an incident related to Ms Houghton's former employment.

CEO advised that he was not going to discuss a staff matter.

4. Peter Tegg, 45 Dowley St Cue

Council meetings are public, why aren't the audio recordings publicly accessible?

CEO advised that a letter had been sent explaining the reasons and confirmed earlier advice that the audio recording is only made to ensure the minutes are recorded accurately.

What is going to be done about the Cue – Beringarra Road breaking up?

CEO replied that he had inspected the road that afternoon and there was no evidence of it breaking up.

Has the GST been paid on the funds received for Cue-Beringarra Road?

Shire President advised that the question had previously been answered.

Will the Shire be making reimbursement to the Teggs for expenses incurred during the dispute regarding the construction of a house on Dowley Street?

Shire President requested that the details of any claim be provided to the Councillors through the CEO for consideration.

Will Council consider changing the method of voting for the Shire President to be by the electors as allowed for in the Local Government Act?

Shire President advised that he would raise the matter with council.

How is the bowling green being funded?

CEO advised that it is in the budget.

How long has the automatic gate at the depot not been working and when will it be fixed?

CEO advised that there has been an issue with the gate since computers at the depot were upgraded and attempts are being made to get somebody to travel to Cue to fix it.

A question was previously raised about water being available at the RV Park, why was the answer given that water is available?

CEO advised that the RV park has a water supply connected but a tap at the dump point is still to be installed.

Will you respond to my request for the services of the CEO to be terminated?

Shire President advised that the Chief Executive Officer's performance is reviewed by Council annually and his employment was a council matter and not for the ratepayers to dictate.

5. Terry Bloxsome, 65 Stewart St Cue

Asked a question relating to a rumoured incident involving staff.

CEO advised that the alleged incident did not take place.

3. APOLOGIES AND LEAVE OF ABSENCE

Nil

4. PETITIONS/PRESENTATIONS/SUBMISSIONS

NIL

5. CONFIRMATION OF MINUTES

Council Decision: 03062017

MOVED: CR DENNIS

SECONDED: CR SPINDLER

That the Minutes of the Ordinary Meeting of 16th May 2017 are confirmed as a true and correct record of the meeting.

CARRIED: 6/1

***Council Decision:* 04062017**

MOVED: CR PRICE

SECONDED: CR DENNIS

That the Minutes of the Special Meeting of Council held on 13th June 2017 are confirmed as a true and correct record of the meeting.

CARRIED: 6/1

6. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION.

Nil

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

Nil

8. REPORTS

8.1 ACCOUNTS & STATEMENTS OF ACCOUNTS	
APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell – Deputy Chief Executive Officer
DATE:	15 th June 2017
<i>Matters for Consideration:</i>	
To receive the List of Accounts Due & Submitted to Ordinary Council Meeting on Tuesday 20th June 2017 as attached – see Appendix 1	
<i>Comments:</i>	
The list of accounts is for the month of May 2017	
<i>Background:</i>	
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.	
<i>Statutory Environment:</i>	
Local Government (Financial Management Regulations) 1996 – Clause 13.	
<i>Policy Implications:</i>	
Nil	
<i>Financial Implications:</i>	
Nil	
<i>Strategic Implications:</i>	
Nil	
<i>Consultation:</i>	
Nil	

Officer's Recommendation:		Voting requirement: Simple Majority	
<p><i>That Council endorse the payments for the period 1 May 2017 to 31 May 2017 as listed, which have been made in accordance with delegated authority per LGA 1995 S5.42.</i></p>			
<i>Municipal Fund Bank</i>	<i>EFTs</i>	<i>4946 – 5054</i>	<i>\$ 785,377.98</i>
<i>Direct Debit Fund Transfer</i>			<i>\$ 22,984.00</i>
<i>Payroll</i>			<i>\$ 89,121.26</i>
<i>BPAY</i>			<i>\$ 128,248.72</i>
<i>Cheques</i>			<i>\$ 0.00</i>
Total			\$ 1,025,731.96
Council Decision: 05062017		Voting requirement: Simple Majority	
MOVED: CR DENNIS		SECONDED: CR HOGBEN	
<p><i>That Council endorse the payments for the period 1 May 2017 to 31 May 2017 as listed, which have been made in accordance with delegated authority per LGA 1995 S5.42.</i></p>			
<i>Municipal Fund Bank</i>	<i>EFTs</i>	<i>4946 – 5054</i>	<i>\$ 785,377.98</i>
<i>Direct Debit Fund Transfer</i>			<i>\$ 22,984.00</i>
<i>Payroll</i>			<i>\$ 89,121.26</i>
<i>BPAY</i>			<i>\$ 128,248.72</i>
<i>Cheques</i>			<i>\$ 0.00</i>
Total			\$ 1,025,731.96
CARRIED: 7/0			

8.2 FINANCIAL STATEMENT	
APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell – Deputy Chief Executive Officer
DATE:	15 th June 2017
<i>Matters for Consideration:</i>	
<p>The Statement of Financial Activity for the period ended 31 May 2017 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>	
<i>Comments:</i>	
The Statement of Financial Activity is for the month of May 2017.	
<i>Background:</i>	
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.	
<i>Statutory Environment:</i>	
Local Government (Financial Management Regulations) 1996 – Clause 14.	
<i>Policy Implications:</i>	
Nil	

Financial Implications:	
Nil	
Strategic Implications:	
Nil	
Consultation:	
RSM Bird Cameron Chartered Accountants	
Officer's Recommendation:	
<i>That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period ended 31 May 2017.</i>	
Council Decision: 06062017	Voting requirement: Simple Majority
<p>MOVED: CR P PIGDON SECONDED: CR SPINDLER</p> <p><i>That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period ended 31 May 2017.</i></p> <p>CARRIED: 7/0</p>	

8.3 2017-2018 FEES AND CHARGES	
APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell – Deputy Chief Executive Officer
DATE:	14 June 2017
Matters for Consideration:	
Adoption of the fees and charges for the Shire of Cue for the 2017-2018 financial year.	
Background:	
In accordance with section 6.16 of the Local Government Act 1995, fees and charges are adopted annually as part of the Council's budget.	
Comments:	
The schedules of fees and charges proposed for the 2017-2018 financial year are included in Appendix 3 . Some of the fees and charges are proposed with no increase, and increases have generally been indexed at 2.5% and rounded to assist administration. Comments have been included in the schedule of fees and charges to provide clarification on the proposed charge.	
Statutory Environment:	
Local Government Act 1995 – Part 6, Division 5, Subdivision 2 – Fees and Charges.	
Policy Implications:	
Nil	
Financial Implications:	
Fees and charges revenue makes up approximately 8% of the Shires operating income and provides a means for the Shire to recover the costs of providing services on a user pay basis.	
Strategic Implications:	
Shire of Cue Strategic Community Plan 2013-2023 Goal Four, Strategy One: Maintain a resilient and independent Shire.	
Consultation:	
Rob Madson – Chief Executive Officer	

John Curtin – Manager Works and Services

Janelle Duncan – Coordinator Community Development

Bill Atyeo – Environmental Health Officer

Ruth Lee – Manager Community Resource Centre

Officer's Recommendation:

Voting requirement: Absolute Majority

That Council adopts the schedule of fees and charges contained in [Appendix 3](#) effective from 1 July 2017 and incorporates these fees and charges into the 2017-2018 budget.

Council Decision: 07062017

Voting requirement:

MOVED: CR FITZPATRICK

SECONDED: CR DENNIS

That Council adopts the schedule of fees and charges contained in Appendix 3 effective from 1 July 2017 and incorporates these fees and charges into the 2017-2018 budget.

CARRIED: 6/0

Cr Hogben left the meeting at 7.38pm and returned at 7.44pm

8.4 COUNCILLORS MEETING ATTENDANCE FEES				
APPLICANT:	Shire of cue			
DISCLOSURE OF INTEREST:	Nil			
AUTHOR:	Richard Towell – Deputy Chief Executive Officer			
DATE:	14 June 2017			
Matters for Consideration:				
To determine the fees and allowances payable to Councillors for attending Council and committee meetings for the 2017-2018 financial year.				
Background:				
<p>The Local Government Act prescribes that council members be paid for attending meetings and reimbursed for costs incurred while carrying out their function as a council member. In 2013, the Salaries and Allowances Tribunal undertook a comprehensive review of the fees, allowances and expenses to be paid and reimbursed under the Local Government Act 1995 to elected council members. The review identified an increase in the roles and responsibilities of councillors as a result of key changes to local government planning and reporting requirements. The Tribunal determined minimum and maximum amounts of payments to be made or reimbursed to elected council members within a four band classification model.</p> <p>Section 7B(2) of the Salaries and Allowances Act requires the Tribunal to undertake a review of the amount of fees and allowances to be paid to elected members under the local government act on an annual basis. The review for 2017 has been completed with the Tribunal determining that there be no increase in the band ranges.</p>				
Comments:				
<p>The Shire of Cue sits as a band 4 local government. The table below shows the minimum and maximum amounts payable to elected members in the band 4 category along with the current amounts paid in 2016-2017 and proposed payments for 2017-2018, being no change from the 2016-2017 amounts.</p>				
Shire of Cue				
Councillor Attendance Fees				
Band 4 Local Government	Minimum	Maximum	2016-2017	Proposed 2017-2018
Council Meeting Fee - per ordinary or special meeting				
President	\$90.00	\$485.00	\$485.00	\$485.00
Councillors	\$90.00	\$236.00	\$236.00	\$236.00
Committee Meeting Fee - per authorised meeting				

All Councillors	\$45.00	\$118.00	\$118.00	\$118.00
Allowances - Paid monthly				
President Allowance	\$42.33	\$1,655.33	\$900.00	\$900.00
Deputy President (25%)	\$10.58	\$413.83	\$225.00	\$225.00
ICT Allowance - Paid monthly				
All Councillors	\$41.67	\$291.66	\$290.00	\$290.00
Reimbursements				
Engine displacement over 2600cc			\$0.9901	\$0.9901
Engine Displacement over 1600cc to 2600cc			\$0.7087	\$0.7087
Engine displacement 1600cc and under			\$0.5837	\$0.5837
Other approved expenses supported by receipts.				

Council Meeting Attendance Fees

It is proposed that Councillor meeting attendance fees remain at the rate of \$236 per meeting and the President meeting attendance fee remain at \$485 per meeting.

Council Committee Attendance Fees

Recognising that Council Committee meeting attendance fees are usually paid at the rate of half the Councillors meeting attendance fee, it is proposed that this fee remain at \$118 per meeting.

President and Deputy President Allowance

It is proposed that the President allowance remains at \$900 per month or \$10,800 per annum. The Deputy President allowance is 25% of this amount, being \$225 per month or \$2,700 per annum.

ICT Allowance

It is proposed that this allowance remain at \$3,480 per annum payable as \$290 per month. This allowance is to provide councillors with the resources to obtain a high standard of electronic communication hardware and services to allow the Shire to optimise its communications with Councillors.

Travel Allowance

The Salaries and Allowances Tribunal determination has set this at the same rates contained in section 30.6 of the Local Government Officers' (Western Australia) Interim Award 2011, which is currently \$0.9901 cents per kilometre for a vehicle with an engine capacity over 2600cc.

Statutory Environment:

Local Government Act 1995, Part 5, Division 8 – Local government payments and gifts to its members.

Local Government (Administration) Regulations 1996, Part 8 – Local government payments and gifts to its members.

Salaries and Allowances Act 1975 section 7B

Local Government Officers' (Western Australia) Interim Award 2011, section 30.6.

Policy Implications:

Nil

Financial Implications:

Allowance has been made in the draft 2017-2018 budget for councillor meeting attendance fees and allowances.

Strategic Implications:

Nil

Consultation:

Rob Madson – Chief Executive Officer

Officer's Recommendation:

Voting requirement: Absolute Majority

That Council set the following Members Fees for 2017-2018

Council Meeting Fee - per ordinary or special meeting			
President	\$485		
Councillors	\$236		
Committee Meeting Fee - per authorised meeting			
All Councillors	\$118		
Allowances - Paid monthly			
President Allowance	\$900	\$10,800	per annum
Deputy President (25%)	\$225	\$2,700	per annum
ICT Allowance - Paid monthly			
All Councillors	\$290	\$3,480	per annum
Reimbursements			
Travelling to and from authorised meetings - c/km			
Engine displacement over 2600cc	\$0.9901		
Engine Displacement over 1600cc to 2600cc	\$0.7087		
Engine displacement 1600cc and under	\$0.5837		
Other approved expenses supported by receipts.			

Council Decision: 08062017**Voting requirement:****MOVED: CR FITZPATRIC K****SECONDED: CR HOGBEN**

That Council set the following Members Fees for 2017-2018

Council Meeting Fee - per ordinary or special meeting			
President	\$485		
Councillors	\$236		
Committee Meeting Fee - per authorised meeting			
All Councillors	\$118		
Allowances - Paid monthly			
President Allowance	\$900	\$10,800	per annum
Deputy President (25%)	\$225	\$2,700	per annum
ICT Allowance - Paid monthly			
All Councillors	\$290	\$3,480	per annum
Reimbursements			
Travelling to and from authorised meetings - c/km			
Engine displacement over 2600cc	\$0.9901		
Engine Displacement over 1600cc to 2600cc	\$0.7087		
Engine displacement 1600cc and under	\$0.5837		
Other approved expenses supported by receipts.			

CARRIED: 7/0

8.5 2017 LOCAL GOVERNMENT ELECTION	
APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Rob Madson – Chief Executive Officer
DATE:	15 June 2017
<i>Matters for Consideration:</i>	
To engage the Western Australian Electoral Commission to carry out the October 2017 election and determine the method of election.	
<i>Background:</i>	
In October 2017 the bi-annual election cycle for elected members falls due. At this election, the Shire of Cue will have three Councillor positions become vacant, with terms expiring for Councillors Pixie Pigdon, Ian Dennis and Fred Spindler.	
<i>Comments:</i>	
<p>While Local Government 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 WA Electoral Commissioner. This ensures that there can be no question of the independence of the process.</p> <p>An in person election conducted in Cue would tend to limit the number of electors able to vote, it is therefore recommended that the election be conducted as a postal election.</p>	
<i>Statutory Environment:</i>	
<p><i>LOCAL GOVERNMENT ACT 1995 - SECT 4.20</i></p> <p>4.20 . CEO to be returning officer unless other arrangements made</p> <p>(1) Subject to this section the CEO is the returning officer of a local government for each election.</p> <p>(2) A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint* a person other than the CEO to be the returning officer of the local government for —</p> <p>(a) an election; or</p> <p>(b) all elections held while the appointment of the person subsists.</p> <p>* Absolute majority required.</p> <p>(3) An appointment under subsection (2) —</p>	

- (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 4.61

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.

<i>Policy Implications:</i>	
<i>Financial Implications:</i>	
It is anticipated that the conduct of a postal election by the WA Electoral Commissioner will cost approximately \$7,500. The 2017/18 draft budget contains an allocation of \$15,000 for election expenses to allow for the annual and one potential extraordinary election.	
<i>Strategic Implications:</i>	
Nil.	
<i>Consultation:</i>	
Nil	
<i>Officer's Recommendation:</i>	
<p>That Council:</p> <ol style="list-style-type: none"> 1. Declare, in accordance with section 4.20(4) of the <i>Local Government Act 1995</i>, the WA Electoral Commissioner to be responsible for the conduct of the 2017 ordinary election together with any other elections or polls which may be required. 2. Decide, in accordance with section 4.61(2) of the <i>Local Government Act 1995</i> that the method of conducting the election will be as a postal election. 	
<i>Council Decision: 09062017</i>	Voting requirement: Absolute Majority
<p>MOVED: CR PRICE SECONDED: CR SPINDLER</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Declare, in accordance with section 4.20(4) of the <i>Local Government Act 1995</i>, the WA Electoral Commissioner to be responsible for the conduct of the 2017 ordinary election together with any other elections or polls which may be required. 2. Decide, in accordance with section 4.61(2) of the <i>Local Government Act 1995</i> that the method of conducting the election will be as a postal election. <p>CARRIED: 7/0</p>	

8.6	PROPOSED RENEWAL OF LEASE FOR RESIDENCE, GRAZING AND TRANSPORT DEPOT
APPLICANT:	Department of Lands
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Rob Madson – Chief Executive Officer
DATE:	15 June 2017
<i>Matters for Consideration:</i>	
Consideration of an invitation from the Department of Lands for Council to comment on a proposal to lease an area of land for residence, grazing and transport depot.	
<i>Background:</i>	
The land in question was formerly leased for a ten year period for the purpose of residence and cultivation. The Department of Lands are now considering renewing the lease for a further ten year period with the lease purposes amended to include transport depot.	
<i>Comments:</i>	
A map of the proposed lease area is attached at Appendix 4	
<i>Statutory Environment:</i>	
The land in question is zoned rural in the Shire of Cue Local Planning Scheme No 2. The land use of transport depot is noted as an A class use in the zone table, meaning that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the deemed provisions.	
<i>Policy Implications:</i>	
Nil	
<i>Financial Implications:</i>	
Nil	
<i>Strategic Implications:</i>	
Nil	
<i>Consultation:</i>	
Nil	

<p><i>Officer’s Recommendation:</i></p>	<p>Voting requirement: Simple Majority</p>
<p>That Council:</p> <p>Advise the Department of Lands that it has no objection to Lot 86 on Deposited Plan 187742 being leased for the purposes of residence, grazing and transport depot.</p> <p>Advise the Department of Lands that the proposed use of transport depot is restricted by the requirements of the Shire of Cue Local Planning Scheme No 2, and the lessees are required to make a planning application to the Shire before commencing activities associated with that use.</p>	
<p><i>Council Decision: 1062017</i></p>	
<p>MOVED: CR DENNIS SECONDED: CR SPINDLER</p> <p>That Council:</p> <p>Advise the Department of Lands that it has no objection to Lot 86 on Deposited Plan 187742 being leased for the purposes of residence, grazing and transport depot.</p> <p>Advise the Department of Lands that the proposed use of transport depot is restricted by the requirements of the Shire of Cue Local Planning Scheme No 2, and the lessees are required to make a planning application to the Shire before commencing activities associated with that use.</p> <p>CARRIED: 7/0</p>	

8.7 PROPOSED MINING ACTIVITY ON MAINLAND TOWNSITE TENEMENT	
APPLICANT:	Evan Harris
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Rob Madson – Chief Executive Officer
DATE:	15 June 2017
<i>Matters for Consideration:</i>	
Consideration of a request from the owner of prospecting tenement P21/741 for approval of a program of works proposal for an area of land incorporating the town site of Mainland.	
<i>Background:</i>	
<p>Following a request from the Department of Mines and Petroleum, Council passed the following motion at their ordinary meeting of 18 October 2016:</p> <p>That Council advise the Department of Mining and Petroleum that they agree to the endorsement</p> <p><i>The grant of this lease does not include any private land referred to in Section 29(2) of the Mining Act 1978 except that below 30 metres from the natural surface of the land</i></p> <p>and the condition</p> <p><i>Access to the surface of land within Mainland Townsite for mining purposes being subject to the approval of the local Authority or relevant reserve vestees, and mining activities within the first 100 metres below the surface of the land being limited to such exploration activities as may be approved by the Director, Environment, DMP.</i></p> <p>being imposed on tenements P 21/739 and P 21/741.</p> <p>Application has now been made by the lease owner, Mr Evan Harris, for approval to mine the lease by scraping the ground using a mechanical digger, searching the exposed area with a metal detector and processing the accumulated dirt with a dryblower before rehabilitating the area. In his application, Mr Harris advises that “Any remnant historical structures, including the cricket pitch, will be carefully excluded from all activities.”</p>	
<i>Comments:</i>	
A map of the proposed lease area is attached at Appendix 5	

<p>Statutory Environment:</p>	
<p><i>MINING ACT 1978 - SECT 25</i></p> <p>25 . Mining on foreshore, sea bed, navigable waters or townsite</p> <p>(1) The classes of land to which this section applies are —</p> <p>(a) any part of the foreshore, being the area between the mean high water springs level of the sea and the mean low water springs level of the sea; and</p> <p>(b) any part of the sea bed between the mean low water springs level of the sea and the inner limits of the coastal waters of the State as defined in section 16(1) and (2) of the Offshore Minerals Act 2003 ; and</p> <p>(c) any land under navigable waters in the State; and</p> <p>(d) any land that is a townsite within the meaning of the Land Administration Act 1997 ,</p> <p>but this section does not apply to land that is part of a marine nature reserve, marine park or marine management area.</p> <p>(2A) Mining on any land referred to in subsection (1)(a), (b) or (c) may be carried out with the written consent of the Minister who may refuse his consent or who may give his consent subject to such terms and conditions as the Minister specifies in the consent.</p> <p>(2B) Before giving his consent under subsection (2A) whether conditionally or unconditionally the Minister shall first consult the Minister to whom the administration of the Fish Resources Management Act 1994 is for the time being committed by the Governor, the Minister to whom the administration of the Marine and Harbours Act 1981 is for the time being committed by the Governor, the LAA Minister and the Minister to whom the administration of the Environmental Protection Act 1986 is for the time being committed by the Governor with respect thereto and obtain their recommendations thereon.</p> <p>(3A) Mining on any land referred to in subsection (1)(d) may be carried out with the written consent of the Minister who may refuse his consent or who may give his consent subject to such terms and conditions as the Minister specifies in the consent.</p> <p>(3B) Before giving his consent under subsection (3A) whether conditionally or unconditionally the Minister shall first consult the LAA Minister and the local government, in respect thereto and obtain their recommendations thereon.</p>	
<p>Policy Implications:</p>	
<p>Policy C.1 – Mining Within The Town Boundary</p> <p>2 Other Townsites</p> <p>2.1 Other townsites which are now vacant, and to which the Shire has an interest, are identified as the townsites of Austin, Cuddingwarra, Mainland, Reedy, Tuckanarra, Big Bell, Day Dawn, Pinnacles.</p> <p>2.2 The Council is prepared to allow mining under these townsites but only on the proviso that there is no disturbance to the natural surface of the townsite by way of waste rock</p>	

emplacement or tailings storage facilities.

Financial Implications:	
Nil	
Strategic Implications:	
Nil	
Consultation:	
Nil	
Officer’s Recommendation:	Voting requirement: Simple Majority
<p>That Council advise Mr Evan Harris that approval is granted for mining activities involving the methods scrape and detect and dryblowing on areas within the Mainland townsite included on prospecting tenement P 21/741, provided that there is no disturbance to the natural surface of the townsite by way of waste rock emplacement or tailings storage facilities.</p>	
Council Decision: 11062017	Voting requirement: Simple Majority
<p>MOVED: CR P PIGDON SECONDED: CR DENNIS</p> <p>That Council advise Mr Evan Harris that approval is granted for mining activities involving the methods scrape and detect and dryblowing on areas within the Mainland townsite included on prospecting tenement P 21/741, provided that there is no disturbance to the natural surface of the townsite by way of waste rock emplacement or tailings storage facilities and that periodical inspections be conducted to ensure adherence with these conditions.</p> <p>CARRIED: 7/0</p> <p><i>The requirement for periodical inspections was added as Councillors felt it was important to ensure that the former townsite of Mainland was protected.</i></p>	

9. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

The Shire President advised that he intended to approve two items of urgent business to be considered and suggested an adjournment to allow time for Councillors to read the items.

MOVED: CR DENNIS

SECONDED: CR FITZPATRICK

That the meeting be adjourned.

CARRIED: 7/0

Meeting adjourned at 7.55pm

MOVED: CR DENNIS

SECONDED: CR PRICE

That the meeting be resumed.

CARRIED: 7/0

Meeting returned at 8.05pm

11.1 PROPOSAL TO SITE HF RADIO STATION AT COMMUNITY HALL	
APPLICANT:	HF Radio Club Inc.
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Rob Madson – Chief Executive Officer
DATE:	20 June 2017
<i>Matters for Consideration:</i>	
Consideration of a proposal by the HF Radio Club to site a HF radio base station at the Cue Community Hall.	

Background:	
<p>A representative of the HF Radio Club put forward the basic details of a proposal to house a HF base station in a Shire building on a recent visit to Cue. This proposal was discussed at Council's information forum on 13 June 2017. After a site visit to the Community Hall, the Club has decided that this building is suitable for their purposes.</p>	
Comments:	
<p>The Club's proposal is attached. It was hoped that it would have been available for inclusion in the agenda for tonight's meeting but was not received until Saturday 17 June.</p>	
Statutory Environment:	
<p>Nil</p>	
Policy Implications:	
<p>Nil</p>	
Financial Implications:	
<p>Nil</p>	
Strategic Implications:	
<p>Nil</p>	
Consultation:	
<p>Allen Lawrence – HF Radio Club Technical Group</p>	
Officer's Recommendation:	Voting requirement: Simple Majority
<p>That Council accept the proposal from the HF Radio Club to site a HF base station at the Cue Community Hall, at their cost, in exchange for the sum of \$200 per annum to cover electricity consumption and free advertising in the Club magazine.</p>	
Council Decision: 12062017	Voting requirement: Simple Majority
<p>MOVED: CR DENNIS SECONDED: CR SPINDLER</p> <p>That Council accept the proposal from the HF Radio Club to site a HF base station at the Cue Community Hall, at their cost, in exchange for the sum of \$200 per annum to cover electricity consumption and free advertising in the Club magazine.</p> <p>CARRIED: 7/0</p>	

11.2 ADDITIONAL FUNDING FOR CUE COMMUNITY AND VISITOR CENTRE PROJECT	
APPLICANT:	Suzanne Hunt Architect
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Rob Madson – Chief Executive Officer
DATE:	20 June 2017
<i>Matters for Consideration:</i>	
Consideration of allocating additional funding to the development of the Cue Community and Visitor Centre to allow for re-pointing of the stone work.	
<i>Background:</i>	
<p>Clinton Long Project Management were the successful tenderers on the project to convert the Old Post Office into the new Cue Community and Visitor Centre at a cost of approximately \$1.2M.</p> <p>During a recent site visit, the architect expressed concern about the condition of the pointing of the stone work on the building.</p>	
<i>Comments:</i>	
<p>Detail of the proposed additional works is included in the attached letter from the architect. A request has been made for Council's consideration as a matter of urgency so that the builder can incorporate the works into the project schedule if approval is granted.</p> <p>While this suggestion has merit, delaying consideration of the additional works will allow time to seek alternative quotes and potential funding avenues.</p>	
<i>Statutory Environment:</i>	
Nil	
<i>Policy Implications:</i>	
Nil	

<i>Financial Implications:</i>	
Should Council wish to proceed with the proposal, sufficient funds would be available in the Heritage Reserve to cover the cost involved. The current balance of this reserve as at 31 May 2017 is \$407,455.	
<i>Strategic Implications:</i>	
Nil	
<i>Consultation:</i>	
Nil	
<i>Officer's Recommendation:</i>	Voting requirement: Simple Majority
That Council consider the funding of possible additional works to re-point the stone work on the Cue Community and Visitor Centre after the conclusion of the current program of works.	
<i>Council Decision</i>	Voting requirement: Simple Majority
<p>MOVED: CR DENNIS SECONDED: CR SPINDLER</p> <p>That Council consider the funding of possible additional works to re-point the stone work on the Cue Community and Visitor Centre after the conclusion of the current program of works.</p> <p>CARRIED: 7/0</p>	

12. MATTERS BEHIND CLOSED DOORS

Nil

13. CLOSURE

The President thanked those present for attending the meeting and declared the meeting closed at 8.18pm.

To be confirmed at Ordinary Meeting on the 18 July 2017

Signed:.....

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