



**MINUTES  
ORDINARY MEETING  
OF COUNCIL**

**19 DECEMBER 2017**

# **NOTICE OF MEETING**

Please be advised that the next

## **Ordinary Meeting of Council**

is to be held on

**Tuesday, 19 December 2017**

commencing at **6:30pm**

in the Council Chambers at 73 Austin Street, Cue WA

---

Rob Madson  
Chief Executive Officer  
15 December 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 \_\_\_\_\_

<b>Councillor's Names</b>	<b>Councillor's Signature</b>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

---

**SHIRE OF CUE**  
**Ordinary Council Meeting**  
**AGENDA**

---

To be held in the Council Chambers, 73 Austin Street Cue on Tuesday 19 December 2017  
commencing at 6:30pm

---

1.	<b>OFFICIAL OPENING.....</b>	<b>7</b>
2.	<b>PUBLIC QUESTION TIME .....</b>	<b>7</b>
3.	<b>APOLOGIES AND LEAVE OF ABSENCE.....</b>	<b>7</b>
4.	<b>PETITIONS/PRESENTATIONS/SUBMISSIONS.....</b>	<b>7</b>
5.	<b>CONFIRMATION OF MINUTES .....</b>	<b>8</b>
6.	<b>ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION.....</b>	<b>8</b>
7.	<b>MATTERS FOR WHICH THE MEETING MAY GO BEHIND CLOSED DOORS .....</b>	<b>8</b>
8.	<b>REPORTS .....</b>	<b>9</b>
8.1	<b>ACCOUNTS &amp; STATEMENTS OF ACCOUNTS .....</b>	<b>9</b>
8.2	<b>FINANCIAL STATEMENT.....</b>	<b>11</b>
8.3	<b>2016/17 ANNUAL REPORT.....</b>	<b>13</b>
8.4	<b>ADOPTION OF PROPOSED AMENDMENT NO.2 TO L.P.S. NO.2.....</b>	<b>19</b>
8.5	<b>AUTHORISATION OF APPLICATION OF COMMON SEAL TO LAND TRANSFER.....</b>	<b>24</b>
8.6	<b>COMMITTEE REPRESENTATION .....</b>	<b>26</b>
8.7	<b>AIRCRAFT HANGAR AT CUE AERODROME .....</b>	<b>31</b>
9.	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>33</b>
10.	<b>QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN.....</b>	<b>33</b>
11.	<b>URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION .</b>	<b>33</b>
12.	<b>MATTERS BEHIND CLOSED DOORS.....</b>	<b>33</b>
13.	<b>CLOSURE.....</b>	<b>33</b>

---

---

**1. OFFICIAL OPENING**

---

The Shire President welcomed those present at 6.30pm 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 Fred Spindler

Councillor Liz Houghton

**STAFF:**

Mr Rob Madson, Chief Executive Officer

Mr Richard Towell, Deputy Chief Executive Officer

Travis Bate RSM Australia Pty Ltd

**GALLERY:**

---

**2. PUBLIC QUESTION TIME**

---

Nil

---

**3. APOLOGIES AND LEAVE OF ABSENCE**

---

Councillor Ron Hogben

---

**4. PETITIONS/PRESENTATIONS/SUBMISSIONS**

---

Nil

**5. CONFIRMATION OF MINUTES**

---

**Council Decision:** 01122017

**MOVED: CR DENNIS**

**SECONDED: CR SPINDLER**

That the Minutes of the Ordinary Meeting of 21 November 2017 are confirmed as a true and correct record of the meeting.

**CARRIED: 6/0**

**6. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION.**

---

Nil

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

---

Nil



## 8. REPORTS

<b>8.1 ACCOUNTS &amp; STATEMENTS OF ACCOUNTS</b>	
APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell – Deputy Chief Executive Officer
DATE:	14 December 2017
<b><i>Matters for Consideration:</i></b>	
To receive the List of Accounts Due & Submitted to Ordinary Council Meeting on Tuesday 19 December 2017 as attached – <b>see <a href="#">Appendix 1</a></b>	
<b><i>Comments:</i></b>	
The list of accounts is for the month of November 2017	
<b><i>Background:</i></b>	
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.	
<b><i>Statutory Environment:</i></b>	
Local Government (Financial Management Regulations) 1996 – Clause 13.	
<b><i>Policy Implications:</i></b>	
Nil	
<b><i>Financial Implications:</i></b>	
Nil	
<b><i>Strategic Implications:</i></b>	
Nil	
<b><i>Consultation:</i></b>	
Nil	

<b>Officer's Recommendation:</b>	<b>Voting requirement:</b> Simple Majority																								
<p><i>That Council endorse the payments for the period 1 November 2017 to 30 November 2017 as listed, which have been made in accordance with delegated authority per LGA 1995 S5.42.</i></p> <table data-bbox="219 346 1299 640"> <tr> <td><i>Municipal Fund Bank</i></td> <td><i>EFTs</i></td> <td><i>5529 – 5611</i></td> <td><i>\$ 1,043,774.31</i></td> </tr> <tr> <td><i>Direct Debit Fund Transfer</i></td> <td></td> <td></td> <td><i>\$ 21,206.65</i></td> </tr> <tr> <td><i>Payroll</i></td> <td></td> <td></td> <td><i>\$ 78,807.66</i></td> </tr> <tr> <td><i>BPAY</i></td> <td></td> <td></td> <td><i>\$ 71,722.92</i></td> </tr> <tr> <td><i>Cheques</i></td> <td></td> <td></td> <td><i>\$ 0.00</i></td> </tr> <tr> <td><b><i>Total</i></b></td> <td></td> <td></td> <td><b><i>\$ 1,215,511.54</i></b></td> </tr> </table>		<i>Municipal Fund Bank</i>	<i>EFTs</i>	<i>5529 – 5611</i>	<i>\$ 1,043,774.31</i>	<i>Direct Debit Fund Transfer</i>			<i>\$ 21,206.65</i>	<i>Payroll</i>			<i>\$ 78,807.66</i>	<i>BPAY</i>			<i>\$ 71,722.92</i>	<i>Cheques</i>			<i>\$ 0.00</i>	<b><i>Total</i></b>			<b><i>\$ 1,215,511.54</i></b>
<i>Municipal Fund Bank</i>	<i>EFTs</i>	<i>5529 – 5611</i>	<i>\$ 1,043,774.31</i>																						
<i>Direct Debit Fund Transfer</i>			<i>\$ 21,206.65</i>																						
<i>Payroll</i>			<i>\$ 78,807.66</i>																						
<i>BPAY</i>			<i>\$ 71,722.92</i>																						
<i>Cheques</i>			<i>\$ 0.00</i>																						
<b><i>Total</i></b>			<b><i>\$ 1,215,511.54</i></b>																						
<b>Council Decision 02122017</b>	<b>Voting requirement:</b> Simple Majority																								
<p><b>MOVED: CR PRICE</b> <span style="float: right;"><b>SECONDED: CR HOUGHTON</b></span></p> <p><i>That Council endorse the payments for the period 1 November 2017 to 30 November 2017 as listed, which have been made in accordance with delegated authority per LGA 1995 S5.42.</i></p> <table data-bbox="219 1060 1299 1344"> <tr> <td><i>Municipal Fund Bank</i></td> <td><i>EFTs</i></td> <td><i>5529 – 5611</i></td> <td><i>\$ 1,043,774.31</i></td> </tr> <tr> <td><i>Direct Debit Fund Transfer</i></td> <td></td> <td></td> <td><i>\$ 21,206.65</i></td> </tr> <tr> <td><i>Payroll</i></td> <td></td> <td></td> <td><i>\$ 78,807.66</i></td> </tr> <tr> <td><i>BPAY</i></td> <td></td> <td></td> <td><i>\$ 71,722.92</i></td> </tr> <tr> <td><i>Cheques</i></td> <td></td> <td></td> <td><i>\$ 0.00</i></td> </tr> <tr> <td><b><i>Total</i></b></td> <td></td> <td></td> <td><b><i>\$ 1,215,511.54</i></b></td> </tr> </table> <p><b>CARRIED: 6/0</b></p>		<i>Municipal Fund Bank</i>	<i>EFTs</i>	<i>5529 – 5611</i>	<i>\$ 1,043,774.31</i>	<i>Direct Debit Fund Transfer</i>			<i>\$ 21,206.65</i>	<i>Payroll</i>			<i>\$ 78,807.66</i>	<i>BPAY</i>			<i>\$ 71,722.92</i>	<i>Cheques</i>			<i>\$ 0.00</i>	<b><i>Total</i></b>			<b><i>\$ 1,215,511.54</i></b>
<i>Municipal Fund Bank</i>	<i>EFTs</i>	<i>5529 – 5611</i>	<i>\$ 1,043,774.31</i>																						
<i>Direct Debit Fund Transfer</i>			<i>\$ 21,206.65</i>																						
<i>Payroll</i>			<i>\$ 78,807.66</i>																						
<i>BPAY</i>			<i>\$ 71,722.92</i>																						
<i>Cheques</i>			<i>\$ 0.00</i>																						
<b><i>Total</i></b>			<b><i>\$ 1,215,511.54</i></b>																						

<b>8.2 FINANCIAL STATEMENT</b>	
APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell – Deputy Chief Executive Officer
DATE:	14 December 2017
<b><i>Matters for consideration:</i></b>	
<p>The Statement of Financial Activity for the period ended 30 November 2017 including the following reports:</p> <ul style="list-style-type: none"> <li>• Statement of Financial Activity</li> <li>• Significant Accounting Policies</li> <li>• Graphical Representation – Source Statement of Financial Activity</li> <li>• Net Current Funding Position</li> <li>• Cash and Investments</li> <li>• Major Variances</li> <li>• Budget Amendments</li> <li>• Receivables</li> <li>• Grants and Contributions</li> <li>• Cash Backed Reserve</li> <li>• Capital Disposals and Acquisitions</li> <li>• Trust Fund</li> </ul> <p>see <a href="#">Appendix 2</a></p>	
<b><i>Comments:</i></b>	
The Statement of Financial Activity is for the month of November 2017.	
<b><i>Background:</i></b>	
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.	
<b><i>Statutory Environment:</i></b>	
Local Government (Financial Management Regulations) 1996 – Clause 14.	
<b><i>Policy Implications:</i></b>	
Nil	

<b>Financial Implications:</b>	
Nil	
<b>Strategic Implications:</b>	
Nil	
<b>Consultation:</b>	
RSM Bird Cameron Chartered Accountants	
<b>Officer's Recommendation:</b>	
<i>That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period ended 30 November 2017.</i>	
<b>Council Decision 03122017</b>	<b>Voting requirement:</b> Simple Majority
<p><b>MOVED: CR SPINDLER                      SECONDED: CR DENNIS</b></p> <p><i>That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period ended 30 November 2017.</i></p> <p><b>CARRIED 6/0</b></p>	

<b>8.3 2016/17 ANNUAL REPORT</b>	
APPLICANT:	Shire of Cue
FILE:	
DISCLOSURE OF INTEREST:	None
AUTHOR:	Richard Towell – Deputy Chief Executive Officer
DATE:	14 December 2017
<b><i>Matters for Consideration:</i></b>	
Accepting of the 2016/17 Annual Report including the audited financial statements attached at <a href="#">Appendix 3</a> . And setting the date for the general electors meeting.	
<b><i>Background:</i></b>	
Council has an obligation under the <i>Local Government Act 1995</i> to prepare an Annual Report and to present the report to the community. It is a requirement under the Local Government Act that Council accept the annual report by 31 December of the year following the report and hold a general electors meeting within fifty six days of accepting the annual report.	
<b><i>Comments:</i></b>	
<p>The 2016/17 Annual Report includes:</p> <ul style="list-style-type: none"> <li>• Shire President’s Report</li> <li>• Chief Executive Officer’s Report – including Statutory Reports</li> <li>• Audited Financial Statements</li> <li>• Auditor’s Report</li> </ul> <p>The report outlines the activities undertaken during 2016/17 together with the financial position of the Shire of Cue as at 30 June 2017.</p> <p>There were no statutory non-compliance matters raised in the Auditor’s Report with the exception of the Shire not seeking Ministerial approval to adopt a minimum rate that applied to more than fifty percent of the properties in the category of GRV Vacant land. This matter was addressed at the December 2016 ordinary meeting of Council where we followed the department’s advice and applied a concession of \$90 per property to all properties in the category to bring the minimum in line with the general minimum.</p>	
<b><i>Statutory Environment:</i></b>	
<p><b>Local Government Act 1995</b></p> <p><b><i>Subdivision 4 – Electors’ meetings</i></b></p> <p><i>5.26. Term used: electors</i></p> <p><i>In this Subdivision —</i></p>	

**electors** includes ratepayers.

**5.27. Electors' general meetings**

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

**5.29. Convening electors' meetings**

- (1) The CEO is to convene an electors' meeting by giving —
  - (a) at least 14 days' local public notice; and
  - (b) each council member at least 14 days' notice,of the date, time, place and purpose of the meeting.
- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

**5.30. Who presides at electors' meetings**

- (1) The mayor or president is to preside at electors' meetings.
- (2) If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at an electors' meeting in accordance with that section.
- (3) If the circumstances mentioned in section 5.34(a) or (b) apply and —
  - (a) the office of deputy mayor or deputy president is vacant; or
  - (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,then the electors present are to choose one of the councillors present to preside at the meeting but if there is no councillor present, able and willing to preside, then the electors present are to choose one of themselves to preside.

**5.31. Procedure for electors' meetings**

The procedure to be followed at, and in respect of, electors' meetings and the methods of voting at electors' meetings are to be in accordance with regulations.

**5.32. Minutes of electors' meetings**

The CEO is to —

- (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and*
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.*

**5.33. Decisions made at electors' meetings**

*(1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —*

*(a) at the first ordinary council meeting after that meeting; or*

*(b) at a special meeting called for that purpose,*

*whichever happens first.*

*(2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.*

**Division 5 — Annual reports and planning**

**5.53. Annual reports**

*(1) The local government is to prepare an annual report for each financial year.*

*(2) The annual report is to contain —*

*(a) a report from the mayor or president; and*

*(b) a report from the CEO; and*

*(e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and*

*(f) the financial report for the financial year; and*

*(g) such information as may be prescribed in relation to the payments made to employees; and*

*(h) the auditor's report for the financial year; and*

*(ha) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*

*(hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —*

*(i) the number of complaints recorded in the register of complaints; and*

*(ii) how the recorded complaints were dealt with; and*

- (iii) any other details that the regulations may require;
- and
- (i) such other information as may be prescribed.

**5.54. Acceptance of annual reports**

(1) Subject to subsection (2), the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.

\* Absolute majority required.

(2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

**5.55. Notice of annual reports**

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

**5.56. Planning for the future**

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

**Division 3 — Conduct of audit**

**7.9. Audit to be conducted**

(1) An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to —

- (a) the mayor or president; and
  - (b) the CEO of the local government; and
  - (c) the Minister.
- (2) Without limiting the generality of subsection (1), where the auditor considers that
- (a) there is any error or deficiency in an account or financial report submitted for audit;  
or
  - (b) any money paid from, or due to, any fund or account of a local government has been  
or may have been misapplied to purposes not authorised by law; or



(c) *there is a matter arising from the examination of the accounts and annual financial report that needs to be addressed by the local government, details of that error, deficiency, misapplication or matter, are to be included in the report by the auditor.*

(3) *The Minister may direct the auditor of a local government to examine a particular aspect of the accounts and the annual financial report submitted for audit by that local government and to —*

(a) *prepare a report thereon; and*

(b) *forward a copy of that report to the Minister, and that direction has effect according to its terms.*

(4) *If the Minister considers it appropriate to do so, the Minister is to forward a copy of the report referred to in subsection (3), or part of that report, to the CEO of the local government to be dealt with under section 7.12A.*

**Local Government (Administration) Regulations 1996**

**Part 3 — Electors’ meetings**

*15. Matters to be discussed at general meeting (Act s. 5.27(3))*

*For the purposes of section 5.27(3), the matters to be discussed at a general electors’ meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.*

*17. Voting at meeting (Act s. 5.31)*

(1) *Each elector who is present at a general or special meeting of electors is entitled to one vote on each matter to be decided at the meeting but does not have to vote.*

(2) *All decisions at a general or special meeting of electors are to be made by a simple majority of votes.*

(3) *Voting at a general or special meeting of electors is to be conducted so that no voter’s vote is secret.*

*18. Procedure at meeting (Act s. 5.31)*

*Subject to regulations 15 and 17, the procedure to be followed at a general or special meeting of electors is to be determined by the person presiding at the meeting.*

<b>Policy Implications:</b>	
Nil	
<b>Financial Implications:</b>	
Nil	



<b>8.4 ADOPTION OF PROPOSED AMENDMENT NO.2 TO L.P.S. NO.2</b>	
APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Joe O’Keefe, Town & Regional Planner
DATE:	6 November 2017
<b><i>Matters for Consideration</i></b>	
<p>The first proposal; Resolution 1 concerns Reserve 39957, its proposed closure and eventual amalgamation into abutting private lots 559 Burt Place &amp; 564 Marshall St. Scheme Amendment Report elaborating on this proposal is section <b>A</b>.</p> <p>The second proposal; Resolutions 2 &amp; 3; concerns the laneway between Lots 1 &amp; 25 Marshall Street. Zone and lot boundary adjustments to: cater for building encroachment; increase curtilage to Heritage property. Scheme Amendment Report elaborating on this proposal is section <b>B</b>.</p> <p>The full amendment report is attached at <a href="#">Appendix 4</a></p>	
<b><i>Background:</i></b>	
<p>Sections <b>A &amp; B</b> Both proposals are designed to comply with Aim (a) of LPS No.2, and with Residential Zone amenity objective (ii).</p> <p>Section <b>B</b> is also designed to comply with LPS No.2:</p> <p>Aims (f) (h) and (i)-cultural heritage asset protection;</p> <p>&amp; Objective (ii) of the Light Industry Zone.</p> <p><b>Note: This item was originally put to the Ordinary Council Meeting of 21 November 2017 and deferred by resolution of Council to allow it to be presented in separate parts.</b></p>	
<b><i>Comments:</i></b>	
<p>Classification as '<i>Standard</i>' ensures public participation in the rezoning process, as required by Local Planning Strategy.</p> <p>Dep’t Planning Lands &amp; Heritage requested that smaller rezoning proposals be grouped into single Scheme Amendments.(These are sometimes called '<i>omnibus</i>' amendments, but as that term is not defined in LPS Regulations 2015 it is avoided hereafter)</p>	
<b><i>Statutory Environment:</i></b>	
<p><u>Planning &amp; Development Act 2005</u></p> <p><b>Shire of Cue Local Planning Scheme No.2</b></p>	

(Gazetted 23 October 2015)

Shire of Cue Local Planning Strategy (Jan. 2015)

Planning & Development Act 2005 (Local Planning Scheme Regulations) 2015

Land Administration Act 1997 Sections 56, 58 & 75 Land Administration Regulations 1998

Local Government Act 1995 Schedule 9.1 3. (1)

Environmental Protection Act 1986

Heritage of WA Act 1990 & **Shire of Cue “Municipal Inventory of Heritage Places”** :  
(Resolutions 2 & 3 Only)

***Policy Implications:***

**Shire of Cue Heritage Strategy 2013**

***Financial Implications:***

Estimated costs of mapping and surveying \$2,100. Estimated costs of advertising \$500. Estimated costs of Gazettal \$2,000. Next stage: Estimated costs of two subdivision/amalgamation applications \$1, 600. [A Budget amendment will be required to cover these costs.]

***Strategic Implications:***

Implementation of aspects of Shire of Cue Local Planning Strategy.

***Consultation:***

Sections **A & B**: *Department Planning, Lands and Heritage*, Perth.

Water Corporation, Perth

Section **A** only: Landowner- Lot 564 Marshall St.

Section **B** only: Landowner- Geraldton Diocese.

Heritage Council WA: Perth

***Officer’s Recommendation  
Part 1:***

**Voting requirement: Simple Majority**

**That Council resolves to give effect to amendment 2 of Local Planning Scheme No. 2 as follows:**

Pursuant to Section 75 of the Planning & Development Act 2005, amend Local Planning Scheme No. 2 as follows:

1-Rezone Reserve 39957 between Marshall Street and Burt Place, Cue from Local Road Reserve to the Residential Zone.

2-Amend the Scheme Maps accordingly.

<b>Council Decision 05122017</b>	<b>Voting requirement: Simple Majority</b>
<p><b>Cr Spindler declared a proximity interest and left the room at 7.05pm.</b></p> <p><b>MOVED: CR DENNIS</b> <span style="float: right;"><b>SECONDED: CR PRICE</b></span></p> <p><b>That Council resolves to give effect to amendment 2 of Local Planning Scheme No. 2 as follows:</b></p> <p>Pursuant to Section 75 of the Planning &amp; Development Act 2005, amend Local Planning Scheme No. 2 as follows:</p> <p>1-Rezone Reserve 39957 between Marshall Street and Burt Place, Cue from Local Road Reserve to the Residential Zone</p> <p><b>CARRIED: 3/2</b></p> <p>Cr Fitzpatrick and Cr Houghton voted against the motion.</p> <p><b>Cr Spindler re-entered the chambers at 7.24pm</b></p>	
<b>Officer's Recommendation Part 2:</b>	<b>Voting requirement: Simple Majority</b>
<p><b>That Council resolves to give effect to amendment 2 of Local Planning Scheme No. 2 as follows:</b></p> <p>Pursuant to Section 75 of the Planning &amp; Development Act 2005, amend Local Planning Scheme No. 2 as follows:</p> <p>1-Rezone an area of approximately 100m<sup>2</sup> of the laneway between Lot 1 and Lot 25 Marshall Street, Cue as shown on Scheme Amendment Maps, a dedicated road, from Local Road Reserve to Light Industrial Zone.</p> <p>2-Rezone an area of approximately 125m<sup>2</sup> of Lot 25 Marshall Street, Cue as shown on Scheme Amendment Maps, from the Residential Zone to Local Road Reserve.</p> <p>3-Amend the Scheme Maps accordingly.</p>	
<b>Council Decision 06122017</b>	<b>Voting requirement: Simple Majority</b>
<p><b>Cr Price declared an impartiality interest in this item.</b></p> <p><b>MOVED: CR DENNIS</b> <span style="float: right;"><b>SECONDED: CR HOUGHTON</b></span></p> <p><b>That Council resolves to give effect to amendment 2 of Local Planning Scheme No. 2 as follows:</b></p> <p>Pursuant to Section 75 of the Planning &amp; Development Act 2005, amend Local Planning Scheme No. 2 as follows:</p> <p>1-Rezone an area of approximately 100m<sup>2</sup> of the laneway between Lot 1 and Lot 25 Marshall Street, Cue as shown on Scheme Amendment Maps, a dedicated road, from Local Road Reserve to Light Industrial Zone.</p> <p>2-Rezone an area of approximately 125m<sup>2</sup> of Lot 25 Marshall Street, Cue as shown on Scheme Amendment Maps, from the Residential Zone to Local Road Reserve.</p>	

3-Amend the Scheme Maps accordingly.

**LOST: 1/5**

Cr Pigdon, Cr Price, Cr Spindler, Cr Fitzpatrick, Cr Houghton voted against the motion.

**Officer’s Recommendation  
Part 3:**

**Voting requirement: Simple Majority**

**That Council resolves to give effect to amendment 2 of Local Planning Scheme No. 2 as follows:**

1- Pursuant to Section 35 (2) (a) of the WA Planning & Development Act (Local Planning Scheme) Regulations 2015, the proposed Amendment No.2 is a *Standard* Local Planning Scheme Amendment as defined in Sec. 34 of the WA Planning & Development Act (Local Planning Scheme) Regulations 2015.

2- Pursuant to Sec. 35 (2) (b) of the WA Planning & Development Act (Local Planning Scheme) Regulations 2015, proposed Amendment No.2 meets criteria for a *Standard* Amendment; as it is made consistent with Local Planning Scheme No. 2 Part 9 Aims of Scheme “(a) to direct and control the development of the Scheme area in a manner that promotes and safeguards the health, safety, convenience, economic and general welfare of its inhabitants and amenities in every part of the Shire, through appropriate decision making; compliant with Sec. 34 (a) of LPS Regulations 2015 as it is consistent with Residential zone objectives; Part 16 (2) ii. “To facilitate and encourage high quality design, built form and streetscapes throughout residential areas” and consistent with Sec. 34 (b) as entirely consistent with Shire of Cue Local Planning Strategy “3.3.2 Housing Objectives: 4. Investigate residential infill opportunity sites as shown on the Local Planning Strategy Map. 6. Identify and promote vacant and serviced residential land for future housing within the townsite”; consistent with Sec. 34 (e) having minimal impact on land in the scheme area that is not the subject of the amendment; and consistent with Sec. 34 (f) does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area. Resolutions 2 and 3 are also consistent with Aims of Scheme (f), (h) and (i), heritage aims.

**Council Decision 07122017**

**Voting requirement: Simple Majority**

**MOVED: CR DENNIS**

**SECONDED: CR FITZPATRICK**

**That Council resolves to give effect to amendment 2 of Local Planning Scheme No. 2 as follows:**

1- Pursuant to Section 35 (2) (a) of the WA Planning & Development Act (Local Planning Scheme) Regulations 2015, the proposed Amendment No.2 is a *Standard* Local Planning Scheme Amendment as defined in Sec. 34 of the WA Planning & Development Act (Local Planning Scheme) Regulations 2015.

2- Pursuant to Sec. 35 (2) (b) of the WA Planning & Development Act (Local Planning Scheme) Regulations 2015, proposed Amendment No.2 meets criteria for a *Standard* Amendment; as it is made consistent with Local Planning

Scheme No. 2 Part 9 Aims of Scheme “(a) to direct and control the development of the Scheme area in a manner that promotes and safeguards the health, safety, convenience, economic and general welfare of its inhabitants and amenities in every part of the Shire, through appropriate decision making; compliant with Sec. 34 (a) of LPS Regulations 2015 as it is consistent with Residential zone objectives; Part 16 (2) ii. “To facilitate and encourage high quality design, built form and streetscapes throughout residential areas” and consistent with Sec. 34 (b) as entirely consistent with Shire of Cue Local Planning Strategy “3.3.2 Housing Objectives: 4. Investigate residential infill opportunity sites as shown on the Local Planning Strategy Map. 6. Identify and promote vacant and serviced residential land for future housing within the townsite”; consistent with Sec. 34 (e) having minimal impact on land in the scheme area that is not the subject of the amendment; and consistent with Sec. 34 (f) does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area. Resolutions 2 and 3 are also consistent with Aims of Scheme (f), (h) and (i), heritage aims.

**CARRIED: 4/3** The Shire President exercised his right under section 5.21(3) of the *Local Government Act 1995* to cast a second vote.

Cr Houghton, Cr Spindler and Cr Fitzpatrick voted against the motion.

<b>8.5 AUTHORISATION OF APPLICATION OF COMMON SEAL TO LAND TRANSFER</b>	
APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Rob Madson – Chief Executive Officer
DATE:	14 December 2017
<b><i>Matters for Consideration:</i></b>	
Authorisation of the application of the common seal to a transfer of land from WA Land Authority to Shire of Cue.	
<b><i>Background:</i></b>	
The Shire of Cue entered into an arrangement with Landcorp in 2014 to develop land held by the Shire in Heydon Place into various industrial lots, with the condition that the balance of the land be transferred back to the Shire as one lot. This lot has now been created as lot 9000 on deposited plan 403380, with an area of 12,336m <sup>2</sup> .	
<b><i>Comments:</i></b>	
All lots in the industrial development have now been sold. Peter Groom Settlements have prepared a land transfer on behalf of the WA Land Authority to transfer Lot 9000 to the Shire for consideration of \$1.10.	
<b><i>Statutory Environment:</i></b>	
<p><b>LOCAL GOVERNMENT ACT 1995 - SECT 9.49A</b></p> <p><b>9.49A Execution of documents</b></p> <p>(1) A document is duly executed by a local government if —</p> <p style="padding-left: 40px;">(a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or</p> <p style="padding-left: 40px;">(b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.</p> <p>(2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.</p> <p>(3) The common seal of the local government is to be affixed to a document in the presence of —</p> <p style="padding-left: 40px;">(a) the mayor or president; and</p>	



(b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.

**Policy Implications:**

Nil

**Financial Implications:**

The Shire is required to contribute \$1.10 to formalise the land transfer, plus \$523.70 in settlement fees.

**Strategic Implications:**

Nil

**Consultation:**

Nil

**Officer's Recommendation:**

That Council authorise the Shire President and Chief Executive Officer to apply the common seal to a transfer of land between the WA Land Authority and the Shire of Cue in relation to Lot 9000 Heydon Place.

**Council Decision 08122017**

**Voting requirement:** Simple Majority

**MOVED: CR PRICE****SECONDED: CR FITZPATRICK**

That Council authorise the Shire President and Chief Executive Officer to apply the common seal to a transfer of land between the WA Land Authority and the Shire of Cue in relation to Lot 9000 Heydon Place.

**CARRIED: 6/0**

**8.6 COMMITTEE REPRESENTATION**

APPLICANT:	Shire of Cue			
DISCLOSURE OF INTEREST:	Nil			
AUTHOR:	Rob Madson – Chief Executive Officer			
DATE:	14 December 2017			
<b>Matters for Consideration:</b>				
Council membership on various committees.				
<b>Background:</b>				
Councillor membership of Council committees and those of other bodies where the Shire of Cue is represented are reviewed following annual Local Government elections. Membership of the Murchison Regional Vermin Council was determined as a matter of urgency at the special meeting of 14 November 2017. Membership of the Murchison Zone of WALGA is the Shire President and Deputy Shire President.				
<b>Comments:</b>				
The following table details the current position in relation to committee representation remaining to be determined. Vacancies are noted where former Councillor Pixie Pigdon was the representative.				
COMMITTEE	NUMBER REQUIRED	NAME OF REPRESENTITIVES	FREQUENCY OF MEETING	EXPIRY OF TERM
<i>Bush Fire Advisory Committee</i>	Two	Cr R Pigdon Vacant	Annual	2019
<i>Local Emergency Management Committee</i>	Two	Cr I Dennis Cr L Fitzpatrick	Quarterly	2019
<i>Audit Committee*</i>	3 - 7	Cr R Pigdon Cr L Price Cr L Fitzpatrick Vacant Cr I Dennis Cr F Spindler Cr R Hogben	As required	2019
<i>Main Roads WA – RRG - Murchison Sub Group</i>	Two	Cr R Hogben Vacant	As required	2019

COMMITTEE	NUMBER REQUIRED	NAME OF REPRESENTITIVES	FREQUENCY OF MEETING	EXPIRY OF TERM
<i>Bush Fire Advisory Committee</i>	Two	Cr R Pigdon Vacant	Annual	2019
<i>Local Emergency Management Committee</i>	Two	Cr I Dennis Cr L Fitzpatrick	Quarterly	2019
<i>Audit Committee*</i>	3 - 7	Cr R Pigdon Cr L Price Cr L Fitzpatrick Vacant Cr I Dennis Cr F Spindler Cr R Hogben	As required	2019
<i>Main Roads WA – RRG - Murchison Sub Group</i>	Two	Cr R Hogben Vacant	As required	2019

\* At the Shire of Cue, the Audit Committee is made up of all Councillors, Council may wish to review whether this arrangement remains effective. The Audit Committee can also include representatives from outside Council.

**Statutory Environment:**

LOCAL GOVERNMENT ACT 1995

5.10 . Committee members, appointment of

(1) A committee is to have as its members —

(a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and

(b) persons who are appointed to be members of the committee under subsection (4) or (5).

\* Absolute majority required.

(2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.

(3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.

(4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.

(5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —

(a) to be a member of the committee; or

(b) that a representative of the CEO be a member of the committee,

the local government is to appoint the CEO or the CEO’s representative, as the case may be, to be a member of the committee.

**Policy Implications:**

F.1 COUNCIL REPRESENTATIVES

F.1.1 All Council representatives wherever possible are to be serving members of the Council.

F.1.2 Upon ceasing to be a member of the Council, the representative is to cease as a member of a Committee unless approved by a resolution of Council.

F.1.3 Upon ceasing to be a member of the Council, the representative is to cease membership of any Regional Council unless approved by a resolution of Council and subject to the Regional Council Constitution.

F.1.4 Council representatives on a committee that is not a Council Committee represent the shire’s positions not the individual Councillor’s position.

F.1.5 The Council's current committees are as follows;

1. Main Roads Western Australia - Regional Road Group
2. Murchison Regional Vermin Council
3. Murchison Zone of the WALGA – Ward
4. Audit Committee
5. Local Emergency Management Committee

F.1.6 Representatives of Committees and Regional Councils are to be reviewed by Council resolution following each Council ordinary election unless a Representative resigns prior to that Election at which time a special appointment may be made by Council resolution.

<b><i>Financial Implications:</i></b>	
Nil	
<b><i>Strategic Implications:</i></b>	
Nil	
<b><i>Consultation:</i></b>	
Nil	

<b>Officer's Recommendation:</b>	<b>Voting requirement:</b> Absolute Majority
<p>That Councillor representation on committees of Council and other bodies be as follows:</p> <ul style="list-style-type: none"> <li>• Bush Fire Advisory Committee <ul style="list-style-type: none"> <li>Cr Houghton.</li> <li>Cr Pigdon.</li> </ul> </li> <li>• Local Emergency Management Committee <ul style="list-style-type: none"> <li>Cr Dennis.</li> <li>Cr Pigdon.</li> </ul> </li> <li>• Audit Committee <ul style="list-style-type: none"> <li>Cr Pigdon.</li> <li>Cr Price.</li> <li>Cr Dennis.</li> <li>Cr Hogben.</li> <li>Cr Fitzpatrick.</li> <li>Cr Spindler.</li> <li>Cr Houghton.</li> </ul> </li> <li>• Main Roads Regional Road Group Murchison Sub Group <ul style="list-style-type: none"> <li>Cr Spindler.</li> <li>Cr Hogben, subject to his agreement.</li> </ul> </li> </ul>	
<b>Council Decision 09122017</b>	<b>Voting requirement:</b> Absolute Majority

**MOVED: Cr Fitzpatrick**

**SECONDED: Cr Dennis**

That Councillor representation on committees of Council and other bodies be as follows:

- Bush Fire Advisory Committee

Cr Houghton.

Cr Pigdon.

- Local Emergency Management Committee

Cr Dennis.

Cr Pigdon.

- Audit Committee

Cr Pigdon.

Cr Price.

Cr Dennis.

Cr Hogben.

Cr Fitzpatrick.

Cr Spindler.

Cr Houghton.

- Main Roads Regional Road Group Murchison Sub Group

Cr Spindler.

Cr Hogben, subject to his agreement.

**CARRIED: 6/0**

<b>8.7 AIRCRAFT HANGAR AT CUE AERODROME</b>	
APPLICANT:	Peter Lacy
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Rob Madson – Chief Executive Officer
DATE:	14 December 2017
<b><i>Matters for Consideration:</i></b>	
A request from Peter Lacy to erect a hangar at Cue Aerodrome to accommodate a private aircraft.	
<b><i>Background:</i></b>	
Mr Lacy was previously granted approval by Council at their meeting of 17 December 2013 to erect a temporary hangar at the Aerodrome for a period of 2 years. It is not known if this approval was acted upon.	
<b><i>Comments:</i></b>	
The proposed hangar is a shipping container style shelter.	
<b><i>Statutory Environment:</i></b>	
Nil	
<b><i>Policy Implications:</i></b>	
Nil	
<b><i>Financial Implications:</i></b>	
Aircraft parking fees of \$672.65 per annum apply.	
<b><i>Strategic Implications:</i></b>	
Nil	
<b><i>Consultation:</i></b>	
Nil	





**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**

---

Nil

**12. MATTERS BEHIND CLOSED DOORS**

---

Nil

**13. CLOSURE**

---

The President thanked those present for attending the meeting and declared the meeting closed at : 8.26pm

**To be confirmed at Ordinary Meeting on the 20 February 2018**

**Signed:.....**

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