



**MINUTES
ORDINARY MEETING
OF COUNCIL**

20 MARCH 2018

NOTICE OF MEETING

Please be advised that the next

Ordinary Meeting of Council

is to be held on

Tuesday, 20 March 2018

commencing at **6:30pm**

in the Council Chambers at 73 Austin Street, Cue WA



Rob Madson
Chief Executive Officer
16th March 2018

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
MINUTES

Held in the Council Chambers, 73 Austin Street Cue on Tuesday 20 March 2018
commencing at 6:31pm

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1. DECLARATION OF 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 Ron Hogben

Councillor Leonie Fitzpatrick

Councillor Fred Spindler

Councillor Liz Houghton

STAFF:

Mr Rob Madson, Chief Executive Officer

Mr Richard Towell, Deputy Chief Executive Officer

Mrs Janelle Duncan, Coordinator Community Development

GALLERY:

Ernie Campbell

Peter Tegg

2. APOLOGIES AND APPROVED LEAVE OF ABSENCE

Nil

3. DISCLOSURE OF MEMBERS' INTERESTS

Nil

4. PUBLIC QUESTION TIME

Ernie Campbell, Darlot Street Cue

Q1. As there are two Contractors at the Tourist Park and one of them is now working at the Shire Admin, is the Contractor still getting paid for the Tourist Park as well as holding a position in Admin at the Shire?

A1. The CEO advised the management contract for the Tourist Park is now only with one person.

Q2. Can I have a letter stating the date of the change of Contract?

A2. The CEO advised he would provide the information.

Q3. Mr Campbell raised some concerns about the Cue-Wondinong road and suggested the Shire should be using contractors for road works.

A3. The CEO advised that road works are performed using a combination of Shire staff and contractors.

Q4. When will the Beebyn-Karbar Road be finished?

A4. The CEO advised that no time frame has been set for completion of these works.

Peter Tegg, 45 Dowley Street Cue

Q1. Are Councillors satisfied with the purchase of the Polaris for the Tourist Park?

A1. The Shire President advised the purchase was sanctioned by Council in the adopted budget.

Q2. Does the payment of \$29,000.00 for repairs to the water cart include parts and labour?

A2. The Deputy Chief Executive Officer pointed out that the expenditure, as stated in the list of accounts, was for contractor and plant hire, not repairs.

5. CONFIRMATION OF MINUTES

Council Decision: 01032018

MOVED: CR DENNIS

SECONDED: CR SPINDLER

That the Minutes of the Ordinary Meeting of 20 February 2018 are confirmed as a true and correct record of the meeting.

CARRIED: 7/0

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. DEPUTATIONS

Nil

8. PETITIONS

Nil

9. ANNOUNCEMENTS WITHOUT DISCUSSION

Nil

10. REPORTS

10.1 ACCOUNTS & STATEMENTS OF ACCOUNTS

APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell – Deputy Chief Executive Officer
DATE:	16 March 2018

Matters for Consideration:

To receive the List of Accounts Due & Submitted to Ordinary Council Meeting on Tuesday 20 March 2018 as attached – see [Appendix 1](#)

Comments:

The list of accounts is for the month of February 2018.

Background:

The local government under its delegated authority to the CEO to make payments from the municipal and trust funds is required to prepare a list of accounts each month showing each account paid and presented to Council at the next ordinary Council meeting. The list of accounts prepared and presented to Council must form part of the minutes of that meeting.

Statutory Environment:

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

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Consultation:

Nil

Officer’s Recommendation:

Voting requirement: Simple Majority

That Council endorse the payments for the period 1st February 2018 to 28th February 2018 as listed, which have been made in accordance with delegated authority per LGA 1995 S5.42.

Municipal Fund Bank	EFTs	5827 – 5906	\$ 226,060.30
Direct Debit Fund Transfer			\$ 20,139.67
Payroll			\$ 85,082.94
BPAY			\$ 41,977.34
Cheques			\$ -
Total			\$ 373,260.25

Council Decision: 02032018

Voting requirement: Simple Majority

MOVED: CR PRICE

SECONDED: CR HOGBEN

That Council endorse the payments for the period 1st February 2018 to 28th February 2018 as listed, which have been made in accordance with delegated authority per LGA 1995 S5.42.

Municipal Fund Bank	EFTs	5827 – 5906	\$ 226,060.30
Direct Debit Fund Transfer			\$ 20,139.67
Payroll			\$ 85,082.94
BPAY			\$ 41,977.34
Cheques			\$ -
Total			\$ 373,260.25

CARRIED: 7/0

10.2 FINANCIAL STATEMENT

APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell – Deputy Chief Executive Officer
DATE:	16 March 2018

Matters for consideration:

The Statement of Financial Activity for the period ended 28th February 2018 including the following reports:

- 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

see [Appendix 2](#)

Comments:

The Statement of Financial Activity is for the month of February 2018.

Background:

Under the Local Government (Financial Management Regulations 1996), a monthly Statement of Financial Activity must be submitted to an Ordinary Council meeting within 2 months after the end of the month to which the statement relates. The statement of financial activity is a complex document but presents a complete overview of the financial position of the local government at the end of each month. The Statement of Financial Activity for each month must be adopted by Council and form part of the minutes.

Statutory Environment:

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

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Consultation:

RSM Bird Cameron Chartered Accountants

Officer's Recommendation:

Voting requirement: Simple Majority

That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the periods ended February 2018.

Council Decision 03032018

Voting requirement: Simple Majority

MOVED: CR DENNIS

SECONDED: CR SPINDLER

That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the periods ended February 2018.

Cr Hogben left the chamber 7.10pm

Cr Hogben re-entered the chamber 7.12pm

CARRIED 7/0

10.3 TOWN PLANNING SCHEME AMENDMENT 1

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Rob Madson –Chief Executive Officer
DATE: 15th March 2018

Matters for Consideration:

Final approval of Amendment 1 to Town Planning Scheme No 2

Background:

Council resolved on 17 October 2017, pursuant to Section 75 of the Planning & Development Act 2005, to amend Local Planning Scheme No. 2 as follows:

- 1-Realign the Heydon Place road reserve, within the General Industry Zone and on Public Open Space Reserve on the northwest of Cue Townsite.
- 2-Rezone those portions of Heydon Place which have been constructed on land zoned General Industry to the Local Road Reserve.
- 3-Rezone a portion of the General Industry zone required to realign the future extension of Heydon Place, from General Industry Zone to Local Road Reserve.
- 4-Rezone a portion of abutting Reserve No. 7273 from Public Open Space Reserve to Local Road Reserve for the extension of Heydon Place.
- 5- Rezone the portions of Local Road Reserve which have been included within existing lots fronting Heydon Place; from Local Road Reserve to General Industry Zone.
- 6-Amend the Scheme Maps accordingly.
7. Pursuant to Section 35 (2) (a) of the WA Planning & Development Act (Local Planning Scheme) Regulations 2015, the proposed Amendment is a *Standard* Local Planning Scheme Amendment as defined in Sec. 34 of the WA Planning & Development Act (Local Planning Scheme) Regulations 2015.
8. Pursuant to Sec. 35 (2) (b) of the WA Planning & Development Act (Local Planning Scheme) Regulations 2015, Amendment No.1 meets criteria for a *Standard* Amendment; as it is made consistent with Sec. 34 (a) General Industry zone objectives; consistent with Sec. 34 (b) Shire of Cue Local Planning Strategy; 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.

Comments:

In accordance with legislative requirements, the proposed amendment was advised to affected landholders, government departments and others and advertised to the public, inviting submissions.

A report addressing the submissions received, titled “*Planning & Development Act 2005 Shire of Cue Local Planning Scheme No.2 Amendment No. 1 Report on Final Approval Schedule of Submissions*”, is attached at [Appendix 3](#).

Statutory Environment:

PLANNING AND DEVELOPMENT ACT 2005 - SECT 75

75 . Amending scheme

A local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within any adjacent district, by an amendment —

- (a) prepared by the local government, approved by the Minister and published in the Gazette ; or*
- (b) proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the Gazette .*

LOCAL GOVERNMENT ACT 1995 - SECT 9.49A

9.49A Execution of documents

- (1) A document is duly executed by a local government if —*
 - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) The common seal of the local government is to be affixed to a document in the presence of —*
 - (a) the mayor or president; and*
 - (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 cost of advertising and preparing amended scheme documents and maps has not been established but is likely to be in the order of several thousand dollars.

Strategic Implications:

Shire of Cue Strategic Community Plan 2017 to 2027

<i>Outcome 3.1</i>	<i>Community infrastructure that meets the needs of our Residents</i>
<i>3.1.3</i>	<i>Provide, maintain and improve community infrastructure</i>

Consultation:

Joe O'Keefe – Consultant Planner

Officer's Recommendation:

Voting requirement: Absolute Majority

That Council:

1. support amendment 1 to Town Planning Scheme No2 with a proposed modification to address issues raised in submissions by Landcorp and the Water Corporation in relation to the alignment of Heydon place;
2. authorise the Shire President and Chief Executive Officer to sign and apply the common seal to the amendment documents; and
3. endorse the recommendations contained in the report titled "*Planning & Development Act 2005 Shire of Cue Local Planning Scheme No.2 Amendment No. 1 Report on Final Approval Schedule of Submissions*".

Council Decision 04032018

Voting requirement: Absolute Majority

MOVED: CR DENNIS

SECONDED: CR PRICE

That Council:

1. support amendment 1 to Town Planning Scheme No2 with a proposed modification to address issues raised in submissions by Landcorp and the Water Corporation in relation to the alignment of Heydon place;
2. authorise the Shire President and Chief Executive Officer to sign and apply the common seal to the amendment documents; and
3. endorse the recommendations contained in the report titled *“Planning & Development Act 2005 Shire of Cue Local Planning Scheme No.2 Amendment No. 1 Report on Final Approval Schedule of Submissions”*.

CARRIED 7/0

11. MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. MOTIONS FOR CONSIDERATION AT THE NEXT MEETING

Nil

13. NEW BUSINESS OF AN URGENT NATURE

Nil

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

15. CLOSURE

The President thanked those present for attending the meeting and declared the meeting closed at 7:25pm

To be confirmed at Ordinary Meeting on the 17 April 2018

Signed:.....

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