



Minutes
ORDINARY MEETING
OF COUNCIL

16 MARCH 2021

SHIRE OF CUE
Ordinary Council Meeting
MINUTES

Held in the Council Chambers, 73 Austin Street Cue on
Tuesday 16 March 2021 commencing at 6:30pm

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1. DECLARATION OF OPENING

The meeting was opened at 6.30 pm

The Presiding Member welcomed those present and read the following disclaimer:

No responsibility whatsoever is implied or accepted by the Shire of Cue for any act, omission or statement or intimation occurring during this Meeting.

It is strongly advised that persons do not act on what is heard at this Meeting and should only rely on written confirmation of council's decision, which will be provided within fourteen (14) days of this Meeting.

PRESENT:

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

Ms Tracy Bachraty, Executive Assistant

GALLERY:

Mr Peter Tegg

Ms Kelli Young

Mrs Jenni Dennis

Ms Cath Willet

Mr Mitchell Mace

Mr Neil Montgomery

2. APOLOGIES AND APPROVED LEAVE OF ABSENCE

NIL

3. DISCLOSURE OF MEMBERS' INTERESTS

NIL

4. PUBLIC QUESTION TIME

Peter Tegg, 45 Dowley Street

Q1. Can I have copies of invoices for the Shire's corporate credit card as they are public information?

A1. (CEO) They are not publicly available documents.

Q2. Do I have to go through Freedom of Information?

A2. (CEO) Yes. You can lodge an FOI application and we will assess the cost to gather and copy the documents.

Mr Tegg left the meeting at 6.35pm

Mitchell Mace, 51 Dowley Street

Q1. What is the cost each time the Shire fogs for mosquitos?

A1. (CEO) Question taken on notice.

Q2. Would the Shire consider other methods and will the Shire explore alternatives?

A2. (CEO) So far this method works the best but the Shire is open to using other methods if they are cheaper or more effective.

5. CONFIRMATION OF MINUTES

Council Decision: 01032021

Voting Requirement: Simple Majority

MOVED: CR FITZPATRICK

SECONDED: CR DENNIS

That the Minutes of the Ordinary Meeting 16 February 2021 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: 8 March 2021

Matters for Consideration:

To receive the List of Accounts Due & Submitted to the Ordinary Council Meeting on 16 March 2021 as attached – see [Appendix 1](#).

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.

Comments:

The list of accounts are for the months of February 2021.

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 1 February 2021 to 28 February 2021 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.

February 2021

<i>Municipal Fund Bank</i>	<i>EFTs</i>	<i>9338- 9443</i>	<i>\$ 497,364.25</i>
<i>Direct Debit Fund Transfer</i>			<i>\$ 28,387.54</i>
<i>Payroll</i>			<i>\$ 114,559.64</i>
<i>BPAY</i>			<i>\$ 30,193.20</i>
<i>Cheques</i>			<i>\$ 0.00</i>
<i>Total</i>			<i>\$ 670,504.63</i>

Council Decision: 02032021

Voting requirement: Simple Majority

MOVED: CR SPINDLER

SECONDED: CR HOGDEN

That Council endorse the payments for the period 1 February 2021 to 28 February 2021 as listed at Appendix 1, which have been made in accordance with delegated authority per LGA 1995 S5.42.

February 2021

<i>Municipal Fund Bank</i>	<i>EFTs</i>	<i>9338- 9443</i>	<i>\$ 497,364.25</i>
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<i>Cheques</i>			<i>\$ 0.00</i>
<i>Total</i>			<i>\$ 670,504.63</i>

CARRIED: 7/0

10.2 FINANCIAL STATEMENT

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Glenn Boyes – Manager Finance
 DATE: 8 March 2021

Matters for Consideration:

The Statements of Financial Activity are for the period ended 28 February 2021 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](#).

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.

Comments:

The Statements of Financial Activity are for the month of February 2021.

Statutory Environment:

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

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Consultation:

RSM Australia Pty Ltd.

Richard Towell – Deputy Chief Executive Officer

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 28 February 2021, as presented at [Appendix 2](#).

Council Decision: 03032021

Voting requirement: Simple Majority

MOVED: CR PRICE

SECONDED: CR DENNIS

That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the periods ended 28 February 2021, as presented at [Appendix 2](#).

CARRIED: 7/0

10.3 2019 – 2020 ANNUAL REPORT

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell – Deputy Chief Executive Officer
 DATE: 9 March 2021

Matters for Consideration:

Accepting of the 2019/20 Annual Report including the audited financial statements attached at [Appendix 3](#) and setting the date for the general electors meeting.

Background:

Council has an obligation under the *Local Government Act 1995* 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 or within two months of the Auditors Report becoming available and hold a general electors meeting within fifty six days of accepting the annual report.

Comments:

The 2019/20 Annual Report includes:

- Shire President’s Report
- Chief Executive Officer’s Report – including Statutory Reports
- Audited Financial Statements
- Auditor’s Report

The report outlines the activities undertaken during 2019-2020 together with the financial position of the Shire of Cue as at 30 June 2020.

The proposed Annual Electors Meeting date will be for the same night as the April Forum meeting, being Tuesday 13 April 2021, with the Forum meeting scheduled to start following the Annual Electors meeting.

Statutory Environment:

Local Government Act 1995

Subdivision 4 – Electors’ meetings

5.26. Term used: electors

In this Subdivision —

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.

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Consultation:

Rob Madson – Chief Executive Officer

Travis Bate – RSM Australia Pty Ltd

Officer’s Recommendation: **Voting requirement: Absolute Majority**

That Council:

Accepts the 2019-2020 Annual Report as presented, including:

- *2019-2020 Annual Report;*
- *Audited Annual Financial Statements;*
- *Audit Report;*
and
- *Determine that the Annual Electors Meeting be held on Tuesday 13 April 2021 at 6.30pm in the Council Chambers.*

Council Decision: 04032021 **Voting requirement: Absolute Majority**

MOVED: CR FITZPATRICK **SECONDED: CR DENNIS**

That Council:

Accepts the 2019-2020 Annual Report as presented, including:

- 2019-2020 Annual Report;
 - Audited Annual Financial Statements;
 - Audit Report;
- and

Determine that the Annual Electors Meeting be held on Tuesday 13 April 2021 at 6.30pm in the Council Chambers.

CARRIED: 7/0

10.4 2020 – 2021 BUDGET REVIEW

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell – Deputy Chief Executive Officer
 DATE: 11 March 2021

Matters for Consideration:

To consider and adopt the Budget Review as presented in the Statement of Financial Activity for the period 1 July 2020 to 31 December 2020 as detailed in [Appendix 4](#).

Background:

A Statement of Financial Activity incorporating year to date budget variations and forecasts to 30 June 2021 for the period ending 31 December 2020 is presented for council to consider.

The *Local Government (Financial Management) Regulations 1996, regulation 33A*, requires that local governments conduct a budget review between 1 January and 31 March in each financial year. A copy of the review and determination is to be provided to the Department of Local Government within 30 days of the adoption of the review.

Comments:

The budget review has been prepared to include information required by the *Local Government Act 1995, Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards. Council adopted a 10% and a \$25,000 minimum for the reporting of material variances to be used in the statements of financial activity and the annual budget review.

Statutory Environment:

Local Government (Financial Management) Regulations 1996

Regulation 33A

- (1) *Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*
- (2A) *The review of an annual budget for a financial year must —*
 - (a) *consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) *consider the local government’s financial position as at the date of the review; and*

(c) *review the outcomes for the end of that financial year that are forecast in the budget.*

Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.

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

**Absolute majority required.*

(4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

Policy Implications:

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

Financial Implications:

The proposed amendments are made with the intention of more accurately reflecting the predicted financial outcome for the 2020-2021 financial year.

Strategic Implications:

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

Consultation:

Travis Bate - RSM Australia Pty Ltd
Rob Madson – Chief Executive Officer

Officer’s Recommendation:

Voting Requirement: Absolute Majority

That Council by absolute majority:

1. Accept the budget review as presented in [Appendix 4](#).
and;
2. Adopt the revised budget figures as budget amendments for the year ending 30 June 2021.

Council Decision: 05032021

Voting requirement: Absolute Majority

MOVED: Cr SPINDER

SECONDED: CR DENNIS

That Council by absolute majority:

1. Accept the budget review as presented in [Appendix 4](#).
and;
2. Adopt the revised budget figures as budget amendments for the year ending 30 June 2021.

CARRIED: 7/0

10.5 COMPLIANCE AUDIT RETURN 2020

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell – Deputy Chief Executive Officer
DATE: 11 March 2021

Matters for Consideration:

Endorsement of the Compliance Audit Return 2020 as per [Appendix 5](#).

Background:

Each year a Local Government is required to complete a compliance audit return for the period 1 January to 31 December. Regulations require that the compliance audit return is reviewed by the audit committee prior to adoption by Council. Once adopted by Council a certified copy of the return along with a copy of the relevant section of the minutes and any additional information explaining or qualifying the return is to be submitted to the Executive Director, Department of Local Government and Communities by 31 March following the period to which the return relates.

Comments:

The Compliance Audit Return for the period 1 January 2020 to 31 December 2020 has been prepared by the Shire of Cue administration. The Return provides an internal control to assess statutory compliance and covers areas such as disclosure of interest, official conduct, tenders for providing goods and services, delegation of power and duties and appointment of senior employees.

Statutory Environment:

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

7.13. *Regulations as to audits*

- (1) *Regulations may make provision —*
 - (i) *requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are —*
 - (i) *of a financial nature or not; or*
 - (ii) *under this Act or another written law.*

Local Government (Audit) Regulations 1996:

14. *Compliance audits by local governments*

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

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

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

(3) *After the audit committee has reported to the council under sub regulation (3A), the compliance audit return is to be —*

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

(b) *adopted by the council; and*

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

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

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

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

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

(2) *In this regulation —*

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

(a) *the mayor or president; and*

(b) *the CEO.*

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Shire of Cue Strategic Community Plan 2017-2027
Outcome 2.1.3 Maintain accountability and financial responsibility

Consultation:

Rob Madson – Chief Executive Officer

Officer’s Recommendation: **Voting Requirement:** Absolute Majority

That Council, by absolute majority;

1. Accept the Audit Committee’s recommendation to Council that Council adopt the 2020 Compliance Audit Return.
2. Adopt the 2020 Compliance Audit Report as presented in [Appendix 5](#).

Council Decision: 06032021 **Voting Requirement:** Absolute Majority

MOVED: CR FITZPATRICK **SECONDED: CR SPINDLER**

That Council, by absolute majority;

1. Accept the Audit Committee’s recommendation to Council that Council adopt the 2020 Compliance Audit Return.
2. Adopt the 2020 Compliance Audit Report as presented in [Appendix 5](#).

CARRIED: 6/1
AGAINST: CR HOUGHTON

Cr Houghton requested to be taken off the audit committee.

10.6 REPORT ON AUDIT MATTER

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell – Deputy Chief Executive Officer
 DATE: 12 March 2021

Matters for Consideration:

Receiving of the report prepared to address matters identified as significant by the Auditor in the 2019-2020 Audit Report.

Background:

Section 7.12 of the *Local Government Act 1995* requires a local government to prepare a report addressing any matters identified as significant by the Auditor in the Audit Report and present this report to the Audit Committee to address the significant matters raised and outline what action(s) the Local government has taken or intends to take in respect of each of the matters raised. This report has been prepared and is attached as at [Appendix 6](#).

Comments:

The report has been prepared in the format recommended in Departmental Circular 05-2019, *Local Government Auditing* to identify the matters and outline actions taken or intended to be taken to address the matters.

Statutory Environment:

Local Government Act 1995

7.12A. *Duties of local government with respect to audits*

- (4) *A local government must —*
 - (a) *prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and*
 - (b) *give a copy of that report to the Minister within 3 months after the audit report is received by the local government.*
- (5) *Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government’s official website.*

Local Government (Audit) Regulations 1996

16. *Functions of audit committee*

An audit committee has the following functions —

- (f) *to oversee the implementation of any action that the local government —*

(ii) has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a);

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Shire of Cue Strategic Community Plan 2017-2027

Outcome 2.1.3 Maintain accountability and financial responsibility.

Consultation:

Rob Madson – Chief Executive Officer

Travis Bate – RSM Australia Pty Ltd

Council Decision:

Voting Requirement: Simple Majority

That Council receives the report addressing the significant matters raised in the 2019-2020 Audit Report.

Council Decision: 07032021

Voting requirement: Simple Majority

MOVED: CR FITZPATRICK

SECONDED: CR DENNIS

That Council receives the report addressing the significant matters raised in the 2019-2020 Audit Report.

CARRIED: 6/1

AGAINST: CR HOUGHTON

10.7 CLOSURE OF LANE OFF MITCHELL STREET

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Rob Madson –Chief Executive Officer
DATE: 8 March 2021

Matters for Consideration:

Formal closure of a lane running off Mitchell Street, Cue.

Background:

A request was received from the owners of Lot 295 (4) Simpson Street for the lane behind their property to be permanently closed, as it is between their property and a lot they wish to purchase from the Department of Planning, Lands and Heritage. It would then be the owners' intention to fence the newly acquired lot and any portion of the lane they acquire from DPLH into their existing property.

This item was initially considered at the Council meeting of 17 December 2019, where the following resolution was carried:

That Council:

- 1. Agree to the proposed closure of the lane running from Mitchell Street, Cue, along the Eastern boundary of lots 294, 295 & 296.*
- 2. Instruct the CEO to initiate formal closure of the lane by publicly advertising the proposal.*

Comments:

A portion of the lane in question was officially closed in 2011 and transferred to the adjoining property owner. The current request relates to the closure of the remaining length of the lane. This land is already zoned Residential in the Shire of Cue Local Planning Scheme No 2.

As the lane is a public thoroughfare, it falls within the definition of a road. The process of formal closure included provisions for consulting with affected property owners, advertising the proposed closure and considering objections.

The proposed closure was advertised during December 2020, inviting submissions to be lodged by 29 January 2021. No submissions were received.

Plans and photographs of the area are attached at [Appendix 7](#).

Statutory Environment:

LAND ADMINISTRATION ACT 1997

58. Closure of roads

(1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.

(2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.

(3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Consultation:

Philip & Sandra Box – 4 Simpson Street
Jennifer Yumul – 2 Simpson Street

Officer’s Recommendation:

Voting Requirement: Simple Majority

That Council instruct the CEO to proceed with formal closure of the lane running from Mitchell Street, Cue, along the Eastern boundary of lots 294, 295 & 296.

Council Decision: 08032021

Voting requirement: Simple Majority

MOVED: CR DENNIS

SECONDED: CR FITZPATRICK

That Council instruct the CEO to proceed with formal closure of the lane running from Mitchell Street, Cue, along the Eastern boundary of lots 294, 295 & 296.

CARRIED: 7/0

10.8 OVERSIZED OUTBUILDING LOT 554 (14) PRICE STREET

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Rob Madson – Chief Executive Officer
DATE: 10 March 2021

Matters for Consideration:

Approval of an oversized outbuilding at Lot 554 (14) Price Street.

Background:

A Development Application has been received from the owners of Lot 554 (14) Price Street which includes a shed that exceeds the maximum dimensions permitted by Council policy.

Comments:

Lot 554 has an area of 2198m² and is zoned Residential R10/12.5 in the Shire of Cue Local Planning Scheme No 2.

The proposed outbuilding is a 20m x 9m four bay enclosed colourbond skillion roof shed, ranging from a height of 3.25m to 4.2m at the eaves, exceeding the maximum limits for floor space, wall height and ridge height permitted by Council Policy C3 (detailed in the Policy Implications section and summarised below).

South wall 3.25m – maximum allowable 3.0m

North wall 4.2m – maximum allowable 4.0m. (Strictly speaking, as a wall height this exceeds the policy by 1.2m, however I consider this to be the equivalent of the ridge height on a gable roof and that it should therefore be assessed against the maximum ridge height of 4.0m).

Floor space 180m² – maximum allowable for lot size 175.84m²

Plans for the shed and a site plan for the proposed development are attached at [Appendix 8](#).

Although the measurements of the shed exceed all three category dimensions contained in Council's outbuilding policy, the size of the variation is not significant. Being situated on a lot at the southernmost boundary of town also ensures that interference with the amenity of other homeowners is minimal. I have spoken to the only neighbour likely to be affected and he has indicated that he has no issue with the shed's proposed dimensions. Due to the development being outside the requirements of Council policy, I am unable to consider the application under delegated authority.

Statutory Environment:

Shire of Cue Local Planning Scheme No 2.

Policy Implications:

C.3 OUTBUILDINGS

Permissible Outbuildings

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

Table 2 - Maximum Floor Areas

<i>Zone</i>	<i>Maximum Floor Area (combined)</i>
<i>Residential</i>	<i>8% of the lot area</i>

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

Table 3 - Maximum Wall Heights

<i>Zone</i>	<i>Wall Height</i>	<i>Ridge Height</i>
<i>Residential</i>	<i>3.0m</i>	<i>4.0m</i>

Financial Implications:

Nil.

Strategic Implications:

Nil.

Consultation:

Kelli Young – Owner.
 Jefto Radovanovic – Neighbour.
 Steelx – Shed supplier.

Officer's Recommendation:

Voting Requirement: Simple Majority

That Council approve the construction of an oversized outbuilding included in the development application for Lot 554 (14) Price Street.

Council Decision: 09032021

Voting requirement: Simple Majority

MOVED: CR SPINDLER

SECONDED: CR PRICE

That Council approve the construction of an oversized outbuilding included in the development application for Lot 554 (14) Price Street.

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

Council Decision: 10032021

Voting requirement: Simple Majority

MOVED: CR FITPATRICK

SECONDED: CR HOUGHTON

That the meeting be closed to members of the public to discuss confidential matters.

CARRIED: 7/0

The meeting was closed to members of the public at 7.19pm

Cr Hogben left the meeting at 7.19pm

Ms Tracy Bachraty left the meeting at 7.20pm

Ms Tracy Bachraty returned to the meeting at 7.21pm

Cr Hogben returned to the meeting at 7.22pm

14.1 OFFER TO PURCHASE LOT 561 (6) PRICE STREET

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Rob Madson –Chief Executive Officer
DATE: 11 March 2021

Matters for Consideration:

Offer to purchase Lot 561 (6) Price Street, Cue.

Council Decision: 11032021 **Voting requirement:** Simple Majority

MOVED: CR DENNIS **SECONDED: CR PRICE**

Offer to purchase Lot 561 (6) Price Street, Cue.

LOST: 3/4
AGAINST: CR SPINDLER, CR HOUGHTON, CR FITZPATRICK, CR HOGBEN

Council Decision: 12032021 **Voting requirement:** Simple Majority

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

That the meeting be reopened to members of the public

CARRIED: 7/0

The meeting was re-opened to members of the public at 7.50pm

15 CLOSURE

The Presiding Member thanked those present for attending the meeting and declared the meeting closed at 7.50pm.

To be confirmed at Ordinary Meeting on the 20 April 2021.

Signed:.....

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