



**MINUTES
ORDINARY MEETING
OF COUNCIL**

17 AUGUST 2021

**SHIRE OF CUE
Ordinary Council Meeting
MINUTES**

Held in the Council Chambers, 73 Austin Street Cue on
Tuesday 17 August 2021 commenced at 6:32pm

1.	DECLARATION OF OPENING.....	3
1.1	ATTENDANCE BY TELEPHONE CR HOGBEN	4
2.	APOLOGIES AND APPROVED LEAVE OF ABSENCE	7
2.1	APPLICATION FOR LEAVE OF ABSENCE – CR FRED SPINDLER.....	7
3.	DISCLOSURE OF MEMBERS’ INTERESTS.....	9
4.	PUBLIC QUESTION TIME.....	9
5.	CONFIRMATION OF MINUTES	9
6.	APPLICATIONS FOR LEAVE OF ABSENCE	9
7.	DEPUTATIONS	9
8.	PETITIONS.....	9
9.	ANNOUNCEMENTS WITHOUT DISCUSSION	10
10.	REPORTS	11
10.1	ACCOUNTS & STATEMENTS OF ACCOUNTS	11
10.2	FINANCIAL STATEMENT	13
10.3	MOVED TO ‘BEHIND CLOSED DOORS ITEM 14.1’	15
10.4	AMENDMENT NO 1 SHIRE OF CUE LOCAL PLANNING SCHEME NO 2.....	16
10.5	DEVELOPMENT APPLICATION – ADDITIONAL SHORT TERM ACCOMMODATION – TEMPORARY BUILDINGS	21
11.	MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	27
12.	MOTIONS FOR CONSIDERATION AT THE NEXT MEETING	27
13.	NEW BUSINESS OF AN URGENT NATURE.....	28
13.1	LATE ITEM – ADOPTION OF ANNUAL BUDGET FOR 2021-2022.....	28
14.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....	35
14.1	NINE DAY FORTNIGHT	35
15.	CLOSURE	38

1. DECLARATION OF OPENING

The meeting was opened at 6.32pm.

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 Liz Houghton

*Attendance via Electronic Communications

STAFF:

Mr Richard Towell, Chief Executive Officer

Ms Tracy Bachraty, Executive Assistant

Mr Glenn Boyes, Manager Finance

Mrs Janelle Duncan, Finance Officer

GALLERY:

Joyce Penny

Julie Humphreys

Mitchell Mace

Jenni Dennis

Catherine Willett

1.1 ATTENDANCE BY TELEPHONE CR HOGBEN

APPLICANT: Cr Ron Hogben
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell –Chief Executive Officer
DATE: 12 August 2021

Matters for Consideration:

Attendance at Council meeting by electronic communication.

Background:

Cr Hogben has requested permission to attend the August Council meeting by electronic communication.

Comments:

Nil

Statutory Environment:

LOCAL GOVERNMENT ACT 1995 - SECT 5.25

5.25 *Regulations about council and committee meetings and committees*

- (1) *Without limiting the generality of section 9.59, regulations may make provision in relation to —*
- (ba) *the holding of council or committee meetings by telephone, video conference or other electronic means; and*

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS 1996 - REG 14A

14A. *Attendance by telephone etc. (Act s. 5.25(1)(ba))*

- (1) *A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if —*
- (a) *the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and*
- (b) *the person is in a suitable place; and*
- (c) *the council has approved* of the arrangement.*

- (2) *A council cannot give approval under sub regulation (1)(c) if to do so would mean that at more than half of the meetings of the council, or committee, as the case may be, in that financial year, a person (other than a person with a disability) who was not physically present was taken to be present in accordance with this regulation.*
- (3) *A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.*
- (4) *In this regulation —*

disability has the meaning given in the ***Disability Services Act 1993 section 3***;

suitable place —

- (a) *in relation to a person with a disability — means a place that the council has approved* as a suitable place for the purpose of this paragraph; and*
- (b) *in relation to any other person — means a place that the council has approved* as a suitable place for the purpose of this paragraph and that is located —*
- (i) *in a townsite or other residential area; and*
- (ii) *150 km or further from the place at which the meeting is to be held under regulation 12, measured along the shortest road route ordinarily used for travelling;*

Policy Implications:

Nil

Financial Implications:

The cost of the communications call will be borne by the Shire. Cr Hogben will be entitled to receive a meeting attendance fee.

Strategic Implications:

Nil

Consultation:

Shire President – Cr Ross Pigdon

Officer's Recommendation:

Voting Requirement: Absolute Majority

1. *That Council approves of Cr Hogben's private office at his residence at 1 Calamar Place Woorree as a suitable place for the purposes of Regulation 14A of the Local Government (Administration) Regulations 1996.*
2. *That Council grant approval for Cr Hogben to attend this meeting by instantaneous communications.*

Council Decision:01082021

Voting requirement: Absolute Majority

MOVED: CR FITZPATRICK

SECONDED: CR HOUGHTON

1. *That Council approves of Cr Hogben's private office at his residence at 1 Calamar Place Woorree as a suitable place for the purposes of Regulation 14A of the Local Government (Administration) Regulations 1996.*
2. *That Council grant approval for Cr Hogben to attend this meeting by instantaneous communications.*

CARRIED:5/0

6.35pm Cr Hogben joined the meeting.

2. APOLOGIES AND APPROVED LEAVE OF ABSENCE

2.1 APPLICATION FOR LEAVE OF ABSENCE – CR FRED SPINDLER

APPLICANT: Cr Fred Spindler
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell – Chief Executive Officer
DATE: 12 August 2021

Matters for Consideration:

Request for leave of absence.

Background:

Cr Fred Spindler is currently dealing with a personal matter and will not be available to attend the Ordinary Council Meeting on 17 August 2021 and is likely to miss the Ordinary Meeting of Council on 21 September 2021.

Comments:

Nil.

Statutory Environment:

LOCAL GOVERNMENT ACT 1995 - SECT 2.25

2.25 . Disqualification for failure to attend meetings

(1) A council may, by resolution, grant leave of absence, to a member.

(2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister, unless all of the meetings are within a period of 3 months.

Policy Implications:

Nil.

Financial Implications:

Sitting fees will not be payable for the meetings not attended by Cr Spindler.

Strategic Implications:

Nil.

Consultation:

Cr Ross Pigdon – Shire President

Officer's Recommendation: **Voting Requirement:** Simple Majority

That Cr Spindler be granted leave of absence for the August and September ordinary meetings of Council.

Council Decision:02082021 **Voting requirement:** Simple Majority

MOVED: CR FITZPATRICK **SECONDED: CR HOUGHTON**

That Cr Spindler be granted leave of absence for the August and September ordinary meetings of Council.

CARRIED:6/0

3. DISCLOSURE OF MEMBERS' INTERESTS

Nil

4. PUBLIC QUESTION TIME

Nil

5. CONFIRMATION OF MINUTES

Council Decision:03082021

Voting Requirement: Simple Majority

MOVED: CR DENNIS

SECONDED: CR HOGBEN

That the Minutes of the Ordinary Meeting 20 July 2021 are confirmed as a true and correct record of the meeting.

CARRIED:6/0

CR FITZPATRICK REQUESTED IT BE NOTED SHE DID NOT SEE THESE MINUTES

Council Decision:04082021

Voting Requirement: Simple Majority

MOVED: CR DENNIS

SECONDED: CR PRICE

That the Minutes of the Special Meeting 30 July 2021 are confirmed as a true and correct record of the meeting.

CARRIED:5/1

AGAINST: CR HOUGHTON

CR FITZPATRICK REQUESTED IT BE NOTED SHE DID NOT ATTEND THIS MEETING

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. DEPUTATIONS

Nil

8. PETITIONS

Nil

9. ANNOUNCEMENTS WITHOUT DISCUSSION

Cr Pidgon announced Item 10.3 would move and become Item 14.1 Behind Closed Doors.

Cr Price gave a summary on the Murchison Regional Vermin Council (MRVC) and the potential merger of this council with the Meekatharra Rangelands Biosecurity Association (MRBA) or the alternative of the MRVC becoming an incorporated association.

10. REPORTS

10.1 ACCOUNTS & STATEMENTS OF ACCOUNTS

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Glenn Boyes – Manager Finance

DATE: 13 August 2021

Matters for Consideration:

To receive the List of Accounts Due and Submitted to the Ordinary Council Meeting on 17 August 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 month of July 2021.

Please note the credit card transactions are now shown at the top of the list of accounts in the same format as the Municipal transactions.

Statutory Environment:

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

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Consultation:

Richard Towell, Chief Executive Officer

Officer's Recommendation:

Voting Requirement: Simple Majority

That Council endorse the payments for the period 01 July 2021 to 31 July 2021 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.

July 2021

Municipal Fund Bank EFTs	9892 - 10005	\$	1,194,884.70
Direct Debit Fund Transfer	General	\$	25,857.45
Direct Debit Fund Transfer	Credit Card	\$	695.43
Payroll		\$	116,154.73
BPAY		\$	3,670.63
Cheques		\$	0.00
Total		\$	1,341,262.94

Council Decision:05082021

Voting requirement: Simple Majority

MOVED: CR DENNIS

SECONDED: CR HOGBEN

That Council endorse the payments for the period 01 July 2021 to 31 July 2021 as listed at Appendix 1, which have been made in accordance with delegated authority per LGA 1995 S5.42.

July 2021

Municipal Fund Bank EFTs	9892 - 10005	\$	1,194,884.70
Direct Debit Fund Transfer	General	\$	25,857.45
Direct Debit Fund Transfer	Credit Card	\$	695.43
Payroll		\$	116,154.73
BPAY		\$	3,670.63
Cheques		\$	0.00
Total		\$	1,341,262.94

CARRIED:6/0

10.2 FINANCIAL STATEMENT

APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Glenn Boyes – Manager Finance
DATE:	13 August 2021

Matters for Consideration:

The Statements of Financial Activity are for the period ended 31 July 2021 including the following reports:

- Graphical Representation – Source Statement of Financial Activity
- Statement of Financial Activity
- Major Variances
- Net Current Funding Position
- Cash and Investments
- Trust Fund
- Cash Backed Reserve
- Receivables
- Capital Disposals
- Borrowings
- Capital Acquisitions
- Rate Revenue
- Grants and Contributions

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 July 2021.

Statutory Environment:

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

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Consultation:

Richard Towell – 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 period ended 31 July 2021, as presented at [Appendix 2](#).

Council Decision:06082021

Voting requirement: Simple Majority

MOVED: CR DENNIS

SECONDED: CR HOGBEN

That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period ended 31 July 2021, as presented at [Appendix 2](#).

CARRIED:6/0

10.3 MOVED TO 'BEHIND CLOSED DOORS ITEM 14.1'

10.4 AMENDMENT NO 1 SHIRE OF CUE LOCAL PLANNING SCHEME NO 2

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Eugene Ferraro – Town Planner, Shire of Cue
DATE: 10 August 2021

Matters for Consideration:

Proposal to recommend that the Minister for Planning grant final approval to Amendment 1 as readvertised, presented as [Appendix 4](#).

Background:

17 October 2017 Council resolved to initiate and advertise Amendment No 1 which seeks to rationalise the zoning and road layout for the Heydon Place General Industry area.

Four submissions were received during the advertising period, including an objection from LandCorp, the then owner of Lot 596 Heydon Place.

20 March 2018 Council resolved as follows:

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”*

Following a review of the proposal and in light of the submissions, Council at its meeting in 15 June 2021 resolved to:

- a. Rescind the decision of the Council of 20 March 2018 relating to amendment 1; and
- b. Pursuant to Regulation 51(1) of the *Planning and Development (Local Planning Schemes) Regulation 2015* resolve to:
 1. Determine the submissions received as per the summary of submissions attached;
 2. Agree to modify to amendment in response to the submissions received;
 3. Agree to advertise the modification to Amendment 1 for a period of 21 days by:
 - a. Publishing a public notice on the Shire website; and
 - b. Provide a notice in writing to all landowners within the Heydon Place General Industrial area;

- c. Making a copy of the modification available for public viewing within the Shire Office
- d. Referral to authorities.

Comments:

The amendment as initially advertised sought to avoid the creation of a cul-de-sac by extending Heydon Place to the northern boundary of the general industrial area and then extending this through along the adjoining Unallocated Crown Land to Robinson Street. This solution suffered two problems. The first was that it affected Lot 596, which at the time was owned by LandCorp and now has since been sold and developed for industrial purposes. The second required the extension of the town boundary and also required the navigation of vesting Unallocated Crown Land and the Native Title agreement.

In response to these concerns, Council resolved to support a modification to the amendment by formalising Heydon Place as a cul-de-sac. The amended design will enable the subdivision of Heydon Place to be completed without impacting on existing lots. The cul-de-sac head has also been designed to be of sufficient size to accommodate the turning movements of very large vehicles and will ensure that the industrial estate will be completed to a high standard.

Public comments were invited on the proposed modification. This was achieved through letters to Heydon Place landowners and by the placement of a notice in the Public Notices on the Shire's website. The amending documents were also made available at the Shire office for public inspection

No submissions were received during the advertising period.

Statutory Environment:

The *Planning and Development (Local Planning Schemes) Regulations 2015* detail the processes that must be followed for preparing and amending town planning scheme. Regulation 50(3) provides that the local government must pass a resolution

- (a) *to support the amendment without modification; or*
- (b) *to support the amendment with proposed modifications to address issues raised in the submissions; or*
- (c) *not to support the amendment.*

Under s87 of the *Planning and Development Act 2005*, the Minister for Planning may then either:

- (a) *Approve the amendment as advertised; or*
- (b) *Require the amendment to be modified; or*
- (c) *Refuse to approve the amendment.*

Furthermore, Regulation 50(3) provides as follows:

53. Information on standard amendment to be provided to the Commission

- (1) After passing a resolution under regulation 50(3) the local government must provide the advertised amendment to the local planning scheme to the Commission together with the following —
- (a) a schedule of submissions made on the amendment;
 - (b) the response of the local government in respect of the submissions;
 - (c) particulars of each modification to the amendment proposed by the local government in response to the submissions;
 - (d) if any proposed modification to the amendment was advertised —
 - (i) an explanation of the reasons for advertising the modification; and
 - (ii) particulars of how the modification was advertised; and
 - (iii) a schedule of submissions made on the proposed modifications; and
 - (iv) the recommendation of the local government in accordance with regulation 51(7)(c) in respect of each submission;
 - (e) a copy of the resolution passed under regulation 50(3);
 - (f) if that resolution was a resolution under regulation 50(3)(c) — a summary of the reasons why the local government does not support the amendment;
 - (g) details of any provision in the local planning scheme that varies or excludes a provision set out in Schedule 1;
 - (h) details of any provision in the local planning scheme as it will be amended that supplements a provision set out in Schedule 2;
 - (i) any relevant maps, plans, specifications and particulars required by the Commission.
- (2) The schedule of submissions referred to in subregulation (1)(a) and (d)(iii) must include the following —
- (a) the name and address of the person making the submission;
 - (b) where it is relevant, a description of the property that is the subject of the submission;
 - (c) the submission or a summary of the submission.
- (3) The documents referred to in subregulation (1) must be provided to the Commission —
- (a) in the case of a resolution to support an amendment to a local planning scheme without modification or not to support an amendment to a local planning scheme — within 21 days of passing the resolution; or
 - (b) in the case of a resolution to support an amendment to a local planning scheme with proposed modifications —
 - (i) if the local government decides not to advertise the proposed modification — within 21 days of passing the resolution; or
 - (ii) otherwise — within 21 days of complying with regulation 51(7);
- or
- (c) if the Commission in any case approves a longer period — within that longer period.

Conclusion

The Heydon Place industrial area is an important economic initiative for the Shire and the finalisation of this amendment will allow the subdivision of the remaining industrial land to be finalised.

The issues raised at the time the amendment was first advertised have been addressed through the modified amendment, which received no public submissions during the comment period.

Following the resolution of the Council, the original amendment, together with a copy of the submissions received at the time, and Council's recommended modifications, will be forwarded to the Minister for Planning, through the Western Australian Planning Commission. Once the Minister's decision has been made, the amendment can be

finalised, after which an application can be lodged to subdivide and create the final lots in Heydon Place.

Policy Implications:

Nil.

Financial Implications:

Upon completion of the amendment the Shire will be able to finalise the subdivision of Lot 9000.

Strategic Implications:

The proposed action addresses the following objectives contained in the Shire’s Strategic Community Plan 2017-2027.

Economic Objective

Outcome 1.1 Maximise local economic opportunities to benefit the whole community

1.1.3 Utilise the land available in the area for a range of new business to be self-sustaining

Consultation:

Matthew Burnett – Senior Planning Officer Dept of Planning, Lands and Heritage.

Request for comments have been sent to both the Water Corporation and Western Power. At the time of writing this report, no response had been received.

Officer’s Recommendation:

Voting Requirement: Simple Majority

That Council:

- a. Pursuant to Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolve to:
 - a. Note that no submissions were received during the readvertising of Amendment 1; and
 - b. Support Amendment 1 with the proposed modification as adopted by the Council at its meeting in 15 June 2021.

- b. Pursuant to Regulation 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolve to forward to the Western Australian Planning Commission the following documents:
 - a. the amendment documents as originally advertised;
 - b. copies of the submissions received on the amendment as originally advertised
 - c. a schedule on the originally advertised amendment that includes:
 - i. the names and addresses of persons making submissions;
 - ii. a summary of the submissions received; and
 - iii. the Shire’s recommendations to these submissions;
 - d. the modified amendment plan as readadvertised;

- e. a copy of the 15 June 2021 report to the Council that details the response to the submission, reasons for the modifications and how the amendment was readvertised; and
- f. a copy of this resolution.

Council Decision:07082021

Voting requirement: Simple Majority

MOVED: CR HOUGHTON

SECONDED: CR DENNIS

That Council:

- a. Pursuant to Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolve to:
 - a. Note that no submissions were received during the readvertising of Amendment 1; and
 - b. support Amendment 1 with the proposed modification as adopted by the Council at its meeting in 15 June 2021.
- b. Pursuant to Regulation 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolve to forward to the Western Australian Planning Commission the following documents:
 - a. the amendment documents as originally advertised;
 - b. copies of the submissions received on the amendment as originally advertised
 - c. a schedule on the originally advertised amendment that includes:
 - i. the names and addresses of persons making submissions;
 - ii. a summary of the submissions received; and
 - iii. the Shire's recommendations to these submissions;
 - d. the modified amendment plan as readvertised;
 - e. a copy of the 15 June 2021 report to the Council that details the response to the submission, reasons for the modifications and how the amendment was readvertised; and
 - f. a copy of this resolution.

CARRIED:6/0

10.5 DEVELOPMENT APPLICATION – ADDITIONAL SHORT TERM ACCOMMODATION – TEMPORARY BUILDINGS

APPLICANT: Cue Accommodation and Café Pty Ltd
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Eugene Ferraro – Town Planner, Shire of Cue
 DATE: 11 August 2021

Matters for Consideration:

Application for Planning Approval to erect four separate transportable accommodation buildings to provide for an additional 14 rooms at the rear of the Queen of the Murchison Inn on Lot 565 Robinson Street, Cue - see [Appendix 5](#).

Background:

The Queen of the Murchison is one of two short term and tourism accommodation facilities in the Shire. The application has been lodged in light of the increasing demand for short term accommodation for both tourists and workers in the area.

The Queen of the Murchison and its environs sit on five separate titles. Lots 1 and 10 front Austin Street and lots 2, 3 and 565 front Robinson Street. The application proposes to erect buildings on Lot 565 adjacent to the right of way at the rear of the properties.

Proposal:

The application seeks to erect four separate transportable buildings on Lot 565. The two buildings closest to Robinson Street are each proposed to accommodate four single bed units. The two remaining buildings are proposing to each accommodate 3 queen bed units. All units will form part and be managed through the existing Queen of the Murchison facilities.

The applicant has advised that the two four single bedroom units will be used buildings transported from elsewhere. If approved, these two buildings will be erected first.

The remaining two units will be new buildings and will be erected within 12 months of receiving an approval.

Shade sails will be erected between the units, in an effort to provide for additional comfort to the occupiers.

The buildings will be connected to the on-site effluent disposal system, which in turn is connected to the Shire’s system.

Town Planning Assessment:

Lot 565 is zoned Commercial under the Shire of Cue Local Planning Scheme No. 2 (LPS 2).

The Queen of the Murchison can be defined as a ‘guest house’ under LPS 2 as follows:

“a dwelling or part of a dwelling occupied by a person but containing rooms used to provide short-term accommodation for guests for hire or reward”

Under Table 1 Zoning Table of LPS 2 a ‘guest house’ is listed as a “D” use meaning:

“that the use is not permitted unless the local government has exercised its discretion by granting development approval”

In addition to the above, LPS 2 also includes the following Aims which are relevant to this application and an assessment on how the application against these aims.

- (e) *to encourage the development of short stay accommodation facilities in appropriate locations within the Shire;*

Assessment

Lot 565 is located within the town centre and is an appropriate location for short stay accommodation use.

- (f) *support the development of tourism in the Shire including the showcasing of heritage assets;*

Assessment

The proposal to increase short stay accommodation will assist in providing for attracting additional tourism to the town and encourage tourists to facilities such as the Queen of the Murchison.

Lot 565 is currently fenced by a 1.8m high iron fence, which screens the property from public view. The fencing will remain and the transportable buildings will be largely screened from view.

The use of transportable buildings does, however, do little to showcase the significant heritage assets in the town. While permanent type buildings may be preferred over transportable buildings, this preference needs to be balanced against the economic realities of the town.

Boundary Setbacks

The units are proposed to be setback a minimum of 3 metres from the side and front boundaries. LPS 2 provides that a ‘nil’ setback is permissible from the street and that the rear and sides to be in accordance with the Building Codes.

The proposed setback exceed the requirements of both LPS 2 and the Building Codes.

Car Parking

As LPS 2 does not specifically list car parking requirements for guest houses, the Scheme provides that the car parking requirements can be determined by the Shire.

The location of the buildings has been designed to accommodate on-site parking, between and around the buildings.

The town centre does not suffer from parking shortfalls and there is sufficient on-street parking to accommodate any additional parking need that may arise from the development.

In light of the above, a requirement to provide additional car parking is unnecessary.

Used or Second hand Buildings

The Council has adopted *Policy B.1 Second Hand Dwellings* for the use a relocated buildings within the Shire. The Council policy includes a number of planning conditions that will be applied to second hand buildings, to ensure the safety of the town and to protect its amenity. All relevant conditions have been included in this recommendation.

Conclusion

The Commercial zone in the town centre is an appropriate zone and location for additional short stay accommodation facilities in the Cue townsite. The proposal will complement existing facilities and provided much needed additional short stay facilities in the town.

While the proposal is for transportable buildings, the use of these types of buildings to meet demand is economic reality. Without these types of buildings, it may not be possible to provide any additional short stay accommodation in the town.

While it would be desirable for only new buildings to be used, the Council policy should be applied to ensure the safety and amenity of the townsite is protected.

The application seeks to implement a proposal for the viable expansion of an existing and long maintained business in the town centre. In light of the above, the erection of additional accommodation on Lot 565 is a use that is able to be approved by the Shire and is supported by this assessment.

Statutory Environment:

Shire of Cue Local Planning Scheme No. 2.

Policy Implications:

Nil.

Financial Implications:

Development of the lot will increase the property's Gross Rental Value and consequently result in an increase in applicable rates. Development application and building permit fees apply.

Strategic Implications:

The proposed action addresses the following objectives contained in the Shire's Strategic Community Plan 2017-2027.

Economic Objective

Outcome 1.1 Maximise local economic opportunities to benefit the whole community

1.1.3 Utilise the land available in the area for a range of new business to be self-sustaining

Consultation:

Bill Atyeo – Environmental Health Officer

Officer's Recommendation: **Voting Requirement:** Simple Majority

That Council approve the application for planning approval to accommodate additional short term accommodation on four transportable buildings on Lot 565 Robinson Street, Cue, subject to the following conditions:

1. The removal of asbestos materials from used buildings transported onto the site in compliance with Health (Asbestos) Regulations 1992.
2. Certification by suitably qualified persons shall be submitted prior to the issue of a building licence, to confirm that the buildings are structurally suitable for transportation.
3. The external surfaces of the buildings shall be painted to the Shire's satisfaction or re-clad in materials approved by the Shire.
4. The relocated buildings shall be completed to the satisfaction of the Shire within twelve months of the date of planning approval.
5. A legal agreement at the cost of the applicant is prepared to have a bank guarantee of \$15,000 provided to the Shire. The amount of the bank guarantee will be refunded progressively when specified stages of the building project are reached.
6. That the applicant obtains a Building Permit, in accordance with the requirements of the Building Act 2011 and the Building Regulations 2012 prior to undertaking any works associated with completing construction of the dwelling.

7. That the applicant make application for the approval of an on-site effluent disposal system in accordance with the requirements of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.
8. That the applicant connect the operation to mains power and that any use of a generator on the site be for back-up purposes only.
9. The applicant seeking the approval of the Water Corporation for the development;
10. That the proponent satisfies local and any FESA requirements with regard to fire services;
11. That the applicant obtain and submit to the Shire of Cue, prior to occupancy, a Certificate of Building Compliance, in accordance with the requirements of the Building Act 2011 and the Building Regulations 2012.

Advice to Applicant

The applicant is advised that the bank guarantee referred to in condition 5 of this approval can be extinguished in stages in accordance with the Shire's Second Hand Dwellings policy B.1.

Council Decision:08082021**Voting requirement:** Simple Majority**MOVED: CR DENNIS****SECONDED: CR HOUGHTON**

That Council approve the application for planning approval to accommodate additional short term accommodation on four transportable buildings on Lot 565 Robinson Street, Cue, subject to the following conditions:

1. The removal of asbestos materials from used buildings transported onto the site in compliance with Health (Asbestos) Regulations 1992.
2. Certification by suitably qualified persons shall be submitted prior to the issue of a building licence, to confirm that the buildings are structurally suitable for transportation.
3. The external surfaces of the buildings shall be painted to the Shire's satisfaction or re-clad in materials approved by the Shire.
4. The relocated buildings shall be completed to the satisfaction of the Shire within twelve months of the date of planning approval.
5. A legal agreement at the cost of the applicant is prepared to have a bank guarantee of \$15,000 provided to the Shire. The amount of the bank guarantee will be refunded progressively when specified stages of the building project are reached.
6. That the applicant obtains a Building Permit, in accordance with the requirements of the Building Act 2011 and the Building Regulations 2012 prior to undertaking any works associated with completing construction of the dwelling.
7. That the applicant make application for the approval of an on-site effluent disposal system in accordance with the requirements of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.
8. That the applicant connect the operation to mains power and that any use of a generator on the site be for back-up purposes only.
9. The applicant seeking the approval of the Water Corporation for the development;
10. That the proponent satisfies local and any FESA requirements with regard to fire services;
11. That the applicant obtain and submit to the Shire of Cue, prior to occupancy, a Certificate of Building Compliance, in accordance with the requirements of the Building Act 2011 and the Building Regulations 2012.

Advice to Applicant

The applicant is advised that the bank guarantee referred to in condition 5 of this approval can be extinguished in stages in accordance with the Shire's Second Hand Dwellings policy B.1.

CARRIED:6/0

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

Nil

12. MOTIONS FOR CONSIDERATION AT THE NEXT MEETING

Nil

7.21pm Ms Tracy Bachraty left the Council Chambers.

13. NEW BUSINESS OF AN URGENT NATURE

13.1 LATE ITEM – ADOPTION OF ANNUAL BUDGET FOR 2021-2022

APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Glenn Boyes – Manager Finance
DATE:	16 August 2021

Matters for Consideration:

That Council adopt the annual budget for the 2021-2022 financial year including supporting schedules attached at the [Appendix](#).

Background:

Section 6.2 of the Local Government Act 1995 requires Council to adopt a budget in the form and manner prescribed prior to 31 August each year. *Part 3 of the Local Government (Financial Management) Regulations 1996* stipulates the structure and content of the budget.

The draft 2021-2022 annual budget has been compiled based on the principles contained in the Shire of Cue Strategic Community Plan and Corporate Business Plan.

Comments:

The Department of Local Government recommend that the adoption of the Annual Budget is completed in various components which is why this item has three parts and is set out differently to our standard agenda items.

The budget has been prepared with estimated rates revenue of \$2,498,645 and total operating revenue of \$5,315,215.

A capital works program totalling \$13,901,790 for investment in infrastructure, property, plant and equipment is planned.

Expenditure on road infrastructure is budgeted at \$3,508,980. Road projects include Roads to Recovery funding, Regional Road Group funding for Wondinong Road gravel sheeting as well as resealing works on Beringarra Cue Road and allowance for flood damage works and grid widening.

The budget for land and buildings is \$6,145,500 which includes a four unit Staff Housing Development plus additional funds for staff housing, completing the Railway Building, Bank of NSW, Heydon Place and Old Gaol, construction of an Evacuation Centre at the Town Hall, and Great Fingal Mine Office works.

Other infrastructure projects include fencing the tip, playground equipment and works on the outdoor gym. We have also budgeted for a niche wall at the cemetery, resealing works at the airport, an outdoor museum display and we still need to allocate the balance of the phase three LRCIP funds to a project(s).

An estimated surplus of \$4,130,145 is anticipated to be brought forward from 30 June 2021. This amount is unaudited and may change with the finalising of the end of year accounts. Any changes will be addressed as part of a future budget review.

Statutory Environment:

Local Government Act 1995, Section 6.2 – Local Governments to prepare annual budget.

Local Government (Financial Management) Regulations 1996 Part 3.

Policy Implications:

Shire of Cue Policy Manual

Financial Implications:

The 2021-2022 Budget provides Council with the opportunity to continue to provide the current level of services to the community as well as carry out significant projects that will provide benefits into the future.

Strategic Implications:

Shire of Cue Strategic Community Plan 2017 – 2027

Consultation:

Richard Towell – Chief Executive Officer

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

Council Decision:

Part A – Adoption of 2021-2022 Annual Budget

That pursuant to the provisions of *section 6.2 of the Local Government Act 1995* and *Part 3 of the Local Government (Financial Management) Regulations 1996*, Council adopts the 2021-2022 Statutory Budget as attached at the [Appendix](#), which includes the following:

- Statement of Comprehensive income showing a net result for the year of \$6,464,255
- Statement of Cash Flows

- Rate Setting Statement showing an amount required to be raised from rates of \$2,498,645
- Notes to and forming part of the Budget and significant accounting policies
- Acquisition of assets as detailed in Note 4, totalling \$13,901,790
- Transfer to and from Reserve Accounts as detailed in Note 7, totalling (\$571,290)

Council Decision:09082021

Voting requirement: Absolute Majority

MOVED: CR DENNIS

SECONDED: CR PRICE

Part A – Adoption of 2021-2022 Annual Budget

That pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, Council adopts the 2021-2022 Statutory Budget as attached at the Appendix, which includes the following:

- Statement of Comprehensive income showing a net result for the year of \$6,464,255
- Statement of Cash Flows
- Rate Setting Statement showing an amount required to be raised from rates of \$2,498,645
- Notes to and forming part of the Budget and significant accounting policies
- Acquisition of assets as detailed in Note 4, totalling \$13,901,790
- Transfer to and from Reserve Accounts as detailed in Note 7, totalling (\$571,290)

CARRIED:4/2

AGAINST: CR HOUGHTON, CR HOUGHTON

Part B – Imposition of General and Minimum Rates, Instalment Payment Arrangements, Charges and Interest.

Pursuant to *section 6.45 of the Local Government Act 1995* that the rates and charges specified hereunder and in the attached budget document be imposed on all rateable property within the district of the Shire of Cue for the 2021-2022 financial period.

- GRV Residential 10.9067 cents in the dollar

- GRV Commercial 10.9067 cents in the dollar
- GRV Vacant Land 10.9067 cents in the dollar
- UV Mining 29.0984 cents in the dollar
- UV Pastoral 7.8631 cents in the dollar
- GRV M&T Workforce 30.00 cents in the dollar
- GRV Residential and Commercial minimum rate \$463
- GRV Vacant Land Minimum Rate \$463
- UV Mining Minimum Rate \$463
- UV Pastoral Minimum Rate \$463

For properties that fit the definition of GRV Commercial under the Objects and Reasons for differential rates, a discount of 20% of the current rates levied will be offered to ratepayers whose payment of the full amount owing including arrears and service charges is received by the single payment due date.

Pursuant to *section 6.46 of the Local Government Act 1995*, Council offers an incentive for the payment of the 2021-2022 rates and charges by the single payment due date by the way of lottery draw for the cash prizes of:

- | | | |
|------|--------------|----------|
| i. | First Prize | \$600.00 |
| ii. | Second Prize | \$300.00 |
| iii. | Third Prize | \$100.00 |

The terms and conditions that apply to the rates incentive prize are:

- To be eligible for the draw, all outstanding rates and charges must be received on or before the due date of 5 October 2021.
- All ratepayers are eligible.

The drawing of the winners for the above prizes will take place during the Council meeting held on 16 November 2021.

Pursuant to *section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996* Council adopts a charge of \$15 for the four instalment option.

Pursuant to *section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996*, Council adopts an

interest rate of 3% where the ratepayer has elected to pay rates and service charges through an instalment option.

Pursuant to *section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996*, Council nominates the following due dates for payment in full and by instalments:

- Full payment and 1st instalment due 5 October 2021
- 2nd instalment due 7 December 2021
- 3rd instalment due 8 February 2022
- 4th instalment due 12 April 2022

Pursuant to *section 6.51(1) and subject to section 6.51(4) of the Local Government Act 1995 and Regulation 70 of the Local Government (Financial Management) Regulations 1996*, Council adopts an interest rate of 7% to be imposed on all outstanding rates and services charges and costs of proceedings to recover such charges that remain unpaid after 5 October 2021 or in the case of instalment options, on all outstanding rate amounts after the due date for payment of the instalment.

7.26pm Ms Tracy Bachraty returned to the Council Chambers.

Council Decision:10082021	Voting requirement: Absolute Majority
MOVED: CR PRICE	SECONDED:CR DENNIS

Part B – Imposition of General and Minimum Rates, Instalment Payment Arrangements, Charges and Interest.

Pursuant to section 6.45 of the Local Government Act 1995 that the rates and charges specified hereunder and in the attached budget document be imposed on all rateable property within the district of the Shire of Cue for the 2021-2022 financial period.

- GRV Residential 10.9067 cents in the dollar
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- GRV Residential and Commercial minimum rate \$463

- GRV Vacant Land Minimum Rate \$463
- UV Mining Minimum Rate \$463
- UV Pastoral Minimum Rate \$463

For properties that fit the definition of GRV Commercial under the Objects and Reasons for differential rates, a discount of 20% of the current rates levied will be offered to ratepayers whose payment of the full amount owing including arrears and service charges is received by the single payment due date.

Pursuant to section 6.46 of the Local Government Act 1995, Council offers an incentive for the payment of the 2021-2022 rates and charges by the single payment due date by the way of lottery draw for the cash prizes of:

- i. First Prize \$600.00
- ii. Second Prize \$300.00
- iii. Third Prize \$100.00

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Pursuant to section 6.51(1) and subject to section 6.51(4) of the Local Government Act 1995 and Regulation 70 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 7% to be imposed on all outstanding rates and services charges and costs of proceedings to recover such charges that remain unpaid after 5 October 2021 or in the case of instalment options, on all outstanding rate amounts after the due date for payment of the instalment.

CARRIED:6/0

Part C – Material Variance Reporting for 2021-2022

In accordance with *regulation 34(5) of the Local Government (Financial Management) Regulations 1996*, and *AASB 1031 Materiality*, the level to be used in statements of financial activity in 2021-2022 for reporting material variances shall be 10% or \$25,000, whichever is the greater.

Council Decision:11082021

Voting requirement: Simple Majority

MOVED: CR DENNIS

SECONDED:CR FITZPATRICK

Part C – Material Variance Reporting for 2021-2022

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2021-2022 for reporting material variances shall be 10% or \$25,000, whichever is the greater.

CARRIED:6/0

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Council Decision: 12082021	Voting requirement: Simple Majority
MOVED: CR DENNIS	SECONDED: CR FITZPATRICK
That the meeting be closed to members of the public to discuss confidential matters.	
CARRIED: 6/0	

7.30pm Members of the Public, Ms Tracy Bachraty and Mrs Janelle Duncan left the Council Chambers.

14.1 NINE DAY FORTNIGHT

APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell – Chief Executive Officer
DATE:	13 August 2021

Matters for Consideration:

Amending *Council Policy G15. Rostered Days off Facility for Employees*, to incorporate a nine day fortnight rostered day off for staff.

Background:

The current Council Policy for rostered days off allows for one rostered day off every four weeks. The current practice is that administration staff accrue their rostered day off and take it at a time convenient to the organisation. The outside staff take their rostered days off on a day specified by the Manager of Works and Services. This is currently taken on the same day by all outside staff.

Comments:

The recent review of the Shire of Cue Workforce Plan identified a number of requests for a nine day fortnight. To be able to trial this the Council Policy needs to be amended to incorporate a nine day fortnight for employees. A proposed policy to replace G15 is attached at [Appendix 3](#).

The proposed policy is anticipated to provide for a better work life balance by scheduling regular long weekends into the work life of Shire staff, allowing for better planning of time away from work while still keeping a compliment of staff on duty. It is planned to coordinate the nine day fortnights to stagger time off for staff so there is always staff for the requirements of the organisation.

It is hoped that a planned system of time off will reduce reliance on sick leave as a means of taking time off work, leading to better planning for works and less incidences of unexpected staff shortages.

Statutory Environment:

Nil

Policy Implications:

Shire of Cue Policy Manual

G15. ROSTERED DAYS OFF FACILITY FOR EMPLOYEES

Following is the policy relating to employees having one RDO in each four (4) week period.

- 1 *That these arrangements apply to all full time staff.*
- 2 *One (1) RDO shall be taken in every four (4) weeks - (20 day) work cycle.*
- 3 *Hours of duty shall be eight (8) hours per day.
(i.e. 19 days x 8 hours = 152 hours,
the same as 7.6 hours per day for 20 days = 152 hours*
- 4 *There shall be 13 RDO days per year.
The 13th RDO is included in the twenty (20) day - (four (4) weeks) annual leave period.*
- 5 *The Chief Executive Officer will arrange suitable RDO days for office staff to suit operational requirements and ensure sufficient employees to ensure continuance of office services. .*
6. *The rostered day off (RDO) for outside staff will be taken on days specified by the Manager of Works and Services. Accruals will not be permitted unless approved by the MWS and in any event not more than 5 days can be accrued.*

Financial Implications:

Rostered days off will be taken as scheduled, therefore reducing the amount of accrual that is carried for rostered days off to a minimum.

Strategic Implications:

Shire of Cue Strategic Community Plan 2017-2027

Shire of Cue Workforce Plan 2021 -2026

Consultation:

Glenn Boyes - Manager Finance

Shire Staff

Officer's Recommendation:

Voting Requirement: Simple Majority

That Council adopt the amended policy *G15 Rostered Days Off – Nine Day Fortnight* as attached at [Appendix 3](#).

Council Decision:13082021

Voting requirement: Simple Majority

MOVED: CR DENNIS

SECONDED: CR HOUGHTON

That Council adopt the amended policy *G15 Rostered Days Off – Nine Day Fortnight* as attached at Appendix 3.

CARRIED:6/0

Council Decision:14082021

Voting requirement: Simple Majority

MOVED: CR DENNIS

SECONDED: CR FITZPATRICK

That the meeting be reopened to members of the public.

CARRIED:6/0

8.03pm Ms Tracy Bachraty and Mrs Janelle Duncan returned to the Council Chambers.

15. CLOSURE

The Presiding Member thanked those present for attending the meeting and declared the meeting closed at 8.03pm.

To be confirmed at Ordinary Meeting on the 28 September 2021.

Signed:.....

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