



**MINUTES  
ORDINARY MEETING  
OF COUNCIL**

**19 JULY 2022**

SHIRE OF CUE  
 Ordinary Council Meeting  
 MINUTES

Held in the Council Chambers, 73 Austin Street Cue on  
 Tuesday 19 July 2022 commencing at 6:32pm

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## **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 Leonie Fitzpatrick

Councillor Liz Houghton

Councillor Julie Humphreys

### **STAFF:**

Mr Richard Towell, Chief Executive Officer

Mr Glenn Boyes, Deputy Chief Executive Officer

Ms Cheryl Walton, Manager Finance

Mrs Janelle Duncan, Executive Assistant

### **GALLERY:**

Mrs Merome Beard

Mr Vince Catania MLA

Mrs Jenni Dennis

Ms Catherine Willett

**2. APOLOGIES AND APPROVED LEAVE OF ABSENCE**

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Councillor Ron Hogben

**3. DISCLOSURE OF MEMBERS' INTERESTS**

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Nil

**4. PUBLIC QUESTION TIME**

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Nil

**5. CONFIRMATION OF MINUTES**

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***Council Decision:01072022***

**Voting Requirement: Simple Majority**

**MOVED:CR HOUGHTON**

**SECONDED:CR DENNIS**

That the Minutes of the Ordinary Meeting 21 June 2022 are confirmed as a true and correct record of the meeting.

**CARRIED:6/0**

## **6. APPLICATIONS FOR LEAVE OF ABSENCE**

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### **6.1 APPLICATION FOR LEAVE OF ABSENCE – CR JULIE HUMPHREYS**

APPLICANT: Cr Julie Humphreys  
DISCLOSURE OF INTEREST: Nil  
AUTHOR: Richard Towell – Chief Executive Officer  
DATE: 12 July 2022

***Matters for Consideration:***

Request for leave of absence.

***Background:***

Cr Julie Humphreys will be taking some personal leave and will not be available to attend the Ordinary Council Meeting on 16 August 2022.

***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 meeting not attended by Cr Humphreys.

***Strategic Implications:***

Nil.

***Consultation:***

Cr Ross Pigdon – Shire President

**Officer's Recommendation:**

**Voting Requirement:** Simple Majority

That Cr Humphreys be granted leave of absence for the August ordinary meeting of Council.

**Council Decision:02072022**

**Voting requirement:** Simple Majority

**MOVED:CR HOUGHTON**

**SECONDED:CR FITZPATRICK**

That Cr Humphreys be granted leave of absence for the August ordinary meeting of Council.

**CARRIED:6/0**

**7. DEPUTATIONS**

Nil

**8. PETITIONS**

Nil

**9. ANNOUNCEMENTS WITHOUT DISCUSSION**

A late item will be presented at Item 13.1

Mr Vince Catania MLA addressed the meeting. Mr Catania confirmed he has resigned after serving 17.5 years in State Government to spend more time with his family. Mr Catania introduced Mrs Merome Beard as the Nationals candidate for North West Central.

Mr Catania thanked the Shire of Cue who he enjoyed working with immensely.

Mrs Merome Beard introduced herself as a candidate and shared her aspirations for supporting our region.

President Ross Pigdon, on behalf of the Shire of Cue, thanked Mr Vince Catania for all his assistance, support and passion for Cue during his tenure.

## 10. REPORTS

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### 10.1 ACCOUNTS & STATEMENTS OF ACCOUNTS

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Cheryl Walton – Manager Finance

DATE: 14 July 2022

***Matters for Consideration:***

To receive the List of Accounts Due and submitted to the Ordinary Council Meeting on 19 July 2022 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 is for the month of June 2022.

***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

Glenn Boyes, Deputy Chief Executive Officer

**Officer's Recommendation:**

**Voting Requirement:** Simple Majority

That Council endorse the payments for the period 1 June 2022 to 30 June 2022 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.

**June 2022**

Municipal Fund Bank EFTs	10949 - 11057	\$	446,699.04
Direct Debit Fund Transfer	General	\$	27,685.15
Direct Debit Fund Transfer	Credit Card	\$	4,942.36
Payroll		\$	118,689.93
BPAY		\$	181,892.67
Cheques		\$	0.00
<b>Total</b>		<b>\$</b>	<b>779,909.15</b>

**Council Decision:03072022**

**Voting requirement:** Simple Majority

**MOVED:CR HUMPHREY**

**SECONDED:CR PRICE**

That Council endorse the payments for the period 1 June 2022 to 30 June 2022 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.

**June 2022**

Municipal Fund Bank EFTs	10949 - 11057	\$	446,699.04
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Direct Debit Fund Transfer	Credit Card	\$	4,942.36
Payroll		\$	118,689.93
BPAY		\$	181,892.67
Cheques		\$	0.00
<b>Total</b>		<b>\$</b>	<b>779,909.15</b>

**CARRIED:6/0**



## 10.2 FINANCIAL STATEMENT

APPLICANT: Shire of Cue  
DISCLOSURE OF INTEREST: Nil  
AUTHOR: Cheryl Walton – Manager Finance  
DATE: 14 July 2022

### ***Matters for Consideration:***

The Statement of Financial Activity is for the period ending 30 June 2022 and includes 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 two months after the end of the month to which the statement relates. The Statement of Financial Activity presents an 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 is for the month of June 2022. This is not the finalised report for the financial year and will change as end of year processing continues. The final figures will be presented in the Annual Financial Report.

### ***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

Glenn Boyes – Deputy Chief Executive Officer

**Officer's Recommendation:**

**Voting Requirement:** Simple Majority

That Council receive the Financial Statement, prepared in accordance with the *Local Government (Financial Management) Regulations 1996*, for the period ending 30 June 2022, as presented at [Appendix 2](#).

**Council Decision:04072022**

**Voting requirement:** Simple Majority

**MOVED:CR HUMPHREYS**

**SECONDED:CR DENNIS**

That Council receive the Financial Statement, prepared in accordance with the *Local Government (Financial Management) Regulations 1996*, for the period ending 30 June 2022, as presented at [Appendix 2](#).

**CARRIED:6/0**

### 10.3 REVIEW OF DELEGATIONS

APPLICANT: Shire of Cue  
 DISCLOSURE OF INTEREST: Nil  
 AUTHOR: Richard Towell – Chief Executive Officer  
 DATE: 12/07/2022

**Matters for Consideration:**

Endorsement of the Register of Delegations.

**Background:**

Council is required to review its Delegations to the Chief Executive Officer at least once in every financial year.

The register of Delegations to the Chief Executive Officer was adopted on 19 May 2015 and last reviewed on 20 July 2021.

**Comments:**

A copy of the current register of Delegations is attached at [Appendix 3](#). No amendments are proposed

**Statutory Environment:**

**LOCAL GOVERNMENT ACT 1995 - SECT 5.42**

5.42 . *Delegation of some powers and duties to CEO*

- (1) *A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*
  - (a) *this Act other than those referred to in section 5.43; or*
  - (b) *the Planning and Development Act 2005 section 214(2), (3) or (5).*

*\* Absolute majority required.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

**LOCAL GOVERNMENT ACT 1995 - SECT 5.46**

5.46 . *Register of, and records relevant to, delegations to CEO and employees*

- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*

- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*

**Policy Implications:**

Nil

**Financial Implications:**

Nil

**Strategic Implications:**

Nil

**Consultation:**

Nil

**Officer's Recommendation:**

**Voting Requirement:** Absolute Majority

That Council endorse the Register of Delegations to the Chief Executive Officer identified in the annual review, as presented at [Appendix 3](#).

**Council Decision:05072022**

**Voting requirement:** Absolute Majority

**MOVED:CR HOUGHTON**

**SECONDED:CR DENNIS**

That Council endorse the Register of Delegations to the Chief Executive Officer identified in the annual review, as presented at [Appendix 3](#).

**CARRIED:5/1**

**AGAINST: CR HOUGHTON**

## 10.4 DEVELOPMENT APPLICATION – FOUR RESIDENTIAL DWELLINGS

APPLICANT: SHIRE OF CUE  
DISCLOSURE OF INTEREST: Nil  
AUTHOR: Eugene Ferraro – Shire Town Planner  
DATE: 05 July 2022

### ***Matters for Consideration:***

Application for Planning Approval to erect two dwellings each on Lots 602 and 603 Dowley Street, Cue. The accommodation is proposed to be used by the Shire to provide permanent accommodation for its staff.

### ***Background:***

The Shire of Cue purchased these two lots from Mid-West Gold Operations in August 2020, in return for outstanding payments for rates. The blocks were originally purchased from Development WA prior to 2010 and required the blocks to be developed within two years of purchase. Development WA have waived the requirement for the Shire of Cue to develop them within two years but are keen to see the Shire put housing in place on the lots.

Lots 602 and 603 are vacant lots currently owned by the Shire. Both lots are each 1012m<sup>2</sup> in size (i.e old quarter-acre lots), being 20.1m in width and 50.3m in length. Both lots have been vacant for many years, and from early maps formed part of the Marshall Street Road Reserve that once continued through to Stewart Street.

The Shire has faced challenges with providing housing for Shire staff and attracting staff due to housing availability. The addition of four two bedroom units provides additional housing of good quality that will meet the needs of single persons, couples and even small families. The housing units will provide additional diversity to the range of housing stock that the Shire has available for staff and reduce the reliance on rental accommodation in the future.

### ***Proposal:***

The application seeks to erect two prefabricated dwellings on each lot. Two dwellings will face Dowley Street, with the two rear dwellings being serviced by a common driveway as shown in [Appendix 4](#)

The dwellings fronting Dowley Street will be two-bedroom two-bathroom designs, while the rear dwellings will be more modest two-bedroom one-bathroom facilities.

### ***Town Planning Assessment:***

#### **Issue 1 Permissibility of Use**

Lots 602 and 603 are zoned Residential with a residential coding of R10/12.5 under the Shire of Cue Local Planning Scheme No. 2 (LPS 2).

As two dwellings are proposed on each lot, the development is defined as a 'Grouped Dwelling.' The Residential Design Codes defines a Group dwelling as"

*"A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above or below another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on survey strata with common property."*

Under the LPS 2 Zoning Table, a Grouped Dwelling is listed as a 'D' use.

A 'D' use in the LPS 2

*'Means that the use is not permitted unless the local government has exercised its discretion by granting development approval.'*

The LPS 2 provides the Council with the discretion to approve grouped dwellings within the Residential zone. In considering this discretion, the Council should be mindful of the relevant aims of LPS 2, which in this instance would be Aim (a) as follows:

*"to direct and control the development of the Scheme area in a manner that promotes and safeguards the health, safety, convenience, economic and general welfare of its inhabitants and amenities in every part of the Shire, through appropriate decision making;"*

LPS 2 also provides that the R-Codes (Residential Design Codes) apply and are to be read as part of the Scheme. Section 2.1.4 of the R-Codes provides that all residential development is to comply with the requirements of the R-Codes. This section goes on to state that approval under the R-Codes is required if a proposed residential development does not satisfy the deemed-to-comply provisions; or proposes to address a design principle that, therefore requires the exercise of judgement by the Council.

Section 2.4 of the R-Codes provides that where a proposal does not meet the 'deemed to comply' provisions and addresses design principle(s), the Council is required to exercise judgement to determine the proposal. Furthermore, Section 2.5 states that when the Council in its assessment of a proposal that addresses the design principle(s), should **not** apply the corresponding deemed-to-comply provisions.

### Assessment

An R-Code assessment checklist, attached at [Appendix 5](#) has been undertaken to determine compliance with the Codes.

The assessment confirms that the proposed development meets all R-Code deemed-to-comply requirements other than front and rear setbacks. Under Section 2.4 of the

R-Codes, the Council is required to exercise its judgement on whether these two requirements address the relevant Design Principles.

**5.1.3 Lot boundary setback**

P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:

- reduce impacts of building bulk on adjoining properties;
- provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and
- minimise the extent of overlooking and resultant loss of privacy on adjoining properties.

An assessment against the above Design Principles is as follows:

DESIGN PRINCIPLES	RESPONSE
Reduce impacts of building bulk on adjoining properties	<p>The proposed front 3m setback of the proposed buildings will align with the existing building on the adjoining Lot 620.</p> <p>Dowley Street is a very wide local residential road, being some 40m in width with a 20m wide verge fronting Lots 602 and 603.</p> <p>The proposed 3m setback will, therefore, have no adverse impact on the amenity on either Dowley Street or that of the adjoining neighbour.</p> <p>Lot 601 to the rear has been vacant for many years and the proposed 3m setback will have no impact on the existing or future amenity of that property.</p>
Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties	The proposed dwellings will have no impact on the availability of direct sun and ventilation to adjoining properties.
Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.	The proposed dwellings will not result in the loss of any privacy or overlooking onto adjoining properties.

**Conclusion**

The application seeks to erect four prefabricated dwellings on Lots 602 and 603 Dowley Street for Shire of Cue staff housing. The proposal complies with the deemed-to-comply requirements of the R-Codes, other than for the front and rear setbacks. The assessment confirms that the proposed setbacks satisfy the relevant R-Codes Design Principles and will have no adverse effect on the amenity of the neighbouring land.

The application is recommended for approval.

**Statutory Environment:**

Shire of Cue Local Planning Scheme No. 2.

**Policy Implications:**

Nil.

**Financial Implications:**

The Shire will be responsible for the construction and maintenance of the proposed dwellings.

**Strategic Implications:**

The proposed action addresses the following objectives contained in the Shire’s Strategic Community Plan 2023-2038.

*Social Objective*

*Outcome 3.1 Community Infrastructure that meets the needs of our residents*

3.1.1 *Increase affordable housing options for existing residents and to attract new families*

3.1.3 *Provide, maintain and improve community infrastructure and facilities*

**Consultation:**

Bill Atyeo – Environmental Health Officer

Richard Towell – Chief Executive Officer

**Officer’s Recommendation:**

**Voting Requirement:** Simple Majority

That Council approve the application for planning approval for two grouped dwellings on each of Lots 602 and 603 Dowley Street subject to the following conditions:

1. Nil

**Council Decision:06072022**

**Voting requirement: Simple Majority**

**MOVED:CR PRICE**

**SECONDED:CR DENNIS**

That Council approve the application for planning approval for two grouped dwellings on each of Lots 602 and 603 Dowley Street subject to the following conditions:

1. Nil

**CARRIED:6/0**



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

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Nil

**12. MOTIONS FOR CONSIDERATION AT THE NEXT MEETING**

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Nil

### 13. NEW BUSINESS OF AN URGENT NATURE

#### 13.1 SETTING OF THE ANNUAL RATE IN THE DOLLAR FOR 2022-2023 FINANCIAL YEAR

APPLICANT: Shire of Cue  
 DISCLOSURE OF INTEREST: Nil  
 AUTHOR: Glenn Boyes – Deputy Chief Executive Officer  
 DATE: 19 July 2022

***Matters for Consideration:***

To apply to the Minister for Housing; Lands; Homelessness; Local Government for approval to impose differential general rates that are more than twice the lowest differential rate being imposed.

***Background:***

At the special meeting of Council held on 24 May 2022, Council approved the advertising of the proposed differential rates for the 2022-2023 financial year as required under *section 6.33 of the Local Government Act 1995*.

Submissions regarding the proposed differential rates and minimum payments closed on 27 June 2022. The Shire of Cue did not receive any submissions in respect to the proposed differential rates.

***Comments:***

The proposed rates model for the 2022-2023 budget has been prepared after the valuations for mining tenements for 2022-2023 have been incorporated into the rates modelling and the rate in the dollar reflects this being taken into account.

The rates proposed for the 2022-2023 financial year provides for a balanced budget with an average 3% increase over rates raised last year, except UV Mining and GRV Mining Transient Workforce Facilities. The increase also applies to minimum rates. The increase is due mainly to an increase in the number of mining tenements and will provide an additional \$107,101 in revenue.

If Council decides to modify the proposed rates or minimum payments for any reason, it is not necessary to readvertise the rates however the changes will be included in the notes to the adopted annual budget.

***Statutory Environment:***

*Local Government Act 1995, Part 6 – Division 6 – Subdivision 2, Categories of Rates and Service Charges.*

**Policy Implications:**

Nil

**Financial Implications:**

Council needs to ensure that rate revenue remains at a level where the Shire can continue to maintain its current level of services to ratepayers and the community. The proposed rates will provide an additional \$107,101 in revenue compared to rates raised for the 2021-2022 financial year.

**Strategic Implications:**

*Shire of Cue Strategic Community Plan 2023 – 2038*

**Consultation:**

Richard Towell – Chief Executive Officer

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

*That Council*

- Adopts the following rates for the 2022-2023 financial year.*

	<b>Minimum</b>	<b>Rate in \$</b>
<b>Rate Category</b>	<b>Rates \$</b>	<b>(cents)</b>
GRV - GENERAL	477	0.103088
GRV - COMMERCIAL	477	0.103088
GRV - VACANT LAND	477	0.103088
GRV- M&T WORKFORCE FACILITIES	477	0.154632
UV - MINING TENEMENTS	477	0.272505
UV - PASTORAL	477	0.080990

- Make application to the Minister for Housing; Lands; Homelessness; Local Government for approval to impose differential general rates that are more than twice the lowest differential rate being imposed.*

**Council Decision:07072022**

**Voting requirement: Absolute Majority**

**MOVED:CR HUMPHREYS**

**SECONDED:CR DENNIS**

*That Council*

- Adopts the following rates for the 2022-2023 financial year.*

	<b>Minimum</b>	<b>Rate in \$</b>
<b>Rate Category</b>	<b>Rates \$</b>	<b>(cents)</b>
GRV - GENERAL	477	0.103088
GRV - COMMERCIAL	477	0.103088
GRV - VACANT LAND	477	0.103088
GRV- M&T WORKFORCE FACILITIES	477	0.154632
UV - MINING TENEMENTS	477	0.272505
UV - PASTORAL	477	0.080990

- Make application to the Minister for Housing; Lands; Homelessness; Local Government for approval to impose differential general rates that are more than twice the lowest differential rate being imposed.*

**CARRIED:6/0**

**14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

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Nil

**15. CLOSURE**

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The Presiding Member thanked those present for attending the meeting and declared the meeting closed at 7.28pm

**To be confirmed at Ordinary Meeting on the 16 August 2022.**

**Signed:.....**

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