



# **SPECIAL MEETING**

**19<sup>th</sup> of January 2016**

## ***MINUTES***

### **NOTICE OF MEETING**

**A Special Meeting of the Shire of Cue  
To be held on 19<sup>th</sup> of January 2016  
in the Council Chambers commencing at 6.30 PM**

**The purpose of the Meeting is to consider the following items held over from the Special Meeting held on 12<sup>th</sup> January 2016:**

- 1. Approval of Caretaker's Dwelling Lots 9 & 200 Austin St, Cue, Site Formally Known as Cue Motors;**
- 2. Extraordinary Election – Change of Date ; and**
- 3. Strategic Planning Workshop**

**Phill Marshall**

**Acting Chief Executive Officer**

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**Shire of Cue**  
**MINUTES**  
**Special Council Meeting**

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Held in the Shire of Cue Council Chambers, Austin Street, Cue on Tuesday the 19<sup>th</sup> of January 2016  
commencing at 6.30pm.

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## 1. OFFICIAL OPENING

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

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

*Please be advised that in accordance with a Department of Local Government recommendation this Meeting is being electronically recorded with my permission.*

### **PRESENT:**

Councillor Ross Pigdon

Councillor Les Price

Councillor Leonie Fitzpatrick

Councillor Ron Hogben

Councillor Pixie Pigdon

### **STAFF:**

Mr Rob Madson, Chief Executive Officer

Mrs Noelene Meredith, Manager Corporate & Community Services

Mr Richard Towell, Acting Manager Finance

Mr Phil Marshall (left at 6:50pm)

Mr Phil Swain (entered at 6:37pm)

### **GALLERY:**

Nil

## 2. PUBLIC QUESTION TIME

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Nil

## 3. APOLOGIES AND LEAVE OF ABSENCE

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Cr Ian Dennis

### **Council Decision 06012016**

**MOVED: CR PRICE**

**SECONDED: CR HOGBEN**

That apologies be accepted from Cr Ian Dennis for the Special Meeting of 19<sup>th</sup> January 2016.

**CARRIED: 5/0**

**4. PETITIONS / PRESENTATIONS / SUBMISSIONS**

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Nil

**5. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

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Nil

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

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Nil

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

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Nil

## 8. REPORTS

<b>8.1 APPROVAL OF CARETAKER'S DWELLING LOTS 9 &amp; 200 AUSTIN ST CUE, SITE FORMERLY KNOWN AS CUE MOTORS</b>	
<b>APPLICANT:</b>	WA 2 GO Pty Ltd
<b>FILE:</b>	TBA
<b>DISCLOSURE OF INTEREST:</b>	None
<b>AUTHOR:</b>	Philip Swain
<b>REPORT DATE:</b>	19 January 2015
<b><i>Matters for Consideration:</i></b>	
To approve an application for a “caretaker’s dwelling” to be located at Lots 9 & 200 Austin St Cue, the site of a current “service station” operation, in the buildings formerly known as Cue Motors, subject to conditions.	
<b><i>Applicant’s Submission:</i></b>	
The Shire of Cue has received application from the landowner WA2GO Pty Ltd to construct a two (2) bedroom, transportable dwelling on Lots 9 & 200 Austin St, Cue, to be used as a “caretaker’s dwelling” by the current leasee on the lots. Please refer to <a href="#">Appendix 1</a>	
<b><i>Background:</i></b>	
The Shire of Cue Town Planning Scheme No. 2 states that a “caretaker’s dwelling” is a “D” use within a commercial zone, meaning that the use is not permitted unless Council has used its discretion by granting development approval, after due consideration. The Lots are located within the Commercial Zone under the Shire’s Town Planning Scheme and currently operate as a “service station” under lease, by the landowner. The business currently employs one person who operates generally standard working hours.	
The property owner has made application to construct a “caretaker’s dwelling” on the lot for the use of the business proprietor. It is necessary for Council to approve the “caretaker dwelling” using its discretion in this matter, for the construction to be permitted.	
<b><i>Statutory Environment:</i></b>	
Shire of Cue Town Planning Scheme No.2 (District Scheme) controls development within the Shire. A “caretaker’s dwelling” is a “D” use within the commercial zone within Cue Townsite. 'D' means that the use is not permitted unless Council, at its discretion, permits the use.	
<b><i>Policy Implications:</i></b>	
The proponent has indicated an intention to seek approval in accordance with Council Policy B9 - Temporary Accommodation While Building A Dwelling and the estimated completion for the dwelling construction is, at most, 12 months.	
<i>During discussion on this item, it was noted that the reference to Council Policy B9 should have indicated Council Policy B4.</i>	

<b>Financial Implications:</b>	
Standard fees and charges apply to the application for planning approval. A Building Permit as a result of this approval, will be subject to normal requirements and fees.	
<b>Strategic Implications:</b>	
The Shire's TPS1 is a strategic organisational document and adherence to it assists good and proper planning within the Shire.	
<b>Consultation:</b>	
The Shire is not obligated to seek comments from adjoin residents however given the close proximity of a noise sensitive business to the southern boundary of the site, this proposal was referred to the proprietors of the Queen of the Murchison Bed & Breakfast. No submission in relation to the proposal was received from the proprietors at the end of a 14 day allocated for the same.	
<b>Comment:</b>	
<p>The proposal is in keeping with several properties along Austin St that operate as business premises and include a residential caretaker component. There are also existing shop front properties that are utilized as residential premises.</p> <p>It should be noted that the residential component of the development will need to comply with the requirements of the National Construction Code (NCC) for a single residential dwelling. Factors such as the provision of bathroom, laundry, kitchen, dormitory and living areas need to be provided for. The proposed transportable unit can satisfy the requirements and is of a good standard and identical to a unit recently relocated to Cue for use as a "caretaker's dwelling" at the Cue Roadhouse.</p> <p>The proposed structure is located over an existing lot line between the two (2) lots, and as a matter of good practice the Shire has required in recent years, that the owners of lots where businesses are located on multiple lots, amalgamate the same. In this case the service station operation operates partially on both lots and the amalgamation is recommended.</p>	
<b>Officer's Recommendation:</b>	<b>Voting requirement:</b> Simple majority

**Council Decision 07012016:**

*That Council resolve to grant approval to the application from WA2GO Pty Ltd relating to Lots 9 & 200 Austin St, Cue to construct a “caretaker’s dwelling”, subject to compliance with the following conditions:*

- a. That lots 9 & 200 Austin St Cue be amalgamated and that the proponent enter into an agreement, to undertake the amalgamation, prior to the issue of a Building Permit for the caretaker residence;*
- b. That the applicant make application for a building permit for the caretakers dwelling satisfying the requirements of the National Construction Code (NCC) with respect to a Class 1 dwelling;*
- c. 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;*
- d. 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;*
- e. The applicant seeking the approval of the Water Corporation for the development;*
- f. That all storm water from the development being retained on site with a minimum capacity of 1m<sup>3</sup> per 80m<sup>2</sup> of runoff*

**MOVED: CR PRICE****SECONDED: CR P PIGDON**

That Council resolve to grant approval to the application from WA2GO Pty Ltd relating to Lots 9 & 200 Austin St, Cue to construct a “caretaker’s dwelling”, subject to compliance with the following conditions:

- a. That lots 9 & 200 Austin St Cue be amalgamated and that the proponent enter into an agreement, to undertake the amalgamation, prior to the issue of a Building Permit for the caretaker residence;
- b. That the applicant make application for a building permit for the caretakers dwelling satisfying the requirements of the National Construction Code (NCC) with respect to a Class 1 dwelling;
- c. 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;
- d. 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;
- e. The applicant seeking the approval of the Water Corporation for the development;
- f. That all storm water from the development being retained on site with a minimum capacity of 1m<sup>3</sup> per 80m<sup>2</sup> of runoff.

**CARRIED: 5/0**

<b>8.2 EXTRAORDINARY ELECTION – CHANGE OF DATE</b>	
APPLICANT:	Shire of Cue
FILE:	Extraordinary Election
DISCLOSURE OF INTEREST:	Nil to this Report
AUTHOR:	Phillip Marshall - Acting Chief Executive Officer
DATE:	13 <sup>th</sup> January 2016
SIGNATURE:	
<b>Matters for Consideration:</b>	In accordance with the Local Government Act 1995 to change the date of the extraordinary election from Saturday 2 <sup>nd</sup> April 2016 to Friday 8 <sup>th</sup> April 2016.
<b>Background:</b>	<p>Former Cr Tegg resigned from the Council effective the 7<sup>th</sup> December 2015.</p> <p>The resignation was received by the Acting CEO and accepted on the 7<sup>th</sup> December 2015 in accordance with Section 2.13 of the Local Government Act 1995.</p>
<b>Comments:</b>	<p>At the Ordinary Meeting of Council held on 15<sup>th</sup> December 2015 Council resolved the following:</p> <ol style="list-style-type: none"> <li>1. That the council by an absolute majority in accordance with section 4.61(2) of the Local Government Act 1995 conduct a postal election</li> <li>2. That the Council determine that in accordance with Section 4.9 (1)(b) fix the date of the election to be Saturday 2<sup>nd</sup> April 2016</li> <li>3. That the Council inform the Electoral Commission to conduct the extraordinary election as a postal election on behalf of the Council and for the Electoral Commission to appoint a returning officer in accordance with section 4.20(4) of the Local Government Act 1995 after obtaining the written agreement of the Electoral Commissioner.</li> </ol> <p>Council has now been advised by the Electoral Commission that many councils hold their extraordinary elections on a Friday to reduce the cost of the election. At the Special Council meeting scheduled for the 12<sup>th</sup> January 2016, the report was delayed due to an oversight by the Acting CEO. After speaking to the Electoral Commission, they have concurred that the 8<sup>th</sup> April 2016 is an appropriate date to hold the extraordinary election. The Electoral Commission has agreed to hold the election on behalf of the council.</p>

<p><b>Statutory Environment:</b></p>	<p><b>LOCAL GOVERNMENT ACT 1995 - SECT 2.31</b></p> <p><b>LOCAL GOVERNMENT ACT 1995 - SECT 4.9</b></p> <p><b>4.9 . Election day for extraordinary election</b></p> <p>(1) Any poll needed for an extraordinary election is to be held on a day decided on and fixed —</p> <p>(a) by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or</p> <p>(b) by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).</p> <p>(2) The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.</p> <p>(3) If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —</p> <p>(a) fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and</p> <p>(b) advise the CEO of the day fixed.</p>
<p><b>Policy Implications:</b></p>	<p>Nil to this report</p>
<p><b>Financial Implications:</b></p>	<p>Councils 2015 election costs were approx. \$8434 with a budget of \$15000 approved. There is approx. \$6000 remaining in this budget after incidentals. The budget will be need to be revised after the WA electoral Commission can advise of the cost for the extraordinary election.</p>
<p><b>Strategic Implications:</b></p>	<p>Nil to this report</p>
<p><b>Consultation:</b></p>	<p>Nil to this report</p>

<b>Officer's Recommendation:</b>	<b>Voting requirement: Absolute majority</b>
<b>Council Decision 08012016:</b>	<ol style="list-style-type: none"> <li>1. That Council determine by Absolute Majority to rescind Clause 2 of Council Decision 09122015:</li> <li>(2) That the Council determine that in accordance with Section 4.9 (1) (b) fix the date of the election to be Saturday 2<sup>nd</sup> April 2016</li> </ol> <p style="text-align: center;">and</p> <ol style="list-style-type: none"> <li>2. That the Council determine by Absolute Majority that in accordance with Section 4.9 (1) (b) fix the date of the election to be Friday 8<sup>th</sup> April 2016</li> <li>3. That the council by an Absolute Majority in accordance with section 4.61 (2) of the Local Government Act 1995 conduct a postal election</li> <li>4. That the Council inform the Electoral Commission to appoint a returning officer in accordance with Section 4.20 (4) of the Local Government Act 1995</li> </ol>
<p><b>MOVED: CR HOGBEN                      SECONDED: CR P PIGDON</b></p> <ol style="list-style-type: none"> <li>1. That Council determine by Absolute Majority to amend Clause 2 of Council Decision 09122015 by deleting the words "Saturday 2<sup>nd</sup> of April 2016" and replacing them with the words "Friday 8<sup>th</sup> of April 2016".</li> <li>2. That the council by an Absolute Majority in accordance with section 4.61 (2) of the Local Government Act 1995 conduct a postal election</li> <li>3. That the Council inform the Electoral Commission to appoint a returning officer in accordance with Section 4.20 (4) of the Local Government Act 1995</li> </ol> <p><b>CARRIED BY ABSOLUTE MAJORITY: 5/0</b></p> <p><i>On the advice of the Chief Executive Officer, the Officer's recommendation to deal with this matter by rescinding(revoking) the previous motion was set aside, and the matter dealt with as an amendment of the motion, as this was considered to be a more appropriate method of achieving the intention to change the date of the election.</i></p>	

Mr Phil Marshall left the meeting at 6:50 pm

<b>8.3 STRATEGIC PLANNING WORKSHOP</b>	
APPLICANT:	Shire of Cue
FILE:	Strategic Planning
DISCLOSURE OF INTEREST:	Nil to this Report
AUTHOR:	Phillip Marshall - Acting Chief Executive Officer
DATE:	13 <sup>th</sup> January 2016
SIGNATURE:	
<b>Matters for Consideration:</b>	To agree on a date to hold a Strategic Planning Workshop.
<b>Background:</b>	<p>The purpose of the proposed workshop is to review a number of matters proposed including:</p> <ul style="list-style-type: none"> <li>• Review of 2015/06 budget and re-allocation of funds as suggested by the administration</li> <li>• Review of projects such as the continuance of the extension to the Bishops house (the aim is to complete the renovation but not extend the building with savings of \$100,000 approx.)</li> <li>• The Oasis development and working with the consultant on developing plans for the project, scope of works etc., the architect wishes to be part of this process with the councillors)</li> <li>• Austin Street footpath strategy, plans received and deciding a way forward</li> <li>• Painting and renovations to the council offices – consultant will attend to address details with councillors</li> <li>• Council policies, to be revamped and will be subject to a council report and public advertising (making it succinct for businesses within the shire, i.e. "...the user will pay to the Shire the amount of 1.26 per kilometre per tonne.." under the Road Use Policy</li> <li>• Review of the Council's Strategic Plan</li> <li>• Setting the budget direction for 2016/17</li> </ul>
<b>Comments:</b>	<p>Due to work commitments of councillors it is suggested that the Strategic Planning Workshop can be held on a Saturday or after hours to suit the councillors and staff alike. It is envisaged that 4 hours maximum would be appropriate to discuss and get a direction from the council. This will be subject to an additional report to council for approval as required.</p>
<b>Statutory Environment:</b>	Nil to this report

<b><i>Policy Implications:</i></b>	Nil to this report
<b><i>Financial Implications:</i></b>	Meeting sitting fees will apply
<b><i>Strategic Implications:</i></b>	Nil to this report
<b><i>Consultation:</i></b>	Nil to this report
<b><i>Officer's Recommendation:</i></b>	<b>Voting requirement: Absolute majority</b>
<b><i>Council Decision 09012016:</i></b>	That the Council determine a day to hold a Strategic Planning Workshop for Councillors and Staff
<p><b>MOVED: CR FITZPATRICK      SECONDED: CR P PIGDON</b></p> <p>That a Strategic Planning Workshop for Councillors and Staff be held on Saturday 6<sup>th</sup> February 2016 at 10:00am.</p> <p><b>CARRIED BY AN ABSOLUTE MAJORITY: 5/0</b></p>	

## 9. INFORMATION BULLETIN

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Nil

## 10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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Nil

## 11. QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

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Nil

## 12. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

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Nil

**13. MATTERS BEHIND CLOSED DOORS**

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Nil

**14. CLOSURE OF MEETING**

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The President thanked those present for attending the meeting and declared the meeting closed at 7:00pm

**To be confirmed at Ordinary Meeting on Tuesday, 16<sup>th</sup> of February 2016**

**Signed:.....**

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