



**MINUTES
ORDINARY MEETING
OF COUNCIL**

20TH OF SEPTEMBER 2016

NOTICE OF MEETING

Please be advised that meeting of the

Ordinary Meeting of Council

commencing at **6:30pm**

to be held on

Tuesday, 20TH of SEPTEMBER 2016

in Council Chambers at Austin Street, Cue WA

Rob Madson
Chief Executive Officer
16th of September 2016

DISCLAIMER

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Please note this agenda contains recommendations, which have not yet been adopted by Council.

SHIRE OF CUE

DISCLOSURE OF FINANCIAL INTEREST AND INTERESTS AFFECTING IMPARTIALITY

To: Chief Executive Officer

As required by section 5.65(1)(a) or 5.70 of the Local Government Act 1995 and Council's Code of Conduct, I hereby declare my interest in the following matter/s included on the Agenda paper for the Council meeting to be held on _____ (Date)

Item No.	Subject	Details of Interest	Type of Interest Impartial/Financial	*Extent of Interest

(see below)

* Extent of Interest only has to be declared if the Councillor also requests to remain present at a meeting, preside, or participate in discussions of the decision making process (see item 6 below). Employees must disclose extent of interest if the Council or Committee requires them to.

Name (Please Print)

Signature

Date

NB

1. This notice must be given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter in which you have declared an interest is discussed, Section 5.65(1) (a) & (b).
2. It remains Councillors'/Employees' responsibility to make further declarations to the Council if a matter arises during the course of a meeting and no previous declarations have been made.
3. It is a Councillor's/Employee's responsibility to ensure the interest is brought to the attention of the Council/Committee when the Agenda item arises and to ensure that it is recorded in the minutes.
4. It remains the Councillor's responsibility to ensure that he/she does not vote on a matter in which a declaration has been made. The responsibility also includes the recording of particulars in the minutes to ensure they are correct when such minutes are confirmed.
5. It is recommended that when previewing Agenda, Councillors mark Agendas with items on which an interest is to be declared and complete the declaration form at the same time.
6. Councillors may be allowed to remain at meetings at which they have declared an interest and may also be allowed to preside (if applicable) and participate in discussions and the decision making process upon the declared matter subject to strict compliance with the enabling provisions of the Act and appropriately recorded resolutions of the Council. Where Councillors request consideration of such Council approval the affected Councillor must vacate the Council Chambers in the first instance whilst the Council discusses and decides upon the Councillor's application.

Remember: The responsibility to declare an interest rests with individual Councillors / Employees. If in any doubt seek legal opinion or, to be absolutely sure, make a declaration.

Office Use Only: Date/Initials

1. Particulars of declaration given to meeting _____
2. Particulars recorded in the minutes: _____
3. Signed by Chief Executive Officer _____

Local Government Act 1995 - SECT 5.23

Meetings generally open to the public

5.23. (1) Subject to subsection (2), the following are to be open to members of the public:

- (a) All Council meetings; and
- (b) All meetings of any committee to which a local government power or duty has been delegated.

(2) If a meeting is being held by a Council or by a committee referred to in subsection (1) (b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following --

- (a) A matter affecting an employee or employees;
- (b) The personal affairs of any person;
- (c) A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
- (d) Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
- (e) A matter that if disclosed, would reveal;
 - (i) A trade secret;
 - (ii) Information that has a commercial value to a person; or
 - (iii) Information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
- (f) A matter that if disclosed, could be reasonably expected to;
 - (i) Impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) Endanger the security of the local government's property; or
 - (iii) Prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
- (g) Information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and
- (h) Such other matters as may be prescribed.

(3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

SHIRE OF CUE

REVOKING OR CHANGING DECISIONS MADE AT COUNCIL MEETINGS

Local Government (Administration) Regulations 1996 (**Regulation No.10**)

If a previous Council decision is to be changed then support for a revocation motion must be given by an **Absolute Majority** of Councillors (that is at least 4 Councillors) if a previous attempt to rescind has occurred within the past three months or, if no previous attempt has been made the support must be given by at least **1/3rd** of all Councillors (that is at least 4 Councillors).

Regulation 10(1a) also requires that the support for revocation must be in writing and signed by the required number of Councillors, including the Councillor who intends to move the revocation motion.

Any revocation motion must be carried by the kind of vote that put the motion into place in the first instance (that is, if carried originally by an Absolute Majority or Special Majority vote then the revocation motion must also be carried by that same kind of vote).

If the original motion was carried by a Simple Majority vote then any revocation motion must be carried by an Absolute Majority vote.

To the Presiding Member,

The following Councillors give notice of their support for the bringing forward to the Council meeting to be held on _____ of a motion for revocation of Council resolution number _____ as passed by the Council at its meeting held on _____

Councillor’s Names

Councillor’s Signature

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

SHIRE OF CUE
Ordinary Council Meeting
MINUTES

Held in the Council Chambers, Austin Street Cue on Tuesday 20th of September 2016 commencing at 6:53pm.

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1. OFFICIAL OPENING

The Shire President welcomed those present and read the following disclaimer:

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

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

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

PRESENT:

Councillor Ross Pigdon, Shire President

Councillor Les Price, Deputy Shire President

Councillor Ian Dennis

Councillor Leonie Fitzpatrick

Councillor Pixie Pigdon

Councillor Fred Spindler

STAFF:

Mr Rob Madson, Chief Executive Officer

Mrs Noelene Meredith, Manager Corporate & Community Services

Mr Richard Towell, Manager Finance

Mrs Janelle Duncan, Customer Service Officer

Mr John Curtin, Manager Works & Services

GALLERY:

Ms Elizabeth Houghton

Ms Pauline Davies

2. PUBLIC QUESTION TIME

Questions on Notice

In correspondence dated 16 September 2016 the Chief Executive Officer responded to questions asked by Mr Terry Bloxsome at the Ordinary Meeting of Council held on 16 August 2016:

In addition to the response given to your questions at the ordinary meeting of Council held 16 August 2016, I advise the following:

- I do not consider that roads within the town site are being neglected. I have inspected all of the bitumen roads in town that are not presently kerbed and can find none of the damage you have described on any of them. Are you able to provide the locations where you consider the road is breaking up?

ORDINARY MEETING – 20 SEPTEMBER 2016

- I was surprised by the bizarre line of questions related to the fact that I own a car that I intend to restore. As for my garden, I am quite sure I will find time to care for it, although I don't consider that to be a matter of public interest.
- Your concerns regarding the treatment of your application for development of the Cue Hotel will be referred to the Shire's new Environmental Health/Building Officer when he commences work on 19 September, however it appears that the main issue is that your lot size is simply not large enough to accommodate the septic system required by the WA Department of Health.
- The Heydon Place incubator hubs are not being made available at a peppercorn rental. Guidelines set by Council allow for a lease payment of 50% of the Gross Rental Valuation provided by Landgate. The interests of the tenants will be secured by a lease for a five year period with further five year options totalling a maximum of fifteen years.
- I am unsure of what action you expect to be taken regarding the other industrial block you have referred to. In response to your question, I have visited the industrial area many times and have seen little of major concern. If you have a specific complaint to lodge, please do so.

In correspondence dated 16 September 2016 the Chief Executive Officer responded to questions asked by Mr Ernie Campbell at the Ordinary Meeting of Council held on 16 August 2016:

In addition to the response given to your question regarding the role of a Councillor at the ordinary meeting of Council held 16 August 2016, I refer to the following explanation of the role of an elected member produced by the WA Department of Local Government and Communities:

The importance of the role of mayor, president or councillor cannot be underestimated. It involves a strong commitment to achieve effective local government, which improves the quality of life in your community. An effective council is essential and requires teamwork and dedication from all elected members.

The *Local Government Act 1995 (the Act)* makes provision for the role of a mayor or president and councillor. A copy of the Act is available on the [State Law Publisher website](#).

Mayor or President

- presides at meetings in accordance with the Act
- provides leadership and guidance to the community in the district
- carries out civic and ceremonial duties on behalf of the local government
- speaks on behalf of the local government
- performs such other functions as are given to the mayor or president by the Act or any other written law, and
- liaises with the CEO on the local government's affairs and the performance of its functions.

Councillor

- represents the interests of electors, ratepayers and residents of the district
- provides leadership and guidance to the community in the district
- facilitates communication between the community and the council
- participates in the local government's decision-making processes at council and committee meetings, and

- performs such other functions as are given to a councillor by the Act or any other written law.

Public Question Time

Elizabeth Houghton, 74A Robinson Street, Cue

Syringes at indigenous camp off Wondinong Road have not been cleaned up. Is this going to be done ?

The Chief Executive Officer advised that this would be done as soon as possible.

3. APOLOGIES AND LEAVE OF ABSENCE

Councillor Ron Hogben

4. PETITIONS/PRESENTATIONS/SUBMISSIONS

Nil

5. CONFIRMATION OF MINUTES

Council Decision: 01092016

MOVED: CR PRICE SECONDED: CR DENNIS

That the Minutes of the Ordinary Meeting of 16th of August 2016 are confirmed as a true and correct record of the meeting.

CARRIED: 6/0

6. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION.

Nil

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

Nil

8.1 ACCOUNTS & STATEMENTS OF ACCOUNTS	
APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell – Manager Finance
DATE:	13 September 2016
Matters for Consideration:	
To receive the List of Accounts Due & Submitted to Ordinary Council Meeting on Tuesday 20 th of September 2016 as attached – see Appendix 1	
Comments:	
The list of accounts is for the month of August 2016.	
Background:	
The local government under its delegated authority to the CEO to make payments from the municipal and trust funds is required to prepare a list of accounts each month showing each account paid and presented to Council at the next ordinary Council meeting. The list of accounts prepared and presented to Council must form part of the minutes of that meeting.	
Statutory Environment:	
Local Government (Financial Management Regulations) 1996 – Clause 13.	
Policy Implications:	
Nil	
Financial Implications:	
Nil	
Strategic Implications:	
Nil	
Consultation:	
Nil	

Officer's Recommendation:	Voting requirement: Simple Majority	
<p><i>That Council endorse the payments for the period 1st of August 2016 to 31st of August 2016 as listed, which have been made in accordance with delegated authority per LGA 1995 S5.42.</i></p>		
Municipal Fund Bank EFTs	-4116-4194	\$ 758,638.24
Direct Debit Fund Transfer		\$ 20,292.49
Payroll		\$ 121,686.00
BPAY		\$ 32,861.93
Cheques	3402	\$ 21,844.10
Total		\$ 955,322.76
Council Decision 02092016	Voting requirement: Simple Majority	
<p>MOVED: CR SPINDLER SECONDED: CR P PIGDON</p>		
<p>That Council endorse the payments for the period 1st of August 2016 to 31st of August 2016 as listed, which have been made in accordance with delegated authority per LGA 1995 S5.42.</p>		
Municipal Fund Bank EFTs	-4116-4194	\$ 758,638.24
Direct Debit Fund Transfer		\$ 20,292.49
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BPAY		\$ 32,861.93
Cheques	3402	\$ 21,844.10
Total		\$ 955,322.76
<p>CARRIED: 6/0</p>		

8.2 FINANCIAL STATEMENT	
APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell – Manager Finance
DATE:	12 September 2016
Matters for consideration:	
<p>The Statement of Financial Activity for the periods ended 31st of August 2016 including the following reports:</p> <ul style="list-style-type: none"> • Statement of Financial Activity • Significant Accounting Policies • Graphical Representation – Source Statement of Financial Activity • Net Current Funding Position • Cash and Investments • Major Variances • Budget Amendments • Receivables • Grants and Contributions • Cash Backed Reserve • Capital Disposals and Acquisitions • Trust Fund <p>see Appendix 2</p>	
Comments:	
The Statement of Financial Activity is for the month of August 2016.	
Background:	
Under the Local Government (Financial Management Regulations 1996), a monthly Statement of Financial Activity must be submitted to an Ordinary Council meeting within 2 months after the end of the month to which the statement relates. The statement of financial activity is a complex document but presents a complete overview of the financial position of the local government at the end of each month. The Statement of Financial Activity for each month must be adopted by Council and form part of the minutes.	
Statutory Environment:	
Local Government (Financial Management Regulations) 1996 – Clause 14.	
Policy Implications:	
Nil	
Financial Implications:	
Nil	

Strategic Implications:	
Nil	
Consultation:	
RSM Bird Cameron Chartered Accountants	
Officer's Recommendation:	
<i>That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period ended 31st August 2016.</i>	
Council Decision 03092016	Voting requirement: Simple Majority
<p>MOVED: CR SPINDLER SECONDED: CR DENNIS</p> <p>That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period ended 31st August 2016.</p> <p>CARRIED 5/1 AGAINST: CR FITZPATRICK</p>	

8.3 TENDER – DUAL USE PATHWAY CONSTRUCTION	
APPLICANT:	Shire of Cue
FILE:	
DISCLOSURE OF INTEREST:	None
AUTHOR:	Richard Towell
DATE:	14 September 2016
<i>Matters for Consideration:</i>	
Awarding of tender for the construction of dual use pathways in Robinson Street and Marshall Street Cue.	
<i>Background:</i>	
<p>At the ordinary meeting of Council held on 16 August 2016, Council endorsed the 14 year pathway program prepared by Greenfield Technical Services for the period 2017-2031.</p> <p>Pathway projects noted in the program for completion in the 2016-2017 financial year have been included in the 2016-2017 annual budget and the Shire of Cue have secured grant funding towards the project from Regional Bicycle Networks.</p> <p>The Shire instructed Greenfield Technical Services to carry out the tender process. Tenders were advertised on Sat 30 July 2016 and closed on Tue 23 Aug 2016.</p>	
<i>Comments:</i>	
<p>The selection criteria set for the tender is based on overall price (50%), project management and relevant project experience (20%), assessed methodology and availability to deliver (10%), assessment of referees and financial capacity (10%) and assessed quality systems (10%).</p> <p>Four conforming tenders and one non-conforming tender were received.</p> <p>A detailed report prepared by Greenfield Technical Services is contained at Appendix 3</p>	
<i>Statutory Environment:</i>	
<p>Local Government Act 1995 – Section 3.57 – Tenders for providing goods or services.</p> <p>Local Government (Functions and General) Regulations 1996 – Reg 11 and 13.</p> <p>11 . When tenders have to be publicly invited.</p> <p>(1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150 000 unless sub regulation (2) states otherwise.</p>	

<p>13. Requirements when local government invites tenders though not required to do so.</p> <p>If a local government, although not required by this Division to invite tenders before entering into a contract for another person to supply goods or services, decides to invite tenders, the tenders are to be publicly invited according to the requirements of this Division.</p>	
<p>Policy Implications:</p>	
<p>Nil</p>	
<p>Financial Implications:</p>	
<p>The Shire of Cue have budgeted \$141,350 for footpath construction in the 2016-2017 annual budget with grant funding of \$70,675 being provided by Regional Bicycle Networks.</p>	
<p>Strategic Implications:</p>	
<p>Nil</p>	
<p>Consultation:</p>	
<p>Rob Madson – Chief Executive Officer</p>	
<p>Nigel Goode – Technical Officer Greenfield Technical Services</p>	
<p>Officer's Recommendation:</p>	<p>Voting requirement: Simple Majority</p>
<p><i>That Council award the tender for the construction of concrete dual use paths within Robinson Street and Marshall Street Cue to Axiis Contracting for the sum of \$117,995.00 excluding GST .</i></p>	
<p>Council Decision 04092016</p>	
<p>MOVED: CR FITZPATRICK SECONDED: CR DENNIS</p> <p><i>That Council award the tender for the construction of concrete dual use paths within Robinson Street and Marshall Street Cue to Axiis Contracting for the sum of \$117,995.00 excluding GST .</i></p> <p>CARRIED: 6/0</p>	

8.4 TENDER – CUE OASIS PROJECT	
APPLICANT:	Eastman Poletti Sherwood Architects
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Rob Madson - Chief Executive Officer
DATE:	15 September 2016
<i>Matters for Consideration:</i>	
Tenders submitted for the construction of the Cue Oasis visitors parking stop and caravan park entry upgrade.	
<i>Background:</i>	
The tender process for the Cue Oasis was conducted by the project architects, Eastman Poletti Sherwood. Tenders were advertised during July, with a total of seventeen companies requesting copies of the tender documents. All sealing works, installation of a culvert and the provision of landscaping and reticulation were excluded from the tender as they are to be undertaken by the Shire of Cue using our own workforce.	
<i>Comments:</i>	
A copy of the tender report provided by Eastman Poletti Sherwood is contained in Appendix 4 . Only two tenders were received and the capacity of the company providing the lowest tender price to successfully undertake the project does not appear to have been adequately established.	
<i>Statutory Environment:</i>	
<p>LOCAL GOVERNMENT (FUNCTIONS AND GENERAL) REGULATIONS 1996 - REG 18</p> <p>18 . Rejecting and accepting tenders</p> <p>(1) A tender is required to be rejected unless it is submitted at a place, and within the time, specified in the invitation for tenders.</p> <p>(2) A tender that is submitted at a place, and within the time, specified in the invitation for tenders but that fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender.</p> <p>(3) If, under regulation 23(4), the CEO has prepared a list of acceptable tenderers for the supply of goods or services, a tender submitted by a person who is not listed as an acceptable tenderer is to be rejected.</p> <p>(4) Tenders that have not been rejected under subregulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them (if any) it thinks it would be most advantageous to the local government to accept.</p> <p>(4a) To assist the local government in deciding which tender would be the most advantageous to it to accept, a tenderer may be requested to clarify the information provided in the tender.</p> <p>(5) The local government may decline to accept any tender.</p>	

Policy Implications:	
Nil	
Financial Implications:	
A total allocation of \$880,000 is made in the 2016/17 budget for construction of the Cue Oasis. All tenders received are below this figure, however it is considered that the tenders do not make sufficient allowance for the portion of the works to be undertaken by the Shire of Cue to be achieved within the remaining budget.	
Strategic Implications:	
Addresses the Strategic Community Plan in the following areas: Focus area one: <i>Economic development.</i> Goal one, strategy three: <i>Develop tourism in the Shire, including cultural tourism, showcasing the heritage, new events and regional promotion.</i>	
Consultation:	
Bruce Sherwood – Architect, Eastman Poletti Sherwood	
Officer's Recommendation:	Voting requirement: Simple Majority
<i>That no tender for the construction of the Cue Oasis visitors parking stop and caravan park entry upgrade be accepted and the construction be managed by the Shire utilising appropriate contractors to complete the various individual components of the project.</i>	
Council Decision 05092016	
<p>MOVED: CR P PIGDON SECONDED CR SPINDLER</p> <p>That no tender for the construction of the Cue Oasis visitors parking stop and caravan park entry upgrade be accepted and the construction be managed by the Shire utilising appropriate contractors to complete the various individual components of the project.</p> <p>CARRIED: 5/1 AGAINST: CR FITZPATRICK</p>	

8.5 INCUBATOR HUB															
APPLICANT:	Shire of Cue														
FILE:															
DISCLOSURE OF INTEREST:	None														
AUTHOR:	Richard Towell														
DATE:	14 September 2016														
<i>Matters for Consideration:</i>															
To consider an application received for the prospective lease of the incubator hub on industrial lot 593 Heydon Place.															
<i>Background:</i>															
<p>In September 2015 at the ordinary meeting of Council, it was resolved to endorse the guidelines attached at Appendix 5 for the development of the incubator hubs and instruct the CEO to commence the process of identifying potential businesses as detailed in the guidelines.</p> <p>Expressions of interest were advertised in newsletters in Yalgoo, Mount Magnet, Meekatharra and Cue. At the ordinary meeting of Council held In October 2015, one expression of interest was presented to Council for Essential Labour Solutions to lease one of the lots as a mechanical workshop. Essential Labour Solutions later declined the offer and remained in Meekatharra.</p> <p>The Shire of Cue advertised for expressions of interest in The Weekend West 6-7 August 2016. One expression of interest was received from Mr Jeff Gregory attached at Appendix 5</p>															
<i>Comments:</i>															
<p>Mr Jeff Gregory has operated a motor repair business at the Cue Roadhouse since 2013 and relocated this business to the former Cue Motors site Lots 9, 200 Austin Street late in 2015. While Mr Gregory does not fit the intention of the industrial lots as incubator hubs to encourage new businesses to town, Council should consider the application as it is the only expression of interest received and could potentially avoid the loss of a business in town.</p> <p>The Industrial Development was undertaken with the assistance of Landcorp under their RDAP framework and the Country Local Government Fund. The RDAP programme provided \$999,150 and the CLGF provided \$358,405. As part of the CLGF acquittal process the entire \$358,405 is required to be spent according to our grant agreement. At this stage we have spent:</p> <table border="1"> <tbody> <tr> <td>Purchase of Land</td> <td>\$75,834</td> </tr> <tr> <td>Contribution to Landcorp</td> <td>\$91,909</td> </tr> <tr> <td>Fencing</td> <td>\$22,200</td> </tr> <tr> <td>Block Fill</td> <td>\$4,500</td> </tr> <tr> <td>Settlement Agent Fees</td> <td>\$672</td> </tr> <tr> <td>Balance</td> <td>\$163,290</td> </tr> <tr> <td>Total</td> <td>\$358,405</td> </tr> </tbody> </table> <p>This effectively leaves a balance of \$163,290 which is required to be spent on both blocks of land, as such there is \$81,645 to be expended on each lot. The funds are to be used to connect power and water to each lot, install septic tanks and leach drains to each lot and use the remainder to construct as large a shed as possible on each lot.</p>		Purchase of Land	\$75,834	Contribution to Landcorp	\$91,909	Fencing	\$22,200	Block Fill	\$4,500	Settlement Agent Fees	\$672	Balance	\$163,290	Total	\$358,405
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Block Fill	\$4,500														
Settlement Agent Fees	\$672														
Balance	\$163,290														
Total	\$358,405														

<i>Statutory Environment:</i>	
<i>Policy Implications:</i>	
Nil	
<i>Financial Implications:</i>	
<p>The Shire of Cue has \$163,290 in the 2016-2017 annual budget that is carried over CLGF funding to be spent on finalising the two industrial lots. This funding needs to be spent by 31 December 2016, otherwise the shire will need to apply for another extension to the project with the Department of Regional Development or refund the unspent grant funding.</p>	
<i>Strategic Implications:</i>	
<p>Shire of Cue Strategic Community Plan 2013-2023.</p> <p>Focus Area one – Economic Development</p> <p>Goal One: We want to be able to spend our money locally and encourage others to do the same.</p> <p>Goal Two: Utilise the land available in the area for a range of new businesses to be self-sustaining.</p>	
<i>Consultation:</i>	
Rob Madson – Chief Executive Officer	

Officer's Recommendation:**Voting requirement: Simple Majority***That Council:*

1. *Instruct the CEO to negotiate a 5 year lease agreement with Mr Jeff Gregory for the lease of Lot 593 Heydon Place.*
2. *The lease to provide that the Shire provides Septic Tanks and Leach Drains, provision of power and the provision of water service.*
3. *Provision of a shed up to the value of the difference between the monies remaining after items 1 & 2 and the grant allocation for the individual lot.*
4. *Authorise the CEO to give Local Public notice of the lease arrangement between the Shire of Cue and Mr Jeff Gregory according to section 3.58 of the Local Government Act 1995.*
5. *Authorise the CEO and the Shire President to affix the seal of the Shire of Cue to the lease document if no objections are received.*

Council Decision 06092016**MOVED: CR FITZPATRICK****SECONDED: CR PRICE***That Council:*

1. Instruct the CEO to negotiate a 5 year lease agreement with Mr Jeff Gregory for the lease of Lot 593 Heydon Place.
2. The lease to provide that the Shire provides Septic Tanks and Leach Drains, provision of power and the provision of water service.
3. Provision of a shed up to the value of the difference between the monies remaining after items 1 & 2 and the grant allocation for the individual lot.
4. Authorise the CEO to give Local Public notice of the lease arrangement between the Shire of Cue and Mr Jeff Gregory according to section 3.58 of the Local Government Act 1995.
5. Authorise the CEO and the Shire President to affix the seal of the Shire of Cue to the lease document if no objections are received.

CARRIED: 6/0

9. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

11. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**11.1 LATE ITEM – PURCHASE OF NEW MOTOR GRADER**

APPLICANT: Shire of Cue

FILE:

DISCLOSURE OF INTEREST: None

AUTHOR: Richard Towell

DATE: 19 September 2016

Matters for Consideration:

Consider quotes provided for the purchase of a new motor grader.

Due to other interest in the recommended machine for purchase, this item needs to be brought forward to this meeting for consideration by Council. Should the current machine be sold to another party, the quotes provided may not be valid when another machine becomes available.

Background:

The Shire of Cue annual budget was adopted at the ordinary meeting of Council held 16 August 2016 and includes the provision for the purchase of a new grader.

The Works Manager John Curtin has sourced quotes from preferred suppliers for the machinery that suits our requirements.

By using WALGA preferred suppliers there is no need to invite tenders for purchases over \$150,000 as stated in the *Local Government (Functions and General) Regulations 1996*.

Comments:

The following quotes have been provided by Komatsu Australia Pty Ltd, Hitachi Construction Machinery (Australia) Pty Ltd and Westrac Pty Ltd.

Motor Grader

All quotes include a suitable machine with 14 foot blade, rippers, spare wheel, work lights, UHF radio, sign writing and delivery to Cue

Supplier	Model	Warranty	Price (ExGST)
Komatsu	(2015) GD655_5	36 months / 6,000 hours	330,000.00
Hitachi (John Deere)	(2016) 670GP	60 months / 5,000 hours	340,000.00
Westrac (Caterpillar)	(2016) 12M	60 months / 6,000 hours	334,835.00

The Shire have a number of Caterpillar machines and the 12M provides the best warranty compared to the other quotes. All machines are similar in capability with the John Deere and Caterpillar machines having electronic controls. The Komatsu machine is new but a 2015 model.

The Komatsu and the Caterpillar have hydraulics for a future Free-Roll auto control system.

Based on the comparison of the quotes the Caterpillar machine provides the best overall value for the Shire. Delivery of this machine is \$3,535 which is included in the quoted price above. A further cost saving can be made by the Shire picking up the machine using our own staff and equipment.

Statutory Environment:

Local Government (Functions and General) Regulations 1996 – Part 4, Provision of Goods and Services. Section 11,(2),(b).

(2)Tenders do not have to be publicly invited according to the requirements of this Division if —
 (b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program.

Policy Implications:

Shire of Cue Policy Manual - D9 – Purchasing Policy

7.1 Tender Exemption

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government. If the purchase cost ex GST is \$150,000 or more it must go to Council for their decision.
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
- Any of the other exclusions under Regulation 11 of the Functions and General Regulations apply.

Financial Implications:

The Shire of Cue has \$380,000 in the 2016-2017 annual budget for the purchase of a new motor grader.

Strategic Implications:

Nil

Consultation:

John Curtin – Works Manager

Rob Madson – Chief Executive Officer

Officer's Recommendation:	Voting requirement: Simple Majority
<i>That Council authorise the CEO to purchase a 12M Caterpillar motor grader from Westrac Pty Ltd for the purchase price of \$334,835.</i>	
Council Decision 07092016	
<p>MOVED: CR FITZPATRICK SECONDED: CR DENNIS</p> <p>That Council authorise the CEO to purchase a 12M Caterpillar motor grader from Westrac Pty Ltd for the purchase price of \$334,835.</p> <p>CARRIED: 6/0</p>	

12. MATTERS BEHIND CLOSED DOORS

Nil

13. CLOSURE

The President thanked those present for attending the meeting and declared the meeting closed at 7:26

To be confirmed at Ordinary Meeting on the 18th of October 2016

Signed:.....

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