



**MINUTES  
ORDINARY MEETING  
OF COUNCIL**

**15 NOVEMBER 2022**

**SHIRE OF CUE**  
**Ordinary Council Meeting**  
**MINUTES**

Held in the Council Chambers, 73 Austin Street Cue on  
Tuesday 15 November 2022 commencing at 6:30pm

<b>1.</b>	<b>DECLARATION OF OPENING.....</b>	<b>3</b>
<b>1.1</b>	<b>ATTENDANCE BY ELECTRONIC COMMUNICATION CR HOGBEN .....</b>	<b>4</b>
<b>2.</b>	<b>APOLOGIES AND APPROVED LEAVE OF ABSENCE .....</b>	<b>7</b>
<b>3.</b>	<b>DISCLOSURE OF MEMBERS' INTERESTS.....</b>	<b>7</b>
<b>4.</b>	<b>PUBLIC QUESTION TIME.....</b>	<b>7</b>
<b>5.</b>	<b>CONFIRMATION OF MINUTES .....</b>	<b>7</b>
<b>6.</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE .....</b>	<b>7</b>
<b>7.</b>	<b>DEPUTATIONS .....</b>	<b>7</b>
<b>8.</b>	<b>PETITIONS.....</b>	<b>7</b>
<b>9.</b>	<b>ANNOUNCEMENTS WITHOUT DISCUSSION .....</b>	<b>7</b>
<b>10.</b>	<b>REPORTS .....</b>	<b>8</b>
<b>10.1</b>	<b>ACCOUNTS &amp; STATEMENTS OF ACCOUNTS .....</b>	<b>8</b>
<b>10.2</b>	<b>FINANCIAL STATEMENT .....</b>	<b>10</b>
<b>10.3</b>	<b>COUNCIL MEETING DATES 2023 – CHANGE OF START TIME .....</b>	<b>12</b>
<b>10.4</b>	<b>CLOSURE OF LANE OFF MITCHELL STREET .....</b>	<b>16</b>
<b>10.5</b>	<b>MINERS PASS ROAD (NORTH) – PROPOSED DEDICATION .....</b>	<b>20</b>
<b>10.6</b>	<b>WALGA BEST PRACTICE GOVERNANCE REVIEW.....</b>	<b>25</b>
<b>11.</b>	<b>MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	<b>28</b>
<b>12.</b>	<b>MOTIONS FOR CONSIDERATION AT THE NEXT MEETING .....</b>	<b>28</b>
<b>13.</b>	<b>NEW BUSINESS OF AN URGENT NATURE.....</b>	<b>28</b>
<b>14.</b>	<b>MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....</b>	<b>28</b>
<b>15.</b>	<b>CLOSURE .....</b>	<b>28</b>

## **1. DECLARATION OF OPENING**

The meeting was opened at 6.30pm

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 Julie Humphreys

*\*6.37pm Cr Hogben joined the meeting via Zoom*

### **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:**

Mr Mitchell Mace

Ms Catherine Willett

## 1.1 ATTENDANCE BY ELECTRONIC COMMUNICATION CR HOGBEN

APPLICANT: Cr Ron Hogben  
DISCLOSURE OF INTEREST: Nil  
AUTHOR: Richard Towell –Chief Executive Officer  
DATE: 9 November 2022

### **Matters for Consideration:**

Attendance at Council meeting by electronic communication.

### **Background:**

Cr Hogben has requested permission to attend the 15 November 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 a private office at 1 Calamar Place, Woorree WA 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:01112022**

**Voting requirement: Absolute Majority**

**MOVED:CR FITZPATRICK**

**SECONDED:CR PRICE**

1. *That Council approves a private office at 1 Calamar Place, Woorree WA 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**

*6.37pm Cr Hogben joined the meeting via Zoom*

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

---

Cr Elizabeth Houghton

**3. DISCLOSURE OF MEMBERS' INTERESTS**

---

Nil

**4. PUBLIC QUESTION TIME**

---

Nil

**5. CONFIRMATION OF MINUTES**

---

**Council Decision:02112022**

**Voting Requirement:** Simple Majority

**MOVED:CR HUMPHREYS**

**SECONDED:CR DENNIS**

That the Minutes of the Ordinary Meeting 18 October 2022 are confirmed as a true and correct record of the meeting.

**CARRIED:6/0**

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

---

Nil

**7. DEPUTATIONS**

---

Nil

**8. PETITIONS**

---

Nil

**9. ANNOUNCEMENTS WITHOUT DISCUSSION**

---

Rates Incentive Prize Draw

1<sup>st</sup> A5096 Gwalia Properties Pty Ltd

2<sup>nd</sup> A4879 Hersey SA

3<sup>rd</sup> A4878 Inglis DJ

## 10. REPORTS

---

### 10.1 ACCOUNTS & STATEMENTS OF ACCOUNTS

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Cheryl Walton – Manager Finance

DATE: 10 November 2022

***Matters for Consideration:***

To receive the List of Accounts Due and submitted to the Ordinary Council Meeting on 15 November 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 October 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 October 2022 to 31 October 2022 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.

**October 2022**

Municipal Fund Bank EFTs	11377 - 11439	\$	337,547.70
Direct Debit Fund Transfer	General	\$	30,855.07
Direct Debit Fund Transfer	Credit Card	\$	6,453.92
Payroll		\$	116,746.68
BPAY		\$	18,968.32
Cheques		\$	0.00
<b>Total</b>		<b>\$</b>	<b>510,571.69</b>

6.45pm Ms Catherine Willett left the chambers

6.49pm Ms Catherine Willett returned to the chambers

**Council Decision:03112022**

**Voting requirement:** Simple Majority

**MOVED:CR HUMPHREYS**

**SECONDED:CR FITZPATRICK**

That Council endorse the payments for the period 1 October 2022 to 31 October 2022 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.

**October 2022**

Municipal Fund Bank EFTs	11377 - 11439	\$	337,547.70
Direct Debit Fund Transfer	General	\$	30,855.07
Direct Debit Fund Transfer	Credit Card	\$	6,453.92
Payroll		\$	116,746.68
BPAY		\$	18,968.32
Cheques		\$	0.00
<b>Total</b>		<b>\$</b>	<b>510,571.69</b>

**CARRIED:6/0**

## 10.2 FINANCIAL STATEMENT

APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Cheryl Walton – Manager Finance
DATE:	10 November 2022

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

The Statement of Financial Activity is for the period ending 31 October 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 October 2022.

### ***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 31 October 2022, as presented at [Appendix 2](#).

7.01pm Mrs Janelle Duncan left the chambers

7.20pm Mrs Janelle Duncan returned to the chambers

**Council Decision:04112022**

**Voting requirement:** Simple Majority

**MOVED:CR DENNIS**

**SECONDED:CR HOGBEN**

That Council receive the Financial Statement, prepared in accordance with the *Local Government (Financial Management) Regulations 1996*, for the period ending 31 October 2022, as presented at [Appendix 2](#).

**CARRIED:5/1**

**AGAINST: CR FITZPATRICK**

**10.3 COUNCIL MEETING DATES 2023 – CHANGE OF START TIME**

APPLICANT: Shire of Cue  
 DISCLOSURE OF INTEREST: Nil  
 AUTHOR: Richard Towell –Chief Executive Officer  
 DATE: 26 October 2022

**Matters for Consideration:**

Consider a change to the start time of 2023 Ordinary Council Meetings from 6.30pm to 6.00pm.

**Background:**

At the ordinary meeting of Council held 20 September 2022, Council resolved to advertise the 2023 meeting dates with meetings commencing at 6.30pm shown below.

<b>Council Decision:04092022</b>	<b>Voting requirement:</b> Simple Majority
<b>MOVED:CR HUMPHREYS</b>	<b>SECONDED:CR HOGBEN</b>
Adopt the following meeting dates for 2023 and advertise them in accordance with the <i>Local Government (Administration) Regulations 1996</i> :	
January	No Meeting
February	Tuesday the 21st
March	Tuesday the 21st
April	Tuesday the 18th
May	Tuesday the 16th
June	Tuesday the 20th
July	Tuesday the 18th
August	Tuesday the 15th
September	Tuesday the 19th
October	Tuesday the 17th
November	Tuesday the 21st
December	Tuesday the 19th
With meetings commencing at 6.30pm	
<b>CARRIED:6/1</b>	
<b>AGAINST: CR HOUGHTON</b>	

A request has been received to consider commencing Council meetings at 6.00pm. If Council decide on a new commencement time, re-advertising of the date and starting time will be required by way of local public notice.

**Comments:**

Council is required under the *Local Government (Administration) Regulations 1996* to adopt annual meeting dates and times and advertise them to the community.

Council traditionally meets on the 3<sup>rd</sup> Tuesday of the month at 6.30pm, therefore the dates proposed for 2023 are:

January	No Meeting
February	Tuesday the 21st
March	Tuesday the 21st
April	Tuesday the 18th
May	Tuesday the 16th
June	Tuesday the 20th
July	Tuesday the 18th
August	Tuesday the 15th
September	Tuesday the 19th
October	Tuesday the 17th
November	Tuesday the 21st
December	Tuesday the 19th

With meetings commencing at 6.00pm

**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 —*
  - (g) *the giving of public notice of the date and agenda for council or committee meetings;*

*Local Government (Administrations) Act 1996 - Reg 12*

12. *Meetings, public notice of (Act s. 5.25(1)(g))*

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*
  - (a) *the ordinary council meetings; and*
  - (b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,*

*are to be held in the next 12 months.*

**Policy Implications:**

Nil

**Financial Implications:**

Nil

**Strategic Implications:**

Nil

**Consultation:**

Nil

**Officer's Recommendation:**

**Voting Requirement:** Simple Majority

Adopt the following meeting dates for 2023 and advertise them in accordance with the *Local Government (Administration) Regulations 1996*:

January	No Meeting
February	Tuesday the 21st
March	Tuesday the 21st
April	Tuesday the 18th
May	Tuesday the 16th
June	Tuesday the 20th
July	Tuesday the 18th
August	Tuesday the 15th
September	Tuesday the 19th
October	Tuesday the 17th
November	Tuesday the 21st
December	Tuesday the 19th

With meetings commencing at 6.00pm

**Council Decision:05112022**

**Voting requirement:** Simple Majority

**MOVED:CR DENNIS**

**SECONDED:CR HUMPHREYS**

Adopt the following meeting dates for 2023 and advertise them in accordance with the *Local Government (Administration) Regulations 1996*:

January	No Meeting
February	Tuesday the 21st
March	Tuesday the 21st
April	Tuesday the 18th
May	Tuesday the 16th
June	Tuesday the 20th
July	Tuesday the 18th
August	Tuesday the 15th
September	Tuesday the 19th
October	Tuesday the 17th
November	Tuesday the 21st
December	Tuesday the 19th

With meetings commencing at 6.00pm

**AMENDMENT**

Cr Fitzpatrick moved to amend the commencing time to 2.00pm.

Motion collapsed due to no seconder.

*The Presiding Member then put the original motion*

**CARRIED:6/0**

**10.4 CLOSURE OF LANE OFF MITCHELL STREET**

APPLICANT: Shire of Cue  
 DISCLOSURE OF INTEREST: Nil  
 AUTHOR: Richard Towell –Chief Executive Officer  
 DATE: 26 October 2022

***Matters for Consideration:***

Advertising for the proposed closure of the Lane off Mitchell Street.

***Background:***

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

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

**Council Decision: 05122019** **Voting requirement:** Simple Majority

**MOVED: CR DENNIS** **SECONDED: CR HOGBEN**

*That Council:*

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

**CARRIED: 6/0**

The proposed closure was advertised in the Dryblower in December 2020, inviting submissions to be lodged by 29 January 2021. No submissions were received. The item was considered again by Council at the Ordinary meeting held on 16 March 2021.

**Council Decision: 08032021** **Voting requirement:** Simple Majority

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

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

**CARRIED: 7/0**



Following the lodgement of the request for the lane closure, the Shire was asked to indemnify the Minister for Land against all fees and charges in relation to the road closure and at its meeting on 20 September 2022 the Council resolved as follows:

**Council Decision:05092022**

**Voting requirement:** Simple Majority

**MOVED:CR DENNIS**

**SECONDED:CR HOGBEN**

That Council indemnify the Minister for Lands against all fees and charges incurred in relation to the formal closure of the lane running off Mitchell Street, Cue.

**CARRIED:7/0**

**Comments:**

The Shire has now been advised its advertising of the proposal in the Dryblower does not meet the advertising requirements under Sections 58(2) and (3) of the *Land Administration Act 1997* and Regulation 9 of the *Land Administration Regulations 1998*.

While advertising in the Dryblower does meet the advertising requirements as prescribed in the *Local Government Act 1995* and the *Planning and Development Act 2005*, discussions with DPLH officers have confirmed that the *Land Administration Act 1997* is prescriptive and that only advertising in the West Australian newspaper will meet the requirements of this Act.

As a result of this advice, the Shire is now required to republish the notice in the West Australian newspaper and call for submissions.

Arrangements have now been made for the matter to be published in the Public Notices of the West Australian seeking public comment for a period of 35 days, closing on 5 December 2022. It is recommended that if there are no objections, the CEO be authorised to proceed and finalise the matter. Should there be objections lodged, the matter will be brought again before the Council for determination.

**Statutory Environment:**

LAND ADMINISTRATION ACT 1997

*58. Closure of roads*

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

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

*(3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered*

*any objections made to it within that period concerning the proposals set out in that notice.*

LAND ADMINISTRATION REGULATIONS 1998

**9. Local government request to close road permanently (Act s. 58(2)), requirements for**

*For the purposes of preparing and delivering under section 58(2) of the Act a request to the Minister to close a road permanently, a local government must include with the request —*

- a) written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and*
- b) sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed; and*
- c) copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58(3) of the Act, the local government has received, and the local government's comments on those submissions; and*
- d) a copy of the relevant notice of motion referred to in paragraph (c); and*
- e) any other information the local government considers relevant to the Minister's consideration of the request; and*
- f) written confirmation that the local government has complied with section 58(2) and (3) of the Act.*

**Policy Implications:**

Nil.

**Financial Implications:**

Nil.

**Strategic Implications:**

Nil.

**Consultation:**

Dave Foster – Department of Planning, Lands and Heritage

Eugene Ferraro – Contract Town Planner

**Officer's Recommendation:**

**Voting Requirement:** Simple Majority

That Council:

1. Notes that the proposed road closure is being advertised for public comment in the West Australian newspaper for a period of 35 days;
2. Subject to there being no submissions objecting to the proposal:
  - a. Delegate to the Chief Executive Officer the authority to advise the Department of Planning, Lands and Heritage that the matter has been advertised for public comment in the West Australian newspaper and that no objections were received; and
  - b. Authorise the Chief Executive Officer to complete all necessary administrative actions to finalise this matter.

**Council Decision:06112022**

**Voting requirement:** Simple Majority

**MOVED:CR FITZPATRICK**

**SECONDED:CR HUMPHREYS**

That Council:

1. Notes that the proposed road closure is being advertised for public comment in the West Australian newspaper for a period of 35 days;
2. Subject to there being no submissions objecting to the proposal:
  - a. Delegate to the Chief Executive Officer the authority to advise the Department of Planning, Lands and Heritage that the matter has been advertised for public comment in the West Australian newspaper and that no objections were received; and
  - b. Authorise the Chief Executive Officer to complete all necessary administrative actions to finalise this matter.

**CARRIED:6/0**

## 10.5 MINERS PASS ROAD (NORTH) – PROPOSED DEDICATION

APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell
DATE:	26 October 2022

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

Formal dedication of Miners Pass North Road (2.594km) between the Beringarra-Cue Road and the Great Northern Highway.

### ***Background:***

One of the additional obligations for the Shire of Cue in the Road Use Agreement with Westgold Resources Ltd is to finalise the gazettal of the Northern section of Miners Pass Road. This will enable haul trucks from Big Bell to access the Great Northern Highway heading North without the need to travel South to Day Dawn before accessing the Highway and passing through the Cue Town site.

Additionally, for many years the Shire has been working on a plan to complete a bypass road for heavy vehicles particularly those associated with the transport of material from the local mining industries. To date, a 2.98km section of this road has been dedicated and sealed between the Great Northern Highway and west of the Beringarra-Cue Road. The final 2.594km will run east from Beringarra-Cue Road and complete the northern bypass joining back on the Great Northern Highway near the intersection of Rifle Range Road. The proposed area is currently formed as a road with guideposts and has been used in the past as a bypass for the Cue Town site. A map showing the proposed area is attached at [Appendix 3](#).

### ***Comments:***

The proposal will see the completion of the Miners Pass Road north of the Cue townsite. While the completion of this road will provide efficiencies for the nearby mining companies, the removal of a number of heavy vehicles moving through the town centre will improve the amenity of the town and reduce the wear and tear on the town's infrastructure.

The proposal to dedicate the existing 2.594km unsealed track between the Beringarra-Cue Road and the Great Northern Highway as a road, will require actions under the Land Administration Act. These administrative actions will include a requirement to survey the road to enable a formal and accurate Deposited Plan to be lodged with the DPLH (Department of Planning, Lands and Heritage).

The first step of the process will be the lodgement of a Crown Land Enquiry with the DPLH. The DPLH will then provide detailed advice as to the steps the Shire will need to undertake to complete the process. Initial advice from the DPLH indicates that the

process of creating the road should be uncomplicated, although a survey will be necessary, as the road will need its own separate Crown Land title.

**Statutory Environment:**

*LAND ADMINISTRATION ACT 1997 - SECT 12*

12 . *Powers and duties of Minister restricted in relation to managed reserves and mall reserves*

*The Minister must not exercise a power (other than a power conferred by section 50(1) or (2)) or perform a duty under section 10(1) in respect of the care, control or management of Crown land in a managed reserve or mall reserve without the consent of the relevant management body.*

*LAND ADMINISTRATION ACT 1997 - SECT 56*

56 . Dedication of land as road

- (1) If in the district of a local government —
  - (a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; or
  - (b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —
    - (i) the holder of the freehold in that land applies to the local government, requesting it to do so; or
    - (ii) those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;
 or
  - (c) land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years, and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.
  
- (2) If a local government resolves to make a request under subsection (1), it must —
  - (a) in accordance with the regulations prepare and deliver the request to the Minister; and
  - (b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.

- (3) On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then —
  - (a) subject to subsection (5), by order grant the request; or
  - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
  - (c) refuse the request.
  
- (4) On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.
  
- (5) To be dedicated under subsection (3)(a), land must immediately before the time of dedication be —
  - (a) unallocated Crown land or, in the case of a private road, alienated land; and
  - (b) designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.
  
- (6) If land referred to in subsection (1)(b) or (c) is dedicated under subsection (3)(a), a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that dedication.

***Policy Implications:***

*Nil.*

***Financial Implications:***

Dedication of this road will require a survey plan to be prepared. The cost of the survey requirements is estimated to be \$21,000 exc. GST and will be undertaken in the future as part of the DPLH detailed requirements.

With its dedication, Miners Pass Road should form part of the regional road network under the responsibility of the Shire. Consideration will be given in the future to sealing the road to give all weather access and use of the road.

The dedication of this section of Miners Pass Road will complete the northern bypass and result in a reduction of heavy vehicle movements through the town centre, thereby reducing the wear and tear on townsite infrastructure.

**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*

*1.1.1 Work with mining and pastoral sectors to grow and support local infrastructure and services*

*Environmental Objective*

*Outcome 4.3 Maintain and improve our built environment*

*4.3.1 Maintain, improve and renew infrastructure*

**Consultation:**

Dave Foster – DPLH

Brad Collard – Hille Thompson & Delfos Surveyors.

Eugene Ferraro – Shire's consultant town planner

**Officer's Recommendation:**

**Voting Requirement:** Simple Majority

That Council:

1. Approve a portion of Reserve 7273 to be excised out of the reserve in accordance with section 12 of the Land Administration Act 1997 for the purpose of Road Reserve.
2. Resolves to make a request to the Minister to dedicate the land as a road pursuant to section 56 of the Land Administration Act 1997.
3. Authorises the Chief Executive Officer to undertake the necessary administrative processes to formally dedicate the section of Miners Pass North Road between Beringarra-Cue Road and the Great Northern Highway as a public road.

**Council Decision:07112022**

**Voting requirement:** Simple Majority

**MOVED:CR FITZPATRICK**

**SECONDED:CR DENNIS**

That Council:

1. Approve a portion of Reserve 7273 to be excised out of the reserve in accordance with section 12 of the Land Administration Act 1997 for the purpose of Road Reserve.
2. Resolves to make a request to the Minister to dedicate the land as a road pursuant to section 56 of the Land Administration Act 1997.
3. Authorises the Chief Executive Officer to undertake the necessary administrative processes to formally dedicate the section of Miners Pass North Road between Beringarra-Cue Road and the Great Northern Highway as a public road.

**CARRIED:6/0**



## 10.6 WALGA BEST PRACTICE GOVERNANCE REVIEW

APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell – Chief Executive Officer
DATE:	10 November 2022

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

The WA Local Government Association (WALGA) has undertaken a Best Practice Governance Review (BPGR) and is seeking local government feedback.

### ***Background:***

WALGAs' 2020-25 Corporate Strategy identified the need for the Association to undertake a best practice governance review. A review Steering Committee was established in March 2022 to consider a new governance model for the association.

A background paper has been prepared by WALGA that analysed other organisations that operate similar to WALGA. The focus areas being;

**Jurisdictional Analysis** – This section compares WALGA to equivalent associations operating in other States. This provides key insights into the size and election processes of WALGA compared to equivalent associations operating in Australia.

**Comparator Organisations** – This section compares WALGA's governance arrangements to five comparator organisations that were agreed at the BPGR Steering Committee meeting. This provides key insights into the size, election processes and recent governance changes of these five comparator organisations.

This lead to the development and endorsement of the Governance Model Principles to provide a structure for understanding how the current governance model of WALGA and any future governance model aligns to these principles.

The Background Paper is attached at [Appendix 4](#).

From here the Steering Committee has developed a consultation paper, presenting four model options and the current model for consideration. The Consultation Paper outlines the structure and roles associated with each governance model. These models are assessed with the Governance Model Principles to compare how they align with each component.

WALGA has requested member feedback, in the form of a Council decision on the governance model options presented in the Consultation Paper. The Consultation Paper is attached at [Appendix 4](#). WALGA have requested a response by 23 December 2022.

**Comments:**

One of the focuses of the review is to reduce the size of the board from the current State Council of 25 members, being one member from each of the 12 regional Zones and 12 members from the five metropolitan zones. This enables equal representation between the regional and metropolitan zones.

Any reduction in the number of representatives will either place an imbalance between the regional and metropolitan representation or result in some of the regional zones having no representation at the State level. It is stated in the principles that the governing body have equal representation between regional and metropolitan members.

Given the size of Western Australia compared to other States and the vast areas it covers, it is expected that the regional zones would outnumber the metropolitan zones. Looking to reduce the number of regional zones through amalgamation only increases the distance between the local governments that make up each zone. Taking Goldfields Esperance zone as an example this covers nearly half of the State and would make a good argument to increase the number of regional zones rather than reduce them as it stretches from Wiluna to Esperance.

All of the four proposed models incorporate the addition of independent representation for the purpose of diversity being skills and experience or cultural diversity. This is a little contradictory where on one hand there is desire to reduce the number of representatives and on the other adding independents to the board. It is my opinion that diversity should be sourced from within the eligible delegates of the constituency.

I am of the view that the current model provides the best option for a governance model that provides the most comprehensive representation across the State. I am aware that reducing the number of members to find the appropriate number of representatives is part of the Governance Principles and for this reason I would consider option one as having merit where the current zones are retained and an overseeing board elected. I am not in support of independent representation on the board.

The concept of option three is also a consideration with the zones being re-mapped to incorporate six metropolitan and six regional zones to provide equal representation. This would need careful consideration as to how extensive each regional zone reaches as the increased distances could have an adverse effect on the value of each zones participation.

**Statutory Environment:**

*Local Government Act 1995*

**Policy Implications:**

Nil

**Financial Implications:**

Nil

**Strategic Implications:**

Nil

**Consultation:**

Cr Les Price – Member of WALGA State Council

**Officer’s Recommendation:**

**Voting Requirement:** Simple Majority

That Council inform WALGA that it has preference for the following governance models in the following order.

1. Option 5 – Current model
2. Option 1 – Two Tier Model, Existing Zones
3. Option 3 – Board, Amalgamated Zones

and does not support independent representation in the governance model.

**Council Decision:08112022**

**Voting requirement:** Simple Majority

**MOVED:CR FITZPATRICK**

**SECONDED:CR HUMPHREYS**

**AMENDMENT**

**MOVED:CR PRICE**

**SECONDED:CR DENNIS**

Remove 3. Option 3 – Board, Amalgamated Zones

The motion now reads.

That Council inform WALGA that it has preference for the following governance models in the following order.

1. Option 5 – Current model
2. Option 1 – Two Tier Model, Existing Zones

and does not support independent representation in the governance model.

**CARRIED:6/0**

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

---

Nil

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

---

Nil

**13. NEW BUSINESS OF AN URGENT NATURE**

---

Nil

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

---

Nil

**15. CLOSURE**

---

The Presiding Member thanked those present for attending the meeting and declared the meeting closed at 7.52pm

**To be confirmed at Ordinary Meeting on the 20 December 2022.**

**Signed:.....**

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