



**CONFIRMED MINUTES  
ORDINARY MEETING  
OF COUNCIL**

**20 June 2023**

SHIRE OF CUE  
Ordinary Meeting of Council  
MINUTES

Held in the Council Chambers, 73 Austin Street Cue on  
Tuesday, 20 June 2023 commencing at 6:00 PM

**1 DECLARATION OF OPENING**

The meeting was opened at 06:04PM

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:**

Shire President Ross Pigdon  
Deputy Shire President Les Price\*  
Councillor Ron Hogben  
Councillor Ian Dennis  
Councillor Elizabeth Houghton  
Councillor Leonie Fitzpatrick  
Councillor Julie Humphreys  
*\*joined meeting via Teams 6.06pm*

**STAFF:**

Chief Executive Officer Richard Towell  
Deputy Chief Executive Officer Glenn Boyes  
Senior Admin Officer Stephanie Wandek

**GALLERY:**

**1.1 ATTENDANCE BY ELECTRONIC MEANS CR PRICE**

APPLICANT: Les Price

DISCLOSURE OF INTEREST: Nil

AUTHOR: Richard Towell - Chief Executive Officer

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DATE: 15 June 2023

***Matters for Consideration:***

Attendance at Council meeting by electronic means

***Background:***

Cr Price has requested permission to attend the June Council meeting by electronic means.

***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 dash;*

*(ba) the holding of council or committee meetings by telephone, video conference or other electronic means; and*

***LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS 1996 - REG 14C***

*14C. Attendance at meetings by electronic means may be authorised (Act s. 5.25(1)(ba))*

*(1) In this regulation dash;*

*meeting means dash;*

*(a) an ordinary meeting of the council; or*

*(b) a special meeting of the council; or*

*(c) a meeting of a committee of the council; or*

*(d) a meeting of an audit committee of a local government;*

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*natural disaster includes fire, flood, lightning, movement of land and storm;*

*relevant period, in relation to the proposed meeting referred to in subregulation (3), means the period of 12 months ending on the day on which the proposed meeting is to be held.*

*(2) A member of a council or committee may attend a meeting by electronic means dash;*

*(a) if dash;*

*(i) a public health emergency or state of emergency exists or a natural disaster has occurred; and*

*(ii) because of the public health emergency, state of emergency or natural disaster, the member is unable, or considers it inappropriate, to be present in person at the meeting; and*

*(iii) the member is authorised to attend the meeting by electronic means by the mayor, president or council;*

*or*

*(b) if the member is otherwise authorised to attend the meeting by electronic means by the mayor, president or council.*

*(3) The mayor, president or council cannot authorise a member to attend a meeting (the proposed meeting) under subregulation (2)(b) if the member's attendance at the proposed meeting under that authorisation would result in the member attending more than half of the meetings (including the proposed meeting) of the council or committee, in the relevant period, under an authorisation under subregulation (2)(b).*

*(4) Subregulation (3) does not apply to a member who is a person with a disability as defined in the Disability Services Act 1993 section 3.*

*(5) In deciding whether to authorise a member to attend a meeting by electronic means under subregulation (2), the mayor, president or council must have regard to whether the location from which the member intends to attend the meeting, and the equipment that the member intends to use to attend the meeting, are suitable for the member to be able to effectively engage in deliberations and communications during the meeting.*

#### **LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS 1996 - REG 14CA**

*14CA. Provisions relating to attendance at meetings by electronic means (Act s. 5.25(1)(ba))*

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1. *In this regulation dash;*  
*meeting has the meaning given in regulation 14C(1).*
- (2) *The electronic means by which a member may attend a meeting under an authorisation under regulation 14C(2) include telephone, video conference or other means of instantaneous communication, as determined by the mayor, president or council.*
- (3) *A member who attends a meeting under an authorisation under regulation 14C(2) by electronic means determined under subregulation (2) is, whether or not the member is physically in the State, taken to attend and be present at the meeting for the purposes of the Act and these regulations while the member is in contact by those electronic means with each other member present at the meeting.*
- (4) *Subregulations (5) to (7) apply if dash;*
  - (a) *a member has been authorised to attend a meeting by electronic means under regulation 14C(2); and*
  - (b) *the meeting, or part of the meeting, is to be closed to members of the public under section 5.23(2).*
- (5) *The member must not attend the meeting or the closed part of the meeting unless, before the meeting, or the part of the meeting, is closed, the member declares that the member can maintain confidentiality during the meeting or the closed part of the meeting (as the case requires).*
- (6) *If the member makes the declaration under subregulation (5) and subsequently cannot maintain confidentiality, the member must leave the meeting or the closed part of the meeting.*
- (7) *A member's declaration under subregulation (5) must be recorded in the minutes of the meeting.*

***Policy Implications:***

Nil.

***Financial Implications:***

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

***Strategic Implications:***

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Nil.

**Consultation:**

Shire President – Cr Ross Pigdon

**Officers Recommendation:**                      **Voting Requirement:** Absolute Majority

1. *That Councillor Price has declared the location that he is attending the meeting from is suitable to maintain confidentially during all parts of the meeting in accordance with regulation 14CA(5)(6)(7) of the Local Government (Administration) Regulations 1996.*
2. *That Council grant approval in accordance with regulation 14C(2)(b) to attend this meeting by electronic means.*

<b>Council Decision: 05062023</b>	<b>Voting Requirement: Absolute Majority</b>
<b>MOVED: Cr Ian Dennis</b>	<b>SECONDED: Cr Elizabeth Houghton</b>
<ol style="list-style-type: none"><li>1. <i>That Councillor Price has declared the location that he is attending the meeting from is suitable to maintain confidentially during all parts of the meeting in accordance with regulation 14CA(5)(6)(7) of the Local Government (Administration) Regulations 1996.</i></li><li>2. <i>That Council grant approval in accordance with regulation 14C(2)(b) to attend this meeting by electronic means.</i></li></ol>	
<b>CARRIED: 6/0</b> <b>AGAINST: None</b>	

06:06pm Cr Price joined the meeting via electronic means

**2 APOLOGIES AND APPROVED LEAVE OF ABSENCE**

Nil.

**3 DISCLOSURE OF MEMBER'S INTERESTS**

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Nil.

**4 PUBLIC QUESTION TIME**

Nil.

**5 CONFIRMATION OF MINUTES**

**Council Decision: 06062023**                      **Voting Requirement: Simple Majority**

**MOVED: Cr Julie Humphreys**                      **SECONDED: Cr Ian Dennis**

That the Minutes of Ordinary Meeting 16 May 2023 are confirmed as a true and correct record of the meeting.

**CARRIED: 7/0**  
**AGAINST: None**

**CONFIRMATION OF MINUTES**

**Council Decision: 07062023**                      **Voting Requirement: Simple Majority**

**MOVED: Cr Leonie Fitzpatrick**                      **SECONDED: Cr Ian Dennis**

That the Minutes of Special Meeting 06 June 2023 are confirmed as a true and correct record of the meeting.

**CARRIED: 7/0**  
**AGAINST: None**

**6 APPLICATION FOR LEAVE OF ABSENCE**

Nil.

**7 DEPUTATIONS**

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Nil.

**8 PETITIONS**

Nil.

**9 ANNOUNCEMENTS WITHOUT DISCUSSION**

Nil.

**10 REPORTS**

**10.1 ACCOUNTS AND STATEMENTS OF ACCOUNT**

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Glenn Boyes - Deputy Chief Executive Officer

DATE: 25 May 2023

***Matters for Consideration:***

To receive the attached List of Accounts Due and submitted to the Ordinary Council Meeting on 20 June 2023.

***Background:***

The Local Government, under its delegated authority to the CEO to make payments from municipal and trust funds, is required to prepare a monthly list of accounts showing each account paid and present it to Council at the next Ordinary Council meeting. The list of accounts prepared and presented to Council must form part of the minutes of that meeting.

***Comments:***

The list of accounts are for the month of May 2023.

***Statutory Environment:***

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

**Policy Implications:**

Nil

**Financial Implications:**

Nil

**Strategic Implications:**

Nil

**Consultation:**

Richard Towell, Chief Executive Officer

**Officers Recommendation:**                      **Voting Requirement:** Simple Majority

That Council endorse the attached payments for the period 01 May 2023 to 31 May 2023, which have been made in accordance with delegated authority under s5.42 of the *Local Government Act 1995*.

**May 2023**

Municipal Fund Bank EFTs	12029 - 12112	\$	418,293.36
Direct Debit Fund Transfer	General	\$	31,430.32
Direct Debit Fund Transfer	Credit Card	\$	10,111.44
Payroll		\$	140,822.54
BPAY		\$	38,673.35
Cheques		\$	0
<b>Total</b>		<b>\$</b>	<b>639,331.01</b>

**Council Decision: 08062023**                      **Voting Requirement:** Simple Majority

**MOVED: Cr Ian Dennis**                      **SECONDED: Cr Julie Humphreys**

That Council endorse the attached payments for the period 01 May 2023 to 31 May 2023, which have been made in accordance with delegated authority under s5.42 of the *Local Government Act 1995*.

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**May 2023**

Municipal Fund Bank EFTs	12029 - 12112	\$	418,293.36
Direct Debit Fund Transfer	General	\$	31,430.32
Direct Debit Fund Transfer	Credit Card	\$	10,111.44
Payroll		\$	140,822.54
BPAY		\$	38,673.35
Cheques		\$	0
<b>Total</b>		<b>\$</b>	<b>639,331.01</b>

**CARRIED: 7/0**

**AGAINST: None**

**10.2 FINANCIAL STATEMENT**

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Glenn Boyes - Deputy Chief Executive Officer

DATE: 25 May 2023

***Matters for Consideration:***

The Statement of Financial Activity is for the period ending May 2023 and includes the following reports:

- 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
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- Grants and Contributions

**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 May 2023.

**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

**Officers Recommendation:**

**Voting Requirement:** Simple Majority

That Council receive the attached Financial Statements, prepared in accordance with the *Local Government (Financial Management) Regulations 1996*, for the period ending May 2023.

06:35pm Glenn Boyes left the chamber

06:37pm Glenn Boyes re-entered the chamber

<b>Council Decision: 09062023</b>	<b>Voting Requirement: Simple Majority</b>
<b>MOVED: Cr Julie Humphreys</b>	<b>SECONDED: Cr Ian Dennis</b>

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That Council receive the attached Financial Statements, prepared in accordance with the *Local Government (Financial Management) Regulations 1996*, for the period ending May 2023.

**CARRIED: 7/0**  
**AGAINST: None**

### 10.3 SOUTHERN RANGELANDS PASTORAL ALLIANCE FUNDING REQUEST

APPLICANT: Shire of Cue  
DISCLOSURE OF INTEREST: Nil  
AUTHOR: Richard Towell  
DATE: 12 June 2023

***Matters for Consideration:***

That Council consider a request for funding from the Southern Rangelands Pastoral Alliance.

***Background:***

The attached letter has been received from the Southern Rangelands Pastoral Alliance Inc (SRPA) requesting a contribution from the Shire of Cue for the next financial year. The funding covers the employment of staff who administer the SRPA and manage grant funded projects across the Southern Rangelands.

Council approved a contribution of \$5,000 to the SRPA in February 2022. These funds were used to assist with day to day operations and to manage grant funded projects, such as, the Roads to Rehydration forum delivered in March 2023 at Mt Magnet. I am proposing that the Shire of Cue increase this contribution to \$10,000 for the 2023 - 2024 financial year.

***Comments:***

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The SRPA has been successful in securing funding to deliver pastoral revitalisation projects. However, this funding is for project delivery only and cannot be used for project management and administration. The SRPA is seeking funding from Local Governments to employ people for these positions. It is important to support these initiatives for the revitalisation of the pastoral industry and the economic benefits that will follow from successful innovations and practices.

The objective of the Southern Rangelands Pastoral Alliance is to lead and support sustainable pastoral production and diversification in the Southern Rangelands. The SRPA has been working to provide industry-wide representation on topics relevant to pastoral business and landscape regeneration across the zone. To date some of the projects the SRPA has been working on include:

- Supporting improvements in livestock productivity and profitability, and improving rangeland condition
- Landscape rehydration and improved design of roads and tracks
- Automated technology to monitor natural capital (biodiversity)
- Integrating facial recognition software to drones to identify grazers (feral, domestic and non-domestic) and also predators
- Production of podcasts and videos featuring some achievements and the diversity of progressive, passionate and innovative pastoralists from across the Southern Rangelands.

I am conscious of the amount of funding distributed to pastoral related parties relevant to the amount raised in pastoral rates by the Shire of Cue. The SRPA has demonstrated some direct benefits to the Shire of Cue through the Roads to Rehydration forum and it is anticipated that ongoing support will further assist proponents to revitalise the pastoral industry in the region.

The SRPA requested a contribution of \$20,000 per year over five years in their original request for support in November 2021. The contributions helped support the \$900,000 project grant over the period. It is hoped that the increased contribution from the Shire of Cue will see more direct benefits to the Murchison Region.

***Statutory Environment:***

*Local government Act 1995*

***Policy Implications:***

**D.16 PROVISION OF SPONSORSHIP AND DONATIONS**

Calculation of Value of Requested Donation or Sponsorship

This Policy deals with requests for donation or sponsorship from external bodies. Requests may be for a cash donation or sponsorship; in-kind (provision of goods

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and services or waiving of fees) donation or a combination of cash and in-kind. In assessing requests for in-kind donation or sponsorship, or a combination of in-kind and cash sponsorship, then the value of the in-kind request will be calculated. The full cost of the request (including calculated value of any in-kind component) will be considered.

### Donations

Donations by the Council reflect its commitment to improve the wellbeing of the community of the Shire of Cue. Because of the philanthropic nature of donations, the Council does not seek a direct cost – benefit return from the donation and does not require a business case to be put. However, the Council will give preference to donations which will assist organisations which benefit the community of the Shire of Cue, or improve the services provided to visitors to the Shire of Cue.

Where the funds are not fully expended on the approved donation the surplus money is to be returned to the Shire. All donations are to be acquitted in the financial year that it was granted unless prior approval is granted.

### Eligibility

To be eligible to apply for a donation, the applicant must be an Association incorporated in accordance with the *Associations Incorporations Act 1987* which includes organisations with religious and / or charitable objectives; and / or community based not for profit groups providing a direct service to the stakeholders and visitors of the Shire of Cue which demonstrably contribute to the wellbeing of residents and visitors, and serve to promote the development of the community.

### Service Areas

The range of service areas considered for donations may include:

1. Senior citizen's / community centre;
2. Community information and support services;
3. Youth services;
4. Children's services;
5. Emergency relief services;
6. Recreation services / sports clubs;
7. Community services;
8. Health services;
9. Education services;

Organisations are expected to acknowledge the contribution made by the Shire of Cue.

Where a donation is approved for a specific purpose – such as purchase of equipment – the organisation is required to provide evidence of expenditure.

### Assessment Process

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Applications are to be made in writing to the Chief Executive Officer detailing as a minimum:

Reason for request;

Amount requested (whether monetary, in kind or a combination of both); and

If donation is to be used towards the purchase of equipment, who will ultimately be the owner of the equipment and be responsible for its upkeep / maintenance.

Any sponsorship or donation approved by the Chief Executive Officer will be funded from the G/L Account 04143 – CEO Discretionary Expenses.

Any request for sponsorship or donation which the Chief Executive Officer believes is outside his / her delegation, is in excess of the aforementioned budgetary item and / or requires the consideration of Council will be referred to Council.

Where a request for sponsorship or donations is referred to Council, the Council may decline the application or subject to sufficient funds being available in the Council's budget, approve the application.

***Financial Implications:***

It is important to support these programs for the future benefit of the pastoral industry, however the costs need to be considered in relation to total pastoral rates so the pastoral rates category is not left carrying this burden into the future in the way of rate increases. If the contribution of \$10,000 is approved, an allocation will be included in the 2023 - 2024 budget.

***Strategic Implications:***

*Shire of Cue Strategic Community Plan 2023 – 2038*

*Outcome 4.1 To protect and uphold our natural environment*

***Consultation:***

Glenn Boyes – Deputy Chief Executive Officer

Cr Les Price - Deputy Shire President

***Officers Recommendation:***

***Voting Requirement:*** Simple Majority

That Council offer its ongoing support to the Southern Rangelands Pastoral Alliance funding request by contributing \$10,000 for the 2023-2024 financial year.

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***Council Decision: 10062023***

***Voting Requirement:*** Simple Majority

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**MOVED: Cr Elizabeth Houghton**

**SECONDED: Cr Ron Hogben**

That Council offer its ongoing support to the Southern Rangelands Pastoral Alliance funding request by contributing \$10,000 for the 2023-2024 financial year.

**CARRIED: 5/2**

**AGAINST: Councillor Houghton, Councillor Fitzpatrick**

#### **10.4 ROAD NORMALISATION PROJECT**

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Richard Towell

DATE: 15 June 2023

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

Proposal to undertake a project to ensure that all roads within the Shire are located wholly within the boundaries of a road reserve.

##### ***Background:***

There are a number of instances where roads within the Shire of Cue no longer sit within designated road reserves. In many instances, the road reserves were set out during the early years of this community. These road reserves either followed established paths or were aspirational to ensure that public access would be available in the future.

While many roads are located within road reserves, there are now a number of sections of existing roads that are aligned either partly or wholly outside of a road reserve. For road users, problems may arise where roads are located outside of road reserves, particularly if there are accidents. In these circumstances, the users may be deemed to be not driving on a dedicated public road.

An in-house study has recently been completed to determine the extent of the problem. Using freely available aerial imagery, all instances where constructed roads were not located wholly within road reserves were identified. The study found

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that there are three categories of non-alignment:

1. *Minor road misalignment:* Where one edge of the road appears to be located outside of the road reserve.
2. *Minor road deviation:* Where the road deviates outside of the road reserve for short distances. These include instances where corners and intersections for the road path have been constructed to meet standards, rather than the alignment provided by the road reserve. In addition, these may also include instances where the road path alignment has been altered for mining purposes or to avoid a physical feature.
3. *Major deviation:* Where the road deviates significantly from the existing road reserve, or where a road reserve is non-existent.

The above mentioned sections of road are shown in the attached plans.

**Comments:**

Given that the analysis has uncovered many instances where the physical road does not align with the road reserve, this project may take some time to resolve fully. Solutions to these non-alignments will vary from realigning or reconstructing the road pavement along the road reserve, to changing the road reserve to reflect the physical road path.

DPLH has confirmed that road closures will be required to be undertaken under s56 of the *Land Administration Act 1997* which will require a formal Council resolution, advertising in the West Australian newspaper and a further Council resolution to consider submissions, if any. Finally, the Shire will need to engage surveyors to prepare deposited plans for either the road closures or realignments. DPLH has confirmed that in most instances, these plans can be prepared using desktop information, rather than on-site surveys.

To proceed with this initiative, the next stage of the project should be to determine which of these roads requires works to be undertaken by the Shire and which requires changes to the administrative boundaries of the road reserves. This will require liaison with the Department of Planning Lands and Heritage to both confirm the Shire's analysis and determine likely costs to correct road reserve boundaries.

Given the extent of the misalignment of roads in the Shire, this project is likely to take some years to complete.

**Statutory Environment:**

*LAND ADMINISTRATION ACT 1997*

**Policy Implications:**

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Nil

***Financial Implications:***

This project is likely to incur costs in undertaking works to realign any of the minor realignment issues and administrative costs in amending road reserve boundaries for the major alignment issues. Costs for works will be undertaken as part of the Shire's road maintenance and construction budget. Once the scope of the administrative works required to be undertaken or the adjustment of the boundaries is known, these costs will be included in future Council budgets.

***Strategic Implications:***

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

*Environmental Objective Outcome*

*4.3 Maintain and improve our built environment*

*4.3.1 Maintain, improve and renew infrastructure*

***Consultation:***

Dave Foster– DPLH

Eugene Ferraro – Shire's consultant town planner

***Officers Recommendation:***

***Voting Requirement:*** Simple Majority

That Council:

1. Authorises the Chief Executive Officer to **initiate** a project to normalise roads within the Shire of Cue and take the necessary actions to ensure, that wherever possible, road pavements are located wholly within road reserves;
2. Notes that:
  - a. this may be a longer-term project that may require implementation over a number of years; and
  - b. funding may need to be allocated in future budgets to complete this project

Amended recommendation

That Council:

1. Authorises the Chief Executive Officer to **evaluate** a project to normalise roads within the Shire of Cue and take the necessary actions to ensure, that wherever possible, road pavements are located wholly within road reserves;
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2. Notes that:
  - a. this may be a longer-term project that may require implementation over a number of years; and
  - b. funding may need to be allocated in future budgets to complete this project.

**Council Decision: 11062023**

**Voting Requirement:** Simple Majority

**MOVED: Cr Ian Dennis**

**SECONDED: Cr Ron Hogben**

That Council:

1. Authorises the Chief Executive Officer to **evaluate** a project to normalise roads within the Shire of Cue and take the necessary actions to ensure, that wherever possible, road pavements are located wholly within road reserves;
2. Notes that:
  - a. this may be a longer-term project that may require implementation over a number of years; and
  - b. funding may need to be allocated in future budgets to complete this project.

**CARRIED: 6/1**

**AGAINST: Councillor Houghton**

**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**

The Murchison Regional Vermin Council resolved to form a regional subsidiary. The CEO will prepare an item for council decision at the July 2023 meeting.

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

Nil.

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**15 CLOSURE**

The Presiding Member thanked those present for attending the meeting and declared the meeting closed at 07:43PM.

**To be confirmed at Ordinary Meeting on the 18 July 2023.**

**Signed: .....**

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