



**MINUTES
ORDINARY MEETING
OF COUNCIL**

19 NOVEMBER 2019

**SHIRE OF CUE
Ordinary Council Meeting
MINUTES**

Held in the Council Chambers, 73 Austin Street Cue on
Tuesday 19 November 2019 commencing at 6:34pm

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1. DECLARATION OF OPENING (CEO IN THE CHAIR)

The CEO welcomed those present and read the following disclaimer:

No responsibility whatsoever is implied or accepted by the Shire of Cue for any act, omission, 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

Councillor Les Price

Councillor Ian Dennis

Councillor Ron Hogben

Councillor Leonie Fitzpatrick

Councillor Fred Spindler

Councillor Liz Houghton

STAFF:

Mr Rob Madson, Chief Executive Officer

Mr Richard Towell, Deputy Chief Executive Officer

Mrs Janelle Duncan, Coordinator Community Development

GALLERY:

Mrs Jenni Dennis

Mr Marc Mele

Mr Stephen Manning (*left chambers at 6.42pm*)

The Chief Executive Officer declared the positions of Shire President and Deputy Shire President vacant and called for nominations.

1.1 ELECTION OF SHIRE PRESIDENT

Two nominations were received, being Cr Ross Pigdon and Cr Ian Dennis. The CEO conducted an election by secret ballot and declared Cr Ross Pigdon elected to the position of President. Cr Pigdon took the chair.

Cr Ross Pigdon sworn in at 6.39pm

1.2 ELECTION OF DEPUTY SHIRE PRESIDENT

Cr Les Price was the only nomination for Deputy President and was elected unopposed.

Cr Les Price sworn in at 6.40pm

2. APOLOGIES AND APPROVED LEAVE OF ABSENCE

Nil

3. DISCLOSURE OF MEMBERS' INTERESTS

Nil

4. PUBLIC QUESTION TIME

Nil

5. CONFIRMATION OF MINUTES

Council Decision:01112019	Voting Requirement: Simple Majority
MOVED: CR PRICE	SECONDED: CR HOGBEN
That the Minutes of the Ordinary Meeting of 15 October 2019 are confirmed as a true and correct record of the meeting.	
CARRIED:7/0	

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. DEPUTATIONS

Nil

8. PETITIONS

Nil

9. ANNOUNCEMENTS WITHOUT DISCUSSION

Rates Incentive Prize Draw results as follows;

1st Prize – BA Turner A4986

2nd Prize – Avila Webb A99493

3rd Prize – Wakeford Holdings Pty Ltd Sears A6301

10. REPORTS

10.1 ACCOUNTS & STATEMENTS OF ACCOUNTS

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell – Acting Chief Executive Officer
DATE: 14 November 2019

Matters for Consideration:

To receive the List of Accounts Due & Submitted to Ordinary Council Meeting on 19 November 2019 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 2019

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

That Council endorse the payments for the period 1 October 2019 to 31 October 2019 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.

Municipal Fund Bank	EFTs	7790 – 7907	\$390,842.39
Direct Debit Fund Transfer			\$ 26,412.91
Payroll			\$101,567.03
BPAY			\$ 23,810.81
Cheques			\$ -
Total			\$542,633.14

Council Decision:02112019		Voting requirement: Simple Majority	
MOVED: CR SPINDLER		SECONDED: CR HOUGHTON	
<i>That Council endorse the payments for the period 1 October 2019 to 31 October 2019 as listed at Appendix 1, which have been made in accordance with delegated authority per LGA 1995 S5.42.</i>			
Municipal Fund Bank	EFTs	7790 – 7907	\$390,842.39
Direct Debit Fund Transfer			\$ 26,412.91
Payroll			\$101,567.03
BPAY			\$ 23,810.81
Cheques			\$ -
Total			\$542,633.14
6.47pm Mrs Janelle Duncan left the chambers			
6.49pm Mrs Janelle Duncan returned to the chambers			
CARRIED:7/0			

10.2 FINANCIAL STATEMENT

APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell – Acting Chief Executive Officer
DATE:	14 November 2019

Matters for Consideration:

The Statement of Financial Activity for the period ended 31 October 2019 including the following reports:

- 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

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 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.

Comments:

The Statement of Financial Activity is for the month of October 2019.

Statutory Environment:

Local Government (Financial Management Regulations) 1996 – Clause 14.

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Consultation:

RSM Australia Pty Ltd.

Officer's Recommendation:

Voting Requirement: Simple Majority

That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period ended 31 October 2019, as presented at [Appendix 2](#).

Council Decision:03112019

Voting requirement: Simple Majority

MOVED: CR HOUGHTON

SECONDED: CR SPINDLER

That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period ended 31 October 2019, as presented at [Appendix 2](#).

CARRIED:7/0

10.3 COMMITTEE REPRESENTATION

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Rob Madson – Chief Executive Officer
 DATE: 12 November 2019

Matters for Consideration:

Council membership on various committees.

Background:

Councillor membership of Council committees, and those of other bodies where the Shire of Cue is represented, are reviewed following Local Government elections.

Comments:

Membership of the Murchison Zone of WALGA is the Shire President and Deputy Shire President.

The following table details the current position in relation to committee representation remaining to be determined. Vacancies are noted where Councillor Fred Spindler resigned as the representative.

COMMITTEE	NUMBER REQUIRED	NAME OF REPRESENTITIVES	FREQUENCY OF MEETING	EXPIRY OF TERM
<i>Bush Fire Advisory Committee</i>	Two	Cr R Pigdon Cr L Houghton	Annual	2019
<i>Local Emergency Management Committee</i>	Two	Cr R Pigdon Cr I Dennis	Quarterly	2019
<i>Audit Committee*</i>	Three - Seven	Cr R Pigdon Cr L Price Cr L Fitzpatrick Cr I Dennis Cr F Spindler Cr R Hogben Cr L Houghton	As required	2019
<i>Main Roads WA – RRG - Murchison Sub Group</i>	Two	Cr R Hogben Cr F Spindler	As required	2019
<i>Murchison Regional Vermin Council</i>	Two	Cr L Price Vacant Cr Pigdon (Alternate)	As required	2019

Mid-West Wheatbelt (Central) Development Assessment Panel	Two	Cr F Spindler Cr I Dennis Cr R Hogben (Alternate) Cr L Price (Alternate)	As required	2019
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* The current Audit Committee structure includes all Councillors, Council may wish to review whether this arrangement remains effective. In a recent article from the WA Auditor General regarding Local Government audits, it was made clear that this practice, which is operating at a number of local authorities, was not supported by the OAG, the preferred position being that the committee have fewer members.

The Audit Committee can also include representatives from outside Council.

Statutory Environment:

LOCAL GOVERNMENT ACT 1995

5.10 Committee members, appointment of

- (1) A committee is to have as its members —
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

* Absolute majority required.

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.

- (5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*
- (a) *to be a member of the committee; or*
 - (b) *that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.*

Policy Implications:

F.1 COUNCIL REPRESENTATIVES

F.1 All Council representatives wherever possible are to be serving members of the Council.

F.1.2 Upon ceasing to be a member of the Council, the representative is to cease as a member of a Committee unless approved by a resolution of Council.

F.1.3 Upon ceasing to be a member of the Council, the representative is to cease membership of any Regional Council unless approved by a resolution of Council and subject to the Regional Council Constitution.

F.1.4 Council representatives on a committee that is not a Council Committee represent the shire's positions not the individual Councillor's position.

F.1.5 The Council's current committees are as follows;

- 1. Main Roads Western Australia - Regional Road Group*
- 2. Murchison Regional Vermin Council*
- 3. Murchison Zone of the WALGA – Ward*
- 4. Audit Committee*
- 5. Local Emergency Management Committee*

F.1.6 Representatives of Committees and Regional Councils are to be reviewed by Council resolution following each Council ordinary election unless a Representative resigns prior to that Election at which time a special appointment may be made by Council resolution.

Financial Implications:

Nil

Strategic Implications:

Nil

Consultation:

Nil

Officer's Recommendation:

Voting Requirement: Absolute Majority

That Councillor representation on committees of Council and other bodies be as follows:

- **Bush Fire Advisory Committee**

Cr

Cr

- **Local Emergency Management Committee**

Cr

Cr

- **Audit Committee**

Cr

Cr

Cr

Cr

Cr

Cr

Cr

- **Main Roads Regional Road Group Murchison Sub Group**

Cr

Cr

- **Murchison Regional Vermin Council**
Cr
Cr
Cr (Alternate)
- **Mid-West Wheatbelt (Central) Development Assessment Panel**
Cr
Cr
Cr (Alternate)
Cr (Alternate)

Council Decision:04112019	Voting requirement: Absolute Majority
MOVED: CR HOGBEN	SECONDED: CR FITZPATRICK
That Councillor representation on committees of Council and other bodies be as follows:	
<ul style="list-style-type: none">• Bush Fire Advisory Committee Cr Houghton Cr Pigdon• Local Emergency Management Committee Cr Dennis Cr Pigdon• Audit Committee Cr Pigdon Cr Price Cr Dennis Cr Hogben Cr Houghton Cr Spindler Cr Fitzpatrick• Main Roads Regional Road Group Murchison Sub Group Cr Hogben Cr Spindler	

- **Murchison Regional Vermin Council**
Cr Price
Cr Pigdon
Cr Hogben (Alternate)
- **Mid-West Wheatbelt (Central) Development Assessment Panel**
Cr Spindler
Cr Dennis
Cr Fitzpatrick (Alternate)
Cr Hogben (Alternate)

CARRIED:7/0

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

13.1 SETTING A RESERVE FOR PROPERTIES TO BE AUCTIONED

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: None
 AUTHOR: Richard Towell – Deputy Chief Executive Officer
 DATE: 19 November 2019

Matters for Consideration:

Setting of a reserve price for the two lots to be auctioned on 23 November 2019 for non-payment of rates.

Background:

At the Ordinary meeting of Council held on 20 February 2018, Council resolved the following;

Council Decision:08022018	Voting requirement: Absolute Majority
Moved: CR SPINDLER	Seconded: CR PRICE

That Council:

1. Exercise the power of sale under section 6.64(1)(b) of the Local Government Act 1995 to proceed to a public auction for the property located at 6 Dowley Street, 27 Robinson Street, 41 Wittenoom Street and 52A Stewart St all of Cue.
2. Exercise the power to re-vest the land to the Crown under section 6.74 (1) of the Local Government Act 1995 for the property located at 109 Austin Street and 44 Kinsella Street, in Cue and L66 Boyd Street, Reedy.
3. Should the public auction be unsuccessful then move to sell the property via private sale.
4. Any amount in excess of that required to clear the legal costs and rates be applied to other costs associated with the original claim.
5. In the case that the sale amount is insufficient to cover the rates arrears and legal costs that the amount in excess of the rates arrears and legal costs be written off.
6. Authorise the CEO to finalise this transaction.

Carried: 6/0

While this process has taken some time, the Shire has taken possession of the properties at 52A Stewart St and 6 Dowley St and has scheduled to auction both properties on 23 November 2019.

The following is a list of those properties and the total outstanding rates and charges owing against them.

Ref	Property	Details	Total Outstanding
A4941	6 (L290) Dowley Street, Cue Alfred Quacker	Vacant Land - Deceased Estate	\$10,945.84
A9307	52A (L4) Stewart Street, Cue William John Heydon	Vacant Land - Deceased Estate	\$12,715.95

It is proposed that Council set a reserve for the properties to ensure that a reasonable price is obtained for the sale with the option for Council to advertise the land for sale if the reserve is not met or have the land transferred to the Local Government.

Comments:

The setting of a reserve for the sale of the properties will ensure that the Shire will recover some of the outstanding charges on the properties with the option for Council to have the land transferred to the Shire of Cue if a reasonable price is not reached at the auction.

Statutory Environment:

Part 6, Division 6, sections 6.63 to 6.75 and Schedules 6.2 and 6.3 of the Local Government Act 1995 (the Act) and Part 5 of the Local Government (Financial Management) Regulations 1996 (FMR) regulations 72 to 78 and Forms 2 to 7.

6.71. Power to transfer land to Crown or to local government

- (1) *If under this Subdivision land is offered for sale but at the expiration of 12 months a contract for the sale of the land has not been entered into by the local government, it may by transfer, where the land is subject to the provisions of the Transfer of Land Act 1893, and by deed, where the land is not subject to the provisions of that Act, transfer or convey the estate in fee simple in the land to —*
 - (a) *the Crown in right of the State; or*
 - (b) *the local government.*
- (2) *When a local government exercises the power referred to in subsection (1)(a) in relation to any land all encumbrances affecting the land are, by virtue of this section of no further force or effect against that land and the Registrar of Titles or the Registrar of Deeds and Transfers, as the case requires, is to give effect to this section.*
- (3) *When exercising the power referred to in subsection (1)(b) the local government is required to pay the sum secured by, or payable under, a*

mortgage, lease, tenancy, encumbrance or charge in favour of the Crown in right of the State or a department, agency, or instrumentality of the Crown in right of the State.

- (4) *Schedule 6.3 has effect in relation to the exercise of the power referred to in subsection (1).*

6.73. Discharge of liability on sale of land

A sale of land by a local government or a transfer or conveyance of land to the Crown or a local government under this Subdivision discharges —

- (a) *the land; and*
- (b) *the owners (present and past) of the land,*

from any liability to the local government for rates, service charges or other money due to the local government which were, at the time of the sale, transfer or conveyance —

- (c) *secured by a charge over the land; or*
- (d) *otherwise recoverable, whether under this Act or another written law, by the local government in respect of the land.*

Policy Implications:

D.1 Debt Recovery – 2.2 Recovery of Rates Arrears

Financial Implications:

Once the properties are sold under the Local Government Act 1995 provisions, all charges owed to the Shire will be discharged requiring the write off any amounts outstanding not covered by the sale price. Total combined charges owing against the properties are currently \$23,661.79 and auction fees amount to \$2,945.00.

Strategic Implications:

Nil

Consultation:

CS Legal

Rob Madson – Chief Executive Officer

Officer’s Recommendation:

Voting Requirement: Simple Majority

That Council set a reserve auction price of \$2,000 each for the properties at 6 Dowley St Cue and 52A Stewart St Cue.

Council Decision:05112019

Voting requirement: Simple Majority

MOVED: CR SPINDLER

SECONDED: CR FITZPATRICK

That Council set a reserve auction price of \$2,000 each for the properties at 6 Dowley St Cue and 52A Stewart St Cue.

CARRIED:5/2

AGAINST: CR FITZPATRICK, CR HOUGHTON

14 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Council Decision:06112019 **Voting requirement:** Simple Majority

MOVED: CR FITZPATRICK **SECONDED: CR HOUGHTON**

That the meeting be closed to members of the public to discuss confidential matters.

CARRIED:7/0

7.23pm Chambers closed to the public

7.24pm Mrs Janelle Duncan left the chambers

7.25pm Cr Hogben left the chambers

7.25pm Mrs Janelle Duncan returned to the chambers

7.28pm Cr Hogben returned to the chambers

14.1 ROAD USER AGREEMENT – WESTGOLD RESOURCES

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Rob Madson – Chief Executive Officer

DATE: 12 November 2019

Matters for Consideration:

Entering into a road user agreement with Westgold Resources Limited to accommodate Restricted Access Vehicles (RAV) on Shire roads.

Council Decision:07112019 **Voting requirement:** Simple Majority

MOVED: CR DENNIS **SECONDED: CR HOUGHTON**

That Council enter into a road user deed of agreement with Westgold Resources Limited that incorporates the provisions contained in the Memorandum of Understanding presented to Council on 19 November 2019.

CARRIED:7/0

14.2 ROAD USER AGREEMENT – FENIX RESOURCES

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Rob Madson –Chief Executive Officer
DATE: 12 November 2019

Matters for Consideration:

Entering into a road user agreement with Fenix Resources Ltd to accommodate Restricted Access Vehicles (RAV) on Shire roads.

Council Decision:08112019 **Voting requirement:** Simple Majority

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

That item 14.2 be adjourned to the December 2019 meeting to enable a memorandum of understanding with Fenix Resources to be finalised

CARRIED:7/0

14.3 ACQUISITION OF LAND CUE

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell – Deputy Chief Executive Officer
 DATE: 14 November 2019

Matters for Consideration:

For Council to consider acquiring a vacant block of land that The Uniting Church in Australia (WA) are looking to surrender.

Council Decision:09112019 **Voting requirement:** Simple Majority
MOVED: CR HOUGHTON **SECONDED: CR HOGBEN**

That Council:

1. Authorise the Chief Executive Officer to enter into an offer and acceptance with The Uniting Church in Australia (WA), to transfer Lot 234 Kinsella (Darlot) St Cue to the Shire of Cue; and
2. Authorise the Shire President and Chief Executive Officer to apply the common seal to the transfer of land.

CARRIED:6/1

AGAINST: CR FITZPATRICK

Council Decision:10112019 **Voting requirement:** Simple Majority
MOVED: CR HOUGHTON **SECONDED: CR FITZPATRICK**

That the meeting be reopened to the members of the public.

CARRIED:7/0

15 CLOSURE

The Presiding Member thanked those present for attending the meeting and declared the meeting closed at 7.51pm

To be confirmed at Ordinary Meeting on the 17 December 2019

Signed:.....

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