



**MINUTES  
ORDINARY MEETING  
OF COUNCIL**

**17 DECEMBER 2019**

**SHIRE OF CUE**  
**Ordinary Council Meeting**  
**AGENDA**

Held in the Council Chambers, 73 Austin Street Cue on  
Tuesday 17 December 2019 commencing at 6:30pm

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## 1. DECLARATION OF OPENING

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 Fred Spindler

### **STAFF:**

Mr Rob Madson, Chief Executive Officer

Mr Richard Towell, Deputy Chief Executive Officer

Ms Tracy Bachraty Customer Service Officer

### **GALLERY:**

Mrs Jenni Dennis

Ms Catherine Willett

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

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Mrs Janelle Duncan, Coordinator Community Development  
Councillor Liz Houghton

**3. DISCLOSURE OF MEMBERS' INTERESTS**

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Nil

**4. PUBLIC QUESTION TIME**

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Nil

**5. CONFIRMATION OF MINUTES**

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**Council Decision: 01122019**

**Voting Requirement: Simple Majority**

**MOVED: CR DENNIS**

**SECONDED: CR HOGBEN**

That the Minutes of the Ordinary Meeting of 19 November 2019 are confirmed as a true and correct record of the meeting.

**CARRIED: 6/0**

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

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Nil

**7. DEPUTATIONS**

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Nil

**8. PETITIONS**

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Nil

**9. ANNOUNCEMENTS WITHOUT DISCUSSION**

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Nil

## 10. REPORTS

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### 10.1 ACCOUNTS & STATEMENTS OF ACCOUNTS

**APPLICANT:** Shire of Cue  
**DISCLOSURE OF INTEREST:** Nil  
**AUTHOR:** Richard Towell – Deputy Chief Executive Officer  
**DATE:** 13 December 2019

***Matters for Consideration:***

To receive the List of Accounts Due & Submitted to Ordinary Council Meeting on 17 December 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 November 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 November 2019 to 30 November 2019 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.*

Municipal Fund Bank	EFTs	7908 – 7990	\$488,427.47
Direct Debit Fund Transfer			\$ 25,533.79
Payroll			\$100,068.39
BPAY			\$ 11,032.27
Cheques			\$ -
Total			\$625,061.92

**Council Decision: 02122019**

**Voting requirement:** Simple Majority

**MOVED: CR SPINDLER**

**SECONDED: CR PRICE**

*That Council endorse the payments for the period 1 November 2019 to 30 November 2019 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.*

Municipal Fund Bank	EFTs	7908 – 7990	\$488,427.47
Direct Debit Fund Transfer			\$ 25,533.79
Payroll			\$100,068.39
BPAY			\$ 11,032.27
Cheques			\$ -
Total			\$625,061.92

**CARRIED: 6/0**

## 10.2 FINANCIAL STATEMENT

APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell – Deputy Chief Executive Officer
DATE:	13 December 2019

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

The Statement of Financial Activity for the period ended 30 November 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 November 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 30 November 2019, as presented at [Appendix 2](#).*

**Council Decision: 03122019**

**Voting requirement:** Simple Majority

**MOVED: CR DENNIS**

**SECONDED: CR SPINDLER**

*That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period ended 30 November 2019, as presented at [Appendix 2](#).*

**CARRIED: 6/0**



### 10.3 2018 – 2019 ANNUAL REPORT

APPLICANT: Shire of Cue  
 DISCLOSURE OF INTEREST: Nil  
 AUTHOR: Richard Towell – Deputy Chief Executive Officer  
 DATE: 13 December 2019

***Matters for Consideration:***

Accepting of the 2018/19 Annual Report including the audited financial statements attached at [Appendix 3](#) And setting the date for the general electors meeting.

***Background:***

Council has an obligation under the *Local Government Act 1995* to prepare an Annual Report and to present the report to the community. It is a requirement under the Local Government Act that Council accept the annual report by 31 December of the year following the report and hold a general electors meeting within fifty six days of accepting the annual report.

***Comments:***

The 2018/19 Annual Report includes:

- Shire President’s Report
- Chief Executive Officer’s Report – including Statutory Reports
- Audited Financial Statements
- Auditor’s Report

The report outlines the activities undertaken during 2018-2019 together with the financial position of the Shire of Cue as at 30 June 2019.

The proposed Annual Electors Meeting date will be for the same night as the first Forum meeting for 2020, with the Forum meeting scheduled to start following the Annual Electors meeting.

***Statutory Environment:***

*Local Government Act 1995*

*Subdivision 4 – Electors’ meetings*

*5.26. Term used: electors*

*In this Subdivision —*

*electors includes ratepayers.*

5.27. *Electors' general meetings*

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

5.29. *Convening electors' meetings*

- (1) *The CEO is to convene an electors' meeting by giving —*
  - (a) *at least 14 days' local public notice; and*
  - (b) *each council member at least 14 days' notice,*

*of the date, time, place and purpose of the meeting.*

- (2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.*

5.30. *Who presides at electors' meetings*

- (1) *The mayor or president is to preside at electors' meetings.*
- (2) *If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at an electors' meeting in accordance with that section.*
- (3) *If the circumstances mentioned in section 5.34(a) or (b) apply and —*
  - (a) *the office of deputy mayor or deputy president is vacant; or*
  - (b) *the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,*

*then the electors present are to choose one of the councillors present to preside at the meeting but if there is no councillor present, able and willing to preside, then the electors present are to choose one of themselves to preside.*

5.31. *Procedure for electors' meetings*

*The procedure to be followed at, and in respect of, electors' meetings and the methods of voting at electors' meetings are to be in accordance with regulations.*

5.32. *Minutes of electors' meetings*

*The CEO is to —*

- (a) *cause minutes of the proceedings at an electors' meeting to be kept and preserved; and*
- (b) *ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.*

**5.33. Decisions made at electors' meetings**

- (1) *All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —*

- (a) *at the first ordinary council meeting after that meeting; or*
- (b) *at a special meeting called for that purpose,*

*whichever happens first.*

- (2) *If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.*

**Division 5 — Annual reports and planning**

**5.53. Annual reports**

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain —*
  - (a) *a report from the mayor or president; and*
  - (b) *a report from the CEO; and*
  - (e) *an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and*
  - (f) *the financial report for the financial year; and*
  - (g) *such information as may be prescribed in relation to the payments made to employees; and*
  - (h) *the auditor's report for the financial year; and*
  - (ha) *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
  - (hb) *details of entries made under section 5.121 during the financial year in the register of complaints, including —*
    - (i) *the number of complaints recorded in the register of complaints; and*
    - (ii) *how the recorded complaints were dealt with; and*
    - (iii) *any other details that the regulations may require;*

and

(i) such other information as may be prescribed.

**5.54. Acceptance of annual reports**

(1) Subject to subsection (2), the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.

\* Absolute majority required.

(2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

**5.55. Notice of annual reports**

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

**5.56. Planning for the future**

(1) A local government is to plan for the future of the district.

(2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

**Division 3 — Conduct of audit**

**7.9. Audit to be conducted**

(1) An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to —

(a) the mayor or president; and

(b) the CEO of the local government; and

(c) the Minister.

(2) Without limiting the generality of subsection (1), where the auditor considers that

(a) there is any error or deficiency in an account or financial report submitted for audit; or

(b) any money paid from, or due to, any fund or account of a local government has been or may have been misapplied to purposes not authorised by law; or

- (c) *there is a matter arising from the examination of the accounts and annual financial report that needs to be addressed by the local government, details of that error, deficiency, misapplication or matter, are to be included in the report by the auditor.*
- (3) *The Minister may direct the auditor of a local government to examine a particular aspect of the accounts and the annual financial report submitted for audit by that local government and to —*
- (a) *prepare a report thereon; and*
- (b) *forward a copy of that report to the Minister, and that direction has effect according to its terms.*
- (4) *If the Minister considers it appropriate to do so, the Minister is to forward a copy of the report referred to in subsection (3), or part of that report, to the CEO of the local government to be dealt with under section 7.12A.*

**Local Government (Administration) Regulations 1996**

**Part 3 — Electors’ meetings**

*15. Matters to be discussed at general meeting (Act s. 5.27(3))*

*For the purposes of section 5.27(3), the matters to be discussed at a general electors’ meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.*

*17. Voting at meeting (Act s. 5.31)*

- (1) *Each elector who is present at a general or special meeting of electors is entitled to one vote on each matter to be decided at the meeting but does not have to vote.*
- (2) *All decisions at a general or special meeting of electors are to be made by a simple majority of votes.*
- (3) *Voting at a general or special meeting of electors is to be conducted so that no voter’s vote is secret.*

*18. Procedure at meeting (Act s. 5.31)*

*Subject to regulations 15 and 17, the procedure to be followed at a general or special meeting of electors is to be determined by the person presiding at the meeting.*

**Policy Implications:**

Nil

**Financial Implications:**

Nil

**Strategic Implications:**

Nil

**Consultation:**

Rob Madson – Chief Executive Officer

Travis Bate – RSM Australia Pty Ltd

**Officer’s Recommendation:** **Voting requirement: Absolute Majority**

*That Council:*

*Accepts the 2018-2019 Annual Report as presented, including:*

- *2018-2019 Annual Report;*
- *Audited Annual Financial Statements;*
- *Audit Report;*  
*and*
- *Determine that the Annual Electors Meeting be held on Tuesday 11 February 2020 at 6.30pm in the Council Chambers.*

**Council Decision: 04122019**

**Voting requirement: Absolute Majority**

**MOVED: CR HOGBEN**

**SECONDED: CR SPINDLER**

*That Council:*

*Accepts the 2018-2019 Annual Report as presented, including:*

- *2018-2019 Annual Report;*
- *Audited Annual Financial Statements;*
- *Audit Report;*  
*and*
- *Determine that the Annual Electors Meeting be held on Tuesday 11 February 2020 at 6.30pm in the Council Chambers.*

**CARRIED: 6/0**

## 10.4 CLOSURE OF LANE

APPLICANT: Shire of Cue  
 DISCLOSURE OF INTEREST: Nil  
 AUTHOR: Rob Madson –Chief Executive Officer  
 DATE: 3 December 2019

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

Formal closure of a lane running off Mitchell Street, Cue.

### ***Background:***

A request has been received from the owners of 4 (Lot 295) 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.

### ***Comments:***

A portion of the lane in question was officially closed in 2011 and transferred to the adjoining property owner. The current request relates to the closure of the remaining length of the lane. This land is already zoned Residential in the Shire of Cue Local Planning Scheme No 2.

As the lane is a public thoroughfare, it falls within the definition of a road. The process of formal closure includes provisions for consulting with affected property owners, advertising the proposed closure and considering objections.

Plans and photographs of the area are attached at [Appendix 4](#).

### ***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.*

**Policy Implications:**

Nil.

**Financial Implications:**

Nil.

**Strategic Implications:**

Nil.

**Consultation:**

Nil.

**Officer’s Recommendation:**

**Voting Requirement:** Simple Majority

*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.*

**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**



## 10.5 COMMON SEAL APPLICATION

APPLICANT: Shire of Cue  
DISCLOSURE OF INTEREST: Nil  
AUTHOR: Rob Madson –Chief Executive Officer  
DATE: 3 December 2019

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

Application of the Common Seal to an instrument of authorisation between the Shire and Main Roads WA relating to traffic management for events.

### ***Background:***

Planning for resurrecting QFest in 2020 has revealed that the Shire does not currently have the necessary authorisation to undertake traffic management on Austin Street during events. Austin Street is a portion of the Great Northern Highway and therefore controlled by Main Roads WA. For the duration of QFest, it is proposed to temporarily close Austin Street, between Robinson and Victoria Streets, in order to accommodate elements of the event.

An instrument of authorisation has been prepared by Main Roads WA to provide the Shire with the authority required to erect and take down signs and to control traffic. The instrument requires the Shire's Common Seal to be applied.

### ***Comments:***

Use of the Common Seal must be authorised by Council.

Signing the instrument of authorisation is one of many steps to be undertaken before any road closures are undertaken, one of which is the preparation of a traffic management plan. Affected property owners are also consulted. This process is currently in progress for QFest.

The authority to control traffic on Austin Street will also assist the Shire to provide a safer environment for pedestrians and vehicles during other events e.g. Anzac Day.

### ***Statutory Environment:***

*Local Government Act 1995 - Sect 9.49A*

*9.49A Execution of documents*

- (1) *A document is duly executed by a local government if —*
- (a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*

- (b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of —*
- (a) *the mayor or president; and*
- (b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*

**Policy Implications:**

Nil.

**Financial Implications:**

Nil.

**Strategic Implications:**

Nil.

**Consultation:**

Janet Wicks – Project Officer, Shire of Cue.

**Officer’s Recommendation:**                      **Voting Requirement:** Simple Majority

That Council authorise the Shire President and Chief Executive Officer to apply the common seal to an instrument of authorisation between the Shire and the Commissioner of Main Roads, authorising the Shire to undertake traffic control on Austin Street during events.

**Council Decision: 06122019**    **Voting requirement:** Simple Majority

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

*That Council authorise the Shire President and Chief Executive Officer to apply the common seal to an instrument of authorisation between the Shire and the Commissioner of Main Roads, authorising the Shire to undertake traffic control on Austin Street during events.*

**CARRIED: 6/0**

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

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Nil

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

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Nil

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

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Nil

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

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Nil

**15 CLOSURE**

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The Presiding Member thanked those present for attending the meeting and declared the meeting closed at 7:09 pm.

**To be confirmed at Ordinary Meeting on the 18 February 2019.**

**Signed:.....**

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