



**Confirmed Minutes**  
**ORDINARY MEETING**  
**OF COUNCIL**

**16 May 2023**

SHIRE OF CUE  
Ordinary Meeting of Council  
MINUTES

Held in the Council Chambers, 73 Austin Street Cue on  
Tuesday, 16 May 2023 commencing at 6:00 PM

**1 DECLARATION OF OPENING**

The meeting was opened at 06:01 PM

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 Elizabeth Houghton  
Councillor Leonie Fitzpatrick  
Councillor Julie Humphreys  
Councillor Ian Dennis *\*joined via Teams 6.05pm*

**STAFF:**

Chief Executive Officer, Richard Towell  
Deputy Chief Executive Officer, Glenn Boyes  
Manager Finance, Cheryl Walton  
Executive Assistant, Janelle Duncan  
Senior Admin Officer, Stephanie Wandek

**GALLERY:**

Ms Catherine Willett

**1.1 ATTENDANCE BY ELECTRONIC MEANS CR DENNIS**

APPLICANT: Cr Ian Dennis

DISCLOSURE OF INTEREST: Nil

AUTHOR: Richard Towell - Chief Executive Officer

DATE: 11 May 2023

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***Matters for Consideration:***

Attendance at Council meeting by electronic means.

***Background:***

Cr Dennis has requested permission to attend the May 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;*

***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))*

*1. In this regulation dash;*

*meeting has the meaning given in regulation 14C(1).*

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- (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 Dennis will be entitled to receive a meeting attendance fee.

***Strategic Implications:***

Nil.

***Consultation:***

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Shire President – Cr Ross Pigdon

**Officers Recommendation:**

**Voting Requirement:** Absolute Majority

1. *That Councillor Dennis 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.*

**Council Decision: 01052023**

**Voting Requirement:** Absolute Majority

**MOVED:** Cr Julie Humphreys

**SECONDED:** Cr Elizabeth Houghton

1. *That Councillor Dennis 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.*

**CARRIED: 6/0**

**AGAINST: None**

*Councillor Ian Dennis \*joined via Teams 6.05pm*

**2 APOLOGIES AND APPROVED LEAVE OF ABSENCE**

Nil

**3 DISCLOSURE OF MEMBERS' INTERESTS**

Nil

**4 PUBLIC QUESTION TIME**

Nil

**5 CONFIRMATION OF MINUTES**

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## 5.1 REVOCATION OF MARCH MINUTES CONFIRMATION

APPLICANT: Shire of Cue  
DISCLOSURE OF INTEREST: Nil  
AUTHOR: Richard Towell - Chief Executive Officer  
DATE: 12 May 2023

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

Revoking the confirmation of the March Minutes.

### ***Background:***

An error has been identified in the Minutes of the March meeting of Council item 1.1, "Attendance by Electronic Means Councillor Dennis".

The minutes show that this item was moved and seconded by Cr Houghton and should show Moved Cr Houghton, seconded Cr Humphreys.

In order to correct this the decision to confirm the minutes of the meeting need to be revoked and then confirmed again.

### ***Comments:***

Nil

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

#### ***1.1.1 Local Government (Administration) Regulations***

#### ***1.1.2 Regulation 10. Revoking or changing decisions (Act s. 5.25(1)(e))***

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported dash;
  - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*
  - (b) in any other case, by at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.**
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee*

*numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*

- (2) *If a decision is made at a council or committee meeting, any decision to revoke or change the decision must be made by an absolute majority.*
- (3) *This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

**Policy Implications:**

Nil

**Financial Implications:**

Nil

**Strategic Implications:**

Nil

**Consultation:**

Cr Ross Pigdon - Shire President  
Cr Les Price - Deputy Shire President

**Officers Recommendation:**

**Voting Requirement:** Absolute Majority

That Council by absolute majority revoke decision 01042023 "That the minutes of the ordinary meeting 21 March 2023 are confirmed as a true and correct recording of the meeting."

<b>Council Decision: 02052023</b>	<b>Voting Requirement: Absolute Majority</b>
<b>MOVED: Cr Les Price</b>	<b>SECONDED: Cr Ron Hogben</b>
That Council by absolute majority revoke decision 01042023 "That the minutes of the ordinary meeting 21 March 2023 are confirmed as a true and correct recording of the meeting."	
<b>CARRIED: 7/0</b>	
<b>AGAINST: None</b>	

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**CONFIRMATION OF MINUTES ORDINARY MEETING 21 MARCH 2023**

**Council Decision: 03052023**                      **Voting Requirement: Simple Majority**

**MOVED: Cr Leonie Fitzpatrick**                      **SECONDED: Cr Julie Humphreys**

That the amended Minutes of the Ordinary Meeting 21 March 2023 are confirmed as a true and correct recording of the meeting.

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

**CONFIRMATION OF MINUTES ORDINARY MEETING 18 APRIL 2023**

*06:22pm Ms Stephanie Wandek left the chamber*  
*06:23pm Ms Stephanie Wandek re-entered the chamber*  
*06:38pm Ms Catherine Willett left the chamber*  
*06:41pm Ms Catherine Willett re-entered the chamber*

**Council Decision: 04052023**                      **Voting Requirement: Simple Majority**

**MOVED: Cr Julie Humphreys**                      **SECONDED: Cr Ron Hogben**

That the minutes of the Ordinary Meeting 18 April 2023 are confirmed as a true and correct recording of the meeting.

**CARRIED: 6/1**  
**AGAINST: Cr Fitzpatrick**

**6      APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7      DEPUTATIONS**

Nil

**8      PETITIONS**

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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: 4 May 2023

***Matters for Consideration:***

To receive the attached List of Accounts Due and submitted to the Ordinary Council Meeting on 16 May 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 April 2023.

***Statutory Environment:***

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

***Policy Implications:***

Nil

***Financial Implications:***

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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 1 April 2023 - 30 April 2023, which have been made in accordance with delegated authority under s5.42 of the *Local Government Act 1995*.

**APRIL 2023**

Municipal Fund Bank EFTs	11982 - 12028	\$	650,668.54
Direct Debit Fund Transfer	General	\$	49,044.09
Direct Debit Fund Transfer	Credit Card	\$	5,636.26
Payroll		\$	208,201.80
BPAY		\$	24,661.80
Cheques		\$	0.00
<b>Total</b>		<b>\$</b>	<b>938,212.49</b>

<b>Council Decision: 05052023</b>		<b>Voting Requirement: Simple Majority</b>	
<b>MOVED: Cr Elizabeth Houghton</b>		<b>SECONDED: Cr Ian Dennis</b>	
That Council endorse the attached payments for the period 1 April 2023 - 30 April 2023, which have been made in accordance with delegated authority under s5.42 of the <i>Local Government Act 1995</i> .			
<b>APRIL 2023</b>			
Municipal Fund Bank EFTs	11982 - 12028	\$	650,668.54
Direct Debit Fund Transfer	General	\$	49,044.09
Direct Debit Fund Transfer	Credit Card	\$	5,636.26
Payroll		\$	208,201.80
BPAY		\$	24,661.80

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Cheques	\$	0.00
<b>Total</b>	<b>\$</b>	<b>938,212.49</b>
<b>CARRIED: 6/1</b>		
<b>AGAINST: Cr Fitzpatrick</b>		

## 10.2 FINANCIAL STATEMENT

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Glenn Boyes - Deputy Chief Executive Officer

DATE: 4 May 2023

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

The Statement of Financial Activity is for the period ending April 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
- 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.

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**Comments:**

The Statements of Financial Activity is for the month of April 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:** Absolute Majority

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

<b>Council Decision: 06052023</b>	<b>Voting Requirement: Absolute Majority</b>
<b>MOVED: Cr Les Price</b>	<b>SECONDED: Cr Ron Hogben</b>
That Council receive the attached Financial Statements, prepared in accordance with the <i>Local Government (Financial Management) Regulations 1996</i> , for the period ending April 2023.	
<b>CARRIED: 7/0</b>	
<b>AGAINST: None</b>	

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### 10.3 CORPORATE BUSINESS PLAN 2024 - 2028

APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Glenn Boyes - Deputy Chief Executive Officer
DATE:	4 May 2023

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

To adopt the attached Shire of Cue's draft 2024 – 2028 Corporate Business Plan.

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

*The Local Government (Administration) Regulations 1996* were amended in August of 2011 with the inclusion of regulation 19DA– *Corporate Business Plans*. This regulation requires Councils to produce and maintain a Corporate Business Plan covering a period of at least four (4) years. The Corporate Business Plan sets out the priority actions required to achieve the objectives in the Strategic Community Plan over the next 4 years.

#### ***Comments:***

The Corporate Business Plan also draws upon the other planning documents which form part of Council's integrated planning. These include the Asset Management Plan, Long Term Financial Plan and Workforce Plan. The Corporate Business Plan shows the actions that will be undertaken to achieve each objective and the timing of each action. Some actions are ongoing while others relate to specific projects.

The State Government is currently working to reform the *Local Government Act 1995*. Under the reforms is a proposal to replace the Integrated Planning and Reporting Framework with a Council Plan. Once the legislation is passed the Shire will update its strategic plans where necessary.

More information related to the reform can be found at the link shown below.

<https://www.dlgsc.wa.gov.au/local-government/strengthening-local-government/local-government-act-reform/local-government-reform-explained#Council-plans>

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

*Local Government Act 1995*

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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.*

*Local Government (Administration) Regulations 1996*

*19DA. Corporate business plans, requirements for (Act s. 5.56)*

*(1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*

*(2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*

*(3) A corporate business plan for a district is to dash;*

*(a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*

*(b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*

*(c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*

*(4) A local government is to review the current corporate business plan for its district every year.*

*(5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*

*(6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.*

*\*Absolute majority required.*

*(7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

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***Policy Implications:***

As part of the integrated planning framework, the Corporate Business Plan will guide Council's future budget decision-making processes.

***Financial Implications:***

The Corporate Business Plan guides the actions for the coming years to achieve the objectives in the Strategic Community Plan. Major projects over this time are expected to be funded by grants, reserves or operating revenues.

***Strategic Implications:***

*Shire of Cue Strategic Community Plan 2023- 2038*

*Leadership Objective*

*Outcome 2.1.2      Continue to improve and review organisational plans.*

***Consultation:***

Richard Towell – Chief Executive Officer

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

That Council adopt the attached Shire of Cue's draft 2024 – 2028 Corporate Business Plan

<b><i>Council Decision: 07052023</i></b>	<b>Voting Requirement:</b> Absolute Majority
<b>MOVED: Cr Ron Hogben</b>	<b>SECONDED: Cr Ian Dennis</b>
That Council adopt the attached Shire of Cue's draft 2024 – 2028 Corporate Business Plan.	
<b>CARRIED: 7/0</b>	
<b>AGAINST: None</b>	

**10.4      LEASE LOT 593 HEYDON PLACE**

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APPLICANT: Shire of Cue  
DISCLOSURE OF INTEREST: Nil  
AUTHOR: Richard Towell - Chief Executive Officer  
DATE: 5 May 2023

***Matters for Consideration:***

To consider leasing Lot 593 Heydon Place Cue to Leisk Hydraulics Pty Ltd.

***Background:***

Matt Leisk from Leisk Hydraulics Pty Ltd has been utilising Lot 593 Heydon Place since ELS Mechanical started leasing the premises over twelve months ago. Over this time Matt Leisk has placed a sea container on the property for his plumbing materials and occupied the property over this time while operating a plumbing service to the town and surrounding region.

The Shire has advertised twice for expressions of interest in the Dryblower for the rental of the premises with no responses received.

For the reasons above it is proposed that the Shire lease the premises to Leisk Hydraulics Pty Ltd for a period of twelve months to assist with the establishment of the business and review the lease within three months of expiry with the possibility of moving the business to one of the new industrial units.

***Comments:***

The proposed lease is for twelve months and will be reviewed within three months of expiry. Rental for the property is proposed at \$11,700 per annum or \$225. per week payable monthly in advance. All outgoings are to be paid for by the tenant.

In accordance with *Section 3.58 of the Local Government Act 1995*, the proposed lease is classified as a disposal and requires that the proposed disposition is given local public notice for a period of two weeks and invites submissions to be made on the proposal to the Shire of Cue prior to the closing date of the advertising period.

Details to be advertised of the proposed disposition include the market value of the disposition. Part four of the Officer's recommendation includes a resolution to declare the market value of the property to be \$345,000. This is the fair value attributed to the property by a valuation undertaken by Griffin Valuations at 30 June 2021 when they revalued the Shire of Cue's Land and Buildings assets.

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**Statutory Environment:**

*Local Government Act 1995, Section 3.58. Disposing of property*

- (1) *In this section dash;*  
**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;  
**property** includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) *Except as stated in this section, a local government can only dispose of property to dash;*
- (a) *the highest bidder at public auction; or*
  - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property dash;*
- (a) *it gives local public notice of the proposed disposition dash;*
    - (i) *describing the property concerned; and*
    - (ii) *giving details of the proposed disposition; and*
    - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
  - and*
  - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include dash;*
- (a) *the names of all other parties concerned; and*
  - (b) *the consideration to be received by the local government for the disposition; and*
  - (c) *the market value of the disposition dash;*
    - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
    - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be of the value at the time of the proposed disposition.*

**Policy Implications:**

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Nil

**Financial Implications:**

The proposal will provide rental income for the property of \$11,700 per annum. The Shire of Cue has a budget allocation for commercial property rental income of \$145,000 and actual income of \$137,021 at the date of this report.

**Strategic Implications:**

*Shire of Cue Strategic Community Plan 2023-2038*

*Economic Objective 1.1 - Maximise local economic opportunities to benefit the whole community*

*Outcome 1.1.3 Utilise the land available in the area for a range of new business to be self-sustaining*

**Consultation:**

Glenn Boyes – Deputy Chief Executive Officer

Matt Leisk - Leisk Hydraulics Pty Ltd

**Officers Recommendation:**

**Voting Requirement:** Simple Majority

That Council:

- Authorise the CEO to give Local Public notice of the lease arrangement between the Shire of Cue and Leisk Hydraulics Pty Ltd according to *section 3.58 of the Local Government Act 1995*.
- Authorise the CEO and the Shire President to affix the seal of the Shire of Cue to the lease document if no objections are received
- Declare the fair value of \$345,000 attributed to the property from the revaluation carried out at 30 June 2021, as a true indication of the current market value of the property for the purpose of satisfying *section 3.58(4)(c)(ii) of the Local Government Act 1995*

**Council Decision: 08052023**

**Voting Requirement:** Simple Majority

**MOVED: Cr Ian Dennis**

**SECONDED: Cr Julie Humphreys**

That Council:

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- Authorise the CEO to give Local Public notice of the lease arrangement between the Shire of Cue and Leisk Hydraulics Pty Ltd according to *section 3.58* of the *Local Government Act 1995*.
- Authorise the CEO and the Shire President to affix the seal of the Shire of Cue to the lease document if no objections are received
- Declare the fair value of \$345,000 attributed to the property from the revaluation carried out at 30 June 2021, as a true indication of the current market value of the property for the purpose of satisfying *section 3.58(4)(c)(ii)* of the *Local Government Act 1995*.

**CARRIED: 7/0**

**AGAINST: None**

## **10.5 LEASE UNIT 5, 28 HEYDON PLACE**

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Richard Towell - Chief Executive Officer

DATE: 11 May 2023

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

To consider leasing Unit 5, 28 Heydon Place Cue to Access Electrical.

### ***Background:***

Shane Baker operates Access Electrical Contracting and is basing his operations in Cue to service the town and surrounding region. Shane has been providing electrical services to Cue for the past six months under his own business and prior to this with Elite Electrical.

The industrial units are nearing completion and having a trades person based out of the development is a great step forward to achieving the economic development goals of the project.

### ***Comments:***

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The proposed lease is for one year with the option of extending for two one-year periods at the discretion of the lessee. Rental for the property is proposed at \$5,200 per annum or \$100 per week payable monthly in advance. Power and Water are to be paid for by the tenant.

In accordance with *Section 3.58* of the *Local Government Act 1995*, the proposed lease is classified as a disposal and requires that the proposed disposition is given local public notice for a period of two weeks and invites submissions to be made on the proposal to the Shire of Cue prior to the closing date of the advertising period.

Details to be advertised of the proposed disposition include the market value of the disposition. Part four of the Officer's recommendation includes a resolution to declare the market value of the property to be \$145,000. This is determined from the fair value attributed to the property of \$870,000 and the unit representing one sixth of the property. The valuation was undertaken by Griffin Valuations at 30 June 2021 when they revalued the Shire of Cue's Land and Buildings assets.

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

#### *Local Government Act 1995, Section 3.58. Disposing of property*

- (1) *In this section dash;*  
***dispose*** includes to sell, lease, or otherwise dispose of, whether absolutely or not;  
***property*** includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) *Except as stated in this section, a local government can only dispose of property to dash;*
  - (a) *the highest bidder at public auction; or*
  - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property dash;*
  - (a) *it gives local public notice of the proposed disposition dash;*
    - (i) *describing the property concerned; and*
    - (ii) *giving details of the proposed disposition; and*
    - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
  - and*
  - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee,*

*the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include dash;*
- (a) *the names of all other parties concerned; and*
  - (b) *the consideration to be received by the local government for the disposition; and*
  - (c) *the market value of the disposition dash;*
    - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
    - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be of the value at the time of the proposed disposition.*

***Policy Implications:***

Nil

***Financial Implications:***

The proposal will provide rental income for the property of \$5,200 per annum. The Shire of Cue has a budget allocation for commercial property rental income of \$145,000 and actual income of \$137,021 at the date of this report.

***Strategic Implications:***

*Shire of Cue Strategic Community Plan 2017-2027*

*Economic Objective 1.1 - Maximise local economic opportunities to benefit the whole community*

*Outcome 1.1.3 Utilise the land available in the area for a range of new business to be self-sustaining*

***Consultation:***

Glenn Boyes – Deputy Chief Executive Officer

Shane Baker - Access Electrical Contracting.

***Officers Recommendation:***

***Voting Requirement:*** Simple Majority

That Council:

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- Authorise the CEO to give Local Public notice of the lease arrangement between the Shire of Cue and Access Electrical according to *section 3.58* of the *Local Government Act 1995*.
- Authorise the CEO and the Shire President to affix the seal of the Shire of Cue to the lease document if no objections are received
- Declare the fair value of \$145,000 attributed to Unit 5, 28 Heydon Place from the revaluation carried out at 30 June 2021, as a true indication of the current market value of the property for the purpose of satisfying *section 3.58(4)(c)(ii)* of the *Local Government Act 1995*.

**Council Decision: 09052023**

**Voting Requirement:** Simple Majority

**MOVED: Cr Les Price**

**SECONDED: Cr Julie Humphreys**

That Council:

- Authorise the CEO to give Local Public notice of the lease arrangement between the Shire of Cue and Access Electrical according to *section 3.58* of the *Local Government Act 1995*.
- Authorise the CEO and the Shire President to affix the seal of the Shire of Cue to the lease document if no objections are received
- Declare the fair value of \$145,000 attributed to Unit 5, 28 Heydon Place from the revaluation carried out at 30 June 2021, as a true indication of the current market value of the property for the purpose of satisfying *section 3.58(4)(c)(ii)* of the *Local Government Act 1995*.

**CARRIED: 7/0**

**AGAINST: None**

**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**

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Nil

**15 CLOSURE**

The Presiding Member thanked those present for attending the meeting and declared the meeting closed at 7.19pm

**To be confirmed at Ordinary Meeting on the 20 June 2023.**

**Signed: .....**

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