



**MINUTES  
ORDINARY MEETING  
OF COUNCIL**

**17 APRIL 2018**

# **NOTICE OF MEETING**

Please be advised that the next

## **Ordinary Meeting of Council**

is to be held on

**Tuesday, 17 April 2018**

commencing at **6:30pm**

in the Council Chambers at 73 Austin Street, Cue WA



Rob Madson  
Chief Executive Officer  
16<sup>th</sup> April 2018

### **DISCLAIMER**

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Please note this agenda contains recommendations, which have not yet been adopted by Council.

**SHIRE OF CUE  
DISCLOSURE OF FINANCIAL INTEREST AND INTERESTS AFFECTING IMPARTIALITY**

**To: Chief Executive Officer**

As required by section 5.65(1)(a) or 5.70 of the Local Government Act 1995 and Council's Code of Conduct, I hereby declare my interest in the following matter/s included on the Agenda paper for the Council meeting to be held on \_\_\_\_\_ (Date)

Item No.	Subject	Details of Interest	Type of Interest Impartial/Financial	*Extent of Interest

(see below)

\* Extent of Interest only has to be declared if the Councillor also requests to remain present at a meeting, preside, or participate in discussions of the decision making process (see item 6 below). Employees must disclose extent of interest if the Council or Committee requires them to.

\_\_\_\_\_  
Name (Please Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**NB**

1. This notice must be given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter in which you have declared an interest is discussed, Section 5.65(1) (a) & (b).
2. It remains Councillors'/Employees' responsibility to make further declarations to the Council if a matter arises during the course of a meeting and no previous declarations have been made.
3. It is a Councillor's/Employee's responsibility to ensure the interest is brought to the attention of the Council/Committee when the Agenda item arises and to ensure that it is recorded in the minutes.
4. It remains the Councillor's responsibility to ensure that he/she does not vote on a matter in which a declaration has been made. The responsibility also includes the recording of particulars in the minutes to ensure they are correct when such minutes are confirmed.
5. It is recommended that when previewing Agenda, Councillors mark Agendas with items on which an interest is to be declared and complete the declaration form at the same time.
6. Councillors may be allowed to remain at meetings at which they have declared an interest and may also be allowed to preside (if applicable) and participate in discussions and the decision making process upon the declared matter subject to strict compliance with the enabling provisions of the Act and appropriately recorded resolutions of the Council. Where Councillors request consideration of such Council approval the affected Councillor must vacate the Council Chambers in the first instance whilst the Council discusses and decides upon the Councillor's application.

**Remember: The responsibility to declare an interest rests with individual Councillors / Employees. If in any doubt seek legal opinion or, to be absolutely sure, make a declaration.**

Office Use Only: Date/Initials

1. Particulars of declaration given to meeting \_\_\_\_\_
2. Particulars recorded in the minutes: \_\_\_\_\_
3. Signed by Chief Executive Officer \_\_\_\_\_

**Local Government Act 1995 - SECT 5.23**

**Meetings generally open to the public**

5.23. (1) Subject to subsection (2), the following are to be open to members of the public:

- (a) All Council meetings; and
- (b) All meetings of any committee to which a local government power or duty has been delegated.

(2) If a meeting is being held by a Council or by a committee referred to in subsection (1) (b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following --

- (a) A matter affecting an employee or employees;
- (b) The personal affairs of any person;
- (c) A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
- (d) Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
- (e) A matter that if disclosed, would reveal:
  - (i) A trade secret;
  - (ii) Information that has a commercial value to a person; or
  - (iii) Information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
- (f) A matter that if disclosed, could be reasonably expected to:
  - (i) Impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
  - (ii) Endanger the security of the local government's property; or
  - (iii) Prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
- (g) Information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and
- (h) Such other matters as may be prescribed.

(3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

**SHIRE OF CUE**

**REVOKING OR CHANGING DECISIONS MADE AT COUNCIL MEETINGS**

Local Government (Administration) Regulations 1996 (**Regulation No.10**)

If a previous Council decision is to be changed then support for a revocation motion must be given by an **Absolute Majority** of Councillors (that is at least 4 Councillors) if a previous attempt to rescind has occurred within the past three months or, if no previous attempt has been made the support must be given by at least **1/3rd** of all Councillors (that is at least 4 Councillors).

Regulation 10(1a) also requires that the support for revocation must be in writing and signed by the required number of Councillors, including the Councillor who intends to move the revocation motion.

Any revocation motion must be carried by the kind of vote that put the motion into place in the first instance (that is, if carried originally by an Absolute Majority or Special Majority vote then the revocation motion must also be carried by that same kind of vote).

If the original motion was carried by a Simple Majority vote then any revocation motion must be carried by an Absolute Majority vote.

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To the Presiding Member,

The following Councillors give notice of their support for the bringing forward to the Council meeting to be held on \_\_\_\_\_ of a motion for revocation of Council resolution number \_\_\_\_\_ as passed by the Council at its meeting held on \_\_\_\_\_

**Councillor’s Names**

**Councillor’s Signature**

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

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Held in the Council Chambers, 73 Austin Street Cue on Tuesday 17 April 2018 commencing at 6:30pm

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## 1. DECLARATION OF OPENING

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The Shire President 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.*

*Please be advised that in accordance with a Department of Local Government recommendation this Meeting is being electronically recorded with my permission.*

### **PRESENT:**

Councillor Ross Pigdon, Shire President

Councillor Les Price, Deputy Shire President\*

Councillor Ian Dennis

Councillor Ron Hogben\*

Councillor Leonie Fitzpatrick

Councillor Fred Spindler

Councillor Liz Houghton

\*Attendance by Telephone

### **STAFF:**

Mr Rob Madson, Chief Executive Officer

Mr Richard Towell, Deputy Chief Executive Officer

Mrs Janelle Duncan, Coordinator Community Development

### **GALLERY:**

Mr Peter Tegg

## 1.1 ATTENDANCE BY TELEPHONE CR PRICE

APPLICANT: Cr Les Price  
DISCLOSURE OF INTEREST: Nil  
AUTHOR: Rob Madson –Chief Executive Officer  
DATE: 16 April 2018

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

Attendance at Council meeting by telephone

### ***Background:***

Cr Price has requested permission to attend the April Council meeting by teleconference.

### ***Comments:***

Nil

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

#### **LOCAL GOVERNMENT ACT 1995 - SECT 5.25**

##### **5.25 . Regulations about council and committee meetings and committees**

(1) *Without limiting the generality of section 9.59, regulations may make provision in relation to — ...*

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

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

##### **14A . Attendance by telephone etc. (Act s. 5.25(1)(ba))**

(1) *A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if —*

(a) *the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and*

(b) *the person is in a suitable place; and*

(c) *the council has approved\* of the arrangement.*

(2) *A council cannot give approval under subregulation (1)(c) if to do so would mean that at more than half of the meetings of the council, or committee, as the case may be, in that financial year, a person (other than a person with a disability) who was not physically present was taken to be present in accordance with this regulation.*

(3) *A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person*



*present at the meeting.*

(4) *In this regulation —*

**disability** *has the meaning given in the [Disability Services Act 1993 section 3](#);*

**suitable place** —

(a) *in relation to a person with a disability — means a place that the council has approved\* as a suitable place for the purpose of this paragraph; and*

(b) *in relation to any other person — means a place that the council has approved\* as a suitable place for the purpose of this paragraph and that is located —*

(i) *in a townsite or other residential area; and*

(ii) *150 km or further from the place at which the meeting is to be held under [regulation 12](#), measured along the shortest road route ordinarily used for travelling;*

**Policy Implications:**

Nil

**Financial Implications:**

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

**Strategic Implications:**

Nil

**Consultation:**

Shire President – Cr Ross Pigdon

**Officer's Recommendation:**

**Voting requirement: Absolute Majority**

1. *That Council approves of Cr Price's private office at his residence at Unit 1, 18 Robert Street Como as a suitable place for the purposes of Regulation 14A of the Local Government (Administration) Regulations 1996.*
2. *That Council grant approval for Cr Price to attend this meeting by instantaneous communications in the form of a teleconference.*

**Council Decision 01042018**

**Voting requirement:** Absolute Majority

**MOVED: CR SPINDLER**

**SECONDED: CR DENNIS**

1. *That Council approves of Cr Price's private office at his residence at Unit 1, 18 Robert Street Como as a suitable place for the purposes of Regulation 14A of the Local Government (Administration) Regulations 1996.*
2. *That Council grant approval for Cr Price to attend this meeting by instantaneous communications in the form of a teleconference.*

**CARRIED 5/0**

## 1.2 ATTENDANCE BY TELEPHONE CR HOGBEN

APPLICANT: Cr Ron Hogben  
DISCLOSURE OF INTEREST: Nil  
AUTHOR: Rob Madson –Chief Executive Officer  
DATE: 17 April 2018

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

Attendance at Council meeting by telephone

### ***Background:***

Cr Hogben has requested permission to attend the April Council meeting by teleconference.

### ***Comments:***

Nil

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

#### **LOCAL GOVERNMENT ACT 1995 - SECT 5.25**

##### **5.25 . Regulations about council and committee meetings and committees**

(1) *Without limiting the generality of section 9.59, regulations may make provision in relation to — ...*

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

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(1) *A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if —*

(a) *the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and*

(b) *the person is in a suitable place; and*

(c) *the council has approved\* of the arrangement.*

(2) *A council cannot give approval under subregulation (1)(c) if to do so would mean that at more than half of the meetings of the council, or committee, as the case may be, in that financial year, a person (other than a person with a disability) who was not physically present was taken to be present in accordance with this regulation.*

(3) *A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person*

*present at the meeting.*

(4) *In this regulation —*

**disability** *has the meaning given in the [Disability Services Act 1993 section 3](#);*

**suitable place** —

(a) *in relation to a person with a disability — means a place that the council has approved\* as a suitable place for the purpose of this paragraph; and*

(b) *in relation to any other person — means a place that the council has approved\* as a suitable place for the purpose of this paragraph and that is located —*

(i) *in a townsite or other residential area; and*

(ii) *150 km or further from the place at which the meeting is to be held under [regulation 12](#), measured along the shortest road route ordinarily used for travelling;*

**Policy Implications:**

Nil

**Financial Implications:**

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

**Strategic Implications:**

Nil

**Consultation:**

Shire President – Cr Ross Pigdon

**Officer's Recommendation:**

**Voting requirement: Absolute Majority**

1. *That Council approves of Cr Hogben's private office at his residence at 1 Calamar Place Woorree as a suitable place for the purposes of Regulation 14A of the Local Government (Administration) Regulations 1996.*
2. *That Council grant approval for Cr Hogben to attend this meeting by instantaneous communications in the form of a teleconference.*

**Council Decision 02042018**

**Voting requirement:** Absolute Majority

**MOVED: CR DENNIS**

**SECONDED: CR FITZPATRICK**

1. *That Council approves of Cr Hogben's private office at his residence at 1 Calamar Place Woorree as a suitable place for the purposes of Regulation 14A of the Local Government (Administration) Regulations 1996.*
2. *That Council grant approval for Cr Hogben to attend this meeting by instantaneous communications in the form of a teleconference.*

**CARRIED 6/0**

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

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Nil

## **3. DISCLOSURE OF MEMBERS' INTERESTS**

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The President noted that he had received a written declaration of financial interest in item 10.4 from Councillor Hogben and the Chief Executive Officer had also declared an interest that may affect impartiality in his report on this item.

## **4. PUBLIC QUESTION TIME**

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### **Mr Peter Tegg of 45 Dowley Street, Cue**

Mr Tegg circulated a document containing a number of statements and questions. Questions are summarised below. Mr Tegg asked that the questions be taken on notice as he was unable to remain at the meeting for the answers.

1. Why is the shed in Burt Place still not completed?
2. Was the automatic gate at the Shire depot a waste of ratepayer's money?
3. Is the Bishop's house verandah, built on the laneway, going to be removed?
4. Where in the Shire budget has the Bowling Green been budgeted for?
5. Has the designer of the garden wall at the roadhouse spoken to locals about flooding in this town?
6. How is the decision to deny my claim for out of pocket expenses legal without an agenda item?
7. *Statement. No question asked.*
8. Are the Works Supervisor's, CEO's, Building and Health and President's reports not included in the agenda to keep the ratepayers in the dark?
9. I was told the GST on the payout for the Beringarra-Cue Road contract was paid in January 2014, can this be confirmed?
10. Will Council be considering previous Corporate Credit Card statements that have not been included in the Council's Agenda?

## 5. CONFIRMATION OF MINUTES

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**Council Decision: 03042018**

**MOVED: CR DENNIS**

**SECONDED: CR SPINDLER**

That the Minutes of the Ordinary Meeting of 20 March 2018 are confirmed as a true and correct record of the meeting.

**CARRIED: 6/1**

**CR FITZPATRICK VOTED AGAINST THE MOTION.**

## 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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The President announced that item 10.4 would be dealt with as the last item of business as Cr Hogben had declared a financial interest and would not be able to re-join the meeting, as he was attending via telephone.

## 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: 9 April 2018

***Matters for Consideration:***

To receive the List of Accounts Due & Submitted to Ordinary Council Meeting on Tuesday 17 April 2018 as attached – see [Appendix 1](#)

***Comments:***

The list of accounts is for the month of March 2018.

***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.

***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 March 2018 to 31 March 2018 as listed at **Appendix 1**, which have been made in accordance with delegated authority per LGA 1995 S5.42.*

Municipal Fund Bank	EFTs	5907 – 6019	\$ 400,410.30
Direct Debit Fund Transfer			\$ 22,374.07
Payroll			\$ 81,224.60
BPAY			\$ 10,992.70
Cheques			\$ -
<b>Total</b>			<b>\$ 515,001.67</b>

**Council Decision: 04042018**

**Voting requirement:** Simple Majority

**MOVED: CR DENNIS**

**SECONDED: CR SPINDLER**

*That Council endorse the payments for the period 1 March 2018 to 31 March 2018 as listed at **Appendix 1**, which have been made in accordance with delegated authority per LGA 1995 S5.42.*

Municipal Fund Bank	EFTs	5907 – 6019	\$ 400,410.30
Direct Debit Fund Transfer			\$ 22,374.07
Payroll			\$ 81,224.60
BPAY			\$ 10,992.70
Cheques			\$ -
<b>Total</b>			<b>\$ 515,001.67</b>

**CARRIED: 5/2**

**CR FITZPATRICK and CR HOUGHTON VOTED AGAINST THE MOTION.**

## 10.2 FINANCIAL STATEMENT

APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell – Deputy Chief Executive Officer
DATE:	12 April 2018

### ***Matters for consideration:***

The Statement of Financial Activity for the period ended 31 March 2018 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](#)

### ***Comments:***

The Statement of Financial Activity is for the month of March 2018.

### ***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.

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

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

### ***Policy Implications:***

Nil

**Financial Implications:**

Nil

**Strategic Implications:**

Nil

**Consultation:**

RSM Bird Cameron Chartered Accountants

**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 periods ended March 2018, as presented at [Appendix 2](#).*

**Council Decision 05042018**

**Voting requirement:** Simple Majority

**MOVED: CR PRICE**

**SECONDED: CR DENNIS**

*That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the periods ended March 2018, as presented at [Appendix 2](#).*

**CARRIED: 5/2**

**CR FITZPATRICK and CR HOUGHTON VOTED AGAINST THE MOTION.**

### 10.3 CORPORATE BUSINESS PLAN

APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell – Deputy Chief Executive Officer
DATE:	10 April 2018

***Matters for Consideration:***

To adopt the Shire of Cue’s Draft Corporate Business Plan as attached at [Appendix 3](#).

***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.

The Shire of Cue adopted an updated Community Strategic Plan in July 2017. This plan was developed in consultation with the community and reflects the values, goals, aspirations and vision of the broader community.

***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.

***Statutory Environment:***

***Local Government Act 1995 – Section 5.56 (1&2)***

***Local Government (Administration) Regulations 1996 – Section 19DA***

***Policy Implications:***

As part of the integrated planning framework, the Corporate 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 Community Strategic Plan. Major projects over this time are expected to be funded by grant funding, reserve funds or operating revenues.

***Strategic Implications:***

Shire of Cue Strategic Community Plan 2017- 2027, Outcome 2.1.2: Continue to improve and

review organisational plans.

**Consultation:**

Rob Madson – Chief Executive Officer  
Travis Bate RSM Australia Pty Ltd

**Officer's Recommendation:**

**Voting requirement: Absolute Majority**

That Council adopt the Shire of Cue's Draft Corporate Business Plan as detailed in [Appendix 3](#).

**Council Decision 06042018**

**Voting requirement: Absolute Majority**

**MOVED: CR DENNIS**

**SECONDED: CR HOGBEN**

That Council adopt the Shire of Cue's Draft Corporate Business Plan as detailed in [Appendix 3](#).

**CARRIED: 7/0**

## 10.5 DONATION REQUEST – WHEATBELT CHRISTIAN FELLOWSHIP

APPLICANT: Pastor Geoff van Schie  
DISCLOSURE OF INTEREST: Nil  
AUTHOR: Rob Madson –Chief Executive Officer  
DATE: 12 April 2018

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

Request for financial assistance to conduct Christian values education in Murchison schools.

### ***Background:***

Pastor van Schie has been delivering a Christian values education program, known as Gospelair, to the Cue Primary School on a volunteer basis since 2015. The program is also delivered to Meekatharra, Mount Magnet and Yalgoo. A similar request for financial assistance has been made with the Shires of Mount Magnet and Yalgoo.

### ***Comments:***

A copy of Pastor van Schie's request, and associated support documentation, is attached at [Appendix 5](#). Wheatbelt Christian Fellowship is governed by an incorporated parent body, being the Christian Reform Church of Perth.

Cue Primary School Principal, Catherine Jones, has provided a letter of support for Pastor van Schie's request. A copy is attached at [Appendix 6](#).

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

Nil

### ***Policy Implications:***

Council policies D2 and D16 apply.

## **D.2 DONATIONS AND GRANTS**

*D.2.1 The Council decides requests for donations and grants that are not provided for in the budget with a preference generally to those of a local nature or significance.*

*D.2.2 The CEO has discretion to make donations in accordance within the budget allocation made for the CEO.*

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

### *Policy Statement*

### *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 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 does **not** 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:*

- a) Senior citizen's / community centre;*
- b) Community information and support services;*
- c) Youth services;*
- d) Children's services;*
- e) Emergency relief services;*
- f) Recreation services / sports clubs;*
- g) Community services;*
- h) Health services;*
- i) 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*

*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.*

**Note:** The word “not” highlighted in red in this policy item appears to have been incorrectly included.

***Financial Implications:***

\$4000 has been requested. The available budget allocation for donations for the remainder of the 2017/18 financial year is \$8242.

***Strategic Implications:***

Shire of Cue Strategic Community Plan 2017 to 2027:

*Social Objective*

*Outcome 3.2 Encourage community participation and services*

*3.2.4 Support provision of emergency services, support and encourage community volunteers*

***Consultation:***

Pastor Geoff van Schie – Wheatbelt Christian Fellowship.

Cathy Jones – Principal, Cue Primary School.



**Officer's Recommendation:**

**Voting requirement: Simple Majority**

That Council:

1. agree to donate \$4000 to Wheatbelt Christian Fellowship to assist with the delivery of the Gospelair Christian values education program to Cue Primary School; and
2. amend policy item D16 to correctly reflect Council's preference for 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.

**Council Decision 07042018**

**Voting requirement: Simple Majority**

**MOVED: CR PRICE**

**SECONDED: CR DENNIS**

That Council:

1. agree to donate \$4000 to Wheatbelt Christian Fellowship to assist with the delivery of the Gospelair Christian values education program to Cue Primary School; and
2. amend policy item D16 to correctly reflect Council's preference for 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.

**CARRIED: 7/0**

## 10.6 INDEMNITY RELATED TO EXPANSION OF RESERVE 24646

APPLICANT: Shire of Cue  
DISCLOSURE OF INTEREST: Nil  
AUTHOR: Rob Madson –Chief Executive Officer  
DATE: 11 April 2018

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

To indemnify the State Government against liability under the Native Title Act in relation to the expansion of Reserve 24646.

### ***Background:***

The Shire has been working through the formal process of expanding Reserve 24646 since 2011 to accommodate an increase in the area of the Shire’s refuse site.

### ***Comments:***

Mining tenements P 20/2090 & P 20/2091, which encompass the area of the refuse site reserve, expired on 4 March 2018. New applications lodged by a different entity are currently pending.

Plans for the proposed expansion of the reserve are attached at [Appendix 7](#).

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

Nil

### ***Policy Implications:***

Nil

### ***Financial Implications:***

Potential for a claim on the Shire for compensation in accordance with the *Native Title Act 1993*.

### ***Strategic Implications:***

Shire of Cue Strategic Community Plan 2017 to 2027:

#### *Social Objective*

Outcome 3.1            *Community infrastructure that meets the needs of our Residents*

3.1.3                *Provide, maintain and improve community infrastructure*

#### *Environmental Objective*

Outcome 4.3            *Maintain and improve our built environment*

4.3.1                *Maintain, improve and renew infrastructure*

**Consultation:**

Edrick Delfos – Licensed Surveyor, Hille Thompson & Delfos.

Bill Atyeo – Health/Building Officer

**Officer's Recommendation:**

**Voting requirement: Simple Majority**

That Council agree to providing the following indemnity:

That the Shire of Cue agrees that it will indemnify and keep indemnified the State of Western Australia, the Department of Planning, Lands and Heritage and the Minister for Lands and hold them harmless from and against liabilities, obligations, costs, expenses, or disbursements of any kind including, without limitation, compensation payable to any party under the Native Title Act 1993 (Cth) which may be imposed on, or incurred by the Indemnified Parties relating to or arising directly or indirectly from the suppression of native title rights and interests over the land associated with the expansion of Reserve 24646.

**Council Decision 08042018**

**Voting requirement: Simple Majority**

**MOVED: CR PRICE**

**SECONDED: CR FITZPATRICK**

That Council agree to providing the following indemnity:

That the Shire of Cue agrees that it will indemnify and keep indemnified the State of Western Australia, the Department of Planning, Lands and Heritage and the Minister for Lands and hold them harmless from and against liabilities, obligations, costs, expenses, or disbursements of any kind including, without limitation, compensation payable to any party under the Native Title Act 1993 (Cth) which may be imposed on, or incurred by the Indemnified Parties relating to or arising directly or indirectly from the suppression of native title rights and interests over the land associated with the expansion of Reserve 24646.

**CARRIED: 4/3**

**CR SPINDLER, CR FITZPATRICK AND CR HOUGHTON VOTED AGAINST THE MOTION.**

## 10.7 REVIEW OF DELEGATIONS

APPLICANT: Shire of Cue  
DISCLOSURE OF INTEREST: Nil  
AUTHOR: Rob Madson –Chief Executive Officer  
DATE: 13 April 2018

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

Endorsement of the Register of Delegations.

### ***Background:***

Council is required to review its Delegations to the Chief Executive Officer at least one in every financial year.

The register of Delegations to the Chief Executive Officer was adopted on 19 May 2015 and last reviewed 21 March 2017.

### ***Comments:***

A copy of the current register of Delegations is attached at [Appendix 8](#). No amendments are proposed.

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

#### **LOCAL GOVERNMENT ACT 1995 - SECT 5.42**

5.42 . *Delegation of some powers and duties to CEO*

(1) *A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*

(a) *this Act other than those referred to in section 5.43; or*

(b) *the Planning and Development Act 2005 section 214(2), (3) or (5).*

*\* Absolute majority required.*

(2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

#### **LOCAL GOVERNMENT ACT 1995 - SECT 5.46**

5.46 . *Register of, and records relevant to, delegations to CEO and employees*

(1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*

(2) *At least once every financial year, delegations made under this Division are to be*

*reviewed by the delegator.*

***Policy Implications:***

Nil

***Financial Implications:***

Nil

***Strategic Implications:***

Nil

***Consultation:***

Nil

***Officer's Recommendation:***

**Voting requirement: Absolute Majority**

That Council endorse the Register of Delegations to the Chief Executive Officer identified in the Annual review, as presented at [Appendix 8](#).

***Council Decision 09042018***

**Voting requirement: Absolute Majority**

**MOVED: CR DENNIS**

**SECONDED: CR PRICE**

That Council endorse the Register of Delegations to the Chief Executive Officer identified in the Annual review, as presented at [Appendix 8](#).

**CARRIED: 7/0**

*Cr Hogben left the meeting at 7.47pm*

## 10.4 TENDER – DUAL USE PATHWAY CONSTRUCTION

APPLICANT: Shire of Cue  
DISCLOSURE OF INTEREST: Impartiality – The Allen Street pathway will pass the author's residence.  
AUTHOR: Rob Madson –Chief Executive Officer  
DATE: 5 April 2018

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

Awarding of tender for the construction of dual use pathways in Dowley, McCarthy and Allen Streets, Cue.

### ***Background:***

At the ordinary meeting of Council held on 16 August 2016, Council endorsed the 14 year pathway program prepared by Greenfield Technical Services for the period 2017-2031.

Pathway projects noted in the program for completion in the 2017-2018 financial year have been included in the 2017-2018 annual budget and the Shire of Cue have secured grant funding of \$155,000 towards the project from Regional Bicycle Networks.

The Shire engaged Greenfield Technical Services to carry out the tender process. Tenders were advertised in *The West Australian* on Saturday, 10 March 2018 as *RFT 01-2018 Construct Concrete Dual Use Path* and closed on Tuesday, 27 March 2018.

### ***Comments:***

The selection criteria set for the tender is based on total tender cost (50%), project management/supervision capabilities (20%), proposed methodology (10%), referees and financial capacity (10%) and quality, safety and environment (10%).

Five conforming tenders were received. A detailed tender evaluation report prepared by Greenfield Technical Services is attached at [Appendix 4](#).

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

#### **LOCAL GOVERNMENT ACT 1995 - SECT 3.57**

3.57 . Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

#### **LOCAL GOVERNMENT (FUNCTIONS AND GENERAL) REGULATIONS 1996 - REG 11**

11 . When tenders have to be publicly invited

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150 000 unless subregulation (2) states otherwise. Local Government (Functions and General) Regulations 1996 – Reg 11 and 13.

## **LOCAL GOVERNMENT (FUNCTIONS AND GENERAL) REGULATIONS 1996 - REG 20**

20 . Variation of requirements before entry into contract

- (1) If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer.
- (2) If —
  - (a) the chosen tenderer is unable or unwilling to enter into a contract to supply the varied requirement; or
  - (b) the local government and the chosen tenderer cannot agree on any other variation to be included in the contract as a result of the varied requirement,  
  
that tenderer ceases to be the chosen tenderer and the local government may, instead of again inviting tenders, choose the tenderer, if any, whose tender the local government considered it would be the next most advantageous to it to accept.
- (3) In subregulation (1) —  
  
minor variation means a variation that the local government is satisfied is minor having regard to the total goods or services that tenderers were invited to supply.

### ***Policy Implications:***

Council policies D9 and D15 apply.

## **D.9 PURCHASING POLICY**

### **1. POLICY**

*The Shire of Cue is committed to delivering best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance. Procurement processes and practices to be complied with are defined within this Policy.*

### **2. OBJECTIVES**

- *To provide compliance with the Local Government Act, 1995 and the Local Government Act (Functions and General) Regulations, 1996.*
- *To ensure compliance / complimentary approach to Council Policy D15.*

- *To deliver a best practice approach and procedures to internal purchasing for the Local Government.*
- *To ensure consistency for all purchasing activities that integrates within all the Local Government operational areas.*

### **3. REQUIREMENT FOR A PURCHASING POLICY**

*The Local Government is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities. This policy:*

- *Provides the Local Government with an effective way of purchasing goods and services.*
- *Ensures that purchasing transactions are carried out in a fair and equitable manner.*
- *Maintains integrity and confidence in the purchasing system.*
- *Ensures that the Local Government receives value for money in its purchasing.*
- *Ensures the Local Government is compliant with all regulatory obligations.*
- *Promotes effective governance and definition of roles and responsibilities.*
- *Engenders respect from the public and industry for the Local Government's purchasing practices that withstands probity.*

### **4. ETHICS & INTEGRITY**

*All officers and employees of the Local Government shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Local Government.*

*The following principles, standards and behaviours shall be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:*

- *full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;*
- *all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Local Government policies and code of conduct;*
- *purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;*
- *all processes, evaluations and decisions shall be transparent, free from bias and documented in accordance with applicable policies and audit requirements;*
- *any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and*
- *any information provided to the Local Government by a supplier shall be treated as*



commercial-in-confidence.

**5. VALUE FOR MONEY**

*Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Local Government. It is important to take into account price, compliance, user requirements, quality standards, sustainability, life cycle costing, and service benchmarks.*

*An assessment of the best value for money outcome for any purchasing should consider:*

- all relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal;*
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;*
- financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history); and*
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.*

*Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above lower total priced, conforming offers.*

**6. PURCHASING THRESHOLD**

*Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be:-*

<b>Amount of Purchase</b>	<b>Policy</b>
Up to \$5,000	<i>Delegated officers to arrange purchase seeking best value for money and where possible seek written or verbal quotations. These quotations must be either provided or recorded. It is recognised that in some instances it may not be practicable or cost effective to seek quotations.</i>
\$5001 to \$15,000	<i>Three or more quotes will be sought if possible, preferably in written form; however maybe verbal but must be recorded. CEO must authorise prior to issuing a Purchase Order.</i>
\$15,001 to	<i>Three or more written quotes will be sought if possible. CEO must</i>

\$50,000	authorise prior to issuing a Purchase Order.
\$50,001 to \$149,999	At least three written quotes to be obtained. CEO to approve (not including dealings with land or buildings, which will be approved by Council). Previous tender prices not more than 6 months old can be utilised as quotations.
\$150,000 and above	Conduct a public tender process or use the WALGA Preferred Supplier List through the E-Quotes system.

## D.15 REGIONAL PRICE PREFERENCE POLICY

### Policy Purpose

The purpose of the Shire of Cue's 'Regional Price Preference Policy' is to support local business and industry and to encourage employment of local people thereby generating economic growth within the Shire.

### Definitions

For the purpose of this Policy, the "Region" is defined as the geographical area which comprises the whole of the Shire of Cue.

Local Industry is defined in the Policy as being a business / organisation substantially trading from a recognised business address within the region. This Policy requires the businesses to have been operating out of the local premises for a continuous period of not less than six (6) months.

### Policy Content

(a) Unless specifically excluded in advance of advertising, a Regional Price Preference will apply to purchases when calling tenders

(b) The regional pricing preference to be given to a regional tenderer is outlined below and represents the amount by which the regional tenderer's price bids or other quotations would be reduced for the purposes of assessing the tender or quotations:

### CONSTRUCTION / BUILDING SERVICES

Value of Tender / Supply By Regional Tenderer	Regional Price Preference
\$0 to \$20,000	\$0 + 10% of excess above \$0
\$20,000 to \$50,000	\$1,000 + 4% of excess above \$20,000
\$50,000 to \$100,000	\$2,200 + 3% of excess above \$50,000
\$100,000 to \$250,000	\$3,700 + 2% of excess above \$100,000

Above \$250,000

\$6,700 + 1% of excess above  
\$250,000

**Financial Implications:**

Grant funding of up to \$155,000 has been secured through Regional Bicycle Networks on the basis of a 50/50 contribution.

**Strategic Implications:**

Shire of Cue Strategic Community Plan 2017 to 2027:

*Social Objective*

*Outcome 3.1 Community infrastructure that meets the needs of our Residents*

*3.1.3 Provide, maintain and improve community infrastructure*

**Consultation:**

Joshua Kirk – Director & Principal, Greenfield Technical Services.

**Officer's Recommendation:**

**Voting requirement: Simple Majority**

That Council;

1. award tender RFT 01-2018 Construct Concrete Dual Use Path to a panel comprising:
  - Axiis Contracting, for an estimated total cost of \$182,582.50 + GST, and in the event that Axiis Contracting is not available, then
  - Dowsing Contracting, for an estimated total cost of \$184,614.75 + GST, and in the event that Dowsing Contracting is not available, then
  - Hoggy's Building and Concreting Contractors, for an estimated total cost of \$204,146.00 + GST.
2. Authorise the Chief Executive Officer to negotiate a variation with the successful tenderer to increase the total length of pathway to the maximum possible within the available budget allocation, being satisfied that this will result in a minor variation. Additional sections of pathway to be constructed in the order listed in the Shire's 14 year Pathway Program 2013 - 2027.

**Council Decision 10042018**

**Voting requirement:** Simple Majority

**MOVED: CR SPINDLER**

**SECONDED: CR PRICE**

*8.04pm Mrs Janelle Duncan left the Council Chambers.*

*8.26pm Mrs Janelle Duncan returned to the Council Chambers*

That Council;

1. award tender RFT 01-2018 Construct Concrete Dual Use Path to a panel comprising:
  - Axiis Contracting, for an estimated total cost of \$182,582.50 + GST, and in the event that Axiis Contracting is not available, then
  - Dowsing Contracting, for an estimated total cost of \$184,614.75 + GST, and in the event that Dowsing Contracting is not available, then
  - Hoggy's Building and Concreting Contractors, for an estimated total cost of \$204,146.00 + GST.
  
2. Authorise the Chief Executive Officer to negotiate a variation with the successful tenderer to increase the total length of pathway to the maximum possible within the available budget allocation, being satisfied that this will result in a minor variation. Additional sections of pathway to be constructed in the order listed in the Shire's 14 year Pathway Program 2013 - 2027.

**AMENDMENT**

**MOVED: CR FITZPATRICK**

**SECONDED: CR HOUGHTON**

That the first dot point being; *"Axiis Contracting, for an estimated total cost of \$182,582.50 + GST, and in the event that Axiis Contracting is not available, then"* be deleted.

**LOST: 3/4** *(Cr Pigdon cast his second vote as votes were equally divided.)*

**CR PIGDON, CR PRICE AND CR DENNIS VOTED AGAINST THE AMENDMENT.**

*The Presiding Member then put the original motion.*

**CARRIED: 4/3** *(Cr Pigdon cast his second vote as votes were equally divided.)*

**CR SPINDLER, CR FITZPATRICK AND CR HOUGHTON VOTED AGAINST THE MOTION.**

**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 President thanked those present for attending the meeting and declared the meeting closed at 8:40pm

**To be confirmed at Ordinary Meeting on the 15 May 2018**

**Signed:.....**

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