



**AGENDA
ORDINARY MEETING
OF COUNCIL**

21ST OF FEBRUARY 2017

NOTICE OF MEETING

Please be advised that the next

Ordinary Meeting of Council

is to be held on

Tuesday, 21ST of FEBRUARY 2017

commencing at **6:30pm**

in the Council Chambers at Lot 2 Austin Street, Cue WA

Rob Madson
Chief Executive Officer
17th of February 2017

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.

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

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

SHIRE OF CUE
Ordinary Council Meeting
AGENDA

To be held in the Council Chambers, Austin Street Cue on Tuesday 21st of February 2017 commencing at 6:30pm

1.	OFFICIAL OPENING.....	7
2.	PUBLIC QUESTION TIME	7
3.	APOLOGIES AND LEAVE OF ABSENCE.....	7
4.	PETITIONS/PRESENTATIONS/SUBMISSIONS.....	7
5.	CONFIRMATION OF MINUTES	8
6.	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION.....	8
7.	MATTERS FOR WHICH THE MEETING MAY GO BEHIND CLOSED DOORS	8
8.1	ACCOUNTS & STATEMENTS OF ACCOUNTS	9
8.2	FINANCIAL STATEMENT.....	11
8.3	2015-2016 BUDGET REVIEW.....	13
8.4	RE-ADOPTION OF THE 2015-2016 ANNUAL BUDGET.	15
9.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	18
10.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN.....	18
11.	URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION .	18
12.	MATTERS BEHIND CLOSED DOORS.....	18
13.	CLOSURE.....	18

1. OFFICIAL OPENING

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 Leonie Fitzpatrick

Councillor Ron Hogben

Councillor Pixie Pigdon

Councillor Fred Spindler

STAFF:

Mr Rob Madson, Chief Executive Officer

Mr Richard Towell, Manager Finance

Mrs Noelene Meredith, Manager Corporate & Community Services

GALLERY:

Nil

2. PUBLIC QUESTION TIME

Nil

3. APOLOGIES AND LEAVE OF ABSENCE

Nil

4. PETITIONS/PRESENTATIONS/SUBMISSIONS

Nil

5. CONFIRMATION OF MINUTES

Council Decision:

MOVED:

SECONDED:

That the Minutes of the Ordinary Meeting of 20th of December 2016 are confirmed as a true and correct record of the meeting.

CARRIED:

6. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION.

Nil

7. MATTERS FOR WHICH THE MEETING MAY GO BEHIND CLOSED DOORS

Nil

8.1 ACCOUNTS & STATEMENTS OF ACCOUNTS	
APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell – Manager Finance
DATE:	15 February 2017
Matters for Consideration:	
To receive the List of Accounts Due & Submitted to Ordinary Council Meeting on Tuesday 21 st of February 2017 as attached – see Appendix 1	
Comments:	
The list of accounts is for the months of December 2016 and January 2017.	
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	

8.2 FINANCIAL STATEMENT	
APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell – Manager Finance
DATE:	15 February 2017
Matters for consideration:	
<p>The Statement of Financial Activity for the periods ended 31st of December 2016 and 31st of January 2017 including the following reports:</p> <ul style="list-style-type: none"> • 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 <p>see Appendix 2</p>	
Comments:	
The Statement of Financial Activity is for the months of December 2016 and January 2017.	
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:	
<p><i>That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the periods ended 31st December 2016 and 31st January 2017.</i></p>	
Council Decision	Voting requirement: Simple Majority
<p>MOVED: SECONDED:</p> <p>CARRIED</p>	

8.3 2015-2016 BUDGET REVIEW	
APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	
AUTHOR:	Richard Towell – Manager Finance
DATE:	14 February 2017
Matters for Consideration:	
To consider and adopt the Budget Review as presented in the Statement of Financial Activity for the period 1 July 2016 to 31 December 2016 as detailed in Appendix 3 .	
Background:	
<p>A Statement of Financial Activity incorporating year to date budget variations and forecasts to 30 June 2017 for the period ending 31 December 2016 is presented for council to consider.</p> <p>The <i>Local Government (Financial Management) Regulations 1996</i>, regulation 33A, requires that local governments conduct a budget review between 1 January and 31 March in each financial year. A copy of the review and determination is to be provided to the Department of Local Government within 30 days of the adoption of the review.</p>	
Comments::	
The budget review has been prepared to include information required by the <i>Local Government Act 1995</i> , <i>Local Government (Financial Management) Regulations 1996</i> and Australian Accounting Standards. Council adopted a 10% and a \$25,000 minimum for the reporting of material variances to be used in the statements of financial activity and the annual budget review.	
Statutory Environment:	
<p><i>Local Government (Financial Management) Regulations 1996</i> Regulation 33A</p> <p>(1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.</p> <p>(2A) The review of an annual budget for a financial year must —</p> <ol style="list-style-type: none"> (a) consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and (b) consider the local government’s financial position as at the date of the review; and (c) review the outcomes for the end of that financial year that are forecast in the budget. <p>(2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.</p> <p>(3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.</p> <p>*Absolute majority required.</p> <p>(4) Within 30 days after a council has made a determination, a copy of the review and</p>	

determination is to be provided to the Department.	
Policy Implications:	
The budget is based on the principles contained in the Strategic Plan and the Corporate Plan	
Financial Implications:	
The proposed amendments are made with the intention of more accurately reflecting the predicted financial outcome for the 2016-2017 financial year.	
Strategic Implications:	
The Budget Review has been developed based on existing strategic planning documents adopted by council.	
Consultation:	
RSM Australia Pty Ltd Rob Madson – Chief Executive Officer	
Officer's Recommendation:	Voting requirement: Absolute Majority
<p><i>That Council by absolute majority:</i></p> <ol style="list-style-type: none"> 1. <i>Accept the budget review as presented in Appendix 3</i> <i>and</i> 2. <i>Adopt the revised budget figures as budget amendments for the year ending 30 June 2017.</i> 	
Council Decision	Voting requirement:
MOVED:	SECONDED
CARRIED:	

8.4 RE-ADOPTION OF THE 2015-2016 ANNUAL BUDGET.	
APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell – Manager Finance
DATE:	19 January 2017
Matters for Consideration:	
Re-adoption of the 2015-2016 Annual Budget following Ministerial approval to impose minimum rates in the GRV Vacant Land category as detailed in Appendix 5	
Background:	
<p>Jenni Law, Director Local Government Regulation and Support with the Department of Local Government and Communities, wrote to council on 16 December 2015 advising that a review of the Shire’s 2015/16 annual budget had identified that the Shire of Cue had imposed GRV-based differential general rates and minimum payments that did not comply with the <i>Local Government Act 1995</i>. The reason for non-compliance was that the Shire did not seek Ministerial approval to adopt a minimum payment that would apply to more than 50% of the properties in the GRV Unimproved (Vacant Land) category (minimum payments in this category actually applied to 100% of the properties).</p> <p>Under the recommendation of the Department, the Shire applied to the State Administrative Tribunal to have the rate quashed. The decision to have the rate quashed was passed down on 28 July 2016, see Appendix 4. The Shire applied to the Minister for Local Government to impose minimum rates in the GRV Vacant Land category for the 2015-2016 financial year and had this application approved on 22 December 2016, see Appendix 4.</p>	
Comments::	
<p>The process of re-adopting the quashed rate requires Council to re-adopt the Annual budget for the 2015-2016 financial year. This process is required for the correct imposition of rates in accordance with the <i>Local Government Act 1995</i>. The re-adoption will have no effect on the current financial position of the Shire and will not affect the rates raised for the 2015-2016 financial year.</p>	
Statutory Environment:	
<p>LOCAL GOVERNMENT ACT 1995 - SECT 6.35</p> <p>6.35 . Minimum payment</p> <p>(4) A minimum payment is not to be imposed on more than the prescribed percentage of —</p> <p>(a) the number of separately rated properties in the district; or</p> <p>(b) the number of properties in each category referred to in subsection (6), unless the general minimum does not exceed the prescribed amount.</p> <p>(5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.</p> <p>(6) For the purposes of this section a minimum payment is to be applied separately,</p>	

in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —

(a) to land rated on gross rental value; and

(b) to land rated on unimproved value; and

(c) to each differential rating category where a differential general rate is imposed.

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996 - REG 52

52 . Percentage prescribed for minimum payment (Act s. 6.35(4))

The percentage prescribed for the purposes of section 6.35(4) is 50%.

LOCAL GOVERNMENT ACT 1995 - SECT 6.82

6.82 . General review of imposition of rate or service charge

(1) Where there is a question of general interest as to whether a rate or service charge was imposed in accordance with this Act, the local government or any person may refer the question to the State Administrative Tribunal to have it resolved.

(3) The State Administrative Tribunal dealing with a matter referred to it under this section may make an order quashing a rate or service charge which in its opinion has been improperly made or imposed.

Policy Implications:

Nil

Financial Implications:

Rates revenue for the GRV Vacant Land category consists of \$17,680 of the total rates revenue for 2015-2016.

Strategic Implications:

Nil

Consultation:

Rob Madson – Chief Executive Officer

Officer's Recommendation:	Voting requirement: Absolute Majority
<p>1. That pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996 Council re-adopts the attached 2015/2016 Statutory Budget as detailed at Appendix 5 which includes the following:</p> <ul style="list-style-type: none"> • Statement of Comprehensive income showing a net result for the year of \$9,921,988. • Statement of Cash Flow. • Rate Setting Statement showing an amount required to be raised from rates of \$2,065,807 • Notes to and forming part of the Budget. • Transfer to and from Reserve Accounts as detailed in Note 6. <p>2. Pursuant to section 6.45 of the Local Government Act 1995, that the rates and charges specified hereunder and in the attached budget document be imposed on all rateable property within the district of the Shire of Cue for the 2015/2016 financial period.</p> <ul style="list-style-type: none"> • GRV Residential 10.11 cents in the dollar • GRV Commercial 8.65 cents in the dollar • GRV Vacant Land 9.82 cents in the dollar • UV Mining 30.56 cents in the dollar • UV Pastoral 8.02 cents in the dollar • GRV M&T Workforce 30 cents in the dollar • GRV Residential and Commercial minimum rate \$430 • GRV Vacant Land minimum rate \$520 • UV Mining minimum rate \$430 • UV Pastoral minimum rate \$430 <p>3. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulation 1996 Council adopts a charge of \$15 for the four instalment option.</p> <p>4. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulation 1996, Council nominates the following due dates for payment in full and by instalments:</p> <ul style="list-style-type: none"> • Full payment and 1st instalment due 11 October 2015 • 2nd instalment due 11 December 2015 • 3rd instalment due 11 February 2016 • 4th instalment due 11 April 2016 <p>5. Pursuant to section 6.51(1) and subject to section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulation 1996, Council adopts an interest rate of 11% to be imposed on all outstanding rates and services charges after 11 October 2015 or in the case of instalment options, on all outstanding rate amounts after the due date for payment of the instalment.</p>	
Council Decision	Voting requirement: Absolute Majority
MOVED:	SECONDED
CARRIED:	

9. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

11. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

12. MATTERS BEHIND CLOSED DOORS

Nil

13. CLOSURE

The President thanked those present for attending the meeting and declared the meeting closed at :

To be confirmed at Ordinary Meeting on the 21st of March 2017

Signed:.....

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