



**MINUTES
ORDINARY MEETING
OF COUNCIL**

17 SEPTEMBER 2019

**SHIRE OF CUE
Ordinary Council Meeting
Minutes**

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

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1. DECLARATION OF OPENING

The Presiding Member welcomed those present and read the following disclaimer:

No responsibility whatsoever is implied or accepted by the Shire of Cue for any act, omission or statement or intimation occurring during this Meeting.

It is strongly advised that persons do not act on what is heard at this Meeting and should only rely on written confirmation of council's decision, which will be provided within fourteen (14) days of this Meeting.

PRESENT:

Councillor Ross Pigdon, Shire President

Councillor Les Price, Deputy Shire President

Councillor Ian Dennis

Councillor Ron Hogben *

Councillor Leonie Fitzpatrick

Councillor Fred Spindler

Councillor Liz Houghton

*Attendance via telephone

STAFF:

Mr Rob Madson, Chief Executive Officer

Mrs Janelle Duncan, Coordinator Community Development

GALLERY:

Mrs Jenni Dennis

Ms Catherine Willett

1.1 ATTENDANCE BY TELEPHONE CR HOGBEN

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Rob Madson –Chief Executive Officer
DATE: 16 September 2019

Matters for Consideration:

Attendance at Council meeting by telephone.

Background:

Cr Hogben has requested permission to attend the September 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 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:01092019

Voting requirement: Absolute Majority

MOVED: CR PRICE

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

6.40pm Cr Hogben joined the meeting via telephone.

1. APOLOGIES AND APPROVED LEAVE OF ABSENCE

Mr Richard Towell, Deputy Chief Executive Officer

3. DISCLOSURE OF MEMBERS' INTERESTS

Nil

4. PUBLIC QUESTION TIME

Nil

5. CONFIRMATION OF MINUTES

Council Decision:02092019

Voting Requirement: Simple Majority

MOVED: CR SPINDLER

SECONDED: CR HOGBEN

That the Minutes of the Ordinary Meeting of 20 August 2019 are confirmed as a true and correct record of the meeting.

CARRIED:7/0

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. DEPUTATIONS

Nil

8. PETITIONS

Nil

9. ANNOUNCEMENTS WITHOUT DISCUSSION

The Presiding Member congratulated the Councillors who were returned to council, unopposed, for another 4 year term.

10. REPORTS

10.1 ACCOUNTS & STATEMENTS OF ACCOUNTS

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell – Deputy Chief Executive Officer
DATE: 12 September 2019

Matters for Consideration:

To receive the List of Accounts Due & Submitted to Ordinary Council Meeting on 17 September 2019 as attached – see [Appendix 1](#).

Background:

The local government under its delegated authority to the CEO to make payments from the municipal and trust funds is required to prepare a list of accounts each month showing each account paid and presented to Council at the next ordinary Council meeting. The list of accounts prepared and presented to Council must form part of the minutes of that meeting.

Comments:

The list of accounts is for the month of August 2019.

Statutory Environment:

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

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Consultation:

Nil.

Officer's Recommendation:

Voting Requirement: Simple Majority

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

Municipal Fund Bank	EFTs	7611 – 7719	\$347,968.12
Direct Debit Fund Transfer			\$ 45,461.94
Payroll			\$ 97,984.00
BPAY			\$ 12,385.33
Cheques			\$ -
Total			\$507,551.43

Council Decision:03092019	Voting requirement: Simple Majority		
MOVED: CR DENNIS	SECONDED: CR HOGBEN		
<i>That Council endorse the payments for the period 1 August 2019 to 31 August 2019 as listed at Appendix 1, which have been made in accordance with delegated authority per LGA 1995 S5.42.</i>			
Municipal Fund Bank	EFTs	7611 – 7719	\$347,968.12
Direct Debit Fund Transfer			\$ 45,461.94
Payroll			\$ 97,984.00
BPAY			\$ 12,385.33
Cheques			\$ -
Total			\$507,551.43
CARRIED:7/0			

10.2 FINANCIAL STATEMENT

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell – Deputy Chief Executive Officer
 DATE: 12 September 2019

Matters for Consideration:

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

- Statement of Financial Activity
- Significant Accounting Policies
- Graphical Representation – Source Statement of Financial Activity
- Net Current Funding Position
- Cash and Investments
- Major Variances
- Budget Amendments
- Receivables
- Grants and Contributions
- Cash Backed Reserve
- Capital Disposals and Acquisitions
- Trust Fund

see [Appendix 2](#).

Background:

Under the *Local Government (Financial Management Regulations 1996)*, a monthly Statement of Financial Activity must be submitted to an Ordinary Council meeting within 2 months after the end of the month to which the statement relates. The statement of financial activity is a complex document but presents a complete overview of the financial position of the local government at the end of each month. The Statement of Financial Activity for each month must be adopted by Council and form part of the minutes.

Comments:

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

Statutory Environment:

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

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Consultation:

RSM Australia Pty Ltd.

Officer's Recommendation:

Voting Requirement: Simple Majority

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

Council Decision:04092019

Voting requirement: Simple Majority

MOVED: CR SPINDLER

SECONDED: CR HOUGHTON

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

CARRIED:7/0

10.3 CHANGE OF ACTION FOR LOT 66 BOYD ST REEDY

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell – Deputy Chief Executive Officer
 DATE: 11 September 2019

Matters for Consideration:

Changing the decision for the property located at Lot 66 Boyd St Reedy from; re-vest the land to the Crown under *section 6.74 (1) of the Local Government Act 1995*, to; Exercise the power of sale under *section 6.64(1)(b) of the Local Government Act 1995* to proceed to a public auction for the property.

Background:

At the ordinary meeting of Council held on 20 February 2018, Council resolved the following decision.

Council Decision: 08022018 Voting requirement: Absolute Majority

MOVED: CR SPINDLER SECONDED: CR PRICE

That Council:

Exercise the power of sale under section 6.64(1)(b) of the Local Government Act 1995 to proceed to a public auction for the property located at 6 Dowley Street, 27 Robinson Street, 41 Wittenoom Street and 52A Stewart St all of Cue.

Exercise the power to re-vest the land to the Crown under section 6.74 (1) of the Local Government Act 1995 for the property located at 109 Austin Street and 44 Kinsella Street, in Cue and L66 Boyd Street, Reedy.

Should the public auction be unsuccessful then move to sell the property via private sale.

Any amount in excess of that required to clear the legal costs and rates be applied to other costs associated with the original claim.

In the case that the sale amount is insufficient to cover the rates arrears and legal costs that the amount in excess of the rates arrears and legal costs be written off.

Authorise the CEO to finalise this transaction.

CARRIED: 6/0

The Shire took possession of the land under *section 6.64 of the Local Government Act 1995* by sending a Form 2 notice to the owner at the address for service on the title of the land on 19 August 2018.

The Shire affixed to the land a Form 3 notice on taking possession under *section 6.64 of the Local Government Act 1995* on 15 June 2018

No objections were made within 30 days.

A notice of intent to make application to the Minister of Lands was published in the Government Gazette on 5 October 2018.

No objections were made within 30 days.

The Shire made application to the Minister of Land to re-vest the land in the Crown on 17 July 2019.

Comments:

There has been recent enquiries to the availability of land in Tuckanarra where this lot is situated for housing and mining associate purposes. By retaining the lot as rateable land there is opportunity for the land to be developed providing the Shire with rates revenue into the future.

Enquiries have been made but it is not known how far along the re-vestment process is with the Department of Lands and it might not be possible to change the process if it has progressed to the point of no return. However if it is possible to cancel the re-vestment, Council must make this resolution to change its original decision of re-vesting the land.

Section 10 of the Local Government (Administration) Regulations 1996 deals with revoking or changing decisions of Council. As the proposed change does not revoke the decision or make the decision substantially different I am of the opinion that part 3 applies, removing the need for a Notice of motion to be signed by members of the Council.

Statutory Environment:

Shire of Cue Standing Orders Local Law 2015
 9.7 Revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in the Regulations.

Local Government (Administration) Regulations 1996

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 —*

(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 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 sub regulation (1) is to be signed by members of the council or committee numbering 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.
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —
- (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
 - (b) in any other case, 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.

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

Policy Implications:

D.1 Debt Recovery – 2.2 Recovery of Rates Arrears

Financial Implications:

Current rates outstanding on the property amounts to \$9,684.00. Re-vesting the land to the Crown will result in the rates being written off. If the Shire can exercise the power of sale and proceed to a public auction, then some of the outstanding rates can be recovered through setting a reasonable reserve price. Costs associated with auctioning the lot will be approximately \$1,500.00.

By retaining the lot as rateable land, the Shire will receive rates into the future with the potential for the lot to be developed which could possibly increase the rateability of the land.

Strategic Implications:

Shire of Cue Strategic Community Plan 2017-20127

Outcome 1.1 - Maximise local economic opportunities to benefit the whole community.

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

Consultation:

Rob Madson – Chief Executive officer

Yoseph Alamdar - CS Legal

Officer's Recommendation:

Voting Requirement: Absolute Majority

That Council:

Change the decision for the property located at Lot 66 Boyd St Reedy

From: Re-vest the land to the Crown under section 6.74 (1) of the Local Government Act 1995,

To: Exercise the power of sale under section 6.64(1)(b) of the Local Government Act 1995 to proceed to a public auction for the property.

Council Decision:05092019

Voting requirement: Absolute Majority

MOVED: CR PRICE

SECONDED: CR DENNIS

That Council:

Change the decision for the property located at Lot 66 Boyd St Reedy

From: Re-vest the land to the Crown under section 6.74 (1) of the Local Government Act 1995,

To: Exercise the power of sale under section 6.64(1)(b) of the Local Government Act 1995 to proceed to a public auction for the property.

CARRIED:4/3

AGAINST: CR HOGBEN, CR SPINDLER, CR FITZPATRICK

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

Council Decision:06092019 **Voting requirement:** Simple Majority

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

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

CARRIED:7/0

7.19pm Jenni Dennis, Catherine Willett, Janelle Duncan left the chambers.

7.20pm Janelle Duncan returned to the chambers.

14.1 AUSTIN STREET SHOPS

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Rob Madson - Chief Executive Officer

DATE: 11 September 2019

Matters for Consideration:

Submission of an offer to purchase shops at Lot 5 (65) Austin Street, Cue.

Council Decision:07092019 **Voting requirement:** Simple Majority

MOVED: CR FITZPATRICK **SECONDED: CR PRICE**

Submission of an offer to purchase shops at Lot 5 (65) Austin Street, Cue

This item be deferred to allow the President and CEO to negotiate further with the owner and arrange appropriate inspections and report back to council.

CARRIED:7/0

14.2 CEO CONTRACT AMENDMENT

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: This item relates to the provision of a direct financial benefit to the author.
 AUTHOR: Rob Madson - Chief Executive Officer
 DATE: 11 September 2019

Matters for Consideration:

Amendment of the CEO’s contract of employment in relation to the provision of a vehicle.

Council Decision:08092019 **Voting requirement:** Simple Majority
MOVED: CR SPINDLER **SECONDED: CR DENNIS**
8.05pm Rob Madson and Janelle Duncan left the chambers.
 That Council amend item 12.6.1.1 of the contract of employment with Robert John Madson to upgrade the standard of the CEO motor vehicle provided from Toyota Prado to Toyota Landcruiser.
CARRIED:7/0

8.10pm Rob Madson returned to the chambers.

Council Decision:09092019 **Voting requirement:** Simple Majority
MOVED: CR DENNIS **SECONDED: CR HOUGHTON**
That the meeting be reopened to the members of the public.
CARRIED:7/0

15 CLOSURE

The Presiding Member thanked those present for attending the meeting and declared the meeting closed at 8.12pm.

To be confirmed at Ordinary Meeting on the 15 October 2019

Signed:.....

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