



**MINUTES  
ORDINARY MEETING  
OF COUNCIL**

**16 JUNE 2020**

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

Held in the Council Chambers, 73 Austin Street Cue on  
 Tuesday 16 June 2020 commencing at 6:30pm

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**1. DECLARATION OF OPENING 6.41PM**

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 – via videoconference

Councillor Ron Hogben – via videoconference

Councillor Leonie Fitzpatrick

Councillor Fred Spindler

Councillor Liz Houghton

**STAFF:**

Mr Rob Madson, Chief Executive Officer – via videoconference

Mr Richard Towell, Deputy Chief Executive Officer

Ms Tracy Bachraty, Customer Service Officer

**GALLERY:**

Mr Linton Micherton

## 1.1 ATTENDANCE BY VIDEO CONFERENCE CR DENNIS

APPLICANT: Cr Ian Dennis  
DISCLOSURE OF INTEREST: Nil  
AUTHOR: Richard Towell – Deputy Chief Executive Officer  
DATE: 12 June 2020

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

Attendance at Council meeting by Zoom meeting.

### ***Background:***

Cr Dennis has requested permission to attend the June Council meeting by videoconference.

### ***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:**

Cr Dennis will be entitled to receive a meeting attendance fee.

**Strategic Implications:**

Nil

**Consultation:**

Rob Madson – Chief Executive Officer

Shire President – Cr Ross Pigdon

Deputy Shire President – Cr Les Price

**Officer's Recommendation:**

**Voting Requirement: Absolute Majority**

1. *That Council approves of the residence at 30 Shadbolt Ave Booragoon as a suitable place for the purposes of Regulation 14A of the Local Government (Administration) Regulations 1996.*
2. *That Council grant approval for Cr Dennis to attend this meeting by instantaneous communications in the form of a videoconference.*

**Council Decision: 01062020**

**Voting requirement: Absolute Majority**

**MOVED: Cr Houghton**

**SECONDED: Cr Price**

1. *That Council approves of the residence at 30 Shadbolt Ave Booragoon as a suitable place for the purposes of Regulation 14A of the Local Government (Administration) Regulations 1996.*
2. *That Council grant approval for Cr Dennis to attend this meeting by instantaneous communications in the form of a videoconference.*

**CARRIED:5/0**

Cr Ian Dennis joined the meeting at 6.44pm

## 1.2 ATTENDANCE BY VIDEO CONFERENCE CR HOGBEN

APPLICANT: Cr Ron Hogben  
DISCLOSURE OF INTEREST: Nil  
AUTHOR: Richard Towell – Deputy Chief Executive Officer  
DATE: 12 June 2020

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

Attendance at Council meeting by Zoom meeting.

### ***Background:***

Cr Hogben has requested permission to attend the June Council meeting by videoconference.

### ***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:**

Cr Hogben will be entitled to receive a meeting attendance fee.

**Strategic Implications:**

Nil

**Consultation:**

Rob Madson – Chief Executive Officer

Shire President – Cr Ross Pigdon

Deputy Shire President – Cr Les Price



**Officer's Recommendation:**

**Voting Requirement: Absolute Majority**

1. *That Council approves 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 videoconference.*

**Council Decision: 02062020**

**Voting requirement: Absolute Majority**

**MOVED: Cr Houghton**

**SECONDED: Cr Spindler**

1. *That Council approves 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 videoconference.*

**CARRIED:6/0**

Cr Ron Hogben joined the meeting at 6.51pm

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

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Nil

**3. DISCLOSURE OF MEMBERS' INTERESTS**

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Nil

**4. PUBLIC QUESTION TIME**

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Nil

**5. CONFIRMATION OF MINUTES**

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***Council Decision: 03062020***

**Voting Requirement: Simple Majority**

**MOVED: Cr Spindler**

**SECONDED: Cr Dennis**

That the Minutes of the Ordinary Meeting 19<sup>th</sup> May 2020 are confirmed as a true and correct record of the meeting.

**CARRIED: 7/0**

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

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Nil

**7. DEPUTATIONS**

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Nil

**8. PETITIONS**

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Nil

**9. ANNOUNCEMENTS WITHOUT DISCUSSION**

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Nil

## 10. REPORTS

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### 10.1 ACCOUNTS & STATEMENTS OF ACCOUNTS

APPLICANT: Shire of Cue  
 DISCLOSURE OF INTEREST: Nil  
 AUTHOR: Richard Towell – Deputy Chief Executive Officer  
 DATE: 11 June 2020

***Matters for Consideration:***

To receive the List of Accounts Due & Submitted to Ordinary Council Meeting on 19 May 2020 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 May 2020.

***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 May to 31 May 2020 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.

Municipal Fund Bank	EFTs	8407 - 8520	\$640,508.75
Direct Debit Fund Transfer			\$ 29,453.97
Payroll			\$123,129.00
BPAY			\$ 8,031.56
Cheques		3406 - 3406	\$ 0.00
Total			\$801,123.28

**Council Decision: 04062020**

**Voting requirement:** Simple Majority

**MOVED: Cr Price**

**SECONDED: Cr Hogben**

That Council endorse the payments for the period 1 May to 31 May 2020 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.

Municipal Fund Bank	EFTs	8407 - 8520	\$640,508.75
Direct Debit Fund Transfer			\$ 29,453.97
Payroll			\$123,129.00
BPAY			\$ 8,031.56
Cheques		3406 - 3406	\$ 0.00
Total			\$801,123.28

**CARRIED: 7/0**

## 10.2 FINANCIAL STATEMENT

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

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

The Statement of Financial Activity for the period ended 31 May 2020 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 May 2020.

### ***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 May 2020, as presented at [Appendix 2](#).*

**Council Decision:** 05062020

**Voting requirement:** Simple Majority

**MOVED:** Cr Dennis

**SECONDED:** Cr Spindler

*That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period ended 31 May 2020, as presented at [Appendix 2](#).*

**CARRIED:** 5/2

**AGAINST:** Cr Houghton, Cr Fitzpatrick

### 10.3 COUNCILLORS MEETING ATTENDANCE FEES

APPLICANT: Shire of Cue  
 DISCLOSURE OF INTEREST: Nil  
 AUTHOR: Richard Towell – Deputy Chief Executive Officer  
 DATE: 11 June 2020

***Matters for Consideration:***

To determine the fees and allowances payable to Councillors for attending Council and committee meetings for the 2020-2021 financial year.

***Background:***

The Local Government Act prescribes that council members be paid for attending meetings and reimbursed for costs incurred while carrying out their function as a council member. In 2013, the Salaries and Allowances Tribunal undertook a comprehensive review of the fees, allowances and expenses to be paid and reimbursed under the Local Government Act 1995 to elected council members. The review identified an increase in the roles and responsibilities of councillors as a result of key changes to local government planning and reporting requirements. The Tribunal determined minimum and maximum amounts of payments to be made or reimbursed to elected council members within a four band classification model.

Section 7B(2) of the Salaries and Allowances Act requires the Tribunal to undertake a review of the amount of fees and allowances to be paid to elected members under the local government act on an annual basis. The review for 2020 has been completed with the Tribunal determining that there be no increase in the band ranges.

***Comments:***

The Shire of Cue sits as a band 4 local government. The table below shows the minimum and maximum amounts payable to elected members in the band 4 category along with the current amounts paid in 2019-2020 and proposed payments for 2020-2021, being no change as determined by the Salaries and Allowances Tribunal.

<b>Shire of Cue</b>				
<b>Councillor Attendance Fees</b>				
<b>Band 4 Local Government</b>	<b>Minimum</b>	<b>Maximum</b>	<b>2019-2020</b>	<b>Proposed 2020-2021</b>
<b>Council Meeting Fee - per ordinary or special meeting</b>				
President	\$91.00	\$490.00	\$490.00	\$490.00
Councillors	\$91.00	\$238.00	\$238.00	\$238.00
<b>Committee Meeting Fee - per authorised meeting</b>				
All Councillors	\$46.00	\$119.00	\$119.00	\$119.00
<b>Allowances - Paid monthly</b>				
President Allowance	\$42.75	\$1,671.91	\$908.00	\$908.00
Deputy President (25%)	\$10.69	\$417.98	\$227.00	\$227.00
<b>ICT Allowance - Paid monthly</b>				
All Councillors	\$41.67	\$291.66	\$290.00	\$290.00
<b>Reimbursements</b>				
Engine displacement over 2600cc			\$0.9901	\$0.9901
Engine Displacement over 1600cc to 2600cc			\$0.7087	\$0.7087
Engine displacement 1600cc and under			\$0.5837	\$0.5837
Other approved expenses supported by receipts.				

Council Meeting Attendance Fees

It is proposed that Councillor meeting attendance fees remain at the top rate of \$238 per meeting and the President meeting attendance fee also remain at the top rate of \$490 per meeting.

Council Committee Attendance Fees

Recognising that Council Committee meeting attendance fees are usually paid at the rate of half the Councillors meeting attendance fee, it is proposed that this fee remain at \$119 per meeting.

President and Deputy President Allowance

It is proposed that the President allowance remain at \$908 per month or \$10,896 per annum. The Deputy President allowance is 25% of this amount, being \$227 per month or \$2,724 per annum.

ICT Allowance

It is proposed that this allowance remain at \$3,480 per annum payable as \$290 per month. This allowance is to provide councillors with the resources to obtain a high standard of electronic communication hardware and services to allow the Shire to optimise its communications with Councillors. There is no increase to this allowance under the Salaries and Allowances Tribunal review.

Travel Allowance



The Salaries and Allowances Tribunal determination has set this at the same rates contained in section 30.6 of the Local Government Officers' (Western Australia) Interim Award 2011, which is currently \$0.9901 cents per kilometre for a vehicle with an engine capacity over 2600cc.

**Statutory Environment:**

*Local Government Act 1995*

*Part 5, Division 8 – Local government payments and gifts to its members.*

*Local Government (Administration) Regulations 1996*

*Part 8 – Local government payments and gifts to its members.*

*Salaries and Allowances Act 1975*

*Section 7B*

*Section 7B(2) of the SA Act requires the Tribunal to inquire into and determine the amount of:*

- *fees, or the minimum and maximum amounts of fees, to be paid under the Local Government Act 1995 ('the LG Act') to elected council members for attendance at meetings;*
- *expenses, or the minimum and maximum amounts of expenses, to be reimbursed under the LG Act to elected council members; and*
- *allowances, or the minimum and maximum amounts of allowances, to be paid under the LG Act to elected council members.*

*Local Government Officers' (Western Australia) Interim Award 2011*

*section 30.6.*

**Policy Implications:**

Nil

**Financial Implications:**

Allowance has been made in the draft 2020-2021 budget for councillor meeting attendance fees and allowances.

**Strategic Implications:**

Nil

**Consultation:**

Rob Madson – Chief Executive Officer

**Officer’s Recommendation:**

**Voting Requirement:** Absolute Majority

That Council, by absolute majority, set the following Members Fees for the 2020-2021 financial year.

<b>Council Meeting Fee - per ordinary or special meeting</b>			
President	\$490		
Councillors	\$238		
<b>Committee Meeting Fee - per authorised meeting</b>			
All Councillors	\$119		
<b>Allowances - Paid monthly</b>			
President Allowance	\$908	\$10,896	per annum
Deputy President (25%)	\$227	\$2,724	per annum
<b>ICT Allowance - Paid monthly</b>			
All Councillors	\$290	\$3,480	per annum
<b>Reimbursements</b>			
Travelling to and from authorised meetings - c/km			
Engine displacement over 2600cc	\$0.9901		
Engine Displacement over 1600cc to 2600cc	\$0.7087		
Engine displacement 1600cc and under	\$0.5837		
Other approved expenses supported by receipts.			

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**Council Decision: 06062020**

**Voting requirement: Absolute Majority**

**MOVED: Cr Price**

**SECONDED: Cr Spindler**

That Council, by absolute majority, set the following Members Fees for the 2020-2021 financial year.

<b>Council Meeting Fee - per ordinary or special meeting</b>			
President	\$490		
Councillors	\$238		
<b>Committee Meeting Fee - per authorised meeting</b>			
All Councillors	\$119		
<b>Allowances - Paid monthly</b>			
President Allowance	\$908	\$10,896	per annum
Deputy President (25%)	\$227	\$2,724	per annum
<b>ICT Allowance - Paid monthly</b>			
All Councillors	\$290	\$3,480	per annum
<b>Reimbursements</b>			
Travelling to and from authorised meetings - c/km			
Engine displacement over 2600cc	\$0.9901		
Engine Displacement over 1600cc to 2600cc	\$0.7087		
Engine displacement 1600cc and under	\$0.5837		
Other approved expenses supported by receipts.			

**CARRIED: 7/0**

**10.4 2020-2021 FEES AND CHARGES**

APPLICANT: Shire of Cue  
 DISCLOSURE OF INTEREST: Nil  
 AUTHOR: Richard Towell – Deputy Chief Executive Officer  
 DATE: 11 June 2020

***Matters for Consideration:***

Adoption of the fees and charges for the Shire of Cue for the 2020-2021 financial year.

***Background:***

In accordance with section 6.16 of the Local Government Act 1995, fees and charges are adopted annually as part of the Council’s budget.

***Comments:***

The schedules of fees and charges proposed for the 2020-2021 financial year are included in [Appendix 3](#). In response to the COVID 19 commitments adopted by Council at the ordinary meeting of Council held on 21 April, item 10.3, point d. “*review fees and charges considering whether fees can be reduced, waived or deferred during the COVID 19 pandemic as part of the 2020-21 budget process;*”. It is proposed that there be no increase in fees and charges with the exception of the cemetery charge for sinking or reopening a grave which still needs to be increased incrementally to reflect the actual costs incurred by the Shire. Comments have been included in the schedule of fees and charges to provide clarification on the proposed charge.

***Statutory Environment:***

*Local Government Act 1995 – Part 6, Division 5, Subdivision 2 – Fees and Charges.*

**6.16. Imposition of fees and charges**

- (1) A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

*\* Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
  - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
  - (b) supplying a service or carrying out work at the request of a person;
  - (c) subject to section 5.94, providing information from local government records;

- (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
  - (e) supplying goods;
  - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
- (a) imposed\* during a financial year; and
  - (b) amended\* from time to time during a financial year.

\* *Absolute majority required.*

**6.17. *Setting level of fees and charges***

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
- (a) the cost to the local government of providing the service or goods; and
  - (b) the importance of the service or goods to the community; and
  - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
- (a) under section 5.96; or
  - (b) under section 6.16(2)(d); or
  - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
- (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
  - (b) limit the amount of a fee or charge in prescribed circumstances.

**6.18. *Effect of other written laws***

- (1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —
- (a) determine an amount that is inconsistent with the amount determined under the other written law; or
  - (b) charge a fee or charge in addition to the amount determined by or under the other written law.

- (2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

**6.19. Local government to give notice of fees and charges**

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

**Policy Implications:**

Nil

**Financial Implications:**

Fees and charges revenue makes up approximately 10% of the Shires operating income and provides a means for the Shire to recover the costs of providing services on a user pay basis.

**Strategic Implications:**

*Shire of Cue Strategic Community Plan 2017 – 2027*

*Outcome 2.1: A strategically focused and unified Council functioning efficiently*

*2.1.3: Maintain accountability and financial responsibility.*

**Consultation:**

Rob Madson – Chief executive Officer

John Curtin – Manager Works and Services

Bill Atyeo – Environmental Health Officer

**Officer’s Recommendation:**

**Voting Requirement:** Absolute Majority

That Council, by absolute majority, adopts the schedule of fees and charges contained in [Appendix 3](#) effective from 1 July 2020 and incorporates these fees and charges into the 2020-2021 budget.

**Council Decision: 07062020**

**Voting requirement:** Absolute Majority

**MOVED: Cr Spindler**

**SECONDED: Cr Dennis**

That Council, by absolute majority, adopts the schedule of fees and charges contained in [Appendix 3](#) effective from 1 July 2020 and incorporates these fees and charges into the 2020-2021 budget.

**CARRIED: 7/0**

**10.5 OFFER TO PURCHASE LOT 312 (14) CHESSON STREET**

APPLICANT: Shire of Cue  
 DISCLOSURE OF INTEREST: Nil  
 AUTHOR: Rob Madson – Chief Executive Officer  
 DATE: 12 June 2020

***Matters for Consideration:***

Offer to purchase Lot 312 (14) Chesson Street, Cue.

***Background:***

For the past several years, allowance has been made in the annual budget for the potential purchase of Lot 312 (14) Chesson Street which is currently owned by WA Department of Communities and surplus to their requirements. Interest in acquiring the property was prompted by the negative impact of the actions of a series of tenants residing in the property creating nuisance for the residents of the adjoining Cue Tourist park. Since indicating an interest in the property, the Shire has been awaiting the Department of Community process to release the property and determine a sale price.

The Department of Communities advised on 12 June 2020 that the sale price of the property, determined by averaging two recently obtained valuations, is \$52,500.

***Comments:***

Acquiring this property will give the Shire control of who the tenants are and therefore any potential negative impact on the adjoining Tourist Park.

The property has four bedrooms, one bathroom and an additional toilet and would make a suitable addition to the Shire’s staff housing stock. It is currently vacant.

The Shire owns the two neighbouring properties, one of which is tenanted by an administrative staff member, the other is a vacant lot which has been incorporated into the Tourist Park for a dog exercise area.

***Statutory Environment:***

LOCAL GOVERNMENT ACT 1995 - SECT 9.49A

9.49A *Execution of documents*

(1) *A document is duly executed by a local government if —*

*(a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*



(b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*

(2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*

(3) *The common seal of the local government is to be affixed to a document in the presence of —*

(a) *the mayor or president; and*

(b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*

**Policy Implications:**

**D.9 PURCHASING POLICY**

**7.2 Sole Source of Supply (Monopoly Suppliers)**

*The procurement of goods and/or services available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source of supply.*

Purchasing authority thresholds do not apply to the purchase of land or buildings.

**Financial Implications:**

The 2019/20 annual budget contains an allocation of \$250,000 for the purchase of land and buildings for staff housing. \$232,639 of this allocation remains available.

**Strategic Implications:**

While not specifically referred to in the Shire’s current Strategic Community Plan, the addition of this property to the Shire’s housing stock will increase the housing options able to be offered to current and/or potential Shire employees.

**Consultation:**

Trish Bovenkerk - Sales Co-Ordinator, WA Department of Communities

Richard Towell – Deputy CEO

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

That Council agree to purchase Lot 312 (14) Chesson Street from the WA Department of Communities for the sum of \$52,500 and authorise the CEO to complete the

necessary documentation to effect the purchase, including the application of the common seal if required.

**Council Decision: 08062020**

**Voting requirement: Simple Majority**

**MOVED: Cr Price**

**SECONDED: Cr Houghton**

That Council agree to purchase Lot 312 (14) Chesson Street from the WA Department of Communities for the sum of \$52,500 and authorise the CEO to complete the necessary documentation to effect the purchase, including the application of the common seal if required.

**CARRIED: 7/0**

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

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Nil

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

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Nil

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

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Nil

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

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NIL

**15 CLOSURE**

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The Presiding Member thanked those present for attending the meeting and declared the meeting closed at 7.18pm

**To be confirmed at Ordinary Meeting on the 21 July 2020.**

**Signed:.....**

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