



**MINUTES
ORDINARY MEETING
OF COUNCIL**

18 AUGUST 2020

SHIRE OF CUE
Ordinary Council Meeting
MINUTES

Held in the Council Chambers, 73 Austin Street Cue on
Tuesday 18 August 2020 commencing at 6:30pm

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1. DECLARATION OF OPENING

The meeting was opened at 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

Councillor Ron Hogben – via videoconference, item 1.1

Councillor Leonie Fitzpatrick

Councillor Fred Spindler

Councillor Liz Houghton

STAFF:

Mr Rob Madson, Chief Executive Officer

Mr Richard Towell, Deputy Chief Executive Officer

Ms Stephanie Wandek, Customer Service Officer

GALLERY:

NIL

1.1 ATTENDANCE BY VIDEOCONFERENCE CR HOGBEN

APPLICANT: Cr Ron Hogben
DISCLOSURE OF INTEREST: Nil
AUTHOR: Rob Madson – Chief Executive Officer
DATE: 18 August 2020

Matters for Consideration:

Attendance at Council meeting by Zoom meeting.

Background:

Cr Hogben has requested permission to attend the August 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

Officer's Recommendation:

Voting Requirement: Absolute Majority

1. *That Council approves Cr Hogben's daughter's private residence at 104 Falls Road, Lesmurdie 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: 01082020

Voting requirement: Absolute Majority

MOVED: CR PRICE

SECONDED: CR HOUGHTON

1. *That Council approves Cr Hogben's daughter's private residence at 104 Falls Road, Lesmurdie 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

Councillor Hogben joined the meeting at 6.44pm.

2. APOLOGIES AND APPROVED LEAVE OF ABSENCE

Nil

3. DISCLOSURE OF MEMBERS' INTERESTS

Nil

4. PUBLIC QUESTION TIME

Nil

5. CONFIRMATION OF MINUTES

Council Decision: 02082020

Voting Requirement: Simple Majority

MOVED: CR DENNIS

SECONDED: CR SPINDLER

That the Minutes of the Ordinary Meeting 21 July 2020 are confirmed as a true and correct record of the meeting.

CARRIED: 7/0

Cr Fitzpatrick was absent at the July meeting.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. DEPUTATIONS

Nil

8. PETITIONS

Nil

9. ANNOUNCEMENTS WITHOUT DISCUSSION

Nil

10. REPORTS

10.1 ACCOUNTS & STATEMENTS OF ACCOUNTS

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell – Deputy Chief Executive Officer
DATE: 13 August 2020

Matters for Consideration:

To receive the List of Accounts Due & Submitted to Ordinary Council Meeting on 18 August 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 August 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 July to 31 July 2020 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.

Municipal Fund Bank	EFTs	8579 - 8685	\$1,160,927.75
Direct Debit Fund Transfer			\$ 27,904.85
Payroll			\$ 86,381.99
BPAY			\$ 31,934.48
Cheques			\$ 0.00
Total			\$1,134,385.09

Council Decision: 03082020

Voting requirement: Simple Majority

MOVED: CR SPINDLER

SECONDED: CR PRICE

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

Municipal Fund Bank	EFTs	8579 - 8685	\$1,160,927.75
Direct Debit Fund Transfer			\$ 27,904.85
Payroll			\$ 86,381.99
BPAY			\$ 31,934.48
Cheques			\$ 0.00
Total			\$1,134,385.09

CARRIED: 7/0

10.2 FINANCIAL STATEMENT

APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell – Deputy Chief Executive Officer
DATE:	13 August 2020

Matters for Consideration:

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

Budget figures used in the Statement of Financial Activity are applied from the budget presented to council for adoption at item 10.4 of this agenda.

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

Council Decision: 04082020

Voting requirement: Simple Majority

MOVED: CR SPINDLER

SECONDED: CR DENNIS

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

CARRIED: 7/0

10.3 CORPORATE BUSINESS PLAN REVIEW

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell – Deputy Chief Executive Officer
DATE: 13 August 2020

Matters for Consideration:

To adopt the Shire of Cue’s review of the 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:

A Local Government is required to review its Corporate Business Plan every year. This review has been undertaken as part of the 2020-2021 Annual Budget preparations with the proposed plan being updated to reflect the next four years in line with the financial forecasts adopted in the Strategic Resource Plan presented to council in April 2019.

The Corporate Business Plan links the projects identified in the Long Term Financial Plan and Asset Management Plan back to the Strategic Community Plan and forms the basis for the Annual Budget.

The Corporate Business Plan also draws upon the other planning documents which form part of Council’s integrated planning. These include the Workforce Plan and operational plans. 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

5.56. Planning for the future

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

Local Government (Administration) Regulations 1996 – Section 19DA

11. 19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to —
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and
 - (b) govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources; and
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.
- (4) A local government is to review the current corporate business plan for its district every year.
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government’s strategic community plan.
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.

*Absolute majority required.

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

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 review of the Corporate Business Plan as attached at [Appendix 3](#).

Council Decision: 05082020

Voting requirement: Absolute Majority

MOVED: CR PRICE

SECONDED: CR DENNIS

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

CARRIED: 7/0

10.4 ADOPTION OF ANNUAL BUDGET FOR 2020-2021

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell – Deputy Chief Executive Officer
 DATE: 13 August 2020

Matters for Consideration:

That Council adopt the annual budget for the 2020-2021 financial year including supporting schedules attached at [Appendix 4](#).

Background:

Section 6.2 of the Local Government Act 1995 requires Council to adopt a budget in the form and manner prescribed prior to 31 August each year. *Part 3 of the Local Government (Financial Management) Regulations 1996* stipulates the structure and content of the budget.

The draft 2020-2021 annual budget has been compiled based on the principles contained in the Shire of Cue Strategic Community Plan and Corporate Business Plan.

Comments:

The Department of Local Government recommend that the adoption of the Annual Budget is completed in various components which is why this item has three parts and is set out differently to our standard agenda items.

The budget has been prepared with estimated rates revenue of \$2,365,615 and total operating revenue of \$4,308,606.

A capital works program totalling \$16,933,679 for investment in infrastructure, property, plant and equipment is planned.

Expenditure on road infrastructure totals \$6,437,179. Road projects include ongoing flood damage restoration works, construction and sealing works on Wilgie Mia Road, Roads to Recovery funding, Regional Road Group funding for Wondinong Road gravel sheeting as well as resealing works on Beringarra Cue Road and allowance for Municipal construction works and grid widening.

\$6,587,500 is budgeted for land and buildings including relocation of the Great Fingal Mine Office, restoration works to the old gaol, two new houses to be leased to Government Regional Officers Housing, a new Tourist Park Managers house and office, repurposing of the old railway building and into a youth centre, restoring of the old Bank of New South Wales building as well as developing staff housing and independent living facilities.

Other infrastructure projects include a niche wall for the cemetery, Heydon Place industrial development, sealing of the runway at the airport, outdoor museum display and upgrades to the waste facilities to improve the management and control of the Cue refuse site.

An estimated surplus of \$3,924,344 is anticipated to be brought forward from 30 June 2020. This amount is unaudited and may change with the finalising of the end of year accounts. Any changes will be addressed as part of a future budget review.

Statutory Environment:

Local Government Act 1995, Section 6.2 – Local Governments to prepare annual budget.

Local Government (Financial Management) Regulations 1996 Part 3.

Policy Implications:

Shire of Cue Policy Manual

Financial Implications:

The 2020-2021 Budget provides Council with the opportunity to continue to provide the current level of services to the community as well as carry out significant projects that will provide benefits into the future.

Strategic Implications:

Shire of Cue Strategic Community Plan 2017 – 2027

Consultation:

Rob Madson – Chief Executive Officer

Travis Bate - RSM Australia Pty Ltd

Officer's Recommendation:

Voting Requirement: Absolute Majority

Council Decision:

Part A – Adoption of 2020-2021 Annual Budget

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 adopts the 2020-2021 Statutory Budget as attached at [Appendix 4](#), which includes the following:

- Statement of Comprehensive income showing a net result for the year of \$8,860,340.
- Statement of Cash Flows.
- Rate Setting Statement showing an amount required to be raised from rates of \$2,365,615
- Notes to and forming part of the Budget and significant accounting policies.
- Acquisition of assets as detailed in Note 4, totalling \$16,933,679.
- Transfer to and from Reserve Accounts as detailed in Note 7, totalling \$(1,279,070)

Council Decision: 06082020	Voting requirement: Absolute Majority
MOVED: CR DENNIS	SECONDED: CR SPINDLER
CARRIED: 7/0	

Part B – Imposition of General and Minimum Rates, Instalment Payment Arrangements, Charges and Interest.

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 2020-2021 financial period.

- GRV Residential 10.62 cents in the dollar
- GRV Commercial 10.62 cents in the dollar
- GRV Vacant Land 10.62 cents in the dollar
- UV Mining 28.3334 cents in the dollar

- UV Pastoral 7.6564 cents in the dollar
- GRV M&T Workforce 30.00 cents in the dollar
- GRV Residential and Commercial minimum rate \$451
- GRV Vacant Land Minimum Rate \$451
- UV Mining Minimum Rate \$451
- UV Pastoral Minimum Rate \$451

For properties that fit the definition of GRV Commercial under the Objects and Reasons for differential rates, a discount of 20% of the current rates levied will be offered to ratepayers whose payment of the full amount owing including arrears and service charges is received by the single payment due date.

Pursuant to *section 6.46 of the Local Government Act 1995*, Council offers an incentive for the payment of the 2020-2021 rates and charges by the single payment due date by the way of lottery draw for the cash prizes of:

- i. First Prize \$600.00
- ii. Second Prize \$300.00
- iii. Third Prize \$100.00

The terms and conditions that apply to the rates incentive prize are:

- To be eligible for the draw, all outstanding rates and charges must be received on or before the due date of 5 October 2020.
- All ratepayers are eligible.

The drawing of the winners for the above prizes will take place during the Council meeting held on 17 November 2020.

Pursuant to *section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996* Council adopts a charge of \$15 for the four instalment option.

Pursuant to *section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996*, Council adopts an interest rate of 3% where the ratepayer has elected to pay rates and service charges through an instalment option.

Pursuant to *section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996*, Council nominates the following due dates for payment in full and by instalments:

- Full payment and 1st instalment due 5 October 2020
- 2nd instalment due 7 December 2020
- 3rd instalment due 8 February 2021
- 4th instalment due 12 April 2021

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) Regulations 1996*, Council adopts an interest rate of 8% to be imposed on all outstanding rates and services charges and costs of proceedings to recover such charges that remain unpaid after 5 October 2020 or in the case of instalment options, on all outstanding rate amounts after the due date for payment of the instalment.

Council Decision: 07082020	Voting requirement: Absolute Majority
MOVED: CR FITZPATRICK	SECONDED: CR HOUGHTON
CARRIED: 7/0	

Part C – Material Variance Reporting for 2020-2021

In accordance with *regulation 34(5) of the Local Government (Financial Management) Regulations 1996*, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2020-2021 for reporting material variances shall be 10% or \$25,000, whichever is the greater.

Council Decision: 08082020	Voting requirement: Simple Majority
MOVED: CR FITZPATRICK	SECONDED: CR PRICE
CARRIED: 7/0	

10.5 WRITE OFF RATES MAVIA PTY LTD

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell – Deputy Chief Executive Officer
 DATE: 14 August 2020

Matters for Consideration:

That Council write off the balance of penalty interest owing on eleven assessments by Mavia Pty Ltd, amounting to \$2008.01, following settlement of rates outstanding.

Background:

The Shire of Cue commenced legal proceedings against Mavia Pty Ltd for collection of outstanding rates and penalty charges. This matter was settled in late July 2020 with payment being received for outstanding amounts.

Comments:

The amounts proposed for write off are for accumulated interest penalty charges that have accumulated over the period of proceedings. While the amounts are legitimate charges against the assessments, the recommendation to write off these charges leaves only current rates charges outstanding on the assessments and treats the payment received as full settlement of all outstanding arrears for Mavia Pty Ltd.

Statutory Environment:

Local Government Act 1995, Section 6.12.

Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money, which is owed to the local government.

* *Absolute majority required.*

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

Policy Implications:

Shire of Cue Policy Manual

D1 – Debt Recovery, 2.2 Recovery of Rate Arrears.

Financial Implications:

The Shire has a budgeted contingency amount of \$43,645 for rates write offs. The write off of the penalty charges will leave the current outstanding rates balances for 2019-2020 still owing on the assessments and eliminate any dispute over charges that relate to the now concluded legal proceedings.

Strategic Implications:

Nil

Consultation:

Rob Madson – Chief Executive Officer

Officer’s Recommendation:

Voting Requirement: Simple Majority

That Council authorise the Chief Executive Officer to write off penalty charges accrued on Mavia Pty Ltd rates assessments amounting to \$2,008.01.

Council Decision: 09082020

Voting requirement: Simple Majority

MOVED: CR HOUGHTON

SECONDED: CR DENNIS

That Council authorise the Chief Executive Officer to write off penalty charges accrued on Mavia Pty Ltd rates assessments amounting to \$2,008.01

CARRIED: 7/0

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

Nil

15 CLOSURE

The Presiding Member thanked those present for attending the meeting and declared the meeting closed at 7.25pm.

To be confirmed at Ordinary Meeting on the 15 September 2020.

Signed:.....

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