



**MINUTES
ORDINARY MEETING
OF COUNCIL**

21 JULY 2020

SHIRE OF CUE
Ordinary Council Meeting
MINUTES

Held in the Council Chambers, 73 Austin Street Cue on
Tuesday 21 July 2020 commencing at 6:30pm

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1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 6.30pm

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 video conference, (Item 1.1)

Councillor Fred Spindler

Councillor Liz Houghton

STAFF:

Mr Rob Madson, Chief Executive Officer - Via video conference

Mr Richard Towell, Deputy Chief Executive Officer

Ms Tracy Bachraty, Customer Service Officer

GALLERY:

Mrs Jacqui Towell

1.1 ATTENDANCE BY VIDEOCONFERENCE CR HOGBEN

APPLICANT: Cr Ron Hogben
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell – Deputy Chief Executive Officer
DATE: 20 July 2020

Matters for Consideration:

Attendance at Council meeting by Zoom meeting.

Background:

Cr Hogben has requested permission to attend the July 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 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 01072020

Voting requirement: Absolute Majority

MOVED: CR PRICE

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: 5/0

2. APOLOGIES AND APPROVED LEAVE OF ABSENCE

Councillor Leonie Fitzpatrick

3. DISCLOSURE OF MEMBERS' INTERESTS

NIL

4. PUBLIC QUESTION TIME

NIL

5. CONFIRMATION OF MINUTES

Council Decision: 02072020

Voting Requirement: Simple Majority

MOVED: CR DENNIS

SECONDED: CR HOUGHTON

That the Minutes of the Ordinary Meeting 16th June 2020 are confirmed as a true and correct record of the meeting.

CARRIED: 6/0

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 July 2020

Matters for Consideration:

To receive the List of Accounts Due & Submitted to Ordinary Council Meeting on 21 July 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 June 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 June to 30 June 2020 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.

Municipal Fund Bank	EFTs	8521 - 8578	\$769,954.73
Direct Debit Fund Transfer			\$ 19,486.27
Payroll			\$ 86,155.76
BPAY			\$ 21,662.58
Cheques			\$ 0.00
Total			\$897,259.34

Council Decision: 03072020

Voting requirement: Simple Majority

MOVED: CR SPINDLER

SECONDED: CR HOUGHTON

That Council endorse the payments for the period 1 June to 30 June 2020 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.

Municipal Fund Bank	EFTs	8521 - 8578	\$769,954.73
Direct Debit Fund Transfer			\$ 19,486.27
Payroll			\$ 86,155.76
BPAY			\$ 21,662.58
Cheques			\$ 0.00
Total			\$897,259.34

CARRIED: 6/0

10.2 FINANCIAL STATEMENT

APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell – Deputy Chief Executive Officer
DATE:	15 July 2020

Matters for Consideration:

The Statement of Financial Activity for the period ended 30 June 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 June 2020.

End of year adjustments are still to be finalised and the Annual Financial Report will differ from the June Statement of Financial Activity.

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

Council Decision: 04072020

Voting requirement: Simple Majority

MOVED: Houghton

SECONDED: Dennis

That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period ended 30 June 2020, as presented at Appendix 2.

CARRIED: 5/1

AGAINST: CR HOUGHTON

10.3 RATES – DIFFERENTIAL RATES

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell – Deputy Chief Executive Officer
DATE: 16 July 2020

Matters for Consideration:

To approve the advertising for the proposal to apply differential rates and minimum payments in the 2020-2021 financial year.

Background:

Under the Local government (COVID – 19 Response) Order 2020, that was Gazetted Friday 8 May 2020, the Minister for Local government has modified sections of the *Local Government Act* that deal with the imposition of differential general rates, minimum payments and giving notice of certain rates.

The modifications have been made as a consequence of the COVID – 19 pandemic and allows a local government to raise differential rates that are more than twice the lowest differential general rate without seeking the approval of the Minister under the following conditions;

- That no proposed differential general rate of the local government will exceed the corresponding differential general rate that was imposed by the local government in the 2019-2020 financial year;
And
- The local government obtained the Minister's approval under section 6.33(3) to impose in the 2019-2020 financial year a differential rate corresponding to the relevant rate.

The requirement to give local public notice of the intention to impose differential general rates and invite submissions for consideration has also been modified, requiring the local government to publish the details of the proposed differential general rates and proposed minimum payments on the local governments official website within ten day of resolving it's intention of raising differential rates in accordance with the conditions above.

Comments:

In consideration of Council decision 04042020, that Council consider not increasing rates as part of the 2020-2021 budget process, and taking into consideration the Shire of Cue's Long Term Financial Plan with anticipated rates revenue for 2020-2021 of \$2,451,556, it is recommended that no increase be applied to the revenue raised from rates with the exception of rates from new mining tenements that were only partially rated during the 2019-2020 financial year. This results in no increase of the rate in the dollar and the minimum rate for all rates categories and a reduction in the rate in the dollar for the UV Pastoral and UV Mining categories.

This satisfies the conditions of the Local government (COVID – 19 Response) Order 2020 to raise differential rates without the need to give local public notice, or seek Ministerial approval.

The UV Pastoral category has undergone a revaluation adjustment for the 2020-2021 financial year which resulted in approximately a ten percent increase in the total valuation of this category. In order to raise the same amount of rates revenue for this category as the 2019-2020 financial year, the proposed rate in the dollar has been reduced accordingly from 08.4300 cents in the dollar to 07.6564 cents in the dollar. The revaluation of this category has seen some individual properties go up in value and others go down in value. This will result in Individual ratepayers experiencing an increase or decrease in their rates from the previous year but the Shire will not impose any additional rates revenue on the category as a whole.

Mining tenements have increased from 437 rateable tenements to 463, an increase of 26 tenements or 6%. It is proposed that the UV Mining rate be decreased from 30.0000 cents in the dollar to 28.3334 cents in the dollar. This will absorb any increase for existing tenements from the revaluation applied but still allow additional revenue to be raised from new tenements that have not been rated for the full year.

It is proposed that the GRV Commercial rate be maintained at the same rate as the GRV General rate and then a discount be applied to commercial properties. This discount is subject to the property owner paying their rates in full and on time. The discount rate to be applied is proposed at twenty percent.

After taking into consideration changes in rateable values from revaluations and changes to mining tenements held, the proposed rates will provide the Shire with a total of \$6,145.00 in additional rates revenue. This is an increase of 0.256% of overall rates.

The proposed rates result in the rates model below.

Proposed rates for 2020-2021 No increase in revenue except for new tenement holders.				
Rate Category	Rate in \$ (Cents)	Number of Properties	Rateable Value	Rates Levied
GRV - GENERAL	10.6200	93	561,024	59,581
GRV - COMMERCIAL	10.6200	5	299,208	31,776
GRV - VACANT LAND	10.6200	0	-	-
GRV- M&T WORKFORCE FACILITIES	30.0000	2	246,750	74,025
UV - MINING TENEMENTS	28.3334	332	7,418,800	2,101,998
UV - PASTORAL	7.6564	14	563,097	43,113
Minimum payment	Minimum \$			
GRV - GENERAL	451.00	46	105,129	20,746
GRV - COMMERCIAL	451.00	0	-	-
GRV - VACANT LAND	451.00	41	8,780	18,491
GRV- M&T WORKFORCE FACILITIES	451.00	0	-	-
UV - MINING TENEMENTS	451.00	131	100,402	59,081
UV - PASTORAL	451.00	4	12,295	1,804
Totals		668	9,315,485	2,410,615
Revenue raised from rates 2019-2020				2,404,470
Difference			0.256%	6,145

Rates revenue raised for the 2019-2020 financial year is shown in the table below.

2019-2020 Rates Revenue				
Rate Category	Rate in \$	Number of Properties	Rateable Value	Rates Levied
GRV - GENERAL	10.6200	94	565,444	60,050
GRV - COMMERCIAL	10.6200	5	299,208	31,776
GRV - VACANT LAND	10.6200	0	-	-
GRV- M&T WORKFORCE FACILITIES	30.0000	2	246,750	74,025
UV - MINING TENEMENTS	30.0000	312	6,925,502	2,098,542
UV - PASTORAL	8.4300	14	511,413	43,112
Minimum payment	Minimum \$			
GRV - GENERAL	451.00	45	105,003	20,295
GRV - COMMERCIAL	451.00	0	-	-
GRV - VACANT LAND	451.00	41	8,780	18,491
GRV- M&T WORKFORCE FACILITIES	451.00	0	-	-
UV - MINING TENEMENTS	451.00	125	95,824	56,375
UV - PASTORAL	451.00	4	11,933	1,804
Totals		642	8,769,857	2,404,470

Objects and Reasons

Where council intend to impose differential rates, it is required to provide the objects of and reasons for each proposed rate and minimum payment. The Objects and Reasons for the 2020-2021 rating proposal is attached at [Appendix 3](#). The Objects and Reasons document will be advertised on the Shire of Cue official website along with the proposed differential rates and minimum payments.

In accordance with **Section 6.35** of the **Local Government Act 1995**, it is proposed that a single minimum rate be imposed across all rate categories. There is no increase in the minimum rate proposed with minimum rates remaining at \$451.00 per assessment.

Statutory Environment:

Local Government Act 1995, Part 6 – Division 6 – Subdivision 2, Categories of Rates and Service Charges.

*Western Australian Government Gazette, Perth, Friday 8 May 2020, No. 72
Local Government (COVID – 19 Response) Order 2020.*

Policy Implications:

Nil.

Financial Implications:

Council needs to ensure that rate revenue remains at a level where the Shire can continue to maintain its current level of services to ratepayers and the community. The proposed rates will provide an additional \$6,145 in revenue compared to rates raised for the 2019-2020 financial year. This additional revenue is from additional mining tenements that had only been partially rated during the 2019-2020 financial year.

Strategic Implications:

Shire of Cue Strategic Community Plan 2017 – 2027

Outcome 2.1.3 – Maintain accountability and financial responsibility.

Consultation:

Rob Madson – Chief Executive Officer

RSM Australia Pty Ltd

Officer’s Recommendation:

Voting Requirement: Simple Majority

That Council

1. Authorise the CEO to advertise on the Shire of Cue official website, the Shire of Cue’s intention to levy the following differential rates.

Rate Category	Minimum Rates \$	Rate in \$ (cents)
GRV - Residential	451.00	10.6200
GRV - Commercial	451.00	10.6200
GRV - Vacant Land	451.00	10.6200
GRV - M&T Workforce Facilities	451.00	30.0000
UV - Mining Tenements	451.00	28.3334
UV - Pastoral	451.00	7.6564

2. Adopt the Objects and Reasons for the 2020-2021 differential rates

Council Decision: 05072020

Voting requirement: Simple Majority

MOVED: CR SPINDLER

SECONDED: CR DENNIS

That Council

1. Authorise the CEO to advertise on the Shire of Cue official website, the Shire of Cue's intention to levy the following differential rates.

Rate Category	Minimum Rates \$	Rate in \$ (cents)
GRV - Residential	451.00	10.6200
GRV - Commercial	451.00	10.6200
GRV - Vacant Land	451.00	10.6200
GRV - M&T Workforce Facilities	451.00	30.0000
UV - Mining Tenements	451.00	28.3334
UV - Pastoral	451.00	7.6564

2. Adopt the Objects and Reasons for the 2020-2021 differential rates

CARRIED: 6/0

10.4 REVIEW OF DELEGATIONS

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Rob Madson – Chief Executive Officer
 DATE: 15/07/2020

Matters for Consideration:

Endorsement of the Register of Delegations.

Background:

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

The register of Delegations to the Chief Executive Officer was adopted on 19 May 2015 and last reviewed on 16 April 2019.

Comments:

A copy of the current register of Delegations is attached at [Appendix 4](#). No amendments are proposed.

Statutory Environment:

LOCAL GOVERNMENT ACT 1995 - SECT 5.42

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

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

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

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

** Absolute majority required.*

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

LOCAL GOVERNMENT ACT 1995 - SECT 5.46

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

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

(2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Consultation:

Nil

Officer's Recommendation:

Voting Requirement: Absolute Majority

That Council endorse the Register of Delegations to the Chief Executive Officer identified in the annual review, as presented at [Appendix 4](#).

Council Decision: 06072020

Voting requirement: Absolute Majority

MOVED: CR PRICE

SECONDED: CR DENNIS

That Council endorse the Register of Delegations to the Chief Executive Officer identified in the annual review, as presented at [Appendix 4](#).

CARRIED: 6/0

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 7.22PM

To be confirmed at Ordinary Meeting on the 18 August 2020.

Signed:.....

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