



Minutes
ORDINARY MEETING
OF COUNCIL

15 MARCH 2022

Unconfirmed

**SHIRE OF CUE
Ordinary Council Meeting
MINUTES**

Held in the Council Chambers, 73 Austin Street Cue on
Tuesday 15 March 2022 commencing at 6:49pm

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1. DECLARATION OF OPENING

The meeting was opened at 6.49pm by Cr Les Price as Presiding Member.

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 via Zoom*

Councillor Les Price, Deputy Shire President

Councillor Ian Dennis

Councillor Ron Hogben

Councillor Liz Houghton

Councillor Julie Humphreys

**6.50 Cr Pigdon joined the meeting via Zoom as Presiding Member*

STAFF:

Mr Richard Towell, Chief Executive Officer

Mr Glenn Boyes, Deputy Chief Executive Officer

Mrs Janelle Duncan, Executive Assistant

Ms Cheryl Walton, Manager Finance via Zoom

GALLERY:

Nil

VISITORS:

Mr Mike FitzGerald, Fitz Gerald Strategies

1.1 ATTENDANCE BY ELECTRONIC COMMUNICATION CR PIGDON

APPLICANT: Cr Ross Pigdon
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell –Chief Executive Officer
 DATE: 10 March 2022

Matters for Consideration:

Attendance at Council meeting by electronic communication.

Background:

Cr Pigdon has requested permission to attend the March Council meeting by electronic communication.

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 sub regulation (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 communications call will be borne by the Shire. Cr Pigdon will be entitled to receive a meeting attendance fee.

Strategic Implications:

Nil

Consultation:

Nil

Officer's Recommendation:

Voting Requirement: Absolute Majority

1. *That Council approves of Cr Pigdon's private office at 1 Skate Court, Sorrento as a suitable place for the purposes of Regulation 14A of the Local Government (Administration) Regulations 1996.*
2. *That Council grant approval for Cr Pigdon to attend this meeting by instantaneous communications.*

Council Decision: 01032022

Voting requirement: Absolute Majority

MOVED: CR HOGBEN

SECONDED: CR HUMPHREYS

That Council approves of Cr Pigdon's private office at 1 Skate Court, Sorrento as a suitable place for the purposes of Regulation 14A of the Local Government (Administration) Regulations 1996.

2. *That Council grant approval for Cr Pigdon to attend this meeting by instantaneous communications.*

CARRIED: 5/0

6.50pm Cr Pigdon joined the meeting via Zoom and took the chair as Presiding Member.

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: 02032022

Voting Requirement: Simple Majority

MOVED: CR HUMPHREYS

SECONDED: CR HOGBEN

That the Minutes of the Ordinary Meeting 15 February 2022 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: Cheryl Walton – Manager Finance

DATE: 10 March 2022

Matters for Consideration:

To receive the List of Accounts Due and Submitted to the Ordinary Council Meeting on 15 March 2022 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 February 2022.

Please note the credit card transactions are now shown at the top of the list of accounts in the same format as the Municipal transactions.

Statutory Environment:

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

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Consultation:

Richard Towell, Chief Executive Officer
Glenn Boyes, Deputy Chief Executive Officer

Officer's Recommendation:

Voting Requirement: Simple Majority

That Council endorse the payments for the period 1 February to 28 February 2022 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.

February 2022

Municipal Fund Bank EFTs	10616 - 10705	\$	854,925.44
Direct Debit Fund Transfer	General	\$	30,593.20
Direct Debit Fund Transfer	Credit Card	\$	4,776.45
Payroll		\$	119,349.68
BPAY		\$	24,481.01
Cheques		\$	0.00
Total		\$	1,034,125.78

Council Decision: 03032022		Voting requirement: Simple Majority	
MOVED: CR HUMPHREYS		SECONDED: CR DENNIS	
February 2022			
Municipal Fund Bank EFTs	10616 - 10705	\$	854,925.44
Direct Debit Fund Transfer	General	\$	30,593.20
Direct Debit Fund Transfer	Credit Card	\$	4,776.45
Payroll		\$	119,349.68
BPAY		\$	24,481.01
Cheques		\$	0.00
Total		\$	1,034,125.78
CARRIED: 6/0			

10.2 FINANCIAL STATEMENT

APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Cheryl Walton – Manager Finance
DATE:	10 March 2022

Matters for Consideration:

The Statements of Financial Activity are for the periods ending 28 February 2022 including the following reports:

- Graphical Representation – Source Statement of Financial Activity
- Statement of Financial Activity
- Major Variances
- Net Current Funding Position
- Cash and Investments
- Trust Fund
- Cash Backed Reserve
- Receivables
- Capital Disposals
- Borrowings
- Capital Acquisitions
- Rate Revenue
- Grants and Contributions

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 two months after the end of the month to which the statement relates. The Statement of Financial Activity presents an 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 Statements of Financial Activity is for the month of February 2022.

Statutory Environment:

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

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Consultation:

Richard Towell – Chief Executive Officer

Glenn Boyes – Deputy Chief Executive Officer

Officer’s Recommendation:

Voting Requirement: Simple Majority

That Council receive the Financial Statement, prepared in accordance with the *Local Government (Financial Management) Regulations 1996*, for the period ending 28 February 2022, as presented at [Appendix 2](#).

Council Decision: 04032022

Voting requirement: Simple Majority

MOVED: CR HOUGHTON

SECONDED: CR DENNIS

That Council receive the Financial Statement, prepared in accordance with the *Local Government (Financial Management) Regulations 1996*, for the period ending 28 February 2022, as presented at [Appendix 2](#).

CARRIED: 6/0

6.56pm Mr Mike FitzGerald entered the chambers.

10.3 COMPLIANCE AUDIT RETURN 2021

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Glenn Boyes – Deputy Chief Executive Officer
DATE: 11 March 2022

Matters for Consideration:

Endorsement of the Compliance Audit Return 2021 as per [Appendix 3](#).

Background:

Each year a Local Government is required to complete a compliance audit return for the period 1 January to 31 December. Regulations require that the compliance audit return is reviewed by the audit committee prior to adoption by Council. Once adopted by Council a certified copy of the return along with a copy of the relevant section of the minutes and any additional information explaining or qualifying the return is to be submitted to the Executive Director, Department of Local Government and Communities by 31 March following the period to which the return relates.

Comments:

The Compliance Audit Return for the period 1 January 2021 to 31 December 2021 has been prepared by the Shire of Cue administration. The Return provides an internal control to assess statutory compliance and covers areas such as disclosure of interest, official conduct, tenders for providing goods and services, delegation of power and duties and appointment of senior employees.

Statutory Environment:

Local Government Act 1995, Section 7.13(1)(i).

7.13. Regulations as to audits

- (1) Regulations may make provision —*
 - (i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are —*
 - (i) of a financial nature or not; or*
 - (ii) under this Act or another written law.*

Local Government (Audit) Regulations 1996:

14. *Compliance audits by local governments*

(1) *A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*

(2) *After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*

(3A) *The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*

(3) *After the audit committee has reported to the council under sub regulation (3A), the compliance audit return is to be —*

(a) *presented to the council at a meeting of the council; and*

(b) *adopted by the council; and*

(c) *recorded in the minutes of the meeting at which it is adopted.*

15. *Certified copy of compliance audit return and other documents to be given to Departmental CEO*

(1) *After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —*

(a) *a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*

(b) *any additional information explaining or qualifying the compliance audit, is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.*

(2) *In this regulation —*

certified in relation to a compliance audit return means signed by —

(a) *the mayor or president; and*

(b) *the CEO.*

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Shire of Cue Strategic Community Plan 2017-2027
 Outcome 2.1.3 Maintain accountability and financial responsibility

Consultation:

Richard Towell – Chief Executive Officer

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

That Council, by absolute majority;

1. Accept the Audit Committee’s recommendation to Council that Council adopt the 2021 Compliance Audit Return.
2. Adopt the 2021 Compliance Audit Report as presented in [Appendix 3](#).

Council Decision: 05032022	Voting Requirement: Absolute Majority
MOVED: CR PRICE	SECONDED: CR DENNIS
That Council, by absolute majority;	
<ol style="list-style-type: none"> 1. Accept the Audit Committee’s recommendation to Council that Council adopt the 2021 Compliance Audit Return. 2. Adopt the 2021 Compliance Audit Report as presented in Appendix 3. 	
CARRIED: 6/0	

7.03pm Mr Mike FitzGerald left the chambers

10.4 LEASE OF LOT 593 HEYDON PLACE CUE

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell – Chief Executive Officer
DATE: 09 March 2022

Matters for Consideration:

To consider leasing Lot 593 Heydon Place Cue to ELS Mechanical for the purpose of operating a mechanical workshop.

Background:

The current occupant of Lot 593 Heydon Place is vacating the premises following a suitable lease agreement not being reached. John Tyrrell from ELS Mechanical approached the Shire recently seeking a suitable property to operate a mechanical workshop.

Comments:

ESL Mechanical have ongoing work in Cue and are looking for suitable premises to operate a mechanic workshop. ELS Mechanical will operate as a mechanical workshop to service existing contracts and will also be open to the public.

The proposed lease is for one year with the option of extending for two one-year periods at the discretion of the parties. Rental for the property is proposed at \$20,800 per annum or \$400 per week payable monthly in advance. A bond of one month's rent is payable on commencement and all outgoings are to be paid for by the tenant.

In accordance with *Section 3.58 of the Local Government Act 1995*, the proposed lease is classified as a disposal and requires that the proposed disposition is given local public notice for a period of two weeks and invites submissions to be made on the proposal to the Shire of Cue prior to the closing date of the advertising period.

Details to be advertised of the proposed disposition include the market value of the disposition. Part four of the Officer's recommendation includes a resolution to declare the market value of the property to be \$345,000. This is the fair value attributed to the property by a valuation undertaken by Griffin Valuations at 30 June 2021 when they revalued the Shire of Cue's Land and Buildings assets.

Statutory Environment:

Local Government Act 1995, Section

11.3.58. *Disposing of property*

(1) *In this section —*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

- (2) Except as stated in this section, a local government can only dispose of property to —
- (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
- (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be of the value at the time of the proposed disposition.

Policy Implications:

Nil

Financial Implications:

The proposal will provide rental income for the property of \$20,800 per annum. The Shire of Cue has a budget allocation for commercial property rental income of \$145,000 and actual income of \$103,227 at the date of this report.

The Shire will undertake some maintenance work on the property when it is vacated including repairs to a roller door that was damaged in a storm in January 2022.

Strategic Implications:

Shire of Cue Strategic Community Plan 2017-2027

Economic Objective 1.1 - Maximise local economic opportunities to benefit the whole community

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

Consultation:

Glenn Boyes – Deputy Chief Executive Officer

John Tyrrell – ELS Mechanical

Officer's Recommendation:

Voting Requirement: Simple Majority

That Council:

- 1. Instruct the CEO to negotiate a lease agreement with ELS Mechanical for the lease of Lot 593 Heydon Place.*
- 2. Authorise the CEO to give Local Public notice of the lease arrangement between the Shire of Cue and ELS Mechanical according to section 3.58 of the Local Government Act 1995.*
- 3. Authorise the CEO and the Shire President to affix the seal of the Shire of Cue to the lease document if no objections are received*
- 4. Declare the fair value of \$345,000 attributed to the property from the revaluation carried out at 30 June 2021, as a true indication of the current market value of the property for the purpose of satisfying section 3.58(4)(c)(ii) of the Local Government Act 1995.*

7.07pm Mr Mike FitzGerald returned to the chambers.

Council Decision: 06032022

Voting requirement: Simple Majority

MOVED: CR PRICE

SECONDED: CR HOUGHTON

That Council:

- 1. Instruct the CEO to negotiate a lease agreement with ELS Mechanical for the lease of Lot 593 Heydon Place.*
- 2. Authorise the CEO to give Local Public notice of the lease arrangement between the Shire of Cue and ELS Mechanical according to section 3.58 of the Local Government Act 1995.*
- 3. Authorise the CEO and the Shire President to affix the seal of the Shire of Cue to the lease document if no objections are received*
- 4. Declare the fair value of \$345,000 attributed to the property from the revaluation carried out at 30 June 2021, as a true indication of the current market value of the property for the purpose of satisfying section 3.58(4)(c)(ii) of the Local Government Act 1995.*

CARRIED:6/0

Unconform

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

Unconfirmed

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Council Decision: 07032022 **Voting requirement:** Simple Majority

MOVED: CR PRICE **SECONDED: CR DENNIS**

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

CARRIED: 6/0

14.1 TENDER – CUE STAFF HOUSING PROJECT

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Richard Towell –Chief Executive Officer

DATE: 10 March 2022

Matters for Consideration:

Awarding of the tender RFT 2022-01 to build, deliver and install four (4) staff houses.

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

That Council consider the recommendation contained within the confidential report.

7.10pm Mrs Janelle Duncan left the chambers.

7.18pm Mrs Janelle Duncan returned to the chambers.

Council Decision: 08032022 **Voting requirement:** Simple Majority

MOVED: CR HOUGHTON **SECONDED: CR DENNIS**

That Council award tender RFT 2022-01 to build, deliver and install four (4) staff houses at 31 and 33 Dowley Street to Modular WA, and authorise the CEO to make minor variations in order to meet the Shire’s requirements.

CARRIED: 6/0

7.24pm Mrs Janelle Duncan and Mr Glenn Boyes left the chambers.

7.24pm Ms Cheryl Walton left the meeting via zoom.

14.2 CONFIDENTIAL ITEM – CEO PROBATIONARY PERFORMANCE REVIEW

Council Decision: 09032022

MOVED: CR HOUGHTON

SECONDED: CR HUMPHREYS

That the Council is satisfied with the CEO’s performance during the probation period and that the CEO has satisfied the terms of his probation and is confirmed in the position of CEO.

CARRIED: 6/0

Council Decision: 10032022

Voting requirement: Simple Majority

MOVED: CR HOUGHTON

SECONDED: CR DENNIS

That the meeting be reopened to members of the public.

CARRIED: 6/0

15. CLOSURE

The Presiding Member thanked those present for attending the meeting and declared the meeting closed at 7.26pm.

To be confirmed at Ordinary Meeting on the 26 April 2022.

Signed:.....

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