



**MINUTES
ORDINARY MEETING
OF COUNCIL**

18 OCTOBER 2022

**SHIRE OF CUE
Ordinary Council Meeting
MINUTES**

Held in the Council Chambers, 73 Austin Street Cue on
Tuesday 18 October 2022 commencing at 6:33pm

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1. DECLARATION OF OPENING

The meeting was opened at 6.33pm

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 Zoom*

Councillor Leonie Fitzpatrick

Councillor Liz Houghton

Councillor Julie Humphreys

**6.40pm Cr Hogben joined the meeting via Zoom*

STAFF:

Mr Richard Towell, Chief Executive Officer

Mr Glenn Boyes, Deputy Chief Executive Officer

Ms Tracy Bachraty, Community Development Officer

GALLERY:

Ms Sue Burgess

Mr Mitchell Mace

Ms Catherine Willett

1.1 ATTENDANCE BY ELECTRONIC COMMUNICATION CR HOGBEN

APPLICANT: Cr Ron Hogben
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell –Chief Executive Officer
DATE: 14 October 2022

Matters for Consideration:

Attendance at Council meeting by electronic communication.

Background:

Cr Hogben has requested permission to attend the 18 October 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 Hogben will be entitled to receive a meeting attendance fee.

Strategic Implications:

Nil

Consultation:

Shire President – Cr Ross Pigdon

Officer's Recommendation:

Voting Requirement: Absolute Majority

1. *That Council approves a private office at 1 Calamar Place, Woorree WA 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.*

Council Decision: 01102022

Voting requirement: Absolute Majority

MOVED: CR FITZPATRICK

SECONDED: CR PRICE

1. *That Council approves a private office at 1 Calamar Place, Woorree WA 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.*

CARRIED: 6/0

6.40pm Cr Hogben joined the meeting via Zoom

2. APOLOGIES AND APPROVED LEAVE OF ABSENCE

Nil

3. DISCLOSURE OF MEMBERS' INTERESTS

Cr Price declared a financial interest for Item 10.3

4. PUBLIC QUESTION TIME

Nil

5. CONFIRMATION OF MINUTES

Council Decision: 02102022

Voting Requirement: Simple Majority

MOVED: CR FITZPATRICK

SECONDED: CR HUMPHREYS

That the Minutes of the Ordinary Meeting 20 September 2022 are confirmed as a true and correct record of the meeting.

CARRIED: 7/0

6. APPLICATIONS FOR LEAVE OF ABSENCE

6.1 APPLICATION FOR LEAVE OF ABSENCE – CR ELIZABETH HOUGHTON

APPLICANT: Cr Elizabeth Houghton
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell – Chief Executive Officer
DATE: 10 October 2022

Matters for Consideration:

Request for leave of absence.

Background:

Cr Houghton will be taking personal leave and will not be available to attend the Ordinary Council Meetings on 15 November and 20 December 2022.

Comments:

Nil.

Statutory Environment:

LOCAL GOVERNMENT ACT 1995 - SECT 2.25

2.25 . *Disqualification for failure to attend meetings*

- (1) *A council may, by resolution, grant leave of absence, to a member.*
- (2) *Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister, unless all of the meetings are within a period of 3 months.*

Policy Implications:

Nil.

Financial Implications:

Sitting fees will not be payable for the meetings not attended by Cr Houghton.

Strategic Implications:

Nil.

Consultation:

Cr Ross Pigdon – Shire President

Officer's Recommendation:

Voting Requirement: Simple Majority

That Cr Houghton be granted leave of absence for the November and December 2022 ordinary meetings of Council.

Council Decision: 03102022

Voting requirement: Simple Majority

MOVED: CR HUMPHREYS

SECONDED: CR DENNIS

That Cr Houghton be granted leave of absence for the November and December 2022 ordinary meetings of Council.

CARRIED: 7/0

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: 14 October 2022

Matters for Consideration:

To receive the List of Accounts Due and submitted to the Ordinary Council Meeting on 18 October 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 September 2022.

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 September 2022 to 30 September 2022 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.

September 2022

Municipal Fund Bank EFTs	11261 - 11376	\$	281,260.22
Direct Debit Fund Transfer	General	\$	30,471.62
Direct Debit Fund Transfer	Credit Card	\$	2,521.02
Payroll		\$	120,969.86
BPAY		\$	15,769.04
Cheques		\$	0.00
Total		\$	450,991.76

Council Decision: 04102022	Voting requirement: Simple Majority		
MOVED: CR PRICE	SECONDED: CR DENNIS		
September 2022			
Municipal Fund Bank EFTs	11261 - 11376	\$	281,260.22
Direct Debit Fund Transfer	General	\$	30,471.62
Direct Debit Fund Transfer	Credit Card	\$	2,521.02
Payroll		\$	120,969.86
BPAY		\$	15,769.04
Cheques		\$	0.00
Total		\$	450,991.76
CARRIED: 7/0			

10.2 FINANCIAL STATEMENT

APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Cheryl Walton – Manager Finance
DATE:	14 October 2022

Matters for Consideration:

The Statement of Financial Activity is for the period ending 30 September 2022 and includes 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 September 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 30 September 2022, as presented at [Appendix 2](#).

Council Decision: 05102022

Voting requirement: Simple Majority

MOVED: CR HUMPHREYS

SECONDED: CR HOUGHTON

That Council receive the Financial Statement, prepared in accordance with the *Local Government (Financial Management) Regulations 1996*, for the period ending 30 September 2022, as presented at [Appendix 2](#).

CARRIED: 7/0

10.3 CHANGE OF PURPOSE – BREGA WELLS LEASE

APPLICANT: Westgold Resources Ltd (Big Bell Gold Operations)
 DISCLOSURE OF INTEREST: Cr Price declared a financial interest and left the chambers at 6.55pm
 AUTHOR: Richard Towell – Chief Executive Officer
 DATE: 12 October 2022

Matters for Consideration:

Change of purpose, Brega Wells lease (lot 86 on deposited plan 187742).

Background:

A request has been received from Westgold Resources Limited for comments and advice on a proposed change of purpose for Brega Wells lease to convert the area into a storage and laydown facility.

Comments:

A copy of the letter received from Westgold Resources Limited is attached at [Appendix 3](#), along with an aerial image of the area and site.

The Brega Wells lease area is 2.0231 hectares and was once one of three slaughter house sites in Cue. The concrete pad on the aerial image is the remains of the slaughter house site.

Brega Wells consists of some buildings in average condition but repairable. The house is currently occupied. The sheds are in average condition, yard fences, windmill, well and old machinery that makes up the homestead site. There are also several trees located on the site.

Due to the costs of building in Cue, any removal or demolition of the existing infrastructure will be lost and the costs prohibitive of there being any replacement of this infrastructure in the future.

Council has indicated that it is opposed to any mining activities within the historic areas in the Shire of Cue, and to preserve and protect what is left of these iconic places for future generations to appreciate.

Statutory Environment:

Sections 23 to 26 of the Mining Act 1978.

Policy Implications:

C.1 MINING WITHIN THE TOWN BOUNDARY

1. Cue Townsite

- 1.1 *The shire generally opposes the granting of any mining lease or license that may affect;*
- a) *The satisfactory continuation of existing urban uses within and adjacent to the existing townsite; and*
 - b) *The planned use of the land in the vicinity of the Townsite.*
 - c) *The Council may by decision permit limited mining activities within Cue Townsite but only under conditions that will be determined at the time by the Council.*
- 1.2 *The Council may approve mining activities close to but external from the Cue Townsite and such conditional approval may include but will not be limited to landscaping, dust/noise suppression measures, and any other provisions considered by the Council to be necessary to protect and preserve the amenity of the existing nearby uses especially residential uses.*
2. *Other Townsites*
- 2.1 *Other Townsites which are now vacant and to which the shire has an interest, are identified as the Townsites of Austin, Cuddingwarra, Mainland, Reedy, Tuckanarra, Big Bell, Day Dawn, Pinnacles.*
- 2.2 *The Council is prepared to allow mining under these Townsites but only on the proviso that there is no disturbance to the natural surface of the Townsite by way of waste rock emplacement or tailings storage facilities.*

Financial Implications:

Nil

Strategic Implications:

Shire of Cue Strategic Community Plan 2023-2038

Outcome 4.1 To protect and uphold our natural environment

4.1.3 Sustainable environmental protection

4.1.4 Showcase and protect areas of natural significance

4.1.5 Ensure environmental protection regulations with regards to mining and commercial operations are adhered to

Consultation:

Glenn Boyes – Deputy Chief Executive Officer

John Curtin – Manager Works and Services

Ross Pigdon – Shire President

Eugene Ferraro – Contract Town Planner

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

That Council advise Westgold Resources Ltd that the Shire of Cue provides the following comments in relation to the change of purpose on Brega Wells lease.

1. The Shire of Cue is opposed to the demolition of existing buildings and the removal of any heritage elements of the Brega Wells lease and requests that these be retained on the property.
2. The Shire of Cue does not support the change of purpose of the pastoral lease to a storage and laydown facility and considers that these facilities should be incorporated with the mine site facilities on existing leases.

6.55pm Cr Price left the chambers – disclosure of financial interest

6.55pm Ms Catherine Willett left the chambers

Council Decision: 06102022	Voting requirement: Simple Majority
MOVED: CR HOUGHTON	SECONDED: CR FITZPATRICK

That Council advise Westgold Resources Ltd that the Shire of Cue provides the following comments in relation to the change of purpose on Brega Wells lease.

1. The Shire of Cue is opposed to the demolition of existing buildings and the removal of any heritage elements of the Brega Wells lease and requests that these be retained on the property.
2. The Shire of Cue does not support the change of purpose of the pastoral lease to a storage and laydown facility and considers that these facilities should be incorporated with the mine site facilities on existing leases.

CARRIED: 6/0

7.01pm Cr Price returned to the chambers

7.01pm Ms Catherine Willett returned to the chambers

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

Nil

12. MOTIONS FOR CONSIDERATION AT THE NEXT MEETING

Consideration for Ordinary Council meetings to start at 6pm.

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 7.05pm

To be confirmed at Ordinary Meeting on the 15 November 2022.

Signed:.....

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