



**MINUTES
ORDINARY MEETING
OF COUNCIL**

20 DECEMBER 2022

**SHIRE OF CUE
Ordinary Council Meeting
MINUTES**

Held in the Council Chambers, 73 Austin Street Cue on
Tuesday 20 December commencing at 6:30pm

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1. DECLARATION OF OPENING

The meeting was opened 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 Ron Hogben

Councillor Leonie Fitzpatrick

Councillor Julie Humphreys

STAFF:

Mr Richard Towell, Chief Executive Officer

Mr Glenn Boyes, Deputy Chief Executive Officer

Ms Cheryl Walton, Manager Finance

Mrs Janelle Duncan, Executive Assistant

GALLERY:

Mr Geoff Barritt

2. APOLOGIES AND APPROVED LEAVE OF ABSENCE

Cr Elizabeth Houghton

Cr Ian Dennis

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:01122022

Voting Requirement: Simple Majority

MOVED:CR HOGBEN

SECONDED:CR PRICE

That the Minutes of the Ordinary Meeting 15 November 2022 are confirmed as a true and correct record of the meeting.

CARRIED:5/0

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. DEPUTATIONS

Nil

8. PETITIONS

Nil

9. ANNOUNCEMENTS WITHOUT DISCUSSION

Cr Pigdon thanked Fiona Lirios from the Cue Nursing Post for her service to our town. Fiona is leaving Cue on 3 January 2023 and as yet, no replacement has been found by WA Country Health.

10. REPORTS

10.1 ACCOUNTS & STATEMENTS OF ACCOUNTS

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Cheryl Walton – Manager Finance
 DATE: 15 December 2022

Matters for Consideration:

To receive the List of Accounts Due and submitted to the Ordinary Council Meeting on 20 December 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 November 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 November 2022 to 30 November 2022 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.

November 2022

Municipal Fund Bank EFTs	11440 - 11546	\$	358,934.94
Direct Debit Fund Transfer	General	\$	44,835.72
Direct Debit Fund Transfer	Credit Card	\$	6,831.88
Payroll		\$	180,571.82
BPAY		\$	12,328.35
Cheques		\$	0.00
Total		\$	603,502.71

Council Decision:02122022

Voting requirement: Simple Majority

MOVED:CR HUMPHREYS

SECONDED:CR HOGBEN

That Council endorse the payments for the period 1 November 2022 to 30 November 2022 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.

November 2022

Municipal Fund Bank EFTs	11440 - 11546	\$	358,934.94
Direct Debit Fund Transfer	General	\$	44,835.72
Direct Debit Fund Transfer	Credit Card	\$	6,831.88
Payroll		\$	180,571.82
BPAY		\$	12,328.35
Cheques		\$	0.00
Total		\$	603,502.71

CARRIED:5/0

10.2 FINANCIAL STATEMENT

APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Cheryl Walton – Manager Finance
DATE:	15 December 2022

Matters for Consideration:

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

Council Decision:03122022

Voting requirement: Simple Majority

MOVED:CR PRICE

SECONDED:CR HUMPHREYS

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

CARRIED:5/0

10.3 APPLICATION TO DRILL WITHIN DAYDAWN TOWNSITE

APPLICANT: Westgold Resources Ltd (Big Bell Gold Operations)
 DISCLOSURE OF INTEREST: Cr Price declared a financial interest and left the chambers at 6.43pm
 AUTHOR: Richard Towell – Chief Executive Officer
 DATE: 15 December 2022

Matters for Consideration:

Request to reconsider approval to conduct exploration drilling within the Day Dawn Townsite.

Background:

At the ordinary meeting of Council held on 20 September 2022, Council considered a request by Westgold Resources Ltd for permission to undertake exploration drilling within the Day Dawn townsite.

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

Council resolved the following.

Council Decision:07092022	Voting requirement: Simple Majority
MOVED:CR HOUGHTON	SECONDED:CR DENNIS
That Council advise Westgold Resources Ltd that the Shire of Cue is opposed to granting any approval for mining activities within the Day Dawn Townsite.	
CARRIED:4/2	
AGAINST: CR DENNIS, CR HOGBEN	

Westgold have been in contact with me following the decision to explore ways that they might be able to undertake the works without disturbing any historical fabric.

Following this Westgold have provided an updated proposal showing details of the drilling program, drilling locations and the system used to minimise ground disturbance and impact on heritage areas.

A condition on the tenement provides that, *“Access to the surface of land within Day Dawn Townsite for mining purposes being subject to the approval of the local Authority, and mining activities within the first 100 metres below the surface of the land being limited to such exploration activities as may be approved by the State Mining Engineer.”*

Comments:

A copy of the new proposal and management plan showing the location of the proposed works is attached at [Appendix 3](#).

The updated proposal identifies three target areas identified as White Horse, Groper and Bonnie Scotland. The program proposes to drill 22 holes over the three areas with depths ranging from 100 to 300 metres deep.

Each drill pad is expected to have a ground disturbance footprint of 20 metres by 20 metres with a shallow earth sump dug to contain any ground water encountered. Each site will be rehabilitated following the works.

The proposal outlines the use of a ground disturbance management system that will be utilised to identify and protect heritage fabric and areas within the Day Dawn Town Site so that no activities will take place in these areas.

The White Horse site proposes the drilling of six holes in an area that has historical mine shafts in the vicinity.

The Groper site proposes four drill holes in an area on the North East side of Meehan Street, (the road from Lakeside Road up to the Great Fingall Office) and is mostly undeveloped.

The Bonnie Scotland site proposes to drill twelve holes and is located in an undeveloped area but still sits within the North East end of the Day Dawn Town Site.

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

Simon Rigby General Manager Exploration and Growth, Westgold Resources Ltd

Eugene Ferraro – Contract Town Planner

Officer's Recommendation:

Voting Requirement: Simple Majority

That Council grant approval for Westgold Resources Ltd drilling program within the Day Dawn townsite, as detailed in their application dated 14 December 2022 to drill the 22 holes identified in the plan.

6.43pm Cr Price left the chambers – disclosure of financial interest

Council Decision:04122022

Voting requirement: Simple Majority

MOVED:CR HOGBEN

SECONDED:CR HUMPHREYS

That Council grant approval for Westgold Resources Ltd drilling program within the Day Dawn townsite, as detailed in their application dated 14 December 2022 to drill the 22 holes identified in the plan.

LOST:0/4

AGAINST: CR PIGDON, CR HOGBEN, CR HUMPHREYS, CR FITZPATRICK

Council is opposed to any ground disturbance in any historical townsites.

6.51pm Cr Price returned to the chambers

10.4 DAIRY WELLS LAND ADJUSTMENT

APPLICANT: Mr Geoff Barritt
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell – Chief Executive Officer
 DATE: 15 December 2022

Matters for Consideration:

Request by Mr Barritt to:

1. Adjust the boundary of the Dairy Wells lease (Lot 203) to include all existing infrastructure;
2. Seek for the Dairy Wells lease to be converted to a freehold title.

Background:

Lot 203 is a small parcel of Crown land some 4.067 ha in size located 3km southeast of the Day Dawn townsite. The parcel is serviced by Dairy Wells Road which runs off the Great Northern Highway, approximately 5km southwest of the Cue town site. The lot is regular in shape approximately 239m wide and 168m deep.

Research by the current lessee confirms that the property was initially established as a dairy, which can be confirmed by the name of the access road. The lessee has confirmed that limited water is available on-site through a long-established bore.

The lessee has sought the Shire’s approval and support to amend the boundaries of the lease to include the improvements that have long formed part of the on-site facilities. The proposal being sought would increase the width of the property to accommodate existing outbuildings, while reducing the depth and increasing the width by approximately 40m and 110m respectively. The outcome would result in a parcel of land of approximately 4.4 ha in size.

The land surrounding Lot 203 forms part of 3,479 ha Reserve 7274, surrounding the south of the Day Dawn townsite and sits on the town common.

Comments:

Proposal 1: Realignment of Boundaries

The proposal to realign the boundaries of Lot 203 Dairy Wells Road to enable the lease area to include the existing outbuildings, as shown is [Appendix 4](#), is a minor matter that will have no adverse impact on the area.

Proposal 2: Converting Lot 203 to Freehold

The proposal to convert Lot 203 from leasehold to freehold is a more significant issue that should be carefully evaluated by the Shire. Lot 203 is an isolated parcel of land, remote from services and was established for a purpose, long since passed. The

improvements on the property including the residence and outbuildings remain and represent infrastructure that is now difficult to replace.

The conversion to a freehold property will provide the current leasehold with greater certainty of tenure and encourage improvements to the property and its infrastructure. This action will also enable the property to be on-sold, thereby ensuring the property and its infrastructure maintain some value.

The conversion of the property to freehold raises the following considerations:

- The responsibility for the land would transfer from the DLH to a private interest. Once owned by a private interest there can be no assurances that the infrastructure on the property will be maintained;
- As a private freehold title, current or future owners may have an expectation that a minimum level of service will be made available to the property. This could include the upkeep of roads and the provision of other local government services;
- The property is located on land identified by the Department of Fire and Emergency Services. The conversion of the land to freehold may require further investigation to determine if any additional bushfire requirements will be necessary to protect the property from bushfire hazards.

Should the council be satisfied that the above matters are manageable and within the capacity to the Shire to manage, the proposal could be supported.

Policy Implications:

Nil.

Financial Implications:

The proposal to rationalise the boundary of Lot 203 is unlikely to have any financial implications for the shire.

The proposal to freehold Lot 203 may require the regular maintenance of Dairy Wells Road and may require the provision of other services normally provided to non-town freehold lots. The proposal may also require additional services for bush fire protection, however, this is a matter that will be required to be confirmed through further investigations.

Strategic Implications:

The proposed action addresses the following objectives contained in the Shire's Strategic Community Plan 2017-2027.

Economic Objective

Outcome 1.1 Maximise local economic opportunities to benefit the whole community

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

Environmental Objective

Outcome 4.3 Maintain and improve our built environment

4.3.1 Maintain, improve and renew infrastructure

Consultation:

Dean Crothers– DPLH

Eugene Ferraro – Shire’s consultant town planner

Officer’s Recommendation:

Voting Requirement: Simple Majority

That Council authorises the Chief Executive Officer to advise the Department of Planning, Lands and Heritage that the Shire raises no objection to the:

- Realignment of boundaries for Lot 203 to ensure all existing improvements are located within the lot;
and
- Conversion of Lot 203 to a freehold lot.

Council Decision:05122022

Voting requirement: Simple Majority

MOVED:CR HOGBEN

SECONDED:CR HUMPHREYS

That Council authorises the Chief Executive Officer to advise the Department of Planning, Lands and Heritage that the Shire raises no objection to the:

- Realignment of boundaries for Lot 203 to ensure all existing improvements are located within the lot;
and
- Conversion of Lot 203 to a freehold lot.

CARRIED:5/0

10.5 PROPOSED CONTROLLED ENVIRONMENT VAULT (CEV) IN CUE

APPLICANT: Vocus Fibre Pty Ltd
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell – Chief Executive Officer
 DATE: 16 December 2022

Matters for Consideration:

That Council consider a portion of the Heydon Place Industrial Development for the use by Vocus Fibre Pty Ltd (Vocus), for the purpose of a controlled Environment Vault (CEV).

Background:

Vocus is currently undertaking the design process to expand their fibre optic network. This consists of a new line from Geraldton to Port Headland. This network is planned to pass through the Shire of Cue with the alignment travelling along Kalli Road, Beringarra-Cue Road, Robinson Street and then following the Great Northern Highway. See [Appendix 5](#).

A Controlled Environmental Vault will be required within the town site of Cue. The CEV will house the telecommunications equipment required to run the network. The CEV will require access to mains power and will be within a compound that is fenced if outside or located within a shed.

There will also be other CEV units located within the Shire outside of the townsite.

The picture below shows an example of what a CEV may look like.



Comments:

Vocus have identified a number of sites within the Cue town site that they would like to place a CEV unit. I have informed them that the preferred place for a CEV unit is the industrial area. The proposed location that we have agreed would be most suitable is within the Heydon Place industrial development at 28 Heydon Place.

There are two possible options for this site being either inside one of the industrial sheds or located at the Eastern end of the sheds within a purpose-built compound as shown in yellow in the diagram below. The second option is my preference as it maximises the potential for keeping the sheds available for economic development opportunities in Cue.



From a site perspective, Vocus will require the CEV to be located within a fenced compound that they can have access to at all times and will require single phase power to the site. Vocus will be seeking a long term lease for the unit and have indicated a twenty five year lease.

Statutory Environment:

Local Government Act 1995

Town Planning Scheme No.2

Policy Implications:

Nil

Financial Implications:

Vocus would like to engage in a twenty five year lease for the location of the CEV. Details of the lease have not been discussed at this stage.

Strategic Implications:

Shire of Cue Strategic Community Plan 2023 – 2038

Outcome 1.1 Maximise local economic opportunities to benefit the whole community

1.1.1 Work with the commercial sector to grow and support local infrastructure and services

Outcome 3.1 Community infrastructure that meets the needs of our residents

Consultation:

Glenn Boyes – Deputy Chief Executive Officer

Eugene Ferraro – Shire’s consultant town planner

Linda Schwab – Land Access Specialist, Vocus Fibre Pty Ltd

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

That Council provides in-principle support for a Controlled Environment Vault to be housed at 28 Heydon Place, Cue, with the preferred option being a compound located at the Eastern end of the industrial unit complex.

Council Decision:06122022 **Voting requirement:** Simple Majority

MOVED:CR HUMPHREYS **SECONDED:CR FITZPATRICK**

That Council provides in-principle support for a Controlled Environment Vault to be housed at 28 Heydon Place, Cue, with the preferred option being a compound located at the Eastern end of the industrial unit complex.

CARRIED:5/0

10.6 PROPOSED TOWN BOUNDARY EXPANSION

APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell
DATE:	26 October 2022

Matters for Consideration:

Request the Department of Planning, Lands and Heritage to expand the Cue townsite boundary as shown on [Appendix 6](#).

Background:

In October 2022, the Western Australian Planning Commission approved the subdivision of the final stage of the Heydon Place industrial area and the Shire is now working towards finalising this subdivision. Given that the Heydon Place industrial area is nearing completion, it is appropriate to now consider the long-term strategy for the expansion of the industrial area.

The Shire's 2016 local planning strategy does not identify the industrial expansion area, other than drawing attention to the Shire's preference for the industrial area to be located north of Heydon Place. One of the major considerations for determining the suitability of future industrial sites is the location of the townsite boundary. While Heydon Road is located inside the townsite boundary, any northward expansion would be located outside of the townsite.

Comments:

The expansion of the townsite boundary is determined by the Department of Planning, Lands and Heritage, with the first step being the lodgement of a Crown Land Query with the Department. The lodgement of the query will enable the Department to consider the proposal and advise the Shire on the processes necessary to advance the matter.

Extending the industrial area north of Heydon Place will require further negotiations and discussions with a range of State government agencies including Mines, Land, Planning and Main Roads. The expansion of the townsite boundary should, however, remove one hurdle to achieving additional industrial land in the Shire.

Policy Implications:

Nil.

Financial Implications:

The expansion of the townsite boundary will be the first step in expanding the amount of available industrial land in the Shire. It is unclear at this stage what costs may be involved in satisfying the DPLH requirements and these will be reported to the Council

once known. In the longer term the provision of additional industrial land in the Shire is likely to both encourage new businesses to the town and accommodate the expansion of existing businesses and also lead to an increase in local employment opportunities.

Strategic Implications:

The proposed action addresses the following objectives contained in the Shire’s Strategic Community Plan 2023 - 2038.

Economic Objective

Outcome 1.1 Maximise local economic opportunities to benefit the whole community

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

Environmental Objective

Outcome 4.3 Maintain and improve our built environment

4.3.1 Maintain, improve and renew infrastructure

Consultation:

Dave Foster – DPLH

Eugene Ferraro – Shire’s consultant town planner

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

That Council authorises the Chief Executive Officer to undertake the necessary administrative processes to apply to the Department of Planning, Lands and Heritage to expand the Cue townsite boundary to accommodate the possible future expansion of the Heydon Place industrial area.

Council Decision:07122022 **Voting requirement:** Simple Majority

MOVED:CR PRICE **SECONDED:CR HUMPHREYS**

That Council authorises the Chief Executive Officer to undertake the necessary administrative processes to apply to the Department of Planning, Lands and Heritage to expand the Cue townsite boundary to accommodate the possible future expansion of the Heydon Place industrial area.

CARRIED:5/0

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

13.1 CLOSURE OF LANE OFF MITCHELL STREET

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell –Chief Executive Officer
 DATE: 19 December 2022

Matters for Consideration:

Pursuant to clause 58(3) of the *Land Administration Act 1997*, formally request the Minister for Lands to close a section of road off Mitchell Street.

Background:

A request was received from the owners of Lot 295 (4) Simpson Street for the lane behind their property to be permanently closed, as it is between their property and a lot they wish to purchase from the Department of Planning, Lands and Heritage. It would then be the owners’ intention to fence the newly acquired lot and any portion of the lane they acquire from DPLH into their existing property.

This item was initially considered at the Council meeting of 17 December 2019, where the following resolution was carried:

<i>Council Decision: 05122019</i>	Voting requirement: Simple Majority
MOVED: CR DENNIS	SECONDED: CR HOGBEN
<i>That Council:</i>	
<ol style="list-style-type: none"> 1. Agree to the proposed closure of the lane running from Mitchell Street, Cue, along the Eastern boundary of lots 294, 295 & 296. 2. Instruct the CEO to initiate formal closure of the lane by publicly advertising the proposal. 	
CARRIED: 6/0	

The proposed closure was advertised in the Dryblower during December 2020, inviting submissions to be lodged by 29 January 2021. No submissions were received. The item was considered again by Council at the Ordinary meeting held 16 March 2021.

<i>Council Decision: 08032021</i>	Voting requirement: Simple Majority
MOVED: CR DENNIS	SECONDED: CR FITZPATRICK
That Council instruct the CEO to proceed with formal closure of the lane running from Mitchell Street, Cue, along the Eastern boundary of lots 294, 295 & 296.	
CARRIED: 7/0	

In order to complete the closure, the Shire was required to indemnify the Minister against all fees and charges associated with the proposed closure. The request to indemnify the Minister was considered by the Council at its Ordinary meeting held on 20 September 2022.

Council Decision:05092022

Voting requirement: Simple Majority

MOVED:CR DENNIS

SECONDED:CR HOGBEN

That Council indemnify the Minister for Lands against all fees and charges incurred in relation to the formal closure of the lane running off Mitchell Street, Cue.

CARRIED:7/0

Comments:

The application to the Minister for Lands was submitted on 24 August 2021 and acknowledgement of the application was received on 2 September 2022.

Upon review of all the necessary documentation required to finalise this matter, it was noted that clause 58 of the *Land Administration Act 1997*, requires specific actions to be undertaken to meet the legislative requirements. This includes the requirement to advertise the proposal in a newspaper circulating in the district, the consideration of any submissions received and the resolution to proceed.

The Shire had incorrectly assumed that the provisions of the *Local Government Act 1995* that permit the substitution of newspaper advertising with electronic advertising also applied in this instance. Upon receiving clarification from the Department of Planning, Lands and Heritage, arrangements were made to readvertise the proposal in the West Australian newspaper. The notice for comment was published in the West Australian on Saturday 29 October 2022 advising that the period for lodging comments closed at 4pm on Monday 5 December 2022 (i.e. 37 days).

No submissions were received during the advertising period.

Subject to the Council now formally resolving to proceed with the proposed road closure, the process has now met all the legislative requirements.

The existing road, identified in [Appendix 7](#), is unconstructed and serves no public purpose. The closure of the road will enable this land to be amalgamated with the adjoining lot, thereby enabling the land to be put to use.

Statutory Environment:

LAND ADMINISTRATION ACT 1997

58. Closure of roads

(1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.

(2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*

(3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Consultation:

Sandra Box – 4 Simpson Street
Eugene Ferraro – Contract Town Planner

Officer’s Recommendation:

Voting Requirement: Simple Majority

That Council resolves to:

1. Note that the proposal was advertised as required under clause 58(3) of the *Land Administration Act 1997* for a minimum period of 35 days and that no submissions were received;
2. Pursuant to clause 58 of the *Land Administration Act 1997* authorise the Chief Executive Officer to seek approval for the closure of the lane off Mitchell as shown on the Plan dated 20 September 2022; and
3. Note that the Council at its meeting on 20 September 2022 has previously resolved to indemnify the Minister for Lands against all fees and charges incurred in relation to the formal closure of the lane running off Mitchell Street, Cue.

Council Decision:08122022

Voting requirement: Simple Majority

MOVED:CR FITZPATRICK

SECONDED:CR HOGBEN

That Council resolves to:

1. Note that the proposal was advertised as required under clause 58(3) of the *Land Administration Act 1997* for a minimum period of 35 days and that no submissions were received;
2. Pursuant to clause 58 of the *Land Administration Act 1997* authorise the Chief Executive Officer to seek approval for the closure of the lane off Mitchell Street as shown on the Plan dated 20 September 2022; and
3. Note that the Council at its meeting on 20 September 2022 has previously resolved to indemnify the Minister for Lands against all fees and charges incurred in relation to the formal closure of the lane running off Mitchell Street, Cue.

CARRIED:5/0

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Council Decision:09122022 **Voting requirement:** Simple Majority

MOVED:CR FITZPATRICK **SECONDED:CR PRICE**

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

CARRIED:5/0

7.15pm Mr Geoff Barritt left the chambers

14.1 PREMIER’S AUSTRALIA DAY ACTIVE CITIZENSHIP AWARDS

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Richard Towell – Chief Executive Officer

DATE: 8 December 2022

Matters for Consideration:

For Council to consider who will be awarded the Premier’s Australia day Active Citizenship Awards for 2023.

Council Decision:10122022 **Voting requirement:** Simple Majority

MOVED:CR FITZPATRICK **SECONDED:CR HOGBEN**

That Council awards the following 2022 WA Premier’s Australia Day Community Citizen of the Year Awards to the following winners;

Community Citizen of the Year awarded to Ian Dennis

Community Senior Citizen of the Year awarded to Jenni Dennis

Active Citizenship Award (for group or event) awarded to Cue Sub Centre St John Ambulance

CARRIED:5/0

14.2 TRANSFER 11 DARLOT ST, CUE

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell –Chief Executive Officer
 DATE: 19 December 2022

Matters for Consideration:

Endorse the transfer of 11 Darlot St, Cue to the Shire of Cue and authorise the application of the common seal to the transfer of land.

Council Decision:11122022 **Voting requirement:** Simple Majority
MOVED:CR PRICE **SECONDED:CR HUMPHREYS**

AMENDED MOTION

That Council

1. Authorise the Chief Executive Officer to enter into an offer and acceptance with The Public Trustee (WA), to transfer Lot 5, (11) Darlot Street, Cue WA 6640 to the Shire of Cue for the consideration of \$1.00 subject to Water Corporation and Horizon Power waiving all outstanding charges and any other encumbrances over the land
 and
2. Authorise the Shire President and Chief Executive Officer to apply the common seal to the transfer of land.

CARRIED:5/0

Council Decision:12122022 **Voting requirement:** Simple Majority
MOVED:CR FITZPATRICK **SECONDED:CR HOGBEN**

That the meeting be reopened to members of the public.

CARRIED:5/0

15. CLOSURE

The Presiding Member thanked those present for attending the meeting and declared the meeting closed at 7.54pm.

To be confirmed at Ordinary Meeting on the 21 February 2023.

Signed:.....

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