



**MINUTES
ORDINARY MEETING
OF COUNCIL**

21 DECEMBER 2021

**SHIRE OF CUE
Ordinary Council Meeting
MINUTES**

Held in the Council Chambers, 73 Austin Street Cue on
Tuesday 21 December 2021 commencing at 6:31pm

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1. DECLARATION OF OPENING

The meeting was opened at 6.31pm

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 *

Councillor Leonie Fitzpatrick

Councillor Julie Humphreys

Councillor Liz Houghton

*6.33 pm *Cr Dennis joined the meeting via electronic communications*

*6.34 pm *Cr Hogben joined the meeting via electronic communications*

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:

Ms Catherine Willett

Mr Mitchell Mace

1.1 ATTENDANCE BY ELECTRONIC COMMUNICATION CR DENNIS

APPLICANT: Cr Ian Dennis
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell –Chief Executive Officer
DATE: 14 December 2021

Matters for Consideration:

Attendance at Council meeting by electronic communication.

Background:

Cr Dennis has requested permission to attend the December 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 Dennis 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 of Cr Dennis's private office at 30 Shadbolt Street, Booragoon as a suitable place for the purposes of Regulation 14A of the Local Government (Administration) Regulations 1996.*
2. *That Council grant approval for Cr Dennis to attend this meeting by instantaneous communications.*

Council Decision:01122021

Voting requirement: Absolute Majority

MOVED: CR PRICE

SECONDED: CR FITZPATRICK

1. *That Council approves of Cr Dennis's private office at 30 Shadbolt Street, Booragoon as a suitable place for the purposes of Regulation 14A of the Local Government (Administration) Regulations 1996.*
2. *That Council grant approval for Cr Dennis to attend this meeting by instantaneous communications.*

CARRIED:5/0

1.2 ATTENDANCE BY ELECTRONIC COMMUNICATION CR HOGBEN

APPLICANT: Cr Ron Hogben
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell –Chief Executive Officer
 DATE: 21 December 2021

Matters for Consideration:

Attendance at Council meeting by electronic communication.

Background:

Cr Hogben has requested permission to attend the December 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 of 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.*

Council Decision:02122021

Voting requirement: Absolute Majority

MOVED: CR HUMPHREYS

SECONDED: CR HOUGHTON

1. *That Council approves of 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.*

CARRIED:6/0

2. APOLOGIES AND APPROVED LEAVE OF ABSENCE

Nil

3. DISCLOSURE OF MEMBERS' INTERESTS

Cr Houghton declared an impartiality interest in Item 10.5

4. PUBLIC QUESTION TIME

Nil

5. CONFIRMATION OF MINUTES

Council Decision:03122021

Voting Requirement: Simple Majority

MOVED:CR FITZPATRICK

SECONDED:CR HOUGHTON

That the Minutes of the Ordinary Meeting 16 November 2021 are confirmed as a true and correct record of the meeting.

CARRIED:7/0

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. DEPUTATIONS

Nil

8. PETITIONS

Nil

9. ANNOUNCEMENTS WITHOUT DISCUSSION

The Water Corporation gifted a set of glasses and jug to the Council to enjoy the newly commissioned water supply.

10. REPORTS

10.1 ACCOUNTS & STATEMENTS OF ACCOUNTS

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Cheryl Walton – Manager Finance

DATE: 8 December 2021

Matters for Consideration:

To receive the List of Accounts Due and Submitted to the Ordinary Council Meeting on 21 December 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 are for the month of November 2021.

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 November 2021 to 30 November 2021 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.

November 2021

Municipal Fund Bank EFTs	10354 - 10437	\$	988,201.21
Direct Debit Fund Transfer	General	\$	40,550.54
Direct Debit Fund Transfer	Credit Card	\$	1,209.89
Payroll		\$	117,835.16
BPAY		\$	18,717.81
Cheques		\$	0.00
Total		\$	1,166,514.61

Council Decision:04122021	Voting requirement: Simple Majority		
MOVED: CR PRICE	SECONDED: CR HUMPHREYS		
November 2021			
Municipal Fund Bank EFTs	10354 - 10437	\$	988,201.21
Direct Debit Fund Transfer	General	\$	40,550.54
Direct Debit Fund Transfer	Credit Card	\$	1,209.89
Payroll		\$	117,835.16
BPAY		\$	18,717.81
Cheques		\$	0.00
Total		\$	1,166,514.61
CARRIED:7/0			

10.2 FINANCIAL STATEMENT

APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Cheryl Walton – Manager Finance
DATE:	8 December 2021

Matters for Consideration:

The Statements of Financial Activity are for the period ended 30 November 2021 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 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 Statements of Financial Activity are for the month of November 2021.

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 Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period ended 30 November 2021, as presented at [Appendix 2](#).

Council Decision:05122021

Voting requirement: Simple Majority

MOVED:CR HOUGHTON

SECONDED:CR DENNIS

That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period ended 30 November 2021, as presented at [Appendix 2](#).

CARRIED:7/0

6.55pm Ms Catherine Willett left the Chambers.

10.3 DISABILITY ACCESS AND INCLUSION PLAN

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Glenn Boyes – Deputy Chief Executive Officer
DATE: 15 December 2021

Matters for Consideration:

Adopt the Disability Access and Inclusion Plan Statement and Standards Jan 2022 – Dec 2027 (DAIP).

Background:

The shire is required to review its Disability Access and Inclusion Plan every five years.

The plan was reviewed in November 2021 in consultation with Richard Struik from the Department of Communities. As there is no issue to address the plan was designed as a statement and set of standards. In general, this requires us to provide disability access to any new or renovated building, disability access to be provided at events and to services, and disability access to public information. The reviewed plan is presented at [Appendix 3](#).

Comments:

The plan was designed as a statement of commitment and a set of standards as opposed to a plan which aims to address an issue. After discussion with Richard Struik the plan will be in place starting from Jan 2022.

Statutory Environment:

Western Australia Disability Services Act 1993.

This legislation makes Disability Access and Inclusion Plans mandatory, and guides their development, implementation and reporting.

The Western Australia Disability Services Act 1993 requires all Local Governments to develop and implement a Disability Access and Inclusion Plan. This plan ensures people with disability have access to facilities and services provided by public authorities in Western Australia.

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

The Plan is intended to meet the requirement to develop and implement a set of standards to ensure that people with disability have equal access to its facilities and services.

Consultation:

Public comment sought

Richard Towell – Chief Executive Officer

Richard Struik – Department of Communities

Officer's Recommendation:

Voting Requirement: Simple Majority

That Council adopts the Shire of Cue's Disability Access and Inclusion Plan Statement and Standards Jan 2022 – Dec 2027 as presented at [Appendix 3](#).

Council Decision:06122021

Voting requirement: Simple Majority

MOVED:CR HOUGHTON

SECONDED:CR DENNIS

That Council adopts the Shire of Cue's Disability Access and Inclusion Plan Statement and Standards Jan 2022 – Dec 2027 as presented at [Appendix 3](#).

CARRIED:7/0

10.4 PROPOSED LOCAL GOVERNMENT REFORMS

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell – Chief Executive Officer
DATE: 14 December 2019

Matters for Consideration:

To provide Council with the opportunity to submit feedback on the proposed Local Government Reforms, issued by the Department of Local Government, Sport and Cultural Industries in November 2021

Background:

The Department of Local Government, Sport and Cultural Industries is seeking feedback on the proposed Local Government Reform. There are a number of legislative changes proposed across a wide range of local government functions. Feedback submissions to the Department of Local Government, Sport and Cultural Industries (DLGSC) is due 25 February 2022; WALGA have requested feedback by 28 January 2022.

Comments:

In 2017 the State Government announced a review of the Local Government Act 1995. The objective of the review is for Western Australia to have a new, modern Act that empowers local governments to better deliver for the community. Based on the significant volume of research and consultation undertaken over the past five years, the Minister for Local Government has now announced the most significant package of major reforms to local government in Western Australia since the Local Government Act 1995 was passed more than 25 years ago.

The package is based on six major themes:

1. Earlier intervention, effective regulation, and stronger penalties
2. Reducing red tape, increasing consistency and simplicity
3. Greater transparency and accountability
4. Stronger local democracy and community engagement
5. Clear roles and responsibilities
6. Improved financial management and reporting

A large focus on the new reform is oversight and intervention where there are significant problems arising within a local government. The introduction of new intermediate powers for intervention will increase the number of tools available to more quickly address problems and dysfunction within local governments.

The proposed reforms are broad in nature. Some proposals will have minimal impact on the Shire, whilst others could potentially be significant. The majority of the proposals are supported and comments are provided where they are not. A key feature

of the proposed reforms is a long-awaited recognition of size and scale within the local government legislative framework, and different regulatory treatment for Tier 1 & 2 (larger) and Tier 3 & 4 (smaller) local governments. This should reduce the compliance burden upon small local governments, thereby allowing us to focus our limited resources on delivering value back to our communities.

The draft WALGA response is presented at [Appendix 4](#), with additional comments provided by the Shire of Cue.

Statutory Environment:

Local Government Act 1995

Policy Implications:

Shire of Cue Strategic Community Plan 2017 – 2027

Outcome 2.1 A strategically focused and unified Council functioning efficiently

Outcome 2.2 Strengthen our communities' position for the future

Financial Implications:

None at this stage but could have financial implications once the reforms are implemented

Strategic Implications:

None at this stage but could have strategic implications once the reforms are implemented

Consultation:

Murchison Executive Group

Glenn Boyes – Deputy Chief Executive Officer

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

That Council:

1. Notes the Local Government Reform Summary of Proposed Reforms issued by the Department of Local Government, Sport and Cultural Industries;
and
2. Endorses the drafted response attached at [Appendix 4](#), for submission to DLGSC, WALGA and the Murchison Country Zone

Amended Motion:

Voting Requirement: Simple Majority

That Item 10.4 be adjourned for the purpose of Council undertaking a workshop to prepare a submission to be considered at a Special Meeting of Council on the 18 January 2022.

Council Decision:07122021

Voting requirement: Simple Majority

MOVED:CR HOUGHTON

SECONDED:CR DENNIS

That Item 10.4 be adjourned for the purpose of Council undertaking a workshop to prepare a submission to be considered at a Special Meeting of Council on the 18 January 2022.

CARRIED:7/0

10.5 APPLICATION FOR MINING TENEMENT CUE TOWN SITE

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Cr Elizabeth Houghton – Impartiality Interest (Uncle’s property has an adjoining boundary with proposed tenement).

AUTHOR: Richard Towell – Chief Executive Officer

DATE: 12 December 2021

Matters for Consideration:

That Council provide comments and recommendation to the Minister for Mines and Petroleum regarding the granting of a mining lease that sits within the Cue townsite.

Background:

Under Sections 23 to 26 of the *Mining Act 1978* (the Act) mining may be carried out on certain classes of land with the written consent of the Hon Minister for Mines and Petroleum.

In respect to townsites, the Minister for Mines and Petroleum is to first consult and obtain the recommendation of the local municipality and the Minister for Lands before he can grant consent to mine.

The Minister for Mines and Petroleum is seeking Council’s comments and recommendation with regard to the impact of the application on the reserve listed above.

It is proposed that if Council is in agreement with allowing mining activity in the area that the following endorsement and condition be imposed upon the tenement:

Endorsement: The grant of this lease does not include any private land referred to in Section 29(2) of the Act except that below 30 metres from the natural surface of the land.

Condition: Access to the surface of land within **Cue** Townsite for mining purposes being subject to the approval of the local Authority or relevant reserve vestees, 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 Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety.

Comments:

A copy of the Tengraph map showing the location of the licence applied for is attached at [Appendix 5](#).

The area applied for adjoins the back of residential lots on Stewart Street in Cue and adjacent to the Industrial area on Robinson Street as well as covering unallocated

industrial lots on Robinson Street. Council should give consideration to any development of these industrial lots in the future and the impact of any future proposed program of works to dry blow or scrape and detect on the area and the impact this may have to neighbouring properties.

It is also my understanding that a protected, rare eremophila plant species is growing in this area.

It is my recommendation that due to the proximity of the lease to the existing urban uses, the license be approved with the conditions that any mining activity is restricted to detecting and hand held tools mining only to minimise any disturbance to the neighbouring properties and that the applicant not obstruct any future planned use or development of the town lots on the lease area.

It is also recommended that *Council Policy C3, clause 2.2* be invoked, to ensure that there is no disturbance to the natural surface of the townsite by way of waste rock emplacement or tailings storage facilities.

As the lease area sits within the Cue townsite a further condition should be placed on the approval to ensure that no camping or placement of infrastructure will occur on the lease area to comply with the Town Planning Scheme and the *Planning and Development Act 2005*.

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 Town sites

- 2.1 *Other town sites which are now vacant and to which the shire has an interest, are identified as the town sites of Austin, Cuddingwarra, Mainland, Reedy, Tuckanarra, Big Bell, Day Dawn, Pinnacles.*
- 2.2 *The Council is prepared to allow mining under these town sites 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:

The area being applied for is 5.7 hectares in area and not subject to rates.

Strategic Implications:

Shire of Cue Strategic Community Plan 2017-2027

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:

Nil

Officer's Recommendation:

Voting Requirement: Simple Majority

That Council advise the Department of Mining and Petroleum that they would like conditions imposed on the lease as follows due to the proximity of existing urban uses:

- that any mining activity within the town site be restricted to detecting and hand tools only mining operations only.
- that the applicant not obstruct any future planned use or development of the town lots on the lease area
- that there is no disturbance to the natural surface of the townsite by way of waste rock emplacement or tailings storage facilities.
- that there is to be no camping or infrastructure placed on the lease area within the town site.

And that they agree to the endorsement:

The grant of this lease does not include any private land referred to in Section 29(2) of the Mining Act 1978 except that below 30 metres from the natural surface of the land and the condition:

Access to the surface of land within **Cue** Townsite for mining purposes being subject to the approval of the local Authority or relevant reserve vestees, 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 Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety. being imposed on tenement P 20/2458.

Council Decision:08122021

Voting requirement: Simple Majority

MOVED:CR PRICE

SECONDED:CR HOGBEN

That Council advise the Department of Mining and Petroleum that they would like conditions imposed on the lease as follows due to the proximity of existing urban uses:

- that any mining activity within the town site be restricted to detecting and hand held tools mining operations only.
- that the applicant not obstruct any future planned use or development of the town lots on the lease area
- that there is no disturbance to the natural surface of the townsite by way of waste rock emplacement or tailings storage facilities.
- that there is to be no camping or infrastructure placed on the lease area within the town site.

And that they agree to the endorsement:

The grant of this lease does not include any private land referred to in Section 29(2) of the Mining Act 1978 except that below 30 metres from the natural surface of the land and the condition:

Access to the surface of land within **Cue** Townsite for mining purposes being subject to the approval of the local Authority or relevant reserve vestees, 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 Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety being imposed on tenement P 20/2458.

LOST:0/7

AMENDMENT

MOVED: CR PRICE

SECONDED: CR HOUGHTON

That Council advise the Department of Mines, Industry Regulation and Safety that the Shire of Cue is opposed to granting any mining lease or licence within the Cue town site.

CARRIED: 7/0

10.6 APPLICATION FOR MINING TENEMENTS TUCKANARRA TOWN SITE

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell – Chief Executive Officer
 DATE: 12 December 2021

Matters for Consideration:

That Council provide comments and recommendation to the Minister for Mines and Petroleum regarding the granting of a mining lease that sits within the Tuckanarra townsite.

Background:

Under Sections 23 to 26 of the *Mining Act 1978* (the Act) mining may be carried out on certain classes of land with the written consent of the Hon Minister for Mines and Petroleum.

In respect to townsites, the Minister for Mines and Petroleum is to first consult and obtain the recommendation of the local municipality and the Minister for Lands before he can grant consent to mine.

The Minister for Mines and Petroleum is seeking Council's comments and recommendation with regard to the impact of the application on the reserve listed above.

It is proposed that if Council is in agreement with allowing mining activity in the area that the following endorsement and condition be imposed upon the tenement:

Endorsement: The grant of this lease does not include any private land referred to in Section 29(2) of the Act except that below 30 metres from the natural surface of the land.

Condition: Access to the surface of land within **Tuckanarra** Townsite for mining purposes being subject to the approval of the local Authority or relevant reserve vestees, 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 Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety.

Comments:

A copy of the Tengraph map showing the location of the licence applied for is attached at [Appendix 6](#).

It is also recommended that Council Policy C3, clause 2.2 be invoked, to ensure that there is no disturbance to the natural surface of the townsite by way of waste rock emplacement or tailings storage facilities.

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 Town sites**
 - 2.1 *Other town sites which are now vacant and to which the shire has an interest, are identified as the town sites of Austin, Cuddingwarra, Mainland, Reedy, Tuckanarra, Big Bell, Day Dawn, Pinnacles.*
 - 2.2 *The Council is prepared to allow mining under these town sites 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:

The total area being applied for is 204.42 hectares in area and will be subject to rates as prospecting tenements.

Strategic Implications:

Shire of Cue Strategic Community Plan 2017-2027

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:

Nil

Officer's Recommendation:

Voting Requirement: Simple Majority

That Council advise the Department of Mining and Petroleum that they would like conditions imposed on the lease as follows due to the proximity of existing urban uses:

- that any mining activity within the town site be restricted to detecting and hand held tools mining operations only.
- that the applicant is not to disturb any of the town sites historical elements.
- that there is no disturbance to the natural surface of the town site by way of waste rock emplacement or tailings storage facilities.
- that there is to be no camping or infrastructure placed on the lease area within the town site.

And that they agree to the endorsement:

The grant of this lease does not include any private land referred to in Section 29(2) of the Mining Act 1978 except that below 30 metres from the natural surface of the land and the condition:

Access to the surface of land within **Tuckanarra** Townsite for mining purposes being subject to the approval of the local Authority or relevant reserve vestees, 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 Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety being imposed on tenements P 20/2417 and P 20/2418.

Council Decision:09122021

Voting requirement: Simple Majority

MOVED:CR HOUGHTON

SECONDED:CR FITZPATRICK

That Council advise the Department of Mining and Petroleum that they would like conditions imposed on the lease as follows due to the proximity of existing urban uses:

- that any mining activity within the town site be restricted to detecting and hand held tools mining operations only.
- that the applicant is not to disturb any of the town sites historical elements.
- that there is no disturbance to the natural surface of the town site by way of waste rock emplacement or tailings storage facilities.
- that there is to be no camping or infrastructure placed on the lease area within the town site.

And that they agree to the endorsement:

The grant of this lease does not include any private land referred to in Section 29(2) of the Mining Act 1978 except that below 30 metres from the natural surface of the land and the condition:

Access to the surface of land within **Tuckanarra** Townsite for mining purposes being subject to the approval of the local Authority or relevant reserve vestees, 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 Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety being imposed on tenements P 20/2417 and P 20/2418.

LOST:0/7

AMENDMENT

MOVED: CR HOUGHTON

SECONDED: CR FITZPATRICK

That Council advise the Department of Mines, Industry Regulation and Safety that the Shire of Cue is opposed to granting any mining lease or licence within the Tuckanarra town site.

CARRIED: 7/0

10.7 APPLICATION FOR MINING TENEMENTS BIG BELL TOWNSITE

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell – Chief Executive Officer
DATE: 12 December 2021

Matters for Consideration:

That Council provide comments and recommendation to the Minister for Mines and Petroleum regarding the granting of mining leases that sit within the Big Bell townsite.

Background:

Under Sections 23 to 26 of the *Mining Act 1978* (the Act) mining may be carried out on certain classes of land with the written consent of the Hon Minister for Mines and Petroleum.

In respect to town sites, the Minister for Mines and Petroleum is to first consult and obtain the recommendation of the local municipality and the Minister for Lands before he can grant consent to mine.

The Minister for Mines and Petroleum is seeking Council's comments and recommendation with regard to the impact of the application on the reserve listed above.

It is proposed that if Council is in agreement with allowing mining activity in the area that the following endorsement and condition be imposed upon the tenement:

Endorsement: The grant of this lease does not include any private land referred to in Section 29(2) of the Act except that below 30 metres from the natural surface of the land.

Condition: Access to the surface of land within **Big Bell** Townsite for mining purposes being subject to the approval of the local Authority or relevant reserve vestees, 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 Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety.

Comments:

A copy of the Tengraph map showing the location of the licence applied for is attached at [Appendix 7](#).

It is also recommended that Council Policy C3, clause 2.2 be invoked, to ensure that there is no disturbance to the natural surface of the townsite by way of waste rock emplacement or tailings storage facilities.

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 Town sites**
 - 2.1 *Other town sites which are now vacant and to which the shire has an interest, are identified as the town sites of Austin, Cuddingwarra, Mainland, Reedy, Tuckanarra, Big Bell, Day Dawn, Pinnacles.*
 - 2.2 *The Council is prepared to allow mining under these town sites 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:

The total area being applied for is 6900 hectares in area and will be subject to rates as exploration tenements.

Strategic Implications:

Shire of Cue Strategic Community Plan 2017-2027

- 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:

Nil

Officer's Recommendation:

Voting Requirement: Simple Majority

That Council advise the Department of Mining and Petroleum that they would like conditions imposed on the lease as follows due to the historic significance of the town site:

- that any mining activity within the town site be restricted to detecting and hand held tools mining operations only.
- that the applicant is not to disturb any of the town sites historical elements.
- that there is no disturbance to the natural surface of the townsite by way of waste rock emplacement or tailings storage facilities.

And that they agree to the endorsement:

The grant of this lease does not include any private land referred to in Section 29(2) of the Mining Act 1978 except that below 30 metres from the natural surface of the land and the condition:

Access to the surface of land within **Big Bell** Townsite for mining purposes being subject to the approval of the local Authority or relevant reserve vestees, 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 Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety being imposed on exploration tenements E20/979 & E20/1003.

Council Decision:10122021

Voting requirement: Simple Majority

MOVED:CR FITZPATRICK

SECONDED: CR HOUGHTON

That Council advise the Department of Mining and Petroleum that they would like conditions imposed on the lease as follows due to the historic significance of the town site:

- that any mining activity within the town site be restricted to detecting and hand held tools mining operations only.
- that the applicant is not to disturb any of the town sites historical elements.
- that there is no disturbance to the natural surface of the townsite by way of waste rock emplacement or tailings storage facilities.

And that they agree to the endorsement:

The grant of this lease does not include any private land referred to in Section 29(2) of the Mining Act 1978 except that below 30 metres from the natural surface of the land and the condition:

Access to the surface of land within **Big Bell** Townsite for mining purposes being subject to the approval of the local Authority or relevant reserve vestees, 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 Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety being imposed on exploration tenements E20/979 & E20/1003.

LOST:0/7

AMENDMENT

MOVED: CR FITZPATRICK

SECONDED: CR HUMPHREYS

That Council advise the Department of Mines, Industry Regulation and Safety that the Shire of Cue is opposed to granting any mining lease or licence within the Big Bell town site.

CARRIED: 7/0

10.8 APPLICATION FOR MISCELLANEOUS LICENCE REEDY'S TOWNSITE

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell – Chief Executive Officer
 DATE: 12 December 2021

Matters for Consideration:

That Council provide comments and recommendation to the Minister for Mines and Petroleum regarding the granting of a miscellaneous lease for a haul road that passes through the Reedy's town site.

Background:

Under Sections 23 to 26 of the *Mining Act 1978* (the Act) mining may be carried out on certain classes of land with the written consent of the Hon Minister for Mines and Petroleum.

In respect to townsites, the Minister for Mines and Petroleum is to first consult and obtain the recommendation of the local municipality and the Minister for Lands before he can grant consent to mine.

The Minister for Mines and Petroleum is seeking Council's comments and recommendation with regard to the impact of the application on the reserve listed above.

Comments:

A copy of the Tengraph map showing the location of the licence applied for is attached at [Appendix 8](#).

There are three requests for comment received for this application. One for the Reedy's townsite, one for the hall reserve that sits within the Reedy's townsite and one for where the proposed license intersects with the Coglea Downs Taincrow Road

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 Town sites*
- 2.1 *Other town sites which are now vacant and to which the shire has an interest, are identified as the town sites of Austin, Cuddingwarra, Mainland, Reedy, Tuckanarra, Big Bell, Day Dawn, Pinnacles.*
- 2.2 *The Council is prepared to allow mining under these town sites 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:

The area being applied for is 139.14 hectares in area and not subject to rates.

Strategic Implications:

Shire of Cue Strategic Community Plan 2017-2027

- 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:

Fionna Munro, Mining Registrar DMIRS Mt Magnet

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

That Council advise the Department of Mining and Petroleum that they are opposed to a haul road going through the historic town site of Reedy's and request that the route be diverted around the town site, preferably to the North and joining onto Cullculli Road as shown in [Appendix 8](#).

Council Decision:11122021

Voting requirement: Simple Majority

MOVED:CR HOUGHTON

SECONDED:CR FITZPATRICK

That Council advise the Department of Mining and Petroleum that they are opposed to a haul road going through the historic town site of Reedy's and request that the route be diverted around the town site, preferably to the North and joining onto Cullculli Road as shown in [Appendix 8](#).

CARRIED:7/0

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

Nil

12. MOTIONS FOR CONSIDERATION AT THE NEXT MEETING

Nil

13. NEW BUSINESS OF AN URGENT NATURE

Council Decision:12122021 **Voting requirement: Simple Majority**

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

That Council adjourn the meeting for 1 hour for dinner.

CARRIED:7/0

The meeting was adjourned at 7.56pm.

7.58pm Cr Pigdon, Cr Price, Cr Fitzpatrick, Cr Humphreys, Cr Houghton, Mr Richard Towell, Mrs Janelle Duncan, Mr Glenn Boyes, Mr Mitchell Mace, Ms Cheryl Walton left the chambers.

7.58pm Cr Hogben and Cr Dennis left the Zoom meeting room.

8.58pm Cr Pigdon, Cr Price, Cr Fitzpatrick, Cr Humphreys, Cr Houghton, Mr Richard Towell and Mrs Janelle Duncan returned to the chambers.

8.59pm Cr Hogben and Cr Dennis re-entered the Zoom meeting room.

9.00pm The President declared the meeting open.

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Council Decision:13122021 **Voting requirement:** Simple Majority

MOVED:CR HOUGHTON **SECONDED:CR FITZPATRICK**

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

CARRIED:7/0

14.1 GREAT FINGALL MINE OFFICE RELOCATION

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Richard Towell –Chief Executive Officer

DATE: 8 December 2021

Matters for Consideration:

That Council consider the Estimate of Cost for the relocation of the Great Fingall Mine Office and preliminary list of potential risks as shown in the contents of the report.

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

That council consider the recommendation contained within the confidential report.

Council Decision:14122021 **Voting requirement:** Simple Majority

MOVED:CR FITZPATRICK **SECONDED:CR DENNIS**

That council

Instruct the Chief Executive Officer to pause the current line of pursuit to the moving of the Great Fingall Mine Office;

and

Explore further methods of moving the building including re-visiting the deconstruction method.

CARRIED:7/0

14.2 EXPRESSIONS OF INTEREST – BANK BUILDING BUSINESS PROPOSAL

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell –Chief Executive Officer
 DATE: 8 December 2021

Matters for Consideration:

Determining suitable business proposals from interested parties who have expressed interest regarding the use and lease of the Bank building.

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

That council consider the recommendation contained within the confidential report.

Council Decision:15122021 **Voting requirement:** Simple Majority

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

That Council agrees in principle to the expression of interest from Joyce Penny for the Bank building to be utilised for a café and bakery, subject to

- The Chief Executive Officer negotiating further details of the lease and provision of kitchen equipment
- Approval from the Heritage Council regarding the layout and use of the premises
- The Shire being able to provide a suitable kitchen solution that fits within Councils budget
- The Shire and the applicant being able to find suitable solutions to any further hurdles encountered
- The applicant understanding that a commencement date of 1 April 2022 may not be possible due to the delays currently being experienced

and

- Final details to be presented to Council for approval.

CARRIED:7/0

14.3 PREMIER’S AUSTRALIA DAY ACTIVE CITIZENSHIP AWARDS

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell – Chief Executive Officer
 DATE: 8 December 2021

Matters for Consideration:

For Council to consider who will be awarded the Premier’s Australia day Active Citizenship Awards for 2022.

Council Decision:16122021 **Voting requirement:** Simple Majority
MOVED:CR FITZPATRICK **SECONDED:CR HUMPHREYS**

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 Peter Lacy.

Community Senior Citizen of the Year awarded to individuals Mary Radovanovic and Lori McMeeken.

CARRIED:7/0

Council Decision:17122021 **Voting requirement:** Simple Majority
MOVED:CR FITZPATRICK **SECONDED:CR HUMPHREYS**

That the meeting be reopened to members of the public.

CARRIED:7/0

9.55pm the meeting reopened to the public.

15. CLOSURE

The Presiding Member thanked those present for attending the meeting and declared the meeting closed at 9.56pm.

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

Signed:.....

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