



**Confirmed Minutes
ORDINARY MEETING
OF COUNCIL**

17 October 2023

SHIRE OF CUE
Ordinary Meeting of Council
MINUTES

Held in the Council Chambers, 73 Austin Street Cue on
Tuesday, 17 October 2023 commencing at 6:00 PM

1 DECLARATION OF OPENING

The meeting was opened at 06:08 PM

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:

Shire President Ross Pigdon
Deputy Shire President Les Price
Councillor Ron Hogben via electronic means
Councillor Ian Dennis
Councillor Elizabeth Houghton
Councillor Leonie Fitzpatrick
Councillor Julie Humphreys

STAFF:

Chief Executive Officer Richard Towell
Deputy Chief Executive Officer Glenn Boyes
Senior Admin Officer Stephanie Wandek

GALLERY:

Mrs Jacqui Towell
Mr Neil Montgomery
Mrs Jenni Dennis
Mrs Julie Williams
Mr Mark Williams

2 APOLOGIES AND APPROVED LEAVE OF ABSENCE

Nil.

3 DISCLOSURE OF MEMBER'S INTERESTS

Cr Price declared a financial interest for item 10.6

4 PUBLIC QUESTION TIME

Nil.

5 CONFIRMATION OF MINUTES

Council Decision: 01102023	Voting Requirement: Simple Majority
MOVED: Cr Ian Dennis	SECONDED: Cr Ron Hogben
That the Minutes of the Ordinary Meeting 12 September 2023 are confirmed as a true and correct record of the meeting.	
CARRIED: 7/0	
AGAINST: None	

6 APPLICATION FOR LEAVE OF ABSENCE

Nil.

7 DEPUTATIONS

Nil.

8 PETITIONS

Nil.

9 ANNOUNCEMENTS WITHOUT DISCUSSION

Nil.

10 REPORTS

10.1 ACCOUNTS AND STATEMENTS OF ACCOUNT

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Glenn Boyes - Deputy Chief Executive Officer
DATE: 6 October 2023

Matters for Consideration:

To receive the attached List of Accounts Due and submitted to the Ordinary Council Meeting on 17 October 2023.

Background:

The Local Government, under its delegated authority to the CEO to make payments from municipal and trust funds, is required to prepare a monthly list of accounts showing each account paid and present it 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 September 2023.

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

Officers Recommendation:

Voting Requirement: Simple Majority

That Council endorse the attached payments for the period 01 September 2023 to 30 September 2023, which have been made in accordance with delegated authority under s5.42 of the *Local Government Act 1995*.

SEPTEMBER 2023

Municipal Fund Bank EFTs	EFT12524 - 12620	\$	372,373.52
Direct Debit Fund Transfer	General	\$	36,405.82
Direct Debit Fund Transfer	CEO Credit Card	\$	10,000.00
Payroll		\$	140,095.16
BPAY		\$	16,316.84
Cheques		\$	0
Total		\$	575,191.34

Council Decision: 02102023	Voting Requirement: Simple Majority		
MOVED: Cr Julie Humphreys	SECONDED: Cr Ron Hogben		
That Council endorse the attached payments for the period 01 September 2023 to 30 September 2023, which have been made in accordance with delegated authority under s5.42 of the <i>Local Government Act 1995</i> .			
SEPTEMBER 2023			
Municipal Fund Bank EFTs	EFT12524 - 12620	\$	372,373.52
Direct Debit Fund Transfer	General	\$	36,405.82
Direct Debit Fund Transfer	CEO Credit Card	\$	10,000.00
Payroll		\$	140,095.16
BPAY		\$	16,316.84
Cheques		\$	0
Total		\$	575,191.34
CARRIED: 6/1			
AGAINST: Councillor Houghton			

10.2 FINANCIAL STATEMENT

APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Glenn Boyes - Deputy Chief Executive Officer
DATE:	6 October 2023

Matters for Consideration:

The attached monthly Financial Report is for the period ending September 2023 and includes the following statements and notes:

- 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

Background:

Under the *Local Government (Financial Management) Regulations 1996*, a monthly Financial Report must be submitted to an Ordinary Council meeting within two months after the end of the month to which the statement relates. The monthly Financial Report presents an overview of the financial position of the local government at the end of each month. The monthly Financial Report must be adopted by Council and form part of the minutes.

Comments:

The monthly Financial Report is for the month of September 2023.

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

Officers Recommendation:

Voting Requirement: Simple Majority

That Council receive the attached monthly Financial Report, prepared in accordance with the *Local Government (Financial Management) Regulations 1996*, for the period ending September 2023.

Council Decision: 03102023

Voting Requirement: Simple Majority

MOVED: Cr Les Price

SECONDED: Cr Ian Dennis

That Council receive the attached monthly Financial Report, prepared in accordance with the *Local Government (Financial Management) Regulations 1996*, for the period ending September 2023.

CARRIED: 6/1

AGAINST: Councillor Houghton

10.3 POWER OF SALE FOR NON PAYMENT OF RATES

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Richard Towell, - Chief Executive Officer

DATE: 12 October 2023

Matters for Consideration:

Consider exercising the power of sale under the *Local Government Act 1995* without commencing legal proceedings, due to the cost of the proceedings being greater than the value of the property.

Background:

The Shire of Cue has undertaken proceedings through Cloud Payment Group for the collection of outstanding rates and charges on the properties listed below.

Address	Charges Outstanding
Lot 397, 86 Austin St Cue	\$ 9,299.43
Lot 405, 19 Patterson St Cue	\$ 8,907.70
Lot 2, 27 Robinson St Cue	\$ 17,461.55
Lot 419, 113 Austin St Cue	\$ 9,801.55
Lot 417, 41 Wittenoom St Cue	\$ 19,869.97
Lot 208, 13 Dundee St Cue	\$ 8,467.23
Lot 201, 21 Richmond St Cue	\$ 6,298.50
Lot 414, 47 Wittenoom St Cue	\$ 11,611.41

Forms 2, 3 and 4 have been issued and Statewide advertising has been undertaken to advise of the outstanding charges. Attempts to locate the owners have been made without success.

Attempts to recover outstanding payments for the property have not been successful. The Shire has not attempted to recover the outstanding rates and services charges through legal proceedings.

Form 5s have been issued for all the properties to advise that the properties will be offered for sale by public auction at 54 Dowley St Cue on 6 December 2023 at 12.00pm.

Comments:

To exercise the power of sale under *section 6.68* of the *Local Government Act 1995*, it is a prerequisite that the Shire has, within the period of three years prior to the exercise of the power of sale, at least once attempted to recover the monies due to the Shire by way of legal proceedings under *section 6.56* of the *Local Government Act 1995*.

The prerequisite can be waived if the Shire has a reasonable belief that the cost of proceedings under that section will equal or exceed the value of the land or having made reasonable efforts to locate the owner of the property is unable to do so. In order to progress the power of sale without commencing legal proceedings, the decision to do so and the reasons for the decision are to be recorded in the minutes of the meeting at which the decision is made.

It is recommended that Council implement the decision to exercise the power of sale without commencing legal proceedings as the most cost effective and least complicated way forward to bring these matters to a close.

Statutory Environment:

LOCAL GOVERNMENT ACT 1995

1.1.1 6.56. Rates or service charges recoverable in court

(1) If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.

Part 6, Division 6, sections 6.63 to 6.75 and Schedules 6.2 and 6.3 of the Local Government Act 1995 (the Act) and Part 5 of the Local Government (Financial Management) Regulations 1996 (FMR) regulations 72 to 78 and Forms 2 to 7.

6.64 . Actions to be taken

(1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and dash;

(a) from time to time lease the land; or

(b) sell the land; or

(c) cause the land to be transferred to the Crown; or

(d) cause the land to be transferred to itself.

- (2) On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.*
- (3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.*

1.1.2 6.68. Exercise of power to sell land

- (1) Subject to subsection (2), a local government is not to exercise its power under section 6.64(1)(b) (in this Subdivision and Schedule 6.3 referred to as the **power of sale**) in relation to any land unless, within the period of 3 years prior to the exercise of the power of sale, the local government has at least once attempted under section 6.56 to recover money due to it.*
- (2) A local government is not required to attempt under section 6.56 to recover money due to it before exercising the power of sale where the local government dash;
 - (a) has a reasonable belief that the cost of the proceedings under that section will equal or exceed the value of the land; or*
 - (b) having made reasonable efforts to locate the owner of the property is unable to do so.**
- (3A) A local government is to ensure that a decision to exercise a power of sale without having, within the period of 3 years prior to the exercise of the power of sale, attempted under section 6.56 to recover the money due to it and the reasons for the decision are recorded in the minutes of the meeting at which the decision was made.*

Policy Implications:

D.1 Debt Recovery – 2.2 Recovery of Rates Arrears

Financial Implications:

This course of action is the most cost effective for the Shire to progress the non-payment of rates, allowing the Shire to proceed with taking possession of the property and exercising the power of sale.

Strategic Implications:

Nil

Consultation:

Justin Smiley – Cloud Payment Group

Officers Recommendation:

Voting Requirement: Simple Majority

That Council: pursuant to *section 6.68(2)(a)* of the *Local Government Act 1995 (WA)* Council resolves to exercise its power of sale under *Part 6 Division 6 Subdivision 6* of the *Local Government Act 1995 (WA)* over the following properties.

Address	Charges Outstanding
Lot 397, 86 Austin St Cue	\$ 9,299.43
Lot 405, 19 Patterson St Cue	\$ 8,907.70
Lot 2, 27 Robinson St Cue	\$ 17,461.55
Lot 419, 113 Austin St Cue	\$ 9,801.55
Lot 417, 41 Wittenoorm St Cue	\$ 19,869.97
Lot 208, 13 Dundee St Cue	\$ 8,467.23
Lot 201, 21 Richmond St Cue	\$ 6,298.50
Lot 414, 47 Wittenoorm St Cue	\$ 11,611.41

And

Noting that the Shire of Cue has not made an attempt to recover the outstanding money under *section 6.56* of the *Local Government Act 1995 (WA)* within the last 3 years for the reason that the Shire reasonably believes that the costs of proceedings under that section will equal or exceed the value of the Property and having made reasonable efforts to locate the owners of the property is unable to do so.

Council Decision: 04102023

Voting Requirement: Simple Majority

MOVED: Cr Ian Dennis

SECONDED: Cr Ron Hogben

That Council: pursuant to *section 6.68(2)(a)* of the *Local Government Act 1995 (WA)* Council resolves to exercise its power of sale under *Part 6 Division 6 Subdivision 6* of the *Local Government Act 1995 (WA)* over the following properties.

Address	Charges Outstanding
Lot 397, 86 Austin St Cue	\$ 9,299.43
Lot 405, 19 Patterson St Cue	\$ 8,907.70
Lot 2, 27 Robinson St Cue	\$ 17,461.55
Lot 419, 113 Austin St Cue	\$ 9,801.55
Lot 417, 41 Wittenoorn St Cue	\$ 19,869.97
Lot 208, 13 Dundee St Cue	\$ 8,467.23
Lot 201, 21 Richmond St Cue	\$ 6,298.50
Lot 414, 47 Wittenoorn St Cue	\$ 11,611.41

And

Noting that the Shire of Cue has not made an attempt to recover the outstanding money under *section 6.56* of the *Local Government Act 1995 (WA)* within the last 3 years for the reason that the Shire reasonably believes that the costs of proceedings under that section will equal or exceed the value of the Property and having made reasonable efforts to locate the owners of the property is unable to do so.

CARRIED: 7/0

AGAINST: None

10.4 SETTING RESERVE FOR SALE OF PROPERTY

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Richard Towell - Chief Executive Officer

DATE: 12 October 2023

Matters for Consideration:

Setting of reserve prices for the lots to be auctioned for non-payment of rates and authorise the Chief Executive Officer to bid on properties at the auction on behalf of the Shire of Cue.

Background:

The following is a list of properties the Shire of Cue has taken possession of for non-payment of rates and the total outstanding rates and charges owing against them.

Address	Charges Outstanding
Lot 397, 86 Austin St Cue	\$9,299.43
Lot 405, 19 Patterson St Cue	\$8,907.70
Lot 2, 27 Robinson St Cue	\$17,461.55
Lot 419, 113 Austin St Cue	\$9,801.55
Lot 417, 41 Wittenoom St Cue	\$19,869.97
Lot 208, 13 Dundee St Cue	\$8,467.23
Lot 201, 21 Richmond St Cue	\$6,298.50
Lot 414, 47 Wittenoom St Cue	\$11,611.41

The Shire has the authority to set a reserve as it thinks fit and also the ability to buy in at the auction. The properties are proposed to be offered for sale by public auction at 54 Dowley St Cue on 6 December 2023 at 12.00pm. It is proposed that Council set a reserve for the properties to ensure that a reasonable price is obtained for the sale.

Comments:

The setting of a reserve for the sale of the properties will ensure that the Shire of Cue will recover some of the outstanding charges on the properties with the option to have the land transferred to the Shire of Cue if a reasonable price is not reached at the auction.

There are some properties that the Shire should consider purchasing for either their historic value or because they are outside of the serviced town area. It is therefore proposed that the Chief Executive Officer be authorised to bid at the auction on properties that are in the best interest of the Shire of Cue to acquire.

Statutory Environment:

Part 6, Division 6, sections 6.63 to 6.75 and Schedules 6.2 and 6.3 of the Local Government Act 1995 (the Act) and Part 5 of the Local Government (Financial Management) Regulations 1996 (FMR) regulations 72 to 78 and Forms 2 to 7.

6.71. Power to transfer land to Crown or to local government

(1) *If under this Subdivision land is offered for sale but at the expiration of 12 months a contract for the sale of the land has not been entered into by the local government, it may by transfer, where the land is subject to the provisions of the Transfer of Land Act 1893, and by deed, where the land is not subject to the provisions of that Act, transfer or convey the estate in fee simple in the land to dash;*

- (a) *the Crown in right of the State; or*
- (b) *the local government.*

(2) *When a local government exercises the power referred to in subsection (1)(a) in relation to any land all encumbrances affecting the land are, by virtue of this section of no further force or effect against that land and the Registrar of Titles or the Registrar of Deeds and Transfers, as the case requires, is to give effect to this section.*

(3) *When exercising the power referred to in subsection (1)(b) the local government is required to pay the sum secured by, or payable under, a mortgage, lease, tenancy, encumbrance or charge in favour of the Crown in right of the State or a department, agency, or instrumentality of the Crown in right of the State.*

(4) *Schedule 6.3 has effect in relation to the exercise of the power referred to in subsection (1).*

6.73. Discharge of liability on sale of land

A sale of land by a local government or a transfer or conveyance of land to the Crown or a local government under this Subdivision discharges dash;

- (a) *the land; and*
- (b) *the owners (present and past) of the land,*

from any liability to the local government for rates, service charges or other money due to the local government which were, at the time of the sale, transfer or conveyance dash;

- (c) *secured by a charge over the land; or*
 - (d) *otherwise recoverable, whether under this Act or another written law, by the local government in respect of the land.*
-

Schedule 6.3 dash; Provisions relating to sale or transfer of land where rates or service charges unpaid

3. Power of sale

The power of sale includes dash;

- (a) power to sell the whole or part of the land either together or in lots dash;
 - (i) by public auction; or
 - (ii) by private contract, if having been offered for sale by public auction, it has not been sold,
subject to such terms and conditions with respect to the payment of the purchase money or any other matter, including power to fix a reserve price, as the local government thinks fit; and
- (b) power to vary a contract of sale by agreement with the other party to the contract, and to buy in at auction; and
- (c) power to rescind a contract for sale on default by the other party to the contract, and to resell without being answerable for loss occasioned by the rescission and resale; and
- (d) power to make such thoroughfares and to grant such easements of right-of-way or drainage over the land as the circumstances of the case require and the local government thinks fit.

Policy Implications:

D.1 Debt Recovery – 2.2 Recovery of Rates Arrears

Financial Implications:

Once the properties are sold under the *Local Government Act 1995* provisions, all charges owed to the Shire will be discharged requiring the write off of any amounts outstanding not covered by the sale price. Total combined charges owing against the properties are currently \$91,717.34. This does not include the current years Council rates that have been raised on the properties. Additional charges for auction fees, contract of sale and lodgement of a memorial for each property are also not included and are estimated at \$1,650.00 per property.

Strategic Implications:

Nil

Consultation:

Justin Smiley – Cloud Payment Group

Glenn Boyes – Deputy Chief Executive Officer

Officers Recommendation:

Voting Requirement: Simple Majority

That Council set the following reserve auction prices for each for the properties to be offered for sale by auction on 6 December 2023.

Address	Charges Outstanding	Reserve Price
Lot 397, 86 Austin St Cue	\$9,299.43	\$10,000.00
Lot 405, 19 Patterson St Cue	\$8,907.70	\$10,000.00
Lot 2, 27 Robinson St Cue	\$17,461.55	\$20,000.00
Lot 419, 113 Austin St Cue	\$9,801.55	\$20,000.00
Lot 417, 41 Wittenoom St Cue	\$19,869.97	\$5,000.00
Lot 208, 13 Dundee St Cue	\$8,467.23	\$20,000.00
Lot 201, 21 Richmond St Cue	\$6,298.50	\$40,000.00
Lot 414, 47 Wittenoom St Cue	\$11,611.41	\$5,000.00

And

- Authorise the Chief Executive Officer to bid at the auction on behalf of the Shire of Cue.
- Authorise the Chief Executive Officer to complete the necessary documentation to effect the purchase, including the application of the common seal if required.
- Authorise the Chief Executive Officer to write off any monies owing following the successful sale of the properties.

06:52 pm Mark Williams left the chamber

Council Decision: 05102023

Voting Requirement: Simple Majority

MOVED: Cr Les Price

SECONDED: Cr Elizabeth Houghton

That Council set the following reserve auction prices for each for the properties to be offered for sale by auction on 6 December 2023.

Address	Charges Outstanding	Reserve Price
Lot 397, 86 Austin St Cue	\$9,299.43	\$10,000.00
Lot 405, 19 Patterson St Cue	\$8,907.70	\$10,000.00
Lot 2, 27 Robinson St Cue	\$17,461.55	\$20,000.00
Lot 419, 113 Austin St Cue	\$9,801.55	\$20,000.00
Lot 417, 41 Wittenoom St Cue	\$19,869.97	\$5,000.00
Lot 208, 13 Dundee St Cue	\$8,467.23	\$20,000.00
Lot 201, 21 Richmond St Cue	\$6,298.50	\$40,000.00
Lot 414, 47 Wittenoom St Cue	\$11,611.41	\$5,000.00

And

- Authorise the Chief Executive Officer to bid at the auction on behalf of the Shire of Cue.
- Authorise the Chief Executive Officer to complete the necessary documentation to effect the purchase, including the application of the common seal if required.
- Authorise the Chief executive Officer to write off any monies owing following the successful sale of the properties.

CARRIED: 6/1

AGAINST: Councillor Houghton

10.5 MRVC REGIONAL SUBSIDIARY

APPLICANT:

DISCLOSURE OF INTEREST: Nil

AUTHOR: Richard Towell - Chief Executive Office

DATE: 13 October 2023

Matters for Consideration:

That Council endorse the proposal from the Murchison Regional Vermin Council to transition to a Regional Subsidiary.

Background:

At the Ordinary Meeting of Council held on 18 July 2023, Council resolved the following:

Council Decision: 09072023	Voting requirement: Simple Majority
MOVED: Cr Julie Humphreys	SECONDED: Cr Ian Dennis
That Council authorise the Chief Executive Officer to provide local public notice of the Murchison Regional Vermin Council proposal to become a Regional Subsidiary and make available its associated business plan.	
CARRIED: 6/0	
AGAINST: None	

The Murchison Regional Vermin Council (MRVC) has been exploring alternative governance structures to simplify their operations. The MRVC currently operates as a Regional Council which binds them under the *Local Government Act* and imposes the same regulation and financial reporting obligations on them as a local government.

The MRVC have proposed to form a Regional Subsidiary under the *Local Government Act 1995* and the *Local Government (Regional Subsidiaries) Regulations 2017*. The Shire of Cue as a participant has undertaken the required advertising of the proposal.

Comments:

The MRVC has provided for consideration a Business Plan that the Shire of Cue has made available to the public through the Shire of Cue website and provided local public notice of the proposal. Submissions have been invited on the proposal and the six-week advertising period has now closed. No submissions have been received for the Council to consider.

Statutory Environment:

1.1.3 Local Government Act 1995,

1.1.4 Section 3.69. Regional subsidiaries

- (1) Two or more local governments making arrangements under which they are to provide a service or carry on an activity jointly may, with the Minister's approval and in accordance with the regulations, form a subsidiary body (called a ***regional subsidiary***) to provide that service or carry on that activity.
- (2) If the Minister approves the formation of a regional subsidiary, the Minister must, by notice in the *Gazette*, declare that the regional subsidiary is established dash;
 - (a) on the date set out in the notice; and
 - (b) under the name set out in the notice.
- (3) A regional subsidiary dash;
 - (a) is a body corporate with perpetual succession and a common seal; and
 - (b) is to have a governing body consisting of members appointed in accordance with the regional subsidiary's charter (as approved by the Minister in accordance with section 3.70(3)).
- (4) Without limiting subsection (3)(b), a governing body may consist of or include members who are not council members or employees.

1.1.5 3.70. Regional subsidiaries to have charter

- (1) Local governments proposing to form a regional subsidiary must prepare a charter addressing the following matters dash;
 - (a) the establishment and powers and duties of the regional subsidiary;
 - (b) the process for selecting and appointing members of the regional subsidiary's governing body;
 - (c) the qualifications that members of the regional subsidiary's governing body must have;
 - (d) the administration of the regional subsidiary, including the membership and procedures of its governing body, and the fees, allowances and expenses to be paid or reimbursed to the members of its governing body;
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- (e) the financial management, planning, auditing and reporting to be undertaken by the regional subsidiary;
 - (f) the process for amending the charter;
 - (g) the winding up of the regional subsidiary;
 - (h) any other matters required by the regulations to be dealt with in a charter.
- (2) The local governments must forward the charter to the Minister when applying for approval for the formation of the regional subsidiary.
- (3) A charter, and an amendment to a charter, are of no effect unless approved by the Minister.

1.1.6 3.70A. Audit requirements for regional subsidiaries

- (1) Section 7.1 and the provisions of Part 7 Divisions 3A to 4 apply in relation to a regional subsidiary as if the regional subsidiary were a local government.
- (2) The application of a provision under subsection (1) is subject to any prescribed or necessary modifications to the provision provided for in the regulations.

1.1.7 3.71. Regulations about regional subsidiaries

Regulations may dash;

- (a) regulate the procedure for applying to the Minister for approval for the formation of a regional subsidiary; and
- (b) require the local governments proposing to form a regional subsidiary to consult with the community in their districts in accordance with the regulations; and
- (c) provide that a specified provision of this Act applies in relation to a regional subsidiary subject to any prescribed or necessary modifications; and
- (d) provide for or regulate any other matter that is necessary or convenient to be provided for or regulated in respect of a regional subsidiary.

1.1.8 3.72. Other provisions and arrangements not affected

- (1) Section 3.69 has effect in addition to the provisions of this Division relating to regional local governments, and does not derogate from those provisions.
- (2) Nothing in section 3.69 prevents local governments from making arrangements under which dash;
- (a) a local government provides a service or carries on an activity for another local government; or
 - (b) local governments provide a service or carry on an activity jointly without forming a regional subsidiary.
-

Local Government (Regional Subsidiaries) Regulations 2017

1.1.9 4. Community consultation about formation of regional subsidiary

- (1) In this regulation dash;
significant change, in relation to the proposal to form a regional subsidiary, means dash;
 - (a) the inclusion of a further participant with the participants that propose to form the regional subsidiary; or
 - (b) the withdrawal of a participant from the participants that propose to form the regional subsidiary; or
 - (c) an amendment to the business plan prepared under subregulation (3) relating to the proposed functions of the regional subsidiary.
 - (2) Before applying to the Minister for approval for the formation of a regional subsidiary, the participants are required to consult with the community in their districts in accordance with this regulation.
 - (3) The participants must prepare a business plan that includes an overall assessment of the formation of the regional subsidiary and is to include details of dash;
 - (a) its expected effect on the provision of facilities and services by the participants; and
 - (b) its expected effect on other persons providing facilities and services in the participants' districts; and
 - (c) its expected financial effect on the participants; and
 - (d) its expected effect on matters referred to in each participant's current plan prepared under section 5.56; and
 - (e) the service that is proposed to be provided, or the activity that is proposed to be carried on, by the regional subsidiary; and
 - (f) why the regional subsidiary is proposed to be formed to provide that service or carry on that activity.
 - (4) Each participant must publish the business plan on its official website and make copies of the plan available for inspection at its office.
 - (5) Each participant must give local public notice of the proposal to form a regional subsidiary in accordance with a business plan, stating that dash;
 - (a) submissions about the proposal may be made to the participant before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and
 - (b) the business plan has been published on its official website and copies of it are available for inspection at its office.
 - (6) After the last day for submissions, each participant must consider any submissions made to the participant.
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- (7) If, having considered any submissions made, the participants decide to proceed with the proposal or with a proposal that does not involve a significant change in what was proposed, the participants may apply to the Minister for approval for the formation of the regional subsidiary, subject to compliance with section 3.70(2).
- (8) If, having considered any submissions made, the participants decide to proceed with a proposal that involves a significant change in what was proposed, the participants must:
 - (a) prepare a revised business plan; and
 - (b) comply with this regulation in respect of the revised business plan and the new proposal.

Policy Implications:

Nil

Financial Implications:

Strategic Implications:

Consultation:

Geoff Brooks – Chief Executive Officer, Murchison Regional Vermin Council.

Officers Recommendation:

Voting Requirement: Simple Majority

That Council:

- Acknowledge that it has undertaken the required local public notice and advertising period and made the associated business plan available on the Shire of Cue website with no submissions being received for consideration.
 - Endorse the Murchison Regional Vermin Councils application to the Minister to transition to a Regional Subsidiary, being the Murchison Regional Vermin Cell Authority.
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Council Decision: 06102023

Voting Requirement: Simple Majority

MOVED: Cr Elizabeth Houghton

SECONDED: Cr Ian Dennis

That Council:

- Acknowledge that it has undertaken the required local public notice and advertising period and made the associated business plan available on the Shire of Cue website with no submissions being received for consideration.
- Endorse the Murchison Regional Vermin Councils application to the Minister to transition to a Regional Subsidiary, being the Murchison Regional Vermin Cell Authority.

CARRIED: 7/0

AGAINST: None

10.6 DRILLING WITHIN DAY DAWN TOWNSITE

APPLICANT: Westgold Resources Ltd (Big Bell Gold Operations)

DISCLOSURE OF INTEREST: Cr Price declared a financial interest and requested to participate in discussions.
Cr Price left the chambers at 7.07pm
By consensus Council agreed that Cr Price can participate in the discussions
Cr Price reentered the chambers at 7.09pm

AUTHOR: Richard Towell – Chief Executive Officer

DATE: 13 October 2023

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 December 2022, Council considered a second request by Westgold Resources Ltd for permission to undertake exploration drilling within the Day Dawn townsite.

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."

Westgold 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. Westgold are confident they can undertake these works without disturbing any historical fabric within the Day Dawn Townsite.

Council resolved the following.

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.

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.

Westgold have since been in contact with the Shire and Jonathan Stanley provided a presentation to Council at the Ordinary Meeting of Council held on 12 September 2023. The presentation demonstrated prior drilling programs that have been undertaken in the past on the Day Dawn Town Site. Westgold's data shows there are 1,058 holes already drilled on the townsite. Westgold's current proposed drilling program is to drill for deeper targets than the prior drill holes have explored.

Council has concern that if the drilling program is successful, it could trigger a desire to open cut mine within the Day Dawn Townsite which Council is strongly opposed to. It was discussed at the presentation that Westgold has intentions to only access any successful targets from underground and not from surface mining.

Further research has shown that the Shire of Cue provided permission to Westgold at the August 2014 Ordinary Meeting of Council, to drill six holes on the Southwestern section of the Day Dawn Townsite.

Given the extent of drilling previously undertaken over the Day Dawn Townsite in the past, Westgold respectfully request that Council consider allowing them to undertake this drilling program to explore the deeper targets.

Comments:

Attached is a copy of the proposal and management plan that was presented at the December 2022 Council meeting, showing the locations of the proposed works.

The 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. Jonathan mentioned these could be up to 500 metres deep in his presentation.

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

Jonathan Stanley - General Manager, Cue Gold Operations, Westgold Resources Ltd

Officers 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. On the following condition;

That Westgold move the 6 holes at White Horse and the 4 at Grouper into the nearest Road Reserve in the Day Dawn Townsite and provide an updated plan showing the new proposed sites to the CEO

Noting that

- The approval is for the exploration drilling of the 22 proposed holes as detailed in the plan referenced above only.
 - There is no disturbance to the natural surface of the townsite by way of waste rock emplacement or tailings storage facilities; and
 - Any mining activities within the Day Dawn Townsite, excluding the exploration drilling approval above, will not be undertaken within the first 100 metres below the surface of the land.
 - No exploration work will be undertaken in the vicinity of any historic sites.
-

07:07pm Cr Price left the chamber

07:09pm Cr Price re-entered the chamber

07:30pm Neil Montgomery left the chamber

07:33pm Cr Price left the chamber at the conclusion of discussions

Council Decision: 07102023

Voting Requirement: Simple Majority

MOVED: Cr Elizabeth Houghton

SECONDED: Cr Ian Dennis

That Council grant approval for Westgold Resources Ltd drilling program within the Day Dawn townsite, as detailed in their application dated 14 December 2022. On the following condition

- That Westgold move the 6 holes at White Horse and the 4 at Grouper into the nearest Road Reserve in the Day Dawn Townsite and provide an updated plan showing the new proposed sites to the CEO.

Noting that

- The approval is for the exploration drilling of the 22 proposed holes as detailed in the plan referenced above only.
- There is no disturbance to the natural surface of the townsite by way of waste rock emplacement or tailings storage facilities; and
- Any mining activities within the Day Dawn Townsite, excluding the exploration drilling approval above, will not be undertaken within the first 100 metres below the surface of the land.
- No exploration work will be undertaken in the vicinity of any historic sites.

CARRIED: 5/1

AGAINST: Councillor Fitzpatrick

07:34pm Cr Price re-entered the chamber

07:34pm Neil Montgomery re-entered the chamber

11 MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12 MOTIONS FOR CONSIDERATION AT THE NEXT MEETING

Nil.

13 NEW BUSINESS OF AN URGENT NATURE

Nil.

14 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

15 CLOSURE

The Presiding Member thanked those present for attending the meeting and declared the meeting closed at 07:36 PM.

To be confirmed at Special Meeting on the 24 October 2023.

Signed:

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