



**MINUTES
ORDINARY MEETING
OF COUNCIL**

18 SEPTEMBER 2018

NOTICE OF MEETING

Please be advised that the next

Ordinary Meeting of Council

is to be held on

Tuesday, 18 September 2018

commencing at **6:30pm**

in the Council Chambers at 73 Austin Street, Cue WA



Rob Madson
Chief Executive Officer
14 September 2018

DISCLAIMER

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Please note this agenda contains recommendations, which have not yet been adopted by Council.

**SHIRE OF CUE
DISCLOSURE OF FINANCIAL INTEREST AND INTERESTS AFFECTING IMPARTIALITY**

To: Chief Executive Officer

As required by section 5.65(1)(a) or 5.70 of the Local Government Act 1995 and Council's Code of Conduct, I hereby declare my interest in the following matter/s included on the Agenda paper for the Council meeting to be held on _____ (Date)

Item No.	Subject	Details of Interest	Type of Interest Impartial/Financial	*Extent of Interest

(see below)

* Extent of Interest only has to be declared if the Councillor also requests to remain present at a meeting, preside, or participate in discussions of the decision making process (see item 6 below). Employees must disclose extent of interest if the Council or Committee requires them to.

Name (Please Print)

Signature

Date

NB

1. This notice must be given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter in which you have declared an interest is discussed, Section 5.65(1) (a) & (b).
2. It remains Councillors'/Employees' responsibility to make further declarations to the Council if a matter arises during the course of a meeting and no previous declarations have been made.
3. It is a Councillor's/Employee's responsibility to ensure the interest is brought to the attention of the Council/Committee when the Agenda item arises and to ensure that it is recorded in the minutes.
4. It remains the Councillor's responsibility to ensure that he/she does not vote on a matter in which a declaration has been made. The responsibility also includes the recording of particulars in the minutes to ensure they are correct when such minutes are confirmed.
5. It is recommended that when previewing Agenda, Councillors mark Agendas with items on which an interest is to be declared and complete the declaration form at the same time.
6. Councillors may be allowed to remain at meetings at which they have declared an interest and may also be allowed to preside (if applicable) and participate in discussions and the decision making process upon the declared matter subject to strict compliance with the enabling provisions of the Act and appropriately recorded resolutions of the Council. Where Councillors request consideration of such Council approval the affected Councillor must vacate the Council Chambers in the first instance whilst the Council discusses and decides upon the Councillor's application.

Remember: The responsibility to declare an interest rests with individual Councillors / Employees. If in any doubt seek legal opinion or, to be absolutely sure, make a declaration.

Office Use Only: Date/Initials

1. Particulars of declaration given to meeting _____
2. Particulars recorded in the minutes: _____
3. Signed by Chief Executive Officer _____

Local Government Act 1995 - SECT 5.23

Meetings generally open to the public

5.23. (1) Subject to subsection (2), the following are to be open to members of the public:

- (a) All Council meetings; and
- (b) All meetings of any committee to which a local government power or duty has been delegated.

(2) If a meeting is being held by a Council or by a committee referred to in subsection (1) (b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following --

- (a) A matter affecting an employee or employees;
- (b) The personal affairs of any person;
- (c) A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
- (d) Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
- (e) A matter that if disclosed, would reveal:
 - (i) A trade secret;
 - (ii) Information that has a commercial value to a person; or
 - (iii) Information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
- (f) A matter that if disclosed, could be reasonably expected to:
 - (i) Impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) Endanger the security of the local government's property; or
 - (iii) Prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
- (g) Information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and
- (h) Such other matters as may be prescribed.

(3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

SHIRE OF CUE

REVOKING OR CHANGING DECISIONS MADE AT COUNCIL MEETINGS

Local Government (Administration) Regulations 1996 (**Regulation No.10**)

If a previous Council decision is to be changed then support for a revocation motion must be given by an **Absolute Majority** of Councillors (that is at least 4 Councillors) if a previous attempt to rescind has occurred within the past three months or, if no previous attempt has been made the support must be given by at least **1/3rd** of all Councillors (that is at least 4 Councillors).

Regulation 10(1a) also requires that the support for revocation must be in writing and signed by the required number of Councillors, including the Councillor who intends to move the revocation motion.

Any revocation motion must be carried by the kind of vote that put the motion into place in the first instance (that is, if carried originally by an Absolute Majority or Special Majority vote then the revocation motion must also be carried by that same kind of vote).

If the original motion was carried by a Simple Majority vote then any revocation motion must be carried by an Absolute Majority vote.

To the Presiding Member,

The following Councillors give notice of their support for the bringing forward to the Council meeting to be held on _____ of a motion for revocation of Council resolution number _____ as passed by the Council at its meeting held on _____

Councillor’s Names

Councillor’s Signature

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

SHIRE OF CUE
Ordinary Council Meeting
MINUTES

Held in the Council Chambers, 73 Austin Street Cue on Tuesday 18 September 2018
commenced at 6:30pm

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1. DECLARATION OF OPENING

The Deputy Shire President 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.

Please be advised that in accordance with a Department of Local Government recommendation this Meeting is being electronically recorded with my permission.

PRESENT:

Councillor Les Price, Deputy Shire President (Presiding Member)

Councillor Ian Dennis

Councillor Ron Hogben

Councillor Leonie Fitzpatrick

Councillor Fred Spindler

STAFF:

Mr Rob Madson, Chief Executive Officer

Mr Richard Towell, Deputy Chief Executive Officer

Mrs Janelle Duncan, Coordinator Community Development

GALLERY:

Mr Steve Norregaard - Westgold Resources Limited

Mr Phil Wilding – Cue Gold Operations/Westgold Resources Limited

Mrs Jenni Dennis

Ms Janet Wicks

2. APOLOGIES AND APPROVED LEAVE OF ABSENCE

Councillor Ross Pigdon, Shire President

Councillor Liz Houghton

3. DISCLOSURE OF MEMBERS' INTERESTS

Nil

4. PUBLIC QUESTION TIME

Nil

5. CONFIRMATION OF MINUTES

Council Decision: 01092019

MOVED: CR DENNIS

SECONDED: CR HOGBEN

That the Minutes of the Ordinary Meeting of 21 August 2018 are confirmed as a true and correct record of the meeting.

CARRIED: 5/0

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. DEPUTATIONS

Mr Phil Wilding – General Manager for Cue Gold Operations, Westgold Resources Limited and Steve Norregaard - Director of Operations for Westgold Resources Limited gave a presentation of the operations of Big Bell Gold Mine.

8. PETITIONS

Nil

9. ANNOUNCEMENTS WITHOUT DISCUSSION

Nil

10. REPORTS

The Presiding Member advised he would bring item 10.5 forward to enable it to be considered while representatives from Westgold were in attendance.

10.5 BIG BELL GOLD OPERATIONS – MINING CAMP

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Rob Madson – Chief Executive Officer
 DATE: 12 September 2018

Matters for Consideration:

Location of a camp to accommodate the workforce of Big Bell mine, operated by Big Bell Gold Operations, a subsidiary of Westgold Resources Limited.

Background:

Council reaffirmed its policy position on the location of mining camps within the Shire of Cue at their meeting of 17 July 2018 by amending policy C2 to that listed in the policy implications section below.

On 16 August 2018, a proposal was received from Big Bell Gold Operations regarding the construction of a mining camp at the company's Big Bell mine site, in contravention of the adopted policy. A copy of this proposal was distributed to Councillors on the day of receipt.

Comments:

Steve Norregaard – Director of Operations for Westgold Resources Limited will be attending the council meeting to make a presentation on the operations of the Big Bell Mine during time allocated during deputations.

In my assessment, four Councillors have an association with Westgold which would necessitate a declaration of interest that would preclude them from voting on this matter. This would then result in the number of Council members being insufficient to maintain a quorum.

Statutory Environment:

The area where the Big Bell mine is located is zoned rural in the Shire of Cue Local Planning Scheme No. 2. The zoning table indicates that the purpose of "workforce accommodation" is not permitted in the rural zone, however it also noted that mining operations covered by the *Mining Act 1978* are exempt from the requirement for development approval and will be determined in accordance with the *Mining Act 1978*. Clarification is required to determine if the provision of workforce accommodation falls within the definition of mining operations.

LOCAL GOVERNMENT ACT 1995 – SECT 5.7

5.7 . Minister may reduce number for quorum and certain majorities

- (1) The Minister may reduce the number of offices of member required for a quorum at a council meeting specified by the Minister if there would not otherwise be a quorum for the meeting.*

Policy Implications:

C2 – LOCATION OF MINING CAMPS AND SINGLE PERSONS' QUARTERS

- 1. Council supports the continued development of the mining industry.*
- 2. Council will seek to maximise the economic benefits of mining activity to the town.*
- 3. Mining Camps and single persons' quarters should be located within the Cue townsite.*
- 4. Council will not support the development of mining camps or single persons' quarters outside the townsite within 70 kilometres of Cue.*

Financial Implications:

Should the mining camp be located at Big Bell, an application would be made to rate the facility on a Gross Rental Value basis, resulting in a rates assessment equivalent to that which would apply if it was located within the townsite.

Strategic Implications:

Shire of Cue Strategic Community Plan 2017 – 2027

Outcome 1.1 Maximise local economic opportunities to benefit the whole community

1.1.1 Work with the mining and pastoral sectors to grow and support local infrastructure and services

Consultation:

Phil Wilding – Registered/General Manager Cue Gold Operations, Westgold Resources Limited

Peter Cook – Managing Director, Westgold Resources Limited

Troy Hancock – Senior Legislation Officer, Department of Local Government, Sport & Cultural Industries

Officer's Recommendation:

Voting requirement: Simple Majority

1. That Council seek the approval of the Minister for Local Government to reduce the Council quorum to three to enable consideration of an application by Big Bell Gold Operations to construct a mining camp at their Big Bell mine site.
2. That following the Minister granting approval, a special meeting be called to consider the proposal.

Council Decision: 02092018

Voting requirement: Simple Majority

MOVED: CR FITZPATRICK

SECONDED: CR SPINDLER

1. That Council seek the approval of the Minister for Local Government to reduce the Council quorum to three to enable consideration of an application by Big Bell Gold Operations to construct a mining camp at their Big Bell mine site.
2. That following the Minister granting approval, a special meeting be called to consider the proposal.

CARRIED: 5/0

7.22pm Mr Phil Wilding and Mr Steve Norregaard left the Council Chambers

10.1 ACCOUNTS & STATEMENTS OF ACCOUNTS

APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell – Deputy Chief Executive Officer
DATE:	14 September 2018

Matters for Consideration:

To receive the List of Accounts Due & Submitted to Ordinary Council Meeting on Tuesday 18 September 2018 as attached – **see [Appendix 1](#)**

Background:

The local government under its delegated authority to the CEO to make payments from the municipal and trust funds is required to prepare a list of accounts each month showing each account paid and presented to Council at the next ordinary Council meeting. The list of accounts prepared and presented to Council must form part of the minutes of that meeting.

Comments:

The list of accounts is for the month of August 2018.

Statutory Environment:

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

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Consultation:

Nil

Officer’s Recommendation:

Voting requirement: Simple Majority

That Council endorse the payments for the period 1 August 2018 to 31 August 2018 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.

Municipal Fund Bank	EFTs	6432 – 6529	\$226,745.37
Direct Debit Fund Transfer			\$ 24,132.99
Payroll			\$105,797.15
BPAY			\$ 14,117.75
Cheques			\$ -
Total			\$370,793.26

Council Decision: 03092019

Voting requirement: Simple Majority

MOVED: CR FITZPATRICK

SECONDED: CR DENNIS

That Council endorse the payments for the period 1 August 2018 to 31 August 2018 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.

Municipal Fund Bank	EFTs	6432 – 6529	\$226,745.37
Direct Debit Fund Transfer			\$ 24,132.99
Payroll			\$105,797.15
BPAY			\$ 14,117.75
Cheques			\$ -
Total			\$370,793.26

CARRIED: 5/0

10.2 FINANCIAL STATEMENT

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell – Deputy Chief Executive Officer
DATE: 14 September 2018

Matters for consideration:

The Statement of Financial Activity for the period ended 31 August 2018 including the following reports:

- Statement of Financial Activity
- Significant Accounting Policies
- Graphical Representation – Source Statement of Financial Activity
- Net Current Funding Position
- Cash and Investments
- Major Variances
- Budget Amendments
- Receivables
- Grants and Contributions
- Cash Backed Reserve
- Capital Disposals and Acquisitions
- Trust Fund

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 Statement of Financial Activity is for the month of August 2018.

Statutory Environment:

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

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Consultation:

RSM Australia Pty Ltd

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 31 August 2018, as presented at [Appendix 2](#).

Council Decision: 04092019

Voting requirement: Simple Majority

MOVED: CR FITZPATRICK

SECONDED: CR DENNIS

That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period ended 31 August 2018, as presented at [Appendix 2](#).

CARRIED: 5/0

10.3 WRITE OFF SMALL BALANCES - RATES

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell – Deputy Chief Executive Officer
DATE: 13th September 2018

Matters for Consideration:

To amend the register of delegations to the Chief Executive Officer to write off small balances less than \$20.00 on rates assessments.

Background:

As part of the rates cycle, some rates assessments, particularly on expired mining tenements can be left with a small outstanding balance. This is usually the result of interest or penalties being applied after the final rates payments have been applied.

Comments:

The Shire of Cue currently has eight assessments with small balances for a total amount of \$21.47. To avoid the need to bring small balances to Council for approval to write off, it is recommended that the CEO be given delegated authority to write off small balances up to \$20.00 per rates assessment.

The current delegation to the Chief Executive Officer to write off monies owing and the proposed amendment to the delegation to include rates small balances is attached at [Appendix 3](#).

Statutory Environment:

LOCAL GOVERNMENT ACT 1995 - SECT 5.42

5.42 . Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
 - (a) this Act other than those referred to in section 5.43; or
 - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

* *Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

LOCAL GOVERNMENT ACT 1995 - SECT 5.46

5.46 . Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.

LOCAL GOVERNMENT ACT 1995 - SECT 6.12

6.12 . Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money, which is owed to the local government.

* Absolute majority required.

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

Policy Implications:

Nil

Financial Implications:

The current amount of small balance write offs will reduce rates revenue by less than \$50.00. Provision has been made in the Annual Budget for rates write offs.

Strategic Implications:

Nil

Consultation:

Rob Madson – Chief Executive Officer

Stephanie O’Meagher – Contract Rates Officer

Officer's Recommendation:

Voting requirement: Absolute Majority

That Council:

Endorse the amendment to the register of delegations to the Chief Executive Officer to write off small balances up to \$20.00 for rates assessments.

Council Decision:05092019

Voting requirement: Absolute Majority

MOVED: CR SPINDLER

SECONDED: CR DENNIS

That Council:

Endorse the amendment to the register of delegations to the Chief Executive Officer to write off small balances up to \$20.00 for rates assessments.

CARRIED: 5/0

10.4 OFFER TO PURCHASE LOT 609 (23) DOWLEY STREET

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: The author has a proximity interest in relation to this item, as the property in question shares a boundary with the CEO's residence.
AUTHOR: Rob Madson – Chief Executive Officer
DATE: 12 September 2018

Matters for Consideration:

Ratification of an offer to purchase Lot 609 (23) Dowley Street.

Background:

For the past several years, allowance has been made in the annual budget for the potential purchase of Lot 609 (23) Dowley Street which is currently owned by WA Country Health Service and surplus to their requirements. This property is a three bedroom, two bathroom house constructed at the same time, and in a similar style, to the Shire's own property at Lot 604 (15) Allen Street which is currently allocated as accommodation for the Chief Executive Officer.

The property was advertised for sale by offers to purchase in the August edition of *The Dryblower*

Comments:

I had initially estimated that this property would be worth approximately \$80,000, however after inspection it was apparent that a higher level of maintenance would be required to bring the property to a satisfactory condition for staff housing. I therefore revised my estimate and lodged an offer of \$72,500.

The offer was endorsed with special condition 1:

This offer is subject to and conditional upon the Cue Shire Council approval of expenditure at the next meeting following acceptance.

Agent for the sale, Greg Smith, has indicated that the Shire's offer was the highest received, however he is unsure of whether the sale will proceed as the offer is well below the valuation placed on the property by WACHS.

Statutory Environment:

Nil

Policy Implications:

D.9 PURCHASING POLICY

7.2 Sole Source of Supply (Monopoly Suppliers)

The procurement of goods and/or services available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source of supply.

Financial Implications:

The 2018/19 annual budget contains an allocation of \$250,000 for the purchase of land and buildings for staff housing.

Strategic Implications:

While not specifically referred to in the Shire's current Strategic Community Plan, the addition of this property to the Shire's housing stock will increase the housing options able to be offered to current and/or potential Shire employees.

Consultation:

Andrew Klein – District Operations Manager, WA Country Health Service (Midwest)

Greg Smith – Elders Real Estate

Officer's Recommendation:

Voting requirement: Simple Majority

That Council ratify the actions of the Chief Executive Officer in lodging an offer of \$72,500 to purchase Lot 609 (23) Dowley Street, Cue from WA Country Health Service.

Council Decision:06092019

Voting requirement: Simple Majority

MOVED: CR DENNIS

SECONDED: CR HOGBEN

That Council ratify the actions of the Chief Executive Officer in lodging an offer of \$72,500 to purchase Lot 609 (23) Dowley Street, Cue from WA Country Health Service.

CARRIED: 5/0

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

Nil

12. MOTIONS FOR CONSIDERATION AT THE NEXT MEETING

Nil

13. NEW BUSINESS OF AN URGENT NATURE

Nil

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

15. CLOSURE

The Deputy Shire President thanked those present for attending the meeting and declared the meeting closed at 7:48pm

To be confirmed at Ordinary Meeting on the 16 October 2018

Signed:.....

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