



**MINUTES
ORDINARY MEETING
OF COUNCIL**

19 JUNE 2018

NOTICE OF MEETING

Please be advised that the next

Ordinary Meeting of Council

is to be held on

Tuesday, 19 June 2018

commencing at **6:30pm**

in the Council Chambers at 73 Austin Street, Cue WA



Rob Madson
Chief Executive Officer
15 June 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 |
|----------|---------|---------------------|--------------------------------------|---------------------|
| | | | | |
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| | | | | |
| | | | | |
| | | | | |
| | | | | |

(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 19 June 2018 commenced at 6:30pm

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1. DECLARATION OF OPENING

The 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 Ross Pigdon, Shire President

Councillor Les Price, Deputy Shire President

Councillor Ian Dennis

Councillor Ron Hogben*

Councillor Fred Spindler

Councillor Liz Houghton

*Attendance by Telephone

STAFF:

Mr Rob Madson, Chief Executive Officer

Mr Richard Towell, Deputy Chief Executive Officer

Mrs Janelle Duncan, Coordinator Community Development

VISITOR:

Mr Travis Bate – RSM Australia Pty Ltd

GALLERY:

Ms Angela Pickering

Mrs Jenni Dennis

Mr Steve O'Dea

1.1 ATTENDANCE BY TELEPHONE CR HOGBEN

APPLICANT: Cr Ron Hogben
DISCLOSURE OF INTEREST: Nil
AUTHOR: Rob Madson –Chief Executive Officer
DATE: 19 June 2018

Matters for Consideration:

Attendance at Council meeting by telephone

Background:

Cr Hogben has requested permission to attend the June Council meeting by teleconference.

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 subregulation (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 telephone 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 in the form of a teleconference.*

Council Decision: 01062018

Voting requirement: Absolute Majority

MOVED: CR DENNIS

SECONDED: CR PRICE

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 in the form of a teleconference.*

CARRIED 5/0

6.33pm Cr Hogben joined the meeting via telephone

2. APOLOGIES AND APPROVED LEAVE OF ABSENCE

Councillor Leonie Fitzpatrick

3. DISCLOSURE OF MEMBERS' INTERESTS

Nil

4. PUBLIC QUESTION TIME

Nil

5. CONFIRMATION OF MINUTES

Council Decision: 02062018

MOVED: CR DENNIS **SECONDED: CR PRICE**

That the Minutes of the Ordinary Meeting of 15 May 2018 are confirmed as a true and correct record of the meeting.

AMENDMENT

MOVED: CR SPINDLER **SECONDED: CR HOUGHTON**

That Council decision 07052018 be amended by inserting the words “of ninety two thousand dollars” after the word “allocation”.

MOVED: CR PRICE **SECONDED: CR DENNIS**

That the motion now be put.

CARRIED: 6/0

The Presiding Member then put the amendment.

LOST: 2/4

AGAINST: CR SPINDLER AND CR HOUGHTON

The Presiding Member then put the original motion.

CARRIED: 4/2

AGAINST: CR SPINDLER AND CR HOUGHTON

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. DEPUTATIONS

Nil

8. PETITIONS

Nil

9. ANNOUNCEMENTS WITHOUT DISCUSSION

Nil

10. REPORTS

10.1 ACCOUNTS & STATEMENTS OF ACCOUNTS

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

Matters for Consideration:

To receive the List of Accounts Due & Submitted to Ordinary Council Meeting on Tuesday 19 June 2018 as attached – see [Appendix 1](#)

Comments:

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

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.

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 May 2018 to 31 May 2018 as listed at **Appendix 1**, which have been made in accordance with delegated authority per LGA 1995 S5.42.

| | | | |
|----------------------------|------|-------------|----------------------|
| Municipal Fund Bank | EFTs | 6088 – 6195 | \$212,797.36 |
| Direct Debit Fund Transfer | | | \$ 20,346.11 |
| Payroll | | | \$ 83,242.66 |
| BPAY | | | \$ 25,688.70 |
| Cheques | | | \$ - |
| Total | | | \$ 342,074.83 |

Council Decision: 03062018

Voting requirement: Simple Majority

MOVED: CR PRICE

SECONDED: CR HOGBEN

That Council endorse the payments for the period 1 May 2018 to 31 May 2018 as listed at **Appendix 1**, which have been made in accordance with delegated authority per LGA 1995 S5.42.

| | | | |
|----------------------------|------|-------------|----------------------|
| Municipal Fund Bank | EFTs | 6088 – 6195 | \$212,797.36 |
| Direct Debit Fund Transfer | | | \$ 20,346.11 |
| Payroll | | | \$ 83,242.66 |
| BPAY | | | \$ 25,688.70 |
| Cheques | | | \$ - |
| Total | | | \$ 342,074.83 |

CARRIED: 6/0

10.2 FINANCIAL STATEMENT

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

Matters for consideration:

The Statement of Financial Activity for the period ended 31 May 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](#)

Comments:

The Statement of Financial Activity is for the month of May 2018.

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.

Statutory Environment:

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

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Consultation:

RSM Bird Cameron Chartered Accountants

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

Council Decision: 04062018

Voting requirement: Simple Majority

MOVED: CR DENNIS

SECONDED: CR HOGBEN

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

CARRIED: 6/0

10.3 RATES – BUDGET RATE SETTING STATEMENT

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

Matters for Consideration:

Adoption of the 2018-2019 Budget Rate Setting Statement in support of proposing to levy differential rates.

Background:

As part of Council's budget deliberations the Budget Rate Setting Statement – see [Appendix 3](#) - has been prepared by RSM Australia Pty Ltd in support of Council proposing to levy differential rates.

Comments:

Following the budget workshop held on 12 June 2018, Council needs to consider the rate setting statement as part of its budget deliberations to review expenditure and consider efficiency measures. The Rate Setting Statement considers Council's operating and capital expenditure for the next financial year to consider the amount required from rates to achieve these outcomes.

This item will be included in Council's application to the Minister for Local Government for approval for the imposition of differential general rates that are more than twice the lowest differential general rate imposed by a rate category.

Travis Bate from RSM Australia Pty Ltd will attend the meeting to further discuss the contents of the report and its implications on the 2018-2019 Annual Budget.

Statutory Environment:

Local Government Act 1995 – Section 6.33, Differential General Rates.

Policy Implications:

Nil

Financial Implications:

Council needs to ensure that rate revenue remains at a level where the Shire can continue to maintain its current level of services to ratepayers and the community.

Strategic Implications:

Shire of Cue Strategic Community Plan 2017 - 2027

Consultation:

Rob Madson – Chief Executive Officer

Travis Bate – RSM Australia Pty Ltd

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

1. *That Council adopt the attached 2018-2019 Budget Rate Setting Statement for Differential Rates Proposal and incorporate relevant information from the report into the 2018-2019 Annual Budget.*

2. *Acknowledge that Council has reviewed its expenditure and considered efficiency measures as part of its budget deliberations.*

Council Decision: 05062018 **Voting requirement: Simple Majority**

MOVED: CR SPINDLER **SECONDED: CR PRICE**

1. *That Council adopt the attached 2018-2019 Budget Rate Setting Statement for Differential Rates Proposal and incorporate relevant information from the report into the 2018-2019 Annual Budget.*

2. *Acknowledge that Council has reviewed its expenditure and considered efficiency measures as part of its budget deliberations.*

CARRIED: 6/0

10.4 RATES – DIFFERENTIAL RATES

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

Matters for Consideration:

To approve the advertising for the proposal to apply differential rates and minimum payments in the 2018-2019 financial year.

Background:***Comments:***

In consideration of the Shire of Cue's Long Term Financial Plan with a rates increase of 3%, the latest statistics for CPI Perth of 1.5% and the Local Government Cost index forecast for 2018-2019 of 1.8%, it is recommended that no increase be applied to the rate in the dollar for all rate categories with the exception of UV Mining and GRV Mining and Transient Workforce Facilities categories.

It is proposed that the UV Mining and GRV Mining and Transient Workforce Facilities rate be decreased from thirty one point six cents in the dollar to thirty one cents in the dollar, a reduction of one point nine percent in the rate in the dollar. This is to minimise any rate increases in the current economic climate as well as respond to last year's approval to impose differential rates where the Department of Local Government, Sport and Cultural Industries requested that the Shire consider a reduction in the rate in the dollars for mining categories.

It is proposed that the GRV Commercial rate be maintained at the same rate as the GRV General rate and then a discount be applied to commercial properties. This discount is subject to the property owner paying their rates in full and on time. The discount rate to be applied is proposed at twenty percent.

Due to changes in rateable values from revaluations and changes to mining tenements the proposed rates will provide the Shire with a total of \$22,174 in additional rates revenue. This is a nominal increase of 0.96% of overall rates.

The proposed rates result in the rates model below.

| Rate Category | Rate in \$ | Number of Properties | Rateable Value | Rates Levied |
|-------------------------------------|-------------------|----------------------|------------------|------------------|
| GRV - GENERAL | 0.1062 | 91 | 547,972 | 58,195 |
| GRV - COMMERCIAL | 0.1062 | 5 | 299,208 | 31,775 |
| GRV - VACANT LAND | 0.1062 | 0 | - | - |
| GRV- M&T WORKFORCE FACILITIES | 0.3100 | 2 | 246,750 | 76,492 |
| UV - MINING TENEMENTS | 0.3100 | 309 | 6,540,538 | 2,027,567 |
| UV - PASTORAL | 0.0843 | 14 | 505,385 | 42,604 |
| Minimum payment | Minimum \$ | | | |
| GRV - GENERAL | 451 | 48 | 112,824 | 21,648 |
| GRV - COMMERCIAL | 451 | 0 | - | - |
| GRV - VACANT LAND | 451 | 40 | 8,098 | 18,040 |
| GRV- M&T WORKFORCE FACILITIES | 451 | 0 | - | - |
| UV - MINING TENEMENTS | 451 | 115 | 88,078 | 51,865 |
| UV - PASTORAL | 451 | 4 | 11,933 | 1,804 |
| Totals | | 628 | 8,360,786 | 2,329,990 |
| Revenue raised from rates 2017-2018 | | | | 2,307,816 |
| Difference | | | | 22,174 |
| | | | | 0.961% |

A comparison of rates models and rates raised by surrounding local governments for Council to consider is attached at [Appendix 4](#).

Objects and Reasons

Where council intend to impose differential rates, it is required to provide the objects of and reasons for each proposed rate and minimum payment. In the notice of intention to levy rates, Council is to advise electors and ratepayers of the time and place where this document can be inspected. The Objects and Reasons for the 2018-2019 rating proposal is attached at [Appendix 5](#).

In accordance with section 6.33(3) of the Local Government Act, Ministerial approval will be required for the above rating proposal as the highest proposed differential rate is more than twice the lowest proposed differential rate.

In accordance with section 6.35 of the Local Government Act, it is proposed that a single minimum rate be imposed across all rate categories.

Statutory Environment:

Local Government Act 1995, Section 1.7, Local Public Notice

Local Government Act 1995, Part 6 – Division 6 – Subdivision 2, Categories of Rates and Service Charges

Policy Implications:

Nil

Financial Implications:

Council needs to ensure that rate revenue remains at a level where the Shire can continue to maintain its current level of services to ratepayers and the community. The proposed rates will provide an increase of 0.96% or \$22,174 in revenue compared to rates raised for the current financial year.

Strategic Implications:

Shire of Cue Strategic Community Plan 2017 - 2027

Consultation:

Rob Madson – Chief Executive Officer

Travis Bate – RSM Australia Pty Ltd

Officer's Recommendation:

Voting requirement: Simple Majority

That Council

1. *Authorise the CEO to advertise the Shire of Cue's intention to levy the following differential rates.*

| Rate Category | Minimum Rates \$ | Rate in \$ (cents) |
|-------------------------------|-------------------------|---------------------------|
| GRV - RESIDENTIAL | 451.00 | 10.62 |
| GRV - COMMERCIAL | 451.00 | 10.62 |
| GRV - VACANT LAND | 451.00 | 10.62 |
| GRV- M&T WORKFORCE FACILITIES | 451.00 | 31.00 |
| UV - MINING TENEMENTS | 451.00 | 31.00 |
| UV - PASTORAL | 451.00 | 8.43 |

2. *Adopt the Objects and Reasons for the 2018-2019 differential rates.*

Council Decision: 06062018

Voting requirement:

MOVED: CR DENNIS

SECONDED: CR SPINDLER

That Council

1. *Authorise the CEO to advertise the Shire of Cue's intention to levy the following differential rates.*

| Rate Category | Minimum Rates \$ | Rate in \$ (cents) |
|-------------------------------|-------------------------|---------------------------|
| GRV - RESIDENTIAL | 451.00 | 10.62 |
| GRV - COMMERCIAL | 451.00 | 10.62 |
| GRV - VACANT LAND | 451.00 | 10.62 |
| GRV- M&T WORKFORCE FACILITIES | 451.00 | 31.00 |
| UV - MINING TENEMENTS | 451.00 | 31.00 |
| UV - PASTORAL | 451.00 | 8.43 |

2. *Adopt the Objects and Reasons for the 2018-2019 differential rates.*

CARRIED: 6/0

10.5 DEVELOPMENT APPLICATION – GOLDEN ART SHOP GUEST HOUSE

APPLICANT: Angela Pickering
DISCLOSURE OF INTEREST: Nil
AUTHOR: Rob Madson –Chief Executive Officer
DATE: 15 June 2018

Matters for Consideration:

Development approval for a guest house at Lot 504 Austin Street, Cue.

Background:

In May 2018 I became aware that the owner of Lot 504 Austin Street, Cue had begun using a portion of the property for the purpose of providing guest lodging. I advised the owner that development approval under the Shire's Local Planning Scheme No. 2 was required for this to occur and requested that an application be submitted as a matter of urgency. An application was subsequently lodged on 11 May 2018, indicating that a total of seven bedrooms are provided for guest accommodation.

In their application, the owner advised that they have an arrangement with the Queen of the Murchison B&B to act as an overflow for their customers, with parking and meals to be provided by that business.

Comments:

Applications for development approval are ordinarily dealt with by the CEO under delegated authority, however the proposed use of a guest house requires the exercise of a discretionary power under the Local Planning Scheme which falls outside the parameters of the delegated authority.

An inspection report for the property, conducted by the Shire's Environmental Health Officer/Building Surveyor, is attached at [Appendix 6](#). The property owner will be required to address all items of concern contained in this report.

Statutory Environment:

Shire of Cue Local Planning Scheme No. 2

Guest House in the Commercial Zone is listed as a "D" use in the Zoning Table, meaning the use is not permitted unless the local government has exercised its discretion by granting development approval.

Policy Implications:

Nil

Financial Implications:

Expansion of the income-producing capability of the property in question may result in the Valuer General applying a higher valuation to the property, resulting in an increase in

applicable rates.

Strategic Implications:

Shire of Cue Strategic Community Plan 2017 to 2027:

Economic Objective

Outcome 1.2 Develop strategies to increase number of tourists visiting the Shire

1.2.1 Investigate strategies to increase visitor accommodation options in the shire

Consultation:

Bill Atyeo – Environmental Health Officer/Building Surveyor, Shire of Cue

Officer’s Recommendation:

Voting requirement: Simple Majority

That Council exercise their discretion under the Shire of Cue Local Planning Scheme No. 2 by granting approval for the development of a guest house at Lot 504 Austin Street, Cue.

Council Decision: 07062018

Voting requirement: Simple Majority

MOVED: CR DENNIS

SECONDED: CR SPINDLER

That Council exercise their discretion under the Shire of Cue Local Planning Scheme No. 2 by granting approval for the development of a guest house at Lot 504 Austin Street, Cue.

CARRIED: 6/0

10.6 REMOVAL OF BATTERY SANDS – CUE TOWN SITE

APPLICANT: Westgold Group
DISCLOSURE OF INTEREST: Nil
AUTHOR: Rob Madson –Chief Executive Officer
DATE: 15 June 2018

Matters for Consideration:

Amendment of a prior approval to remove battery sands within the Cue townsite, adjacent to the Southern boundary.

Background:

Following an approach by Mining Central, Council, at their meeting of 16 September 2014, passed the following resolution:

That Council supports the removal of battery sands located adjacent to the southern boundary of the town subject to;

- 1. Working hours to remove the battery sands within the Cue Townsite are restricted to 7am to 7pm on 7 days per week;*
- 2. The applicant providing a rehabilitation plan and program for the site which is subject to shire approval;*
- 3. The applicant is to spray the exposed face of the adjoining sands with a water resistant dust suppression spray;*
- 4. The shire does not approve additional site clearing, open cut mining or any blasting;*
- 5. The applicant is not to move mining equipment or heavy vehicles through the adjoining residential area;*
- 6. The applicant to install a wind sock to determine the wind direction;*
- 7. The applicant is not to load or screen sands if the wind is blowing towards the residential area if the wind is in excess of 10km/ph*
- 8. The applicant is to enter into a road use agreement that is acceptable to the Council prior to works being commenced, at the cost of the applicant.*
- 9. Allows the taking of battery sands from the townsites of Day Dawn and Big Bell providing that there is no disturbance to the natural surface of the townsites by way of waste rock emplacement or tailings storage facilities.*

Comments:

The current status of Mining Central is unknown, however it is apparent that they did not act completely on the approval previously granted as a large quantity of battery sands remain. Westgold Group representative, Steve O’Dea, advises that the rights to the battery sands were acquired from Stonevale Enterprises and that it is their belief that the Shire approval to remove the sands forms part of the assets transferred to Westgold by that transaction. As the approval does not identify to whom it is granted, nor indicate that it is not transferrable or subject to a time limit, this position appears to be reasonable.

Westgold have recently commenced screening and carting the sands in accordance with the conditions of the previously granted approval, however would like Council to allow them to work around the clock to maximise the efficiency of the operation. They have indicated that if this was permitted, the entire process would be completed in approximately 20 days. It is proposed to reduce noise pollution during night operations by silencing the reversing alarm on the loader and introducing an alternative safe operations procedure.

Statutory Environment:

Nil

Policy Implications:

Policy C1

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 strict 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.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Consultation:

Steve O’Dea – Alternate Manager Southern Operations – CMGP, Westgold Group

Officer’s Recommendation:

Voting requirement: Simple Majority

That Council agree to amend their previous approval for the removal of battery sands located adjacent to the Southern boundary of the Cue townsite by removing the restriction on working hours, subject to the Chief Executive Officer being satisfied with Westgold’s proposed procedure for the reduction of noise pollution during night operations.

Council Decision: 08062018

Voting requirement: Simple Majority

MOVED: CR DENNIS

SECONDED: CR HOUGHTON

That Council agree to amend their previous approval for the removal of battery sands located adjacent to the Southern boundary of the Cue townsite by removing the restriction on working hours, subject to the Chief Executive Officer being satisfied with Westgold’s proposed procedure for the reduction of noise pollution during night operations.

Mr Richard Towell left the Council Chambers at 7.49pm

Mr Richard Towell returned to the Council Chambers at 7.54pm

CARRIED: 5/1

AGAINST: CR SPINDLER

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 President thanked those present for attending the meeting and declared the meeting closed at 8:06pm

To be confirmed at Ordinary Meeting on the 17 July 2018

Signed:.....

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