



Minutes
ORDINARY MEETING
OF COUNCIL

15TH DECEMBER 2020

SHIRE OF CUE
Ordinary Council Meeting
AGENDA

Held in the Council Chambers, 73 Austin Street Cue on
 Tuesday 15 December 2020 commencing at 6:30pm

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DECLARATION OF opening

The meeting was opened at 6.30pm

The Presiding Member welcomed those present and read the following disclaimer:

No responsibility whatsoever is implied or accepted by the Shire of Cue for any act, omission or statement or intimation occurring during this Meeting.

It is strongly advised that persons do not act on what is heard at this Meeting and should only rely on written confirmation of council's decision, which will be provided within fourteen (14) days of this Meeting.

PRESENT:

Councillor Ross Pigdon, Shire President

Councillor Les Price, Deputy Shire President

Councillor Ian Dennis

Councillor Ron Hogben

Councillor Leonie Fitzpatrick

Councillor Fred Spindler

Councillor Liz Houghton

STAFF:

Mr Rob Madson, Chief Executive Officer

Mr Richard Towell, Deputy Chief Executive Officer

Ms Tracy Bachraty, Executive Assistant

Mr Glenn Boyes, Manager Finance

GALLERY:

Jenni Dennis

Catherine Willett

1. APOLOGIES AND APPROVED LEAVE OF ABSENCE

Nil.

3. DISCLOSURE OF MEMBERS' INTERESTS

Nil.

4. PUBLIC QUESTION TIME

Nil.

5. CONFIRMATION OF MINUTES

Council Decision: 01122020

Voting Requirement: Simple Majority

MOVED: CR SPINDLER

SECONDED: CR DENNIS

That the Minutes of the Ordinary Meeting 17 November 2020 are confirmed as a true and correct record of the meeting.

CARRIED: 7/0

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

7. DEPUTATIONS

Nil.

8. PETITIONS

Nil.

9. ANNOUNCEMENTS WITHOUT DISCUSSION

The Shire President made the announcement that past councillor Ron Hogan passed away and that a date of 8th of January is the suggested date for his burial in Cue.

10. REPORTS

10.1 ACCOUNTS & STATEMENTS OF ACCOUNTS

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell – Deputy Chief Executive Officer
DATE: 10 December 2020

Matters for Consideration:

To receive the List of Accounts Due & Submitted to Ordinary Council Meeting on 15 December 2020 as attached – see [Appendix 1](#).

Background:

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

Comments:

The list of accounts is for the month of November 2020.

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 November to 30 November 2020 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.

Municipal Fund Bank	EFTs	9022 - 9130	\$ 834,119.75
Direct Debit Fund Transfer			\$ 44,855.57
Payroll			\$ 122,897.97
BPAY			\$ 12,464.92
Cheques			\$ 0.00
Total			\$1,014,520.21

Council Decision: 0212020

Voting requirement: Simple Majority

MOVED: CR DENNIS

SECONDED: CR HOGBEN

That Council endorse the payments for the period 1 November to 30 November 2020 as listed at Appendix 1, which have been made in accordance with delegated authority per LGA 1995 S5.42.

Municipal Fund Bank	EFTs	9022 - 9130	\$ 834,119.75
Direct Debit Fund Transfer			\$ 44,855.57
Payroll			\$ 122,897.97
BPAY			\$ 12,464.92
Cheques			\$ 0.00
Total			\$1,014,520.21

CARRIED: 7/0

10.2 FINANCIAL STATEMENT

APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Glenn Boyes – Manager Finance
DATE:	11 December 2020

Matters for Consideration:

The Statement of Financial Activity for the period ended 30 November 2020 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 November 2020.

Budget figures used in the Statement of Financial Activity are applied from the budget presented to council for adoption at item 10.4 of this agenda.

Statutory Environment:

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

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Consultation:

RSM Australia Pty Ltd.

Richard Towell – Deputy Chief Executive Officer

Officer's Recommendation:

Voting Requirement: Simple Majority

That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period ended 30 November 2020, as presented at [Appendix 2](#).

Council Decision: 03122020

Voting requirement: Simple Majority

MOVED: CR SPINDLER

SECONDED: CR DENNIS

That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period ended 30 November 2020, as presented at [Appendix 2](#).

CARRIED: 6/1

AGAINST: CR HOUGHTON

10.3 WRITE OFF DEBTOR

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell – Deputy Chief Executive Officer
 DATE: 7 December 2020

Matters for Consideration:

For Council to consider expensing \$10,670.00 of roller hire charges invoiced to the Shire of Mt Magnet to adjust the invoice amount to \$8,030.00.

Background:

The Shire of Cue Works Manager entered into an arrangement with the Shire of Mt Magnet Works Manager to dry hire a rubber tyre roller for \$200.00 per day in June 2019. The roller was in Mt Magnet until October 2019 and the Shire of Cue invoiced the Shire of Mt Magnet for 85 days hire at \$200.00 per day plus GST, totalling \$18,700.00.

During the time the roller was in Mt Magnet, the Works Manager for Mt Magnet changed roles and the new Works Manager was not aware of the daily charge for the roller hire. Consequently the roller sat in the Mt Magnet Shire yard not in use.

The Shire of Mt Magnet have disputed the invoiced charges as they were not aware that the charges were accruing daily on the roller being in Mt Magnet and have asked that we revise the charges to reflect the hire utilised.

Comments:

The roller incurred 73 hours of use while in Mt Magnet and it is proposed that the charges be amended to a dry hire rate of \$100.00 per machine hour plus GST. This equates to a charge of \$8,030.00 including GST.

The charges for the hire were incurred in the prior financial year and therefore need to be expensed rather than reversed or amended. The amount of the write off is outside of the Chief Executive Officers delegated authority for write off of moneys owing and therefore needs to be authorised by Council decision.

Statutory Environment:

Local Government Act 1995, Section 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:

Shire of Cue Policy Manual

D1 – Debt Recovery, 2.1 Recovery of Sundry Debtor Accounts.

Financial Implications:

The Shire has a budgeted contingency amount of \$50,000.00 for write offs and carries a provision for doubtful debts on the balance sheet of \$52,260.00. As the charges were incurred in the last financial year, these charges will need to be expensed rather than reversed against income.

Strategic Implications:

Nil

Consultation:

Rob Madson – Chief Executive Officer

Kelvin Matthews – CEO, Shire of Mt Magnet

Officer's Recommendation:

Voting Requirement: Simple Majority

That Council authorise the Chief Executive Officer to write off \$10,670.00 charged to the Shire of Mt Magnet for roller hire to amend the amount charged to \$8.030.00

Council Decision: 04122020

Voting requirement: Simple Majority

MOVED: CR PRICE

SECONDED: CR DENNIS

That Council authorise the Chief Executive Officer to write off \$10,670.00 charged to the Shire of Mt Magnet for roller hire to amend the amount charged to \$8.030.00

CARRIED: 7/0

10.4 DONATION REQUEST – WHEATBELT CHRISTIAN FELLOWSHIP

APPLICANT: Pastor Geoff van Schie
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell – Deputy Chief Executive Officer
 DATE: 10 December 2020

Matters for Consideration:

Request for financial assistance to conduct Christian values education in Murchison schools.

Background:

Pastor van Schie has been delivering a Christian values education program, known as Gospelair, to the Cue Primary School on a volunteer basis since 2015. The program is also delivered to Meekatharra, Mount Magnet and Yalgoo. A similar request for financial assistance has been made with the Shires of Mount Magnet and Yalgoo. Council has previously approved donations of \$4,000.00 for the 2018/19 and 2019/20 financial years.

Comments:

A copy of Pastor van Schie’s request, and associated support documentation, is attached at [Appendix 3](#). Wheatbelt Christian Fellowship is governed by an incorporated parent body, being the Willetton Christian Church. Cue Primary School Principal, Susan Kirkham, has provided a letter of support for Pastor van Schie’s request. A copy is also attached at [Appendix 3](#).

The Shire has made a donation of \$4,000.00 towards this cause for the past two years, it is proposed that Council provide a donation of \$4,000.00 for the coming school year to assist Pastor van Schie to continue delivering his education program.

Statutory Environment:

Nil

Policy Implications:

Council policies D2 and D16 apply.

D.2 DONATIONS AND GRANTS

D.2.1 The Council decides requests for donations and grants that are not provided for in the budget with a preference generally to those of a local nature or significance.

D2.2 The CEO has discretion to make donations in accordance within the budget allocation made for the CEO.

D.16 PROVISION OF SPONSORSHIP AND DONATIONS

Policy Statement

Calculation of Value of Requested Donation or Sponsorship

This Policy deals with requests for donation or sponsorship from external bodies. Requests may be for a cash donation or sponsorship; in kind (provision of goods and services or waiving of fees) donation or a combination of cash and in kind.

In assessing requests for in kind donation or sponsorship, or a combination of in kind and cash sponsorship, then the value of the in kind request will be calculated. The full cost of the request (including calculated value of any in kind component) will be considered.

Donations

Donations by the Council reflect its commitment to improve the wellbeing of the community of the Shire of Cue. Because of the philanthropic nature of donations, the Council does not seek a direct cost – benefit return from the donation, and does not require a business case to be put. However, the Council does give preference to donations which will assist organisations which benefit the community of the Shire of Cue, or improve the services provided to visitors to the Shire of Cue.

Where the funds are not fully expended on the approved donation the surplus money is to be returned to the Shire.

All donations are to be acquitted in the financial year that it was granted unless prior approval is granted.

Eligibility

To be eligible to apply for a donation, the applicant must be an Association incorporated in accordance with the Associations Incorporations Act 1987 which includes organisations with religious and / or charitable objectives; and / or community based not for profit groups providing a direct service to the stakeholders and visitors of the Shire of Cue which demonstrably contribute to the wellbeing of residents and visitors, and serve to promote the development of the community.

Service Areas

The range of service areas considered for donations may include:

- a) Senior citizen's / community centre;*
- b) Community information and support services;*
- c) Youth services;*

- d) Children's services;*
- e) Emergency relief services;*
- f) Recreation services / sports clubs;*
- g) Community services;*
- h) Health services;*
- i) Education services;*

Organisations are expected to acknowledge the contribution made by the Shire of Cue.

Where a donation is approved for a specific purpose – such as purchase of equipment – the organisation is required to provide evidence of expenditure.

Assessment Process

Applications are to be made in writing to the Chief Executive Officer detailing as a minimum:

Reason for request;

Amount requested (whether monetary, in kind or a combination of both); and

If donation is to be used towards the purchase of equipment, who will ultimately be the owner of the equipment and be responsible for its upkeep / maintenance.

Any sponsorship or donation approved by the Chief Executive Officer will be funded from the G/L Account 04143 – CEO Discretionary Expenses.

Any request for sponsorship or donation which the Chief Executive Officer believes is outside his / her delegation, is in excess of the aforementioned budgetary item and / or requires the consideration of Council will be referred to Council.

Where a request for sponsorship or donations is referred to Council, the Council may decline the application or subject to sufficient funds being available in the Council's budget, approve the application.

Financial Implications:

The available budget allocation for donations for the 2020/21 financial year is \$10,000.00. The Shire has also budgeted \$5,000.00 for donations – Other Education, of which around \$3,000.00 has already been allocated towards provision of the water slide to the school, reinstatement of the school bell and future installation of new flag poles for the school.

Strategic Implications:

Shire of Cue Strategic Community Plan 2017 to 2027:

Social Objective

Outcome 3.2 Encourage community participation and services

3.2.4 Support provision of emergency services, support and encourage community volunteers

Consultation:

Pastor Geoff van Schie – Wheatbelt Christian Fellowship.

Susan Kirkham – Principal, Cue Primary School.

Officer's Recommendation:

Voting Requirement: Simple Majority

That Council agree to donate \$4,000.00 to Wheatbelt Christian Fellowship to assist with the delivery of the Gospelair Christian values education program to Cue Primary School for the 2021 school year.

Council Decision: 05122020

Voting requirement: Simple Majority

MOVED: CR HOUGHTON

SECONDED: CR PRICE

That Council agree to donate \$4,000.00 to Wheatbelt Christian Fellowship to assist with the delivery of the Gospelair Christian values education program to Cue Primary School for the 2021 school year.

CARRIED: 7/0

10.5 DEVELOPMENT APPLICATION – GROUPED DWELLING

APPLICANT: Fenix-Newhaul Pty Ltd
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Rob Madson –Chief Executive Officer
 DATE: 11 December 2020

Matters for Consideration:

Development application to construct a grouped dwelling on Lot 620 (11) Dowley Street, Cue.

Background:

A development application has been received from the landowner to construct a six unit transportable dwelling and ancillary dining and ablution building on Lot 620 Dowley St, Cue, to be used for worker accommodation for drivers hauling iron ore from the Iron Ridge mine for Newhaul’s joint venture partner, Fenix Resources.

Comments:

Lot 620 has an area of 1057 m², and is currently vacant land.

Due to the development only being able to be approved at Council’s discretion, I am unable to consider the application under delegated authority.

A copy of the application, including site and floor plans for the proposed development is attached at [Appendix 4](#)

Statutory Environment:

Shire of Cue Local Planning Scheme No. 2.

residential grouped - has the same meaning as defined in the Residential Design Codes, i.e. *A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property*

The scheme Zoning Table indicates that the use “Residential – Grouped Dwelling” is a category D use in the Commercial Zone, meaning “that the use is not permitted unless the local government has exercised its discretion by granting development approval.”

Policy Implications:

Nil.

Financial Implications:

Development of the lot will increase the property's Gross Rental Value and consequently result in an increase in applicable rates. Development application and building permit fees apply.

Strategic Implications:

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

Economic Objective

Outcome 1.1 Maximise local economic opportunities to benefit the whole community

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

Social Objective

Outcome 3.1 Community infrastructure that meets the needs of our Residents

3.1.1 Increase affordable housing options for existing residents and to attract new families

Consultation:

Craig Mitchell – Director, Newhaul.

Benjamin Houweling - Town Planner, Harley Dykstra.

Officer's Recommendation:

Voting Requirement: Simple Majority

That Council approve the development of a six unit transportable dwelling and ancillary dining and ablution facility on Lot 620 Dowley Street, Cue, subject to the following conditions:

1. That the applicant obtains a Building Approval Certificate, in accordance with the requirements of the Building Act 2011 and the Building Regulations 2012, prior to undertaking any further works on the lot associated with construction of the dwelling;
2. That the applicant obtains a Building Permit, in accordance with the requirements of the Building Act 2011 and the Building Regulations 2012 prior to, undertaking any works associated with completing construction of the dwelling;
3. That the applicant make application for the approval of an on-site effluent disposal system in accordance with the requirements of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974;
4. That the applicant connect the operation to mains power and that any use of a generator on the site be for back-up purposes only;
5. The applicant seeking the approval of the Water Corporation for the development;
6. That the proponent satisfies local and any FESA requirements with regard to fire services;
7. That the applicant obtain and submit to the Shire of Cue, prior to occupancy, a Certificate of Building Compliance, in accordance with the requirements of the Building Act 2011 and the Building Regulations 2012.

CR HOGBEN declared a financial interest, as he contracts to the applicant company, and left the meeting at 6.53pm.

Council Decision: 06122020

Voting requirement: Simple Majority

MOVED: CR SPINDLER

SECONDED: CR DENNIS

That Council approve the development of a six unit transportable dwelling and ancillary dining and ablution facility on Lot 620 Dowley Street, Cue, subject to the following conditions:

1. That the applicant obtains a Building Approval Certificate, in accordance with the requirements of the Building Act 2011 and the Building Regulations 2012, prior to undertaking any further works on the lot associated with construction of the dwelling;
2. That the applicant obtains a Building Permit, in accordance with the requirements of the Building Act 2011 and the Building Regulations 2012 prior to, undertaking any works associated with completing construction of the dwelling;
3. That the applicant make application for the approval of an on-site effluent disposal system in accordance with the requirements of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974;
4. That the applicant connect the operation to mains power and that any use of a generator on the site be for back-up purposes only;

5. The applicant seeking the approval of the Water Corporation for the development;
6. That the proponent satisfies local and any FESA requirements with regard to fire services;
7. That the applicant obtain and submit to the Shire of Cue, prior to occupancy, a Certificate of Building Compliance, in accordance with the requirements of the Building Act 2011 and the Building Regulations 2012.

CARRIED: 6/0

CR HOGBEN returned to the meeting at 7.01pm.

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

Nil.

12 MOTIONS FOR CONSIDERATION AT THE NEXT MEETING

Nil.

13. NEW BUSINESS OF AN URGENT NATURE

13.1 REMOVAL OF BATTERY SANDS – CUE TOWNSITE

APPLICANT: Golden State Mining & Adaman Resources

DISCLOSURE OF INTEREST: Nil

AUTHOR: Rob Madson – Chief Executive Officer

DATE: 14 December 2020

Matters for Consideration:

Amendment of conditions relating to a prior approval to remove battery sands within, and in close proximity to, Cue townsite.

Background:

At the Ordinary Meeting of Council held on the 18th of October 2011 it was resolved:

That the approval is initially for the removal of approximately 500 cubic meters of tailings;

The applicant continues to progress the Health Impact Statement;

The applicant providing a rehabilitation plan and programme for the site which is subject to shire approval;

The applicant is not to move mining equipment or heavy vehicles through the adjoining residential area which includes Stewart Street, Richmond Street, Chesson Street, Victoria Street or Simpson Street;

Working hours to remove the tailings are restricted to 9am to 5pm on weekdays only;

Excessive noise emanating from the site shed after the stated working hours to cease;

The applicant is to apply dust suppression measures during the operations which is to include the erection of a 3 metre high shade cloth fence that will prevent any tailings blowing onto the residential area;

The applicant is to spray the exposed face of the adjoining tailings with a water resistant dust suppression spray;

The shire will monitor the water quality in rainwater tanks at the adjoining residential premises prior to, during and after the mining activities on a monthly basis with costs met by the applicant;

Should silica or other particles attributable to the mining activities be found in the water then mining must cease until such time as the company can assure the shire they have resolved the issue;

The applicant is to negotiate an ex-gratia payment to the shire for community infrastructure purposes;

Following the removal of approximately 500 cubic metres of tailings the applicant will discuss with the shire and community the success of the project to date prior to consideration of approval to remove the remaining tailings

The shire does not approve additional site clearing, open cut mining or any blasting under any circumstances.

On the 3rd of May 2014 Western Mining held a public meeting where they stated that they had removed 380 tonnes of material and had processed this material and found that it was of sufficient quality to warrant the removal of the remaining 40,000 tonnes of tailings.

Accordingly Western Mining wrote to Council seeking approval to remove the remaining 40,000 tonnes of material and Council, at their meeting of 20 May 2014, passed the following resolution:

The Council instructs the CEO to provide Western Mining with a letter of approval to remove 40,000 tonnes of material located on tenement M20/522 with the following conditions:

- 1. The applicant is not to move mining equipment or heavy vehicles through the adjoining residential area which includes Stewart Street, Richmond Street, Chesson Street, Victoria Street or Simpson Street;*
- 2. Working hours to remove the tailings are restricted to 9am to 5pm on weekdays only;*
- 3. No excessive noise emanating from the site shed after the stated working hours;*
- 4. The applicant is to apply dust suppression measures during the operations which is to include the erection of a 3 metre high shade cloth fence that will prevent any tailings blowing onto the residential area;*
- 5. The applicant is to spray the exposed face of the adjoining tailings with a water resistant dust suppression spray;*
- 6. The shire will monitor the water quality in rainwater tanks at the adjoining residential premises prior to, during and after the mining activities on a monthly basis with costs met by the applicant;*

7. *Should silica or other particles attributable to the mining activities be found in the water then mining must cease until such time as the company can assure the shire they have resolved the issue;*
8. *The applicant is to negotiate prior to September 2014 an ex-gratia payment or infrastructure in lieu of a cash payment and*
9. *Mining operations (removal of tailings) are to cease if the wind conditions are sufficient to blow dust that impacts the townsite.*

Golden State Mining, and their subsidiary Cue Consolidated Mining, acquired the tenements formerly held by Western Mining in 2018. The conditions of Western Mining's previous approvals are included in the tenement conditions imposed by DMIRS. Golden State Mining advise that they wish to proceed with removal of the remaining battery sands, and have written to Council seeking amendment of several of the conditions previously imposed as follows:

i) Condition 2

Current:

Working hours to remove the tailings are restricted to 9am to 5pm on weekdays only.

Requested:

That working hours be amended to 7am to 7pm on weekdays to allow for a more readily completed works schedule. This allows more return loads to be completed and reduces the duration of the overall project.

ii) Condition 4

Current:

The applicant is to apply dust suppression measures during the operations which are to include the erection of a 3m high shade cloth fence that will prevent any tailings blowing into the residential area.

Requested:

Remove need for the 3m high shade cloth fence from this condition. This is due to our belief that it would be an ineffective measure to reduce dust. We propose the following measures to ensure that dust is managed effectively during operations:

Dedicated sprinkler bank installed to ensure that the work area is kept adequately dust free;

Ensuring compliance to Condition 5 and Condition 9 of the Shire of Cue approval letter that will see the working face be sprayed with a water-resistant dust suppression spray and regularly review prevailing conditions to ensure ongoing compliance; and

A dedicated site supervisor to field any complaints or issues as they arise to ensure that all stakeholders are managed appropriately.

iii) Condition 6 and Condition 7

Current:

6 - The Shire will monitor the water quality in rainwater tanks at the adjoining residential premises prior to, during and after the mining activities on a monthly basis with costs met by the applicant.

7 – Should silica or other particles attributable to the mining activities be found in the water then mining must cease until such a time as the company can assure the Shire that they have resolved the issue.

Requested:

That dust monitoring that will be conducted on site be sufficient to inform the levels of airborne particulates and that the water testing not be completed in lieu of this. Particularly given the relatively short-term nature of the campaign. This has been completed previously with the testing being completed as part of the hygiene monitoring program. Adequate and specific dust control measures will ensure that any dust generated from our activities is minimised in all cases. We request the removal of the requirement for conditions 6 and 7 from the approval letter.

This request was considered at the Ordinary Meeting of Council held on the 21st of April 2020, where it was resolved:

That Council agree to amend their previous approval for the removal of battery sands located on tenements held by Golden State Mining and their subsidiaries in or near the Cue townsite by:

- 1. Altering the restriction on working hours to between 7am and 7pm on weekdays;*
- 2. Removing the requirement to maintain a 3m high shade cloth fence; and*
- 3. Deleting conditions 6 & 7 entirely.*

Comments:

Western Mining removed approximately 5000 tonnes of tailings under the original approvals. Removal of the remainder of the tailings is supported as it will improve the visual outlook of the area. The proponents are then required to rehabilitate the land back to natural vegetation.

Adaman Resources advise that they have only been able to remove two loads during December as weather conditions tend to deteriorate by 7am due to hot winds picking up. They have requested that approved working hours be extended to commence at 4:30am, as this will give them time to load their trucks and shut down operations by 7am on windy days. They have also requested to be able to operate on Saturday.

Increasing the amount of working hours and days is considered beneficial as it will reduce the overall time required to remove the tailings, currently estimated at four months.

Torq Briggs of Adaman Resources has contacted residents close to the working area who are likely to be affected and all have indicated that they are not opposed to the proposal. He has advised that the reversing alarm will be deactivated on their loader.

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:

Torq Briggs – Projects, Adaman Resources

Officer's Recommendation:

Voting Requirement: Simple Majority

That Council agree to amend their previous approval for the removal of battery sands located on tenements held by Golden State Mining and their subsidiaries in or near the Cue townsite by altering the restriction on working hours to between 4:30am and 7pm Monday to Saturday.

Council Decision: 07122020

Voting requirement: Simple Majority

MOVED: CR HOUGHTON

SECONDED: CR DENNIS

That Council agree to amend their previous approval for the removal of battery sands located on tenements held by Golden State Mining and their subsidiaries in or near the Cue townsite by altering the restriction on working hours to between 4:30am and 7pm Monday to Saturday.

CARRIED: 6/1

AGAINST: CR HOUGHTON

14 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Council Decision: 08122020

Voting requirement: Simple Majority

MOVED: CR FITZPATRICK

SECONDED: CR SPINDLER

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

CARRIED: 7/0

14.1 TENDER – FLOOD DAMAGE ROAD CONSTRUCTION PLANT WITH OPERATORS

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Glenn Boyes – Manager Finance
DATE: 9 December 2020

Matters for Consideration:

Awarding of the tender RFT 2020-03 for the supply of plant and operators for road flood damage repair works AGRN888.

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

<i>Council Decision: 09122020</i>	Voting requirement: Simple Majority
MOVED: CR PRICE	SECONDED CR HOGBEN
<i>That Council award tender RFT 2020-03 for the supply of plant and operators for road flood damage repair works to Lacy Bros Pty Ltd, with the contract having an estimated value of \$3,094,550 + GST as calculated by submitted rates.</i>	
CARRIED: 7/0	

14.2 TENDER – FLOOD DAMAGE CONTRACT SUPERVISOR

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Glenn Boyes – Manager Finance
DATE: 9 December 2020

Matters for Consideration:

Awarding of the tender RFT 2020-04 for the supply of contract supervisor for flood damage repair works AGRN888.

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

Council Decision: 10122020 **Voting requirement: Simple Majority**

MOVED: CR DENNIS

SECONDED: CR FITZPATRICK

That Council award tender RFT 2020-04 for the supply of Contract Supervision for road flood damage repair works to General Terrain Services (Greg Smith), with the contract having an estimated value of \$174,550 + GST as calculated by submitted rates.

CARRIED: 6/1

AGAINST: CR HOUGHTON

14.3 CONFIDENTIAL ITEM – PREMIER’S AUSTRALIA DAY ACTIVE CITIZENSHIP AWARDS

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell – Deputy Chief Executive Officer
 DATE: 11 December 2020

Matters for Consideration:

For Council to consider who will be awarded the Premier’s Australia day Active Citizenship Awards for 2021.

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

That Council:

The Australia Day Active Citizenship awards for 2021 was voted on by council and will be announced at Australia Day Awards Ceremony.

Ms Bachraty left the meeting at 7:19pm.

Council Decision: 11122020 **Voting requirement:** Simple Majority
MOVED: CR FITZPATRICK **SECONDED: CR HOUGHTON**
 That Council award the 2021 WA Premier’s Australia Day Active Citizenship award for individuals to Doug & Wendy Lawson.
CARRIED: 7/0

Council Decision: 12122020 **Voting requirement:** Simple Majority
MOVED: CR FITZPATRICK **SECONDED: CR HOUGHTON**
 That Council award the 2021 WA Premier’s Australia Day Active Citizenship award for community groups or events to Cue Senior Citizens.
CARRIED: 7/0

Ms Bachraty returned to the meeting at 7:38pm.

14.4 EXTENSION OF NON-CONFORMING USE RIGHTS

APPLICANT: Department of Communities
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Rob Madson – Chief Executive Officer
 DATE: 11 December 2020

Matters for Consideration:

Request to extend non-conforming use rights applicable to Lot 17 (35 A&B) Austin Street.

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

That Council agree to extend the non-conforming use rights applicable to Lot 17 (35 A&B) Austin Street from six (6) months to thirty (30) months.

Council Decision: 13122020 **Voting requirement: Simple Majority**
MOVED: CR FITZPATRICK **SECONDED: CR DENNIS**
 That Council agree to extend the non-conforming use rights applicable to Lot 17 (35 A&B) Austin Street from six (6) months to thirty (30) months.
LOST: 0/7

Council Decision: 14122020 **Voting requirement: Simple Majority**
MOVED: CR PRICE **SECONDED: CR FITZPATRICK**
 That the meeting be reopened to members of the public.
CARRIED: 7/0

15 CLOSURE

The Presiding Member thanked those present for attending the meeting and declared the meeting closed at 7.59 PM

To be confirmed at Ordinary Meeting on the 16 February 2021.

Signed:.....

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