



**MINUTES
ORDINARY MEETING
OF COUNCIL**

20 SEPTEMBER 2022

Unconfirmed

**SHIRE OF CUE
Ordinary Council Meeting
AGENDA**

Held in the Council Chambers, 73 Austin Street Cue on
Tuesday 20 September 2022 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 Liz Houghton

Councillor Julie Humphreys

STAFF:

Mr Richard Towell, Chief Executive Officer

Mr Glenn Boyes, Deputy Chief Executive Officer

Ms Cheryl Walton, Manager Finance

Mrs Janelle Duncan, Executive Assistant

GALLERY:

Ms Catherine Willett

Mr Mitchell Mace

Mrs Jenni Dennis

Mr Martin King

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:01092022

Voting Requirement: Simple Majority

MOVED:CR PRICE

SECONDED:CR DENNIS

That the Minutes of the Ordinary Meeting 16 August 2022 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

Cr Price gave an update on the Murchison Regional Vermin Council.

6.33pm Mrs Jenni Dennis left the chambers

6.37pm Mrs Jenni Dennis returned to the chambers

10. REPORTS

10.1 ACCOUNTS & STATEMENTS OF ACCOUNTS

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Cheryl Walton – Manager Finance

DATE: 16 September 2022

Matters for Consideration:

To receive the List of Accounts Due and submitted to the Ordinary Council Meeting on 20 September 2022 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 2022.

Statutory Environment:

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

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Consultation:

Richard Towell, Chief Executive Officer

Glenn Boyes, Deputy Chief Executive Officer

Officer's Recommendation:

Voting Requirement: Simple Majority

That Council endorse the payments for the period 1 August 2022 to 31 August 2022 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.

August 2022

Municipal Fund Bank EFTs	11162 - 11260	\$	296,721.53
Direct Debit Fund Transfer	General	\$	32,213.23
Direct Debit Fund Transfer	Credit Card	\$	4,550.11
Payroll		\$	127,547.27
BPAY		\$	23,170.90
Cheques		\$	0.00
Total		\$	484,203.04

Council Decision:02092022

Voting requirement: Simple Majority

MOVED:CR HUMPHREYS

SECONDED:CR DENNIS

August 2022

Municipal Fund Bank EFTs	11162 - 11260	\$	296,721.53
Direct Debit Fund Transfer	General	\$	32,213.23
Direct Debit Fund Transfer	Credit Card	\$	4,550.11
Payroll		\$	127,547.27
BPAY		\$	23,170.90
Cheques		\$	0.00
Total		\$	484,203.04

CARRIED:5/2

AGAINST:CR HOUGHTON, CR FITZPATRICK

10.2 FINANCIAL STATEMENT

APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Cheryl Walton – Manager Finance
DATE:	16 September 2022

Matters for Consideration:

The Statement of Financial Activity is for the period ending 31 August 2022 and includes the following reports:

- Graphical Representation (Source: Statement of Financial Activity)
- Statement of Financial Activity
- Major Variances
- Net Current Funding Position
- Cash and Investments
- Trust Fund
- Cash Backed Reserve
- Receivables
- Capital Disposals
- Borrowings
- Capital Acquisitions
- Rate Revenue
- Grants and Contributions

See [Appendix 2](#).

Background:

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

Comments:

The Statements of Financial Activity is for the month of August 2022.

Statutory Environment:

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

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Consultation:

Richard Towell – Chief Executive Officer

Glenn Boyes – Deputy Chief Executive Officer

Officer’s Recommendation:

Voting Requirement: Simple Majority

That Council receive the Financial Statement, prepared in accordance with the *Local Government (Financial Management) Regulations 1996*, for the period ending 31 August 2022, as presented at [Appendix 2](#).

Council Decision:03092022

Voting requirement: Simple Majority

MOVED:CR DENNIS

SECONDED:CR FITZPATRICK

That Council receive the Financial Statement, prepared in accordance with the *Local Government (Financial Management) Regulations 1996*, for the period ending 31 August 2022, as presented at [Appendix 2](#).

CARRIED:7/0

10.3 COUNCIL MEETING DATES 2023

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell –Chief Executive Officer
 DATE: 12 September 2022

Matters for Consideration:

Council is required to adopt and advertise their Council meeting dates and the proposed dates for 2023 are submitted for Council's consideration.

Background:

Nil

Comments:

Council is required under the *Local Government (Administration) Regulations 1996* to adopt annual meeting dates and times and advertise them to the community.

Council traditionally meets on the 3rd Tuesday of the month at 6.30pm, therefore the dates proposed for 2023 are:

January	No Meeting
February	Tuesday the 21st
March	Tuesday the 21st
April	Tuesday the 18th
May	Tuesday the 16th
June	Tuesday the 20th
July	Tuesday the 18th
August	Tuesday the 15th
September	Tuesday the 19th
October	Tuesday the 17th
November	Tuesday the 21st
December	Tuesday the 19th

With meetings commencing at 6.30pm

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 —*
- (g) *the giving of public notice of the date and agenda for council or committee meetings;*

Local Government (Administrations) Act 1996 - Reg 12

12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*
- (a) *the ordinary council meetings; and*
- (b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,*

are to be held in the next 12 months.

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Consultation:

Nil

Officer's Recommendation:

Voting Requirement: Simple Majority

Adopt the following meeting dates for 2023 and advertise them in accordance with the *Local Government (Administration) Regulations 1996*:

January	No Meeting
February	Tuesday the 21st
March	Tuesday the 21st
April	Tuesday the 18th
May	Tuesday the 16th
June	Tuesday the 20th
July	Tuesday the 18th
August	Tuesday the 15th
September	Tuesday the 19th
October	Tuesday the 17th
November	Tuesday the 21st
December	Tuesday the 19th

With meetings commencing at 6.30pm

Council Decision:04092022

Voting requirement: Simple Majority

MOVED:CR HUMPHREYS

SECONDED:CR HOGBEN

Adopt the following meeting dates for 2023 and advertise them in accordance with the *Local Government (Administration) Regulations 1996*:

January	No Meeting
February	Tuesday the 21st
March	Tuesday the 21st
April	Tuesday the 18th
May	Tuesday the 16th
June	Tuesday the 20th
July	Tuesday the 18th
August	Tuesday the 15th
September	Tuesday the 19th
October	Tuesday the 17th
November	Tuesday the 21st
December	Tuesday the 19th

With meetings commencing at 6.30pm

CARRIED:6/1

AGAINST: CR HOUGHTON

10.4 CLOSURE OF LANE OFF MITCHELL STREET

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell –Chief Executive Officer
 DATE: 13 September 2022

Matters for Consideration:

Indemnify the Minister for Lands against all fees and charges incurred in relation to the formal closure of the lane running off Mitchell Street, Cue.

Background:

A request was received from the owners of Lot 295 (4) Simpson Street for the lane behind their property to be permanently closed, as it is between their property and a lot they wish to purchase from the Department of Planning, Lands and Heritage. It would then be the owners' intention to fence the newly acquired lot and any portion of the lane they acquire from DPLH into their existing property.

This item was initially considered at the Council meeting of 17 December 2019, where the following resolution was carried:

Council Decision: 05122019	Voting requirement: Simple Majority
MOVED: CR DENNIS	SECONDED: CR HOGBEN
<i>That Council:</i>	
<ol style="list-style-type: none"> 1. Agree to the proposed closure of the lane running from Mitchell Street, Cue, along the Eastern boundary of lots 294, 295 & 296. 2. Instruct the CEO to initiate formal closure of the lane by publicly advertising the proposal. 	
CARRIED: 6/0	

The proposed closure was advertised during December 2020, inviting submissions to be lodged by 29 January 2021. No submissions were received. The item was considered again by Council at the Ordinary meeting held 16 March 2021.

Council Decision: 08032021	Voting requirement: Simple Majority
MOVED: CR DENNIS	SECONDED: CR FITZPATRICK
That Council instruct the CEO to proceed with formal closure of the lane running from Mitchell Street, Cue, along the Eastern boundary of lots 294, 295 & 296.	
CARRIED: 7/0	

Comments:

The application to the Minister for Lands was submitted on 24 August 2021 and acknowledgement of the application was received on 2 September 2022.

In order to complete the Shire’s obligations in relation to the Lane closure, it is necessary to indemnify the Minister for Lands against all fees and charges in relation to the Lane closure.

It is unlikely that there will be any costs to incur in the formal closure process. Costs associated with the purchase of the land following the closure will be the responsibility of the purchaser.

Statutory Environment:

LAND ADMINISTRATION ACT 1997

58. Closure of roads

(1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.

(2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.

(3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Consultation:

Sandra Box – 4 Simpson Street
Eugene Ferraro – Contract Town Planner

Officer's Recommendation:

Voting Requirement: Simple Majority

That Council indemnify the Minister for Lands against all fees and charges incurred in relation to the formal closure of the lane running off Mitchell Street, Cue.

Council Decision:05092022

Voting requirement: Simple Majority

MOVED:CR DENNIS

SECONDED:CR HOGBEN

That Council indemnify the Minister for Lands against all fees and charges incurred in relation to the formal closure of the lane running off Mitchell Street, Cue.

CARRIED:7/0

Unconfirmed

10.5 PROPOSED EXCISION OF R 4590 – RENEWABLE ENERGY FACILITY (SOLAR FARM)

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Glenn Boyes – Deputy Chief Executive Officer
 DATE: 16 September 2022

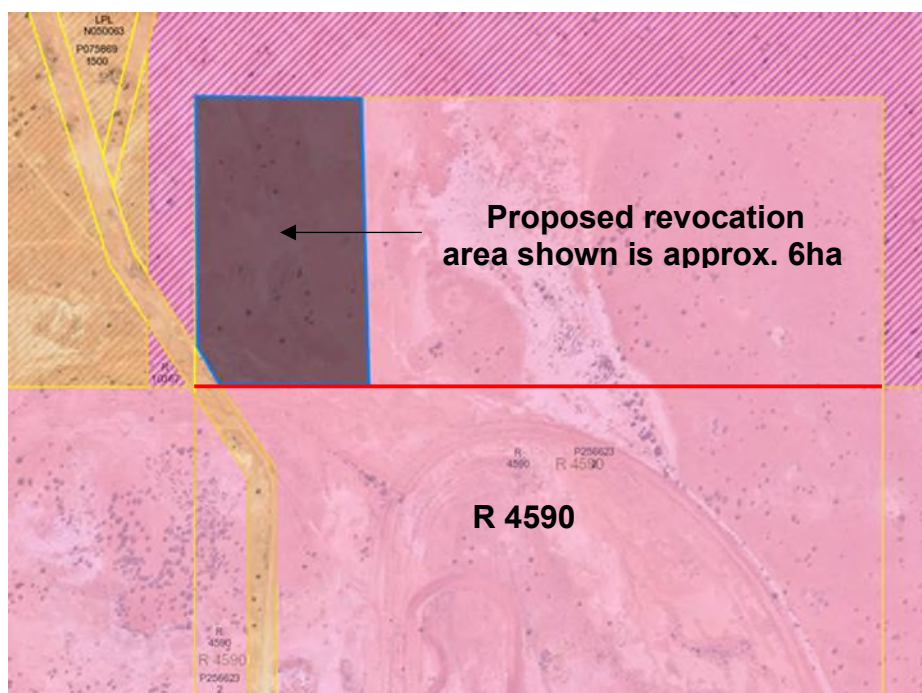
Matters for Consideration:

That Council consider a revocation of the Shire’s Management Order for a 6ha portion of Reserve 4590, north of the racecourse.

Background:

Horizon Power has undertaken a land assessment in Cue in order to support a proposed 6ha solar farm with the purpose of providing 80% of the Town’s energy requirements via renewable energy. This solar farm will be in addition to the recently approved solar farm on Heydon Place.

The area identified for the solar farm sits within the northern portion of Reserve 4590, designated as racecourse (refer to image below). 4ha is required to achieve 80% renewable energy, however, Horizon Power would like to acquire an additional 2ha to provide future opportunities for expansion of solar arrays and to be used for ancillary purposes such as a laydown area and for vehicle movement. To achieve 100% renewable energy, the Shire would need to provide 15ha towards the project.



While the exact location of the solar farm may change to suit design requirements, the final location will be north of the red line shown on the map above. It is expected the

power generated will be connected to the power facility in the industrial area via overhead powerlines.

The land in question is zoned Rural in the Shire of Cue Local Planning Scheme No2. A 'wind or solar farm' is listed in the Scheme as an 'A' use meaning that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising the proposal for public comment.

If Council is supportive of the proposal, the excised land will be subject by a proposal to the Department of Planning Lands and Heritage to create a new Crown reserve for the purpose of 'Power Generation' and issue a management order to the Regional Power Corporation trading as Horizon Power. In addition to the land acquisition process, Horizon Power will also be required to seek planning approval from the Shire. During the planning process, the Shire is able to impose planning conditions, if necessary, on the project.

Comments:

Reserve 4590 is currently not in use and is large enough to expand the facility in the future. The project will enable 80% of the town's power requirements to be generated via renewable energy.

The Council may note that other Gascoyne, Mid West and Goldfields towns are also participating in similar projects in the towns as part of a broader transition to renewable energy across the State.

Horizon Power has advised that to achieve 100% renewable energy for the town, an additional 15ha of land would be required for solar collectors in and around the town.

Furthermore, in recent discussions with Horizon Power, the Shire has also expressed interest in acquiring Reserve 21515 (Lot 593 Plan 222349) which is currently set aside for the purpose of 'Power Station' under the management of Horizon Power. Lot 593 is the vacant 2023m² lot on the north-western corner of Robinson and Austin Streets. This action is separate from the issue of the management order on Reserve 4590.

Statutory Environment:

Local Government Act 1995

Town Planning Scheme No.2

Policy Implications:

Nil

Financial Implications:

There will be no costs to Council as the project is fully funded.

Strategic Implications:

Shire of Cue Strategic Community Plan 2023 – 2038

Outcome 3.1 - Community infrastructure that meets the needs of our residents

Strategy 3.1.5 – Investigate renewable energy options for the district.

Outcome 4.1 – To protect and uphold our natural environment.

Strategy 4.1.3 – Sustainable environmental protection.

Consultation:

Richard Towell – Chief Executive Officer

Teong Chuah – Project Land Assembly Specialist, Horizon Power

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

That Council:

- a) provides in-principle support for the excision of a portion, 6.1 hectares, from Lot 2 on Deposited Plan 256623, for Horizon Power’s proposed renewable energy facility. The subject land is known as Reserve 4590 which is set aside for the purpose of ‘Racecourse’ which is currently under a management order to the Shire of Cue.
- b) Supports that the excised land will be subject of a proposal to the Department of Planning Lands and Heritage to create a new Crown reserve for the purpose of ‘Power Generation’ under a management order to the Regional Power Corporation trading as Horizon Power.

Council Decision:06092022	Voting requirement: Simple Majority
MOVED:CR HUMPHREYS	SECONDED:CR HOUGHTON
That Council:	
<ul style="list-style-type: none"> a) provides in-principle support for the excision of a portion, 6.1 hectares, from Lot 2 on Deposited Plan 256623, for Horizon Power’s proposed renewable energy facility. The subject land is known as Reserve 4590 which is set aside for the purpose of ‘Racecourse’ which is currently under a management order to the Shire of Cue. b) Supports that the excised land will be subject of a proposal to the Department of Planning Lands and Heritage to create a new Crown reserve for the purpose of ‘Power Generation’ under a management order to the Regional Power Corporation trading as Horizon Power. 	
CARRIED:7/0	

10.6 APPLICATION TO DRILL WITHIN DAYDAWN TOWNSITE

APPLICANT: Westgold Resources Ltd (Big Bell Gold Operations)
 DISCLOSURE OF INTEREST: Cr Price declared a financial interest and left the chambers at 7.12pm
 AUTHOR: Richard Towell – Chief Executive Officer
 DATE: 16 September 2022

Matters for Consideration:

Request for approval to conduct exploration drilling within the Day Dawn Townsite.

Background:

A request has been received by the Chief Exploration Geologist from Westgold Resources Limited for consent to conduct exploration activities within the Day Dawn Townsite boundary.

Approval is being sought to undertake drilling activities and associated ground works on mining tenement M21/65 which sits within the Day Dawn Townsite boundary. A Condition on the tenement provides that, *“Access to the surface of land within Day Dawn Townsite for mining purposes being subject to the approval of the local Authority, and mining activities within the first 100 metres below the surface of the land being limited to such exploration activities as may be approved by the State Mining Engineer.”*

Comments:

A copy of the Town map showing the location of the proposed works is attached at [Appendix 3](#).

Exploration area one sits within the Townsite boundary in an area that does not appear to have undergone any previous development. Exploration area two is situated more centrally to the previously developed Town centre.

Council may want to consider allowing exploration of area one as it sits outside of any developed area of the historic Townsite. Area two sits within the centre of Day Dawn Townsite and any works in this vicinity, if considered for approval, should be undertaken in a manner that will not disturb the historic fabric of the precinct.

Council has indicated that it is opposed to any mining activities within the historic Townsites in the Shire of Cue to preserve and protect what is left of these iconic places for future generations to appreciate.

Statutory Environment:

Sections 23 to 26 of the Mining Act 1978.

Policy Implications:

C.1 MINING WITHIN THE TOWN BOUNDARY

1. Cue Townsite

- 1.1 *The shire generally opposes the granting of any mining lease or license that may affect;*
 - a) *The satisfactory continuation of existing urban uses within and adjacent to the existing townsite; and*
 - b) *The planned use of the land in the vicinity of the Townsite.*
 - c) *The Council may by decision permit limited mining activities within Cue Townsite but only under conditions that will be determined at the time by the Council.*

- 1.2 *The Council may approve mining activities close to but external from the Cue Townsite and such conditional approval may include but will not be limited to landscaping, dust/noise suppression measures, and any other provisions considered by the Council to be necessary to protect and preserve the amenity of the existing nearby uses especially residential uses.*

- 2. **Other Townsites**
 - 2.1 *Other Townsites which are now vacant and to which the shire has an interest, are identified as the Townsites of Austin, Cuddingwarra, Mainland, Reedy, Tuckanarra, Big Bell, Day Dawn, Pinnacles.*
 - 2.2 *The Council is prepared to allow mining under these Townsites but only on the proviso that there is no disturbance to the natural surface of the Townsite by way of waste rock emplacement or tailings storage facilities.*

Financial Implications:

Nil

Strategic Implications:

Shire of Cue Strategic Community Plan 2023-2038

Outcome 4.1 To protect and uphold our natural environment

4.1.3 Sustainable environmental protection

4.1.4 Showcase and protect areas of natural significance

4.1.5 Ensure environmental protection regulations with regards to mining and commercial operations are adhered to

Consultation:

Glenn Boyes – Deputy Chief Executive Officer

David Hollingsworth – Chief Exploration Geologist, Westgold Resources Ltd

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

That Council advise Westgold Resources Ltd that the Shire of Cue is opposed to granting any approval for mining activities within the Day Dawn Townsite.

Cr Price left the chambers at 7.12pm – disclosure of financial interest

Council Decision:07092022 **Voting requirement:** Simple Majority

MOVED:CR HOUGHTON **SECONDED:CR DENNIS**

That Council advise Westgold Resources Ltd that the Shire of Cue is opposed to granting any approval for mining activities within the Day Dawn Townsite.

CARRIED:4/2

AGAINST: CR DENNIS, CR HOGBEN

7.29pm Cr Price returned to the chambers

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

Unconfirmed

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Council Decision:08092022 **Voting requirement:** Simple Majority

MOVED:CR FITZPATRICK **SECONDED:CR HUMPHREYS**

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

CARRIED:7/0

7.30pm Mrs Jenni Dennis, Ms Catherine Willett, Mr Mitchell Mace and Mr Martin King left the chambers

14.1 OFFER TO PURCHASE LOT 2 (67) AUSTIN STREET, CUE

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell –Chief Executive Officer
 DATE: 14 September 2022

Matters for Consideration:

Submission of an offer to purchase the shop at Lot 2 (67) Austin Street, Cue.

Council Decision:09092022 **Voting requirement:** Simple Majority

MOVED:CR HOUGHTON **SECONDED:CR DENNIS**

That Council:

1. Instruct the CEO to submit an offer up to \$12,000 to purchase Lot 2 (67) Austin Street, Cue.
 and

Authorise the Shire President and Chief Executive Officer to apply the common seal as required to any sale or transfer documents.

CARRIED:6/1

AGAINST:CR FITZPATRICK

14.2 PURCHASE OF NEW PRIME MOVER

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell –Chief Executive Officer
 DATE: 15 September 2022

Matters for Consideration:

Consider quotes provided for the purchase of a new Prime Mover.

Council Decision:10092022	Voting requirement: Simple Majority
MOVED:CR HOUGHTON	SECONDED:CR HUMPHREYS
That Council authorise the Chief Executive Officer to purchase a Freightliner Cascadia 126 prime mover from Purcher Trucks for the price of \$331,300.00 excluding GST.	
And	
Authorise the trade in or sale of P38, 2003 Iveco Stralis prime mover.	
CARRIED:7/0	

Council Decision: 11092022	Voting requirement: Simple Majority
MOVED:CR FITZPATRICK	SECONDED:CR PRICE
That the meeting be re-opened 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 7.48pm

To be confirmed at Ordinary Meeting on the 18 October 2022.

Signed:.....

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

Unconfirmed