

MINUTES

1 Declaration of Opening and Announcement of Visitors

The meeting was declared open at 10.10am.

2 Record of Attendance / Apologies and Leave of Absence Previously Approved

Attendance

Cr John Kyanga	(Council President)
Cr Anne Geary	(Deputy President)
Cr Annette Williams	(Councillor)
Cr Kenny Farmer	(Councillor)
Cr Graham Harris	(Councillor)
Anthony Kirwan	(Chief Executive Officer)
Vince Bugna	(Manager, Finance & Admin)
Tom Milo	(Works Manager – left the Chamber 10.17am)
Helen Ansell	(Gallery Manager)
Gwen Rakabula	(Homemaker)
Kerrie Johnston	(Former Council President – entered 11.25am)

Apologies

Cr Catherine Carton
Cr Leanne Peck

3 Response to Previous Public Questions Taken on Notice

4 Public Question Time

Nil

5 Application for Leave of Absence

Nil

6 Petitions and Deputations

Nil

7 Confirmation of Minutes of Previous Meeting

a. The minutes of 20th September 2007 be amended under Item 11.2 by inclusion of Confidential resolution as follows:

- Council President's Recommendation –
That the Shire of Wiluna pay the CEO's legal costs up to a total of \$13000 and money awarded to CEO for unsuccessful crown prosecutions be taken into account. The Shire Finance Manager to organise the accounting.

60/07 Council Decision

MOVED Cr A Geary

SECONDED Cr K Farmer
CARRIED 4/1

- b. The Minutes of the Meeting Held on 25th October 2007 be accepted as a true and record of that meeting.

68/07 Council Decision

MOVED Cr K Farmer

SECONDED Cr A Williams
CARRIED 4/1

8 Announcements by Presiding Member without Discussion

President's Report – November 2007

- Two weeks ago a training session for Councillors was held by Vanessa Elliott from DLGRD and Maggie White. Issues discussed were the Wiluna Development Project and other issues relating to Council.
- We will look at further training in the new year.
- At that training Councillors set their priorities for the Wiluna Development Project. A report that outlines these priorities is expected soon and will be forwarded to Councillors.
- Councillors have been invited to visit the Mt Keith mine in 2008. This will probably occur in January.
- I have asked for a meeting with BHP and Newmont early in 2008 so that they can understand Councils priorities. They may be able to assist us overcome some of our needs.
- This will be the last Ordinary Council Meeting for 2007 and the next Ordinary Meeting will be held on 21 February 2008. If required another Special Meeting can be called before then.

9 Reports of Committees and Officers

9.1 Chief Executive Officer Reports

9.1.1 Subject/Applicant:	Status Report
File:	
Reporting Officer:	Anthony Kirwan, Chief Executive Officer
Date of Report:	6 NOVEMBER 2007
Disclosure of Interest:	Nil

Honeymoon Wells Nickel Mine

A Russian Company has purchased this mine previously owned by Lion Ore. At this stage it is not known what their intentions are.

Wiluna Gold to crush ore from Gidgie Mine

Apex mining, who are the owners of the Wiluna Gold Mine site, have begun planning for possible transportation of ore from the Gidgie mine for crushing at Wiluna Gold. They have been made aware of the current road conditions that will need substantial upgrading for this to occur. Main Roads in Kalgoorlie will supply all of the specifications.

House Purchase (WDP)

The Shire of Wiluna has made an offer to purchase the Maruwayura house in town. It is proposed that new staff will live in these premises after the upgrade of the building. The upgrade will begin this month.

Liquor Licensing

Arrangements are in progress to organise meetings with Ministers and the Police Commissioner in December.

DHW Housing

Shire staff will be assisting DHW with the many housing problems in town. DHW funds the Homemaker position and provides the Shire with a house for that staff member.

State of Private Dwellings in Wiluna

The Minister for Local Government has received a complaint about the state of some privately owned dwellings in Wiluna.

Governor General

The Governor General has been invited to visit the new school next year.

Joe Bugner

The comments by Joe Bugner reported in the Kalgoorlie Miner were not discussed with any Shire of Wiluna staff member or Councillors prior to publication.

9.1.2 Subject/Applicant:	Alter the budget allocations to retain Cantor Dual Cab truck and use other vehicle funds to purchase Works Manager Vehicle
File:	
Reporting Officer:	Anthony Kirwan, Chief Executive Officer
Date of Report:	7 August 2007
Disclosure of Interest	Nil

Summary

This budget alteration allows the purchase of a new Works Manager's vehicle whilst retaining the proposed trade vehicle to improve management of the Works Section.

Background

Due to the increased staff numbers and activity in the field, a service vehicle and more mobile water truck is required. This is particularly important for the grader driver who regularly requires fuel and oil in isolated places. The Nissan Patrol is ideally suited to this task and the Works Manager will replace the Nissan with another vehicle for himself. The Works Manager has also requested to retain the Cantor Dual Cab for use around town as a water vehicle.

Funding

1. Current Budget shows:

Purchase Works Manager's Vehicle	\$54872
Trade Cantor Dual Cab	\$20000

Funds required	\$34872
Funds budgeted	\$36000

Purchase mechanic's vehicle \$31700 as a separate item.

2. Proposed Budget alteration shows:

Purchase Works Manager's Vehicle	\$54872
Retain Cantor Dual Cab	
Funds budgeted	\$36000

Funds required	\$18872
Allocate mechanic's vehicle funds	\$31700

Financial Implications

The financial implications for the annual budget are the same for the proposed changes as they were for the original budget.

Strategic Implications

Nil

Voting Requirement

Absolute majority.

Officer Recommendation/Draft Motion

That Council approve the proposed changes to the budget by reallocating funding of \$31700 from the proposed purchase of a mechanic's vehicle to the purchase of a Works Manager's vehicle whilst retaining the Cantor Dual cab.

69/07 Council Decision

MOVED Cr A Geary

SECONDED Cr K Farmer
CARRIED 4/1

9.1.3	Subject/Applicant:	Caravan Park in Wiluna on the Old School Site
	File:	
	Reporting Officer:	Anthony Kirwan, Chief Executive Officer
	Date of Report:	17 th October 2007
	Disclosure of Interest:	Nil

Summary

For the past two years Council has been concerned that there are a lack of caravan and camping facilities in the town for the many tourists who visit during the cooler months.

Background

The caravan park behind the hotel is serviceable but has tended to cater for residential tenants and some passing trade. Council wishes to provide more facilities for tourists.

Comment

A new school is being constructed and the present site will become available during 2008. It is proposed that this site be developed as a caravan park.

The Shire of Wiluna does not have the resources to maintain all of the buildings where their use is unclear.

Consultation

There has been consultation with a number of agencies about the use of the site particularly with regards use of the buildings. The main problems with continued use of the site and buildings are:

1. High costs of maintaining the buildings that are very old.
2. Reluctance by other agencies to commit to funding programs in the buildings.

Statutory Environment

The Shire of Wiluna Town Planning Scheme will probably require altering to use the site as a caravan park but this will require checking.

Policy Implications

This is being raised because the previous Council requested that facilities for tourists be improved in the town.

Financial Implications

1. Development funds for caravan and camping sites will be required.
2. Budgetary funds for a manager will be required.
3. Annual maintenance funding will be required.
4. Charges will cover some of the costs and the better the improvements are the more use the facility will have.

Strategic Implications

If the development is successful there may be an opportunity to lease the business at a later date.

Voting Requirement

Simple majority.

Officer Recommendation/Draft Motion

That Council

1. Approve the CEO taking actions to secure the old school site which is a reserve for a caravan park to be managed by the Shire of Wiluna.
2. Any requirement by the Department of Planning and infrastructure to purchase the site is considered by the Shire Council.

70/07 Council Decision

MOVED Cr A Geary

SECONDED Cr G Harris
CARRIED 5/0

9.2 Manager Finance and Administration

9.2.1 Subject/Applicant: Accounts paid by Authority

File:	Finance
Reporting Officer:	Vince Bugna, Manager Finance & Admin
Date of Report:	5 th November 2007
Disclosure of Interest	Nil

Summary

In accordance with the Financial Management Regulations a list of accounts paid by the Chief Executive Officer is presented to Council.

Background

The list of accounts for the period ending 31st October 2007 is listed as Appendix A – Blue Pages.

Comment

Nil

Consultation

Nil

Statutory Environment

Local Government Financial Management Regulations 1996 – Regulations 13.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirement

Simple majority.

Officer Recommendation/Draft Motion

That the accounts paid by authority for the period ended 31st October 2007 totalling \$519,989.01 be presented, noted and incorporated in the Minutes of the meeting.

71/07 Council Decision

MOVED Cr A Geary

SECONDED Cr A Williams
CARRIED 4/1

9.2.2 Subject/Applicant: Financial Report

File:	Finance
Reporting Officer:	Vince Bugna, Manager Finance & Admin
Date of Report:	5 th November 2007
Disclosure of Interest:	Nil

Summary

Section 6.4 of the Local Government Act 1995 requires the CEO to prepare monthly/quarterly financial reports in accordance with the provisions of regulation 34 and 35 of the Local Government Act (Financial Management) Regulations 1996.

Background

The reports for the period ending 31st October 2007 are listed as Appendix B – Green Pages.

Comment

Nil

Consultation

Nil

Statutory Environment

Local Government Financial Management Regulations 1996 – Regulations 34-35

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirement

Simple majority.

Officer Recommendation/Draft Motion

That the Financial Reports for the period ending 31st October 2007 be received noted and incorporated in the Minutes of the Meeting.

72/07 Council Decision

MOVED Cr A Geary

SECONDED Cr K Farmer
CARRIED 5/0

9.2.3 Subject/Applicant:	Annual Report
File:	14.00.05
Reporting Officer:	Vince Bugna, Manager Finance & Admin
Date of Report:	5 th November 2007
Disclosure of Interest	Nil

Summary

Section 5.54 of the Local Government Act 1995 requires that the Annual Report for the financial year ended 30th June 2007 be accepted by the Local Government no later than 31st December after that financial year subject to the availability of the Auditor's report.

Comment

The Auditor's Report was received on the 24th of October 2007 and is attached at the back of the Annual Report shown as Appendix D (mauve pages). The Annual Report includes the President, Chief Executive Officer and Financial Report for the year ended 30th June 2007.

Consultation

Nil

Statutory Environment

Local Government Act 1995

Policy Implications

Nil

Strategic Implications

Nil

Voting Requirement

Absolute Majority required

Officer Recommendation / Draft Motion

That Council receive the Annual Report for the year ended 30th June 2007.

73/07 Council Decision

MOVED Cr G Harris

SECONDED Cr A Geary
CARRIED 5/0

9.2.4	Subject/Applicant:	Audit Committee
	File:	12.00.04
	Reporting Officer:	Manager Finance and Administration V Bugna
	Date of Report:	19 November 2007
	Disclosure of Interest	Nil

Summary

The 2005 amendments to the Local Government Act 1995 make it mandatory for every Council to establish an audit committee.

Background

In its meeting last 19th May and 21st July 2005, Council appointed the following names as members of Audit Committee:

Cr Kerrie Johnston Cr Anne Geary
Cr Darren Farmer Gerard Blinko (member from the public)

Comment

The committee must comprise:

- of 3 or more members,
- of at least 3 Council members and the majority of the members are to be Council members, and
- members are to be appointed by absolute majority

The CEO and other employees are prevented from being members.

Decisions made by the audit committee only require to be made by a simple majority.

Since former Cr K Johnston and Cr D Farmer are no longer Council members, it is therefore necessary for Council to appoint members of Council to become audit committee member.

Consultation

Gregory Froomes Wyllie, Auditor

Statutory Environment

Local Government Act 1995 (Division 1A) Section 7.1A

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirement

Absolute Majority required

Officer Recommendation/Draft Motion

That Council appoints at least 2 more members to the Audit Committee to complete the required number.

- Council President John Kyanga and Councillor Graham Harris were appointed.

74/07 Council Decision

MOVED Cr A Geary

SECONDED Cr K Farmer

CARRIED 5/0

9.3 Manager Works & Services Officer Reports

Verbal Report

9.4 Principal Environmental Health Officer Reports

9.4.1 Subject/Applicant:	Development of food premise – D&M Betteridge
File:	Lot 64 – Wotton Street
Reporting Officer:	W.V. Atyeo – Principal EHO/Building Surveyor
Date of Report:	12 th October 2007
Disclosure of Interest:	Nil

Summary

In March 2006 Mr Betteridge was issued a planning permit to develop a kitchen/take-away premises with accommodation and ancillary buildings, on the allotment 64 Wotton Street, Wiluna. When Council granted the permit to develop a food premises on Lot 64 Wotton Street, condition 2.(e) stated:

“The time for completion of the development work is eighteen (18) months from the date of issue of the permit. Council may grant an extension of time, only on receiving written application from the developer and received at least three (3) months prior to the expiration of the time limits.”

That time has elapsed and Mr and Mrs Betteridge have been informed of the situation and they now apply for another planning permit to continue and to complete the original request, which includes the repositioning of the kitchen facility as shown in the application.

I found the building to be sound in construction, and it had not been adversely affected by its transportation from another location. I also assessed it to comply with the relevant legislation and have highlighted to the owners that some renovations (minor) that needed to be carried out on the building.

Background

The allotment that the owners wish to develop is zoned "commercial" under the Wiluna Town Planning Scheme, and the development of a food premises and accommodation is a "permitted use" under the Scheme. However, because a second-hand building is to be placed on the allotment, the matter had to be placed before Council for their approval. I could see no reason why Council should not support the proposed development as outlined in their original application to Council.

Comments

As stated above, I have inspected the building and found it structurally sound, and apart from some minor damage, it is very suitable to be placed on the commercial lots. I have reported to Mr & Mrs Betteridge the minor damage to the rear entrance door and to a very small area of the extended cladding, and stated that these will need to be fixed.

In my report to the owners I also indicated the need for them to have their proposed development of the lot approved by Council, given that second-hand buildings were to be used in the development. It was also stated in my report that they would need to comply with other legislation such as the Building Code of Australia (BCA), and the Health Act.

Problems With The Application

The first problem is the fact that the building has stood on town for 15 months with little or no action and has been unsightly and untidy. Secondly, the applicants have had plenty of time to complete the development and thirdly Council is unhappy with the appearance of the building because it does not fit in with the long-term vision for the town. Council therefore has the option to vote against the proposal on the following grounds:

- The applicants have already had plenty of time to finish the development and have shown little urgency to complete task.
- Council is unhappy with the unsightly and untidy surrounds and is concerned that they will remain for another 18 months.
- Whilst the building has been found to be structurally sound its style, age and mining camp appearance does not fit in with Councils long term vision for the main street of the town.

Consultation

Mrs Betteridge
Mr Bill Atyeo (EHO/BS)
CEO Shire of Wiluna

Statutory Environment

Shire of Wiluna Town Planning Scheme

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirement

Simple Majority

Officer Recommendation:

1. That Council approve the development of a food premise on Lot 64 Wotton Street, Wiluna as proposed by Mr and Mrs Betteridge.

2. That this approval is conditional upon:
 - (a) The use hereby permitted shall not cause injury to or prejudicially effect the amenity of the locality by reason of the processes carried on, the materials, goods and machinery used and stored or by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.
 - (b) The use of the premises as applied for shall not be changed or added to without the consent of Council.
 - (c) No incinerator is to be provided or used on the site for the disposal of any rubbish or refuse. All rubbish and refuse shall be regularly removed to Councils tip.
 - (d) All stormwater emanating from the lot is to be discharged to a legal point of disposal so that it does not cross the boundaries of any adjacent lot or cause any detriment to the adjacent lots.
 - (e) The time for completion of the development work is eighteen (18) months from the date of issue of the permit. Council may grant an extension of time, only on receiving written application from the developer and received at least three (3) months prior to the expiration of the time limits.
 - (f) All parking of business vehicles and staff vehicles will be within the boundaries of the leased area at all times of the day and night.
 - (g) The developers will adhere to all other relevant and appropriate legislation in regard to this development and will apply for and acquire appropriate licences.
 - (h) Any breaches of any of the above conditions will be reported to Council for determination and may result in the planning permit being declared "null and void" if the breach is considered by council to be of a serious nature.

75/07 Council Decision

MOVED Cr G Harris

SECONDED Cr A Geary

Council voted: 2 in favour and 2 against with 1 abstention. As it was a tie vote, the Council President used his extra vote and voted against the motion. Therefore, the **motion was defeated**.

NOT CARRIED 2/3

Reason for voting against the motion:

Council was unhappy with the mining camp kitchen appearance of the building in the centre of town. The appearance did not accord with their long term plans to improve the town. Another application that improves the appearance of the building will be considered.

9.5 Community Development Officer Reports

Verbal Report

9.6 Youth, Sports & Recreational Officer Reports

No Report

10 Elected Members Motion of Which Previous Notice Has Been Given

Nil

11 Urgent Business Approved by the Person Presiding or by Decision of Council

Nil

12 Matters behind Closed Doors

Nil

13 Closure

The meeting was declared close at 11.30am.