

Shire of Wiluna

CONFIRMED MINUTES



Ordinary Meeting of Council

Held

Thursday 21st February 2008

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MINUTES

1 Declaration of Opening and Announcement of Visitors

The meeting was opened at 10.15am.

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

Attendance

| | | |
|------------------|------------------------|--------------------|
| John Kyanga | (President) | |
| Anne Geary | (Deputy President) | (Entered 10.22 am) |
| Catherine Carton | (Councillor) | |
| Kenny Farmer | (Councillor) | |
| Annette Williams | (Councillor) | (Entered 10.42 am) |
| Leanne Peck | (Councillor) | |
| Graham Harris | (Councillor) | |
| | | |
| Tony Kirwan | (CEO) | |
| Vince Bugna | (MAF) | |
| Tom Milo | (Works Manager) | |
| Coby Kirwan | (Admin Officer) | |
| Heather Charlton | (Arts Gallery Manager) | |

3 Response to Previous Public Questions Taken on Notice

Nil

4 Public Question Time

Questions asked by David Betteridge

Answers given by Council

Q1. With the down sizing of Wiluna Gold Mine could the C.E.O. outline what training the local Fire brigade have had with chlorine fires and has any thought been given to how the pool would notify the school should they have a chlorine fire with a northerly wind blowing, also when was the last time the pool had a practice evacuation.

A1. No Fire Brigade training for chlorine.

The Pool Manager has had annual training for chlorine fires and has all the equipment.

- ***The pool would notify the school by telephone. All of the evacuation procedures for chlorine have been put in place and practised.***
- ***The last time there was a practise evacuation was yesterday, 20 February 2008.***

Q2. On Thursday the 14th of February I had a discussion with the President and asked him to show me our messy yard that he criticized on the night of the electors meeting. He could not show me any yard that we have anything to do with. We therefore require from him something in writing as to what yard it was he was referring to or a written apology for publication around town as the accusation were made in a public forum.

A2. *It was a discussion begun by Mr Betteridge in an aggressive way and no accusations were made by the President.*

Q3. With the Shire battling to overcome the dog problem in town, is it wise for Vince to just open his gate every morning and let out his brown and white male dog?

A3. *The Finance Manager's dog is not part of the town dog problem.*

Q4. Is it true that a member of the shire had a seven thousand dollar water bill? If this is true, has the worker been counselled on wise use of water?

A4. *This is confidential information about a private person.*

Q5. Why has nothing been put on the shop notice board with regard to when shire meetings are on? We thought we had addressed this at the electors meeting.

A5. *We are not required to put notices on the shop noticeboard.*

Q6. Could the President please explain why the council thought it was obligated to pay Mr. Kirwan's legal expenses? And why it was not in the September minutes as stated in the October blue pages?

A6. *Council passed a resolution to pay the CEO's legal expenses because he was at his employment at the time the incident happened. The information is in the October minutes.*

Questions asked by Marilyn Betteridge

Answers given by Council

Q1. Could the C.E.O. please advise how many times the four wheel drive bus has been hired out and has it been a profitable venture.

A1. *The bus offers a community service to people in the town and was never meant to be profitable.*

Q2. Is anyone working to collect stray dogs around town as the problem seems to be getting out of hand?

A2. *The CEO will instruct the dog catcher to look at any problems.*

5 Application for Leave of Absence

Nil

6 Petitions and Deputations

Nil

Golden West Resources - outline of what they are doing

7 Confirmation of Minutes of Previous Meetings

The Minutes of the Meetings Held on 29th November 2007, 18th December 2007 and 4th & 5th February 2008 be accepted as a true record of those meetings.

04/08 Council Decision

MOVED Cr C Carton

SECONDED Cr K Farmer

CARRIED 4/5, 1 abstention

8 Announcements by Presiding Member without Discussion

President's Report – February 2008

1. I will be meeting with the President of the Shire of Meekatharra to discuss the road from Wiluna to Meekatharra. It is our intention to write to the Minister and request improvement to the road. We are very concerned about:
 - Safety on the road. How many deaths must there be before we seal the road?
 - The costs to vehicles. This road causes damage to vehicles and people will not use it until it is in better condition.
2. CDEP. I have spoken to ICC and FACSIA about CDEP and let them know that we are very unhappy with the lack of progress. We feel let down by the Commonwealth Government. A number of promises have been made and not kept.
3. The new CEO will be here next week from Monday to Thursday and be briefed. She will begin her full time employment on 17 March 2008 which is 2 weeks after Tony Kirwan finishes.
4. This is the last Council meeting for Tony Kirwan.

9 Reports of Committees and Officers

9.1 Chief Executive Officer Reports

| | |
|---------------------------------|----------------------|
| 9.1.1 Subject/Applicant: | Status Report |
|---------------------------------|----------------------|

File:

Reporting Officer: A. Kirwan, Chief Executive Officer

Date of Report: 11th February 2008

Disclosure of Interest: Nil

Marruwayura Office

Documents have been forwarded to the Shire from the liquidators Korda Mentha. These documents relate to the lease and purchase of the property by the Shire. The sequence of events went as follows:

1. In the Council meeting of September 2007 the following motion was approved by Council:

'That Council approve the proposed changes to the budget by reallocating funding of \$45,000 from the proposed purchase of the Marruwayura Store to the lease and upgrade of the Marruwayura offices whilst funds are sought for its purchase for community use.'

2. Since that time Mid West Development Commission have also approved \$20,000 for the upgrade.
3. The Department of Local Government and Regional Development is assisting the Shire of Wiluna to source funds for the purchase of the building.
4. As discussed in detail with Council, it is proposed that the building be used as a co-location centre for agencies, a town meeting place, a post office and perhaps an employment agency for the mines. Funds will be sought from the mines to assist the Shire manage the facility.
5. Refurbishments cannot begin until ownership and tenure issues of the building have been secured in the name of the Shire. I will show the proposed documents to the Departments involved, make any necessary changes and then Council will make a final decision on the purchase.

Caravan Park

In November 2007 Council made the following decision:

'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.'*

Since that time Council has received notification that the old school site will be passed to the Shire of Wiluna and will not be purchased. On behalf of the Shire I accepted the offer.

Currently the Shire Works Manager is obtaining quotes to upgrade the electrics and sewerage for the site.

Funding of the upgrade can be included in the 2008/2009 budget although government funding through the Regional Infrastructure

Funding Program is available. These applications close on 12 March 2008.

Desert Gold

A final decision about the status of Desert Gold has not yet been made and the appeal from Woodpac is still with the Governor.

Community Development Section in the Shire.

At the July 2007 meeting of Council the following decision was made:

1. *That Council accepts the Creating Communities document that outlines the Wiluna Shire's leadership role in implementing the Wiluna Development Project.*
** Creating Community document presented Discussion followed **
2. *That Council supports the proposed Shire management changes as outlined above and instructs the CEO to proceed with the changes that were first outlined during the CEO Review.*
3. *That Council supports the engagement of consultants to assist develop a detailed proposition, budgetary and staffing, on the proposed Shire of Wiluna management changes.'*

In October 2007 a training session was held for Councillors by the Department of Local Government and a consultant and the proposals discussed in detail. The report from the consultant has been received that outlined in writing the briefing given to Councillors.

In February 2008 Council proposed to hire Ms Myra Spurling as the head of the new Community Development Section. The Department of Local Government will visit in February to progress the proposal to ensure progress continues.

| | |
|---------------------------------|--------------------------------------|
| 9.1.2 Subject/Applicant: | Confirmation of Meeting Dates |
| File: | |
| Reporting Officer: | A Kirwan, Chief Executive Officer |
| Date of Report: | 31 st January 2008 |
| Disclosure of Interest: | Nil |

Summary

Council Policy 1.2 provides for the Council to meet monthly at 10:00 AM on the third Thursday of each calendar month. The meeting times for this year are:

| DATE | DAY | TIME |
|---------------------------------|----------|----------|
| 21 st February 2008 | Thursday | 10:00 AM |
| 20 th March 2008 | Thursday | 10:00 AM |
| 17 th April 2008 | Thursday | 10:00 AM |
| 15 th May 2008 | Thursday | 10:00 AM |
| 19 th June 2008 | Thursday | 10:00 AM |
| 17 th July 2008 | Thursday | 10:00 AM |
| 21 st August 2008 | Thursday | 10:00 AM |
| 18 th September 2008 | Thursday | 10:00 AM |
| 16 th October 2008 | Thursday | 10:00 AM |
| 20 th November 2008 | Thursday | 10:00 AM |
| 18 th December 2008 | Thursday | 10:00 AM |

05/08 Council Decision

MOVED Cr G Harris

SECONDED Cr A Geary

CARRIED 6/0

9.1.3 Subject/Applicant: To purchase Marruwayura Store Building using the Asset Replacement Fund.

| | |
|-------------------------|-----------------------------------|
| File: | |
| Reporting Officer: | A Kirwan, Chief Executive Officer |
| Date of Report: | 12 February 2008 |
| Disclosure of Interest: | Nil |

Background

In summary, Kordamentha was the liquidator appointed by the creditors when Marruwayura's accumulated debts became too large. One of the assets to be sold is the store.

The Shire has attempted to lease the building whilst seeking funds for the purchase.

Purpose of the Building

The purpose of this building is to improve the facilities for business in the centre of town:

1. Offering an improved Post Office facility and thereby also improving the entrance into town.
2. Offering a town meeting facility.
3. Offering offices for agencies or other Shire of Wiluna services.

Current Situation

The documents to lease and purchase the property have been obtained and there are a number of problems.

1. The lease document specifies that the property will be purchased when the lease is completed. Government funds will not be approved where a contract to purchase has been entered into prior to funding approval.
2. The purchase contract is not subject to finance.

A further problem is that the building is deteriorating and has decreased in value.

Valuation

Two valuations have been obtained for the property and building:

1. \$225,000. This valuation was based on the assumption that replacement value would be \$400,000.
2. \$93,000. This valuation was given on the basis that commercial reality indicated there were limited buyers in the market.

Average of the two valuations is \$159,000.

Financial Implications

It is proposed to fund the purchase from the Shire's Asset Replacement Fund.

Funding for improvements has already been approved:

1. \$40,000 previously allocated from Shire funds
2. \$20,000 by Mid West Development Commission subject to ownership by the Shire of Wiluna.

Strategic Implications

Nil

Voting Requirement

Simple majority.

Officer Recommendation/Draft Motion

That Council approve the purchase of the Marruwayura building for a total of \$159,000 and instruct the CEO to make an offer to Kordamentha for that amount.

06/08 Council Decision

MOVED Cr G Harris **SECONDED** Cr L Peck
CARRIED 7/0

9.2 Manager Finance and Administration Officer Reports

| | |
|---------------------------------|--------------------------------------|
| 9.2.1 Subject/Applicant: | Accounts paid by Authority |
| File: | Finance |
| Reporting Officer: | Vince Bugna, Manager Finance & Admin |
| Date of Report: | 7 th Feb 2008 |
| 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 30th November 2007, 31st December 2007 and 31st January 2008 are listed as Appendix A(i), Appendix A(ii) and Appendix A(iii) – Blue Pages.

Comment

Nil

Consultation

Nil

Statutory Environment

Local Government (Financial Management) Regulations 1996 – Regulations 13. (*Reprint 2: The regulations as at 17th February 2006*)

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 30th November 2007 totalling \$450,022.13, 31st December 2007 totalling \$517,556.39 and 31st January 2008 totalling \$411,571.47 be received, noted and incorporated in the Minutes of the meeting.

07/08 Council Decision

MOVED Cr C Carton **SECONDED** Cr A Geary
CARRIED 7/0

| | |
|---------------------------------|--------------------------------------|
| 9.2.2 Subject/Applicant: | Financial Report |
| File: | Finance |
| Reporting Officer: | Vince Bugna, Manager Finance & Admin |
| Date of Report: | 7 th February 2008 |
| 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 30th November 2007, 31st December 2007 and 31st January 2008 are listed as Appendix B(i), Appendix B(ii) and Appendix B(iii) – 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 30th November 2007, 31st December 2007 and 31st January 2008 be received noted and incorporated in the Minutes of the Meeting.

08/08 Council Decision

MOVED Cr A Geary

SECONDED Cr G Harris

CARRIED 7/0

| | |
|---------------------------------|--------------------------------------|
| 9.2.3 Subject/Applicant: | 2007 Compliance Audit Return |
| File: | 12.00.25 |
| Reporting Officer: | Vince Bugna, Manager Finance & Admin |
| Date of Report: | 7 th February 2008 |
| Disclosure of Interest: | Nil |

Summary

To present Council with the completed Statutory Compliance Return for the period 1 January 2007 to 31 December 2007 and for its adoption. Appendix C – White Pages

Background

The Compliance Audit is required annually and seeks information on differing aspects of Council's statutory obligations each year.

The Return is now completed and is required to be:

Presented to Council at a meeting of council

Adopted by Council

Recorded in the Minutes of the meeting at which it is adopted

Comment

After adoption by Council, a copy of the Return signed by the Shire President and the Chief Executive Officer, must be submitted to the Department of Local Government by 31st March 2008.

Consultation

Nil

Statutory Environment

Local Government Act 1996

Local Government (Audit) Regulations 1996

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirement

Simple majority

Officer Recommendation / Draft Motion

That:

- (1) Council adopts the Compliance Audit for the period 1 January 2007 to 31 December 2007.
- (2) A certified copy of the return, together with the Minutes adopting the Return and be submitted to the Director General of the Department of Local Government.

09/08 Council Decision

MOVED Cr G Harris **SECONDED** Cr K Farmer
CARRIED 7/0

Note: Councillor Harris requested training for Councillors on the Compliance Audit. The CEO agreed and said that perhaps the training be expanded to assist Council better understand their role. Council has a senior staff member whose role is to deal with Council Compliance.

9.3 Manager Works & Services Officer Reports

No 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 : | 31 st January 2008 |
| 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.”

In July 2007, Mr and Mrs Betteridge applied for and received a Planning Permit which altered the original concept by re-locating the kitchen further back from the front boundary, and also included paving to the front verge of the road, and the addition of sails to the front area between the boundary and the kitchen.

In September 2007, the condition placed on the original permit in regard to the time in which the completion of the development work was required to be finish, lapsed. Mr and Mrs Betteridge were informed of the situation and they then applied for another planning permit in order to complete the development of the kitchen/takeaway premises in **October 2007**.

Council elections took place in October 2007, and the application was placed before Council for a determination in **November 2007**. Council determined that:

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

Mr and Mrs Betteridge were informed of Councils decision and asked to resubmit the application. On the **18th January 2008** attached plans were received from the applicants as an application to proceed with their development of Lot 64 Wotton Street, Wiluna.

It will be recommend that the amended plans be accepted by Council.

Background

The allotment that the owners wish to develop is Zoned “Commercial” under the Wiluna Town Planning Scheme, and the development of a Food Premise 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.

Most of the background information is contained in the summary section of this report.

Comments

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 lot. I have reported to Mr and Mrs Betteridge the minor damage to the rear entrance door and to a very small area of the external 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.

The plans submitted to Council do show paving to the front as approved by Council previously, and cream block work to the front and to the side retaining walls, with a ramp leading to the area in front of the kitchen, and a brick pillar and rail balustrade. It also shows the installation of "sails" to the front area between the front boundary and the front of the kitchen.

I feel the development when completed will be neat and tidy, and I have included a further condition that will ensure the area between the floor of the kitchen and the finished surface of the ground is screened.

I can see no reason why Council should not support the proposed development as outlined in their application to Council.

Consultation

Mr Tony Kirwan – Chief Executive Officer
Mrs Betteridge - Applicant
Mr Bill Atyeo (EHO/BS)
Gray & Lewis – Land Use and Planners

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 Council's 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) *In accordance with Clause 7.11.1 of the Town Planning Scheme the development approved is to be substantially commenced within two (2) years after the date of this determination, and this approval lapses if the development has not substantially commenced before the expiration of that period.*
- (f) *The area between the finished floor level of the kitchen and the finished ground level will be screened with appropriate material that will enhance the appearance of the kitchen façade overall to the satisfaction of Council.*
- (g) *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.*
- (h) *The developers will adhere to all other relevant and appropriate legislation in regard to this development, and will apply for and acquire all appropriate licenses.*
- (i) *Any breaches of any of the above conditions will be considered a breach of this Planning Permit, and Council may take legal action to ensure full compliance with the conditions of the Permit, or have the development removed from the Lot.*

10/08 Council Decision

MOVED Cr G Harris

SECONDED Cr C Carton

CARRIED 7/0

9.5 Community Development Officer Reports

No 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**
 Meeting Closed at 11.04 am.