

# Shire of Wiluna

## MINUTES



**Ordinary Meeting of Council**

**Wednesday 27 April 2011**

**Commences at 10.00 am**

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**Minutes**

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## MINUTES

### **1. Declaration of Opening and Announcement of Visitors**

The Meeting was opened at 10.04 am.

The President received an email from Cr McCutcheon advising him of his resignation from council to take effect immediately from 21 April 2011. The President advised he would write a letter thanking Mr McCutcheon for his commitment to the community in his time as a councillor.

### **2. Record of Attendance / Apologies and Leave of Absence Previously Approved**

John Kyanga	(President)
Graham Harris	(Deputy President)
Stacey Petterson	(Councillor)
Jim Quadrio	(Councillor)
Chris Webb	(Councillor)(Entered at 10.30 am)

Samantha Tarling	(Chief Executive Officer)
Tony Doust	(Project Manager)
Linda Butterly	(Deputy Chief Executive Officer)
Laurie Bresland	(Works Manager)

#### **Visitor**

Lynnette O'Reilly	(Chief Executive Officer, Moora Shire)
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### **3. Response to Previous Public Question Taken on Notice**

Nil

### **4. Public Question Time**

Nil

### **5. Applications for Leave of Absence**

Nil

### **6. Notations of Interest**

#### **6.1. Interest Affecting Impartiality Shire of Wiluna Code of Conduct**

Nil

#### **6.2. Financial Interest Local Government Act Section 5.60A**

Nil

**6.3. Proximity Interest Local Government Act Section 5.60B**

Nil

**7. Petitions and Deputations**

Nil

**8. Confirmation of Minutes of Previous Meeting**

***OCM 24/11 Council Decision and Officer Recommendation***

**MOVED** Cr Harris

**SECONDED** Cr Petterson

**8.1.** The Minutes of the Meeting held on 23 March 2011 be accepted as a true record of that meeting.

**CARRIED 5/0**

***OCM 25/11 Council Decision and Officer Recommendation***

**MOVED** Cr Harris

**SECONDED** Cr Petterson

**8.2.** The Minutes of the Special Council Meeting held on 6 April 2011 be accepted as a true record of that meeting (Appendix B, lilac pages).

**CARRIED 5/0**

**9. Announcement Presiding Member without Discussion**

Nil

**10. Reports of Officers and Committees**

**10.1. Chief Executive Officer Reports**

<b>10.1.1. Subject/Applicant:</b>	<b>Status Report</b>
File:	Various
Reporting Officer:	Samantha Tarling – Chief Executive Officer
Date of Report:	21 April 2011
Disclosure of Interest:	Nil

**Purpose**

The purpose of this report is for Council to receive the CEO's status report and endorse the CEO's actions and recommendations.

### **OCM resolutions update**

In accordance with the Shire of Wiluna Local Law Standing Orders 1999 the CEO is to report outstanding resolutions to keep Council informed of status.

No resolutions are outstanding at this time.

Fitness for Work policy – Drug and Alcohol in the workplace was discussed at the February OCM and whilst it was not minuted, the CEO was charged with investigating this further. The DCEO is currently initiating the OSH program which will encompass a policy being reviewed and put to council later in the year. This item will not reappear in this report in the future unless council so deems.

### **GVROC Zone Roundtable Forum 2011**

At the 1 April 2011 GVROC meeting the following resolution was passed to allow adequate time for the GVROC secretariat to collate and list items on the Agenda for the next Technical Officers Working Group Meeting scheduled for Friday, 3 May 2011.

*That individual member Councils be invited to submit matters for consideration by the Zone Roundtable Forum to the GVROC Executive Officer by Friday, 6 May 2011 and GVROC Council consider all submissions at its meeting on Friday 27 May 2011 for submission to WALGA by the due date.*

Delegates to GVROC are aware of this item and at the closing of the April OCM agenda, the CEO has not received any items to submit and will advise the GVROC secretariat, unless there are items raised by council at the April OCM.

### **GVROC meeting in Wiluna – Friday 27 May 2011**

At the 1 April 2011 GVROC meeting members gave support to the next meeting being held in Wiluna. GVROC secretariat has advised that some members will be flying in and Leonora and Laverton Shire representatives will be driving in. Shire of Wiluna offered to hold a social evening if members were staying overnight. Councillors from Laverton and Dundas have indicated they will be staying overnight. Arrangements are still being finalised through GVROC.

Councillors who do not ordinarily attend GVROC are welcome to attend as observers.

### **Whole of Local Government Forum: Local Government in Western Australia – Planning for Change**

The Minister for Local Government: Heritage; Citizenship and Multicultural Interests, Hon G M (John) Castrilli MLA, has invited Presidents, Mayors and

the Chief Executive Officers from each local government in WA to attend this forum on Thursday, 12 May 2011 at the City of South Perth's Community Centre. Appendix C (sand coloured pages).

Other stakeholders invited to participate in the forum include the Western Executive Officers from relevant State and Commonwealth Government agencies.

This forum will identify the social, demographic, economic and environmental challenges likely to confront local governments in the next 10-20 years and importantly how local governments can start to address these.

The Minister wants the forum to be interactive, generate meaningful dialogue and deliberation, and result in collaborative action plans for the future.

Central to all this will be how our communities can participate more effectively in planning for the future, as well as ways the Department of Local Government can work collaboratively with the sector in planning for change.

### **Regional Development Commission Review**

WALGA representatives recently met with the Minister for Regional Development and Lands together with the Hon Wendy Duncan MLC and discussed a range of issues, including the Regional Development Commission Review. The Minister advised that one of the projected outcomes from the Regional Development Commission review is to provide the Regional Development Commissions in the regions with greater powers. WALGA was concerned that there was a more centralised proposal suggested in the Review Committee's report and this was a concern for the sector.

If the proposed increase in powers can be confirmed, then this would alleviate those concerns. The Association is also advocating for Local Government representation on the Board of the Western Australian Regional Development Commission (WARDC) and on the RDC - Region Boards.

WALGA representatives raised the issue of the Country Local Government Fund allocation percentage to regional and local projects. The State Council resolution requesting a minimum of 50% of the funding be allocated to local projects was conveyed to the Minister.

### **The Western Australian Regional Development Trust**

The Western Australian Regional Development Trust (RDT) is a statutory advisory body to the Minister for Regional Development established under the *Royalties for Regions Act 2009*. The Trust plays an important role in providing independent and impartial advice and recommendations on the allocation of funds from the Royalties for Regions Fund and in the management of the Fund which is required to promote and facilitate economic, business and social development in regional Western Australia.



Trust Members are appointed by the Minister for Regional Development and Lands (Minister) the Hon Brendon Grylls MLA and membership is as follows:

Andrew Murray - Chair, Sue Middleton - Deputy Chair, Paul Rosair - Trust Member, Peter Rundle - Trust Member and Tim Shanahan - Trust Member.

On Monday 4 April 2011, Andrew Murray, RDT Chair, Murray Criddle, MWDC Chair and Steve Douglas, MWDC CEO met with Councillors and CEO to discuss the Shire's projects that will be in keeping to receive funding for developing social and economic development in the Shire and region.

The meeting and a tour of the town lasted for 2 hours. It was successful in drawing attention to a number of priorities for attention, namely the MWDC Investment Plan flagship project for sealing the Goldfields Highway – Wiluna to Meekatharra section and the Wiluna Development Project II.

The group left Wiluna and travelled by car to Meekatharra to experience the safety concerns the Shire had been stressing in its lobbying for an upgrade to a sealed road.

Steve Douglas, MWDC CEO sent an email at the end of their 3 day tour of the Midwest towns and he wrote:

*"Thanks to everyone for supporting Andrew Murray's visit earlier in the week – he was very impressed with what is happening in your communities and also has a better grasp of the challenges and opportunities, including how CLGF is being dealt with. He was particularly grateful for those who travelled large distances to meet with him on Monday night in Mt Magnet.*

*Incidentally, on our travel from Wiluna-Meeka, we went past 3 large road trains – had to stop every time – couldn't see a thing, and worried about getting hit from behind – an unnerving, but hopefully beneficial experience."*

### **The Mid West Regional Planning Committee meeting in Meekatharra**

The Mid West Regional Planning Committee is arranging to visit Meekatharra on Thursday, 28 April 2011 at 10 am.

The Mid West Regional Planning Committee was appointed by the Western Australian Planning Commission at the request of the Minister for Planning to;

- advise the WAPC on planning issues for the region;
- make recommendations to the WAPC on the need for and the extent and content of, region planning schemes.

An invitation was forwarded to the Shire President, Councillors and Chief Executive Officer.

### **Annual Housing Inspection – Policy 2.12**

Councillors were recently advised of the annual housing inspection in accordance with Policy 2.12. The Policy states: Council, at the Ordinary Meeting of Council held in April of each year, nominate two (2) Councillors to accompany the Chief Executive Officer on each inspection. The inspections will take three (3) days and a change of dates has occurred. The new dates that councillors have been advised of in an email are: 19 & 20 & 26 May 2011. Councillors Harris and Quadrio have nominated a day/s at this time.

### **Drive Trail Trip incorporates a Back to Country**

The CEO, DCEO and Tourism Officer will travel together with Jesse Brampton and Mike Fitzpatrick, CDNTS and Martu community members on Saturday, 28 May – Tuesday, 31 May 2011 to the Canning Stock Route through Glen Ayle to Well 9 and return down the Canning Stock Route to Wiluna on Tuesday 31 May 2011. This trip will be a fact finding mission for Jesse Brampton and staff in their collation of information for the development of Drive Trail interpretative panels, a tourism initiative identified in the Shire's Strategic Plan 2009-14. The Martu history and stories of the area will be gathered from members of the community on this Back to Country trip. Jesse will also meet with pastoralists to gather their historical stories on this visit.

### **EEO Mediation – James Alagappan v Shire of Wiluna**

Further to a report at the February OCM regarding the claim lodged with the EEO Commission by James Alagappan against the Shire on the grounds of religious conviction discrimination in his employment, the mediation sessions have continued without resolution at this time.

The second mediation session took place on Wednesday, 9 February 2011 at the State Administrative Tribunal in Perth. Allion Legal was in attendance as the Shire legal representative. The points discussed were a letter of apology to James Alagappan for the distress this matter has caused him, memorandum to staff and a council agenda item that reflects the position reached in the mediation.

A third mediation session on 22 March 2011 was cancelled. The refinement of the wording in the abovementioned documents are in negotiation at this time and it is trusted that this matter can be resolved between the two parties before the third mediation session which has not been scheduled at this time.

### **Relocation of Australia Post outlet**

Australia Post and MEEDAC have confirmed that the licensee of the post office will be relocating her business to the Old Store on the corner of Wotton and Thompson Street by June 2011.

The Shire has written to Australia Post seeking their support to ensure the standard of the outlet meets the minimum Australia Post standards and policies. A response has been received from MEEDAC advising that they, as

the Landlord are committed to work in partnership with the licensee to achieve this request for the benefit of the community.

**OCM 26/11 Council Decision and Officer Recommendation**

**MOVED** Cr Harris

**SECONDED** Cr Petterson

That Council receive this report and endorses the CEO's recommendations and actions.

**CARRIED 5/0**

<b>10.1.2. Subject/Applicant:</b>	<b>Proposal to Relinquish Management Order of Reserve 23797, Wotton Street, Wiluna – Old School Site</b>
File:	Lot file 48-50
Reporting Officer:	Samantha Tarling, CEO
Date of Report:	18 April 2011
Disclosure of Interest:	Nil

**Purpose**

The purpose of this report is to resolve the future of the Old School Site, Reserve 23797, Wotton Street, Wiluna.

**Background**

At the January Sustainability Workshop held with councillors, it was recommended that the Old School Site be relinquished back to the State to be placed on the open market for purchase, with the intention of allowing a developer or a community organisation to gain management or ownership of the property to develop.

**Comment**

In March 2011, the Department of Regional Development and Lands (RDL) advised RDL cannot revoke the management order without first there being either a purchaser or organisation willing to accept the management order. If the Lot was vacant land it would not be a problem, however, the substantial buildings would present a day to day administrative liability for the Department for which they have no budget.

RDL advised they will seek a purchaser or management order holder for the Reserve if the Shire so wished. This report is submitted to council to endorse the recommendation proposed by councillors present at the January 2011 Sustainability Workshop and authorise the CEO to precede with arrangements to hand back the Management Order.

**Consultation**

Department of Regional Development and Lands

### **Statutory Environment**

Local Government Act 1995  
Land Administration Act

### **Policy Implications**

Nil

### **Financial Implications**

The maintenance costs of the site and buildings are met by the Shire every year and there is no benefit to the community gained presently due to the unusable state of the buildings and grounds for any sustainable civic purpose.

There are no known costs to the Shire in relinquishing the Management Order to the State at this time.

### **Strategic Implications**

The Shire of Wiluna is supportive of developers and investors coming into the Shire. Three persons have expressed a serious interest in developing this property and this would meet with the Shire's strategic direction of a Go-Ahead Wiluna. The Shire has submitted the three interested parties with RDL and they will contact them in due course.

### **Voting Requirements**

Simple Majority

<b><i>OCM 27/11 Council Decision and Officer Recommendation</i></b>
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**MOVED** Cr Quadrio

**SECONDED** Cr Harris

For Council to:

1. Relinquish the Management Order of Reserve 23797, Wotton Street, Wiluna, Old School Site back to Department of Regional Development and Lands when they are ready to accept.
2. Advise Department of Regional Development and Lands that the Shire would like to see a private developer build tourist and short term accommodation on the site.
3. Authorise the CEO to proceed with the arrangements for the Shire of Wiluna to Relinquish the Management Order of Reserve 23797, Wotton Street, Wiluna, Old School Site back to Department of Regional Development and Lands

**CARRIED 5/0**

<b>10.1.3. Subject/Applicant:</b>	<b>Addition to Policy 1.11 - Nomination to Boards and Committees - Goldfields-Esperance Regional Collaborative Group Membership and Development Assessment Panels</b>
File:	00420 & 00415 & 00157
Reporting Officer:	Chief Executive Officer – Samantha Tarling
Date of Report:	19 April 2011
Disclosure of Interest:	Nil

### **Purpose**

The purpose of this report is for Council to amend Policy 1.11 – Nomination to Boards and Committees - to include Goldfields Esperance Regional Collaborative Group (RCG) and Development Assessment Panels and to nominate delegates to the Board of the Goldfields Esperance Regional Collaborative Group and Development Assessment Panels.

### **Comment**

At the Ordinary Council Meeting held on 15 December 2010, Council endorsed a draft Agreement between the State of Western Australia and the Goldfields Esperance local governments for the formation of the Goldfields Esperance Regional Collaborative Group (GERCG). This Agreement was subsequently signed on 17 February 2011 by all Goldfields Esperance local governments and the Minister for Local Government, following the Goldfields Esperance Regional Forum, which was held in Esperance.

The Agreement which forms the GERCG is silent on the relationship between the GVROC and the RCG and accordingly, clause 3.1 of the Agreement states:

“Within 3 months of the Execution Date the RCG shall convene the inaugural meeting of the RCG and appoint a board comprising one elected member and one elected deputy member for each Participant.”

The inaugural meeting of the Goldfields Esperance RCG was held on 1 April 2011 in Kalgoorlie-Boulder. Whilst ideally the Agreement would have nominated each Shire’s GVROC delegates as RCG Board members, this is not the case and as such Council needs to appoint a representative and a deputy to represent the Shire on the GERCG Board. Pursuant to clause 3.1 above, the representative and deputy representative must be councillors, can’t be the CEO, as is the case at GVROC.

### **Development Assessment Panels (DAP’s)**

As part of the Government’s commitment to streamlining and improving the planning approvals process in Western Australia, the WA Parliament passed the Approvals and Related Reforms (No. 4) (Planning) Act 2010 (the ‘2010

Amendment Act'). The provisions of the 2010 Amendment Act, except part three, commenced on 22 November 2010. See Appendix D (peach pages).

The 2010 Amendment Act contains a number of amendments to the Planning and Development Act 2005 (the 'PD Act') that are designed to improve the planning system. Part 3 of the 2010 Amendment Act contains the heads of powers required to introduce development assessment panels ('DAPs') in this State, through the making of regulations by the Governor.

Development Assessment Panels (DAP's) are a mix of independent experts and councillors, created by State Government to be the decision making body for development applications. These panels will have the power to determine applications for development approval, instead of the relevant decision making authority, for development of a certain class and value – over \$3M.

The objectives of the proposed development assessment panel model are to:

- streamline the determination process for particular types of development applications, by eliminating the requirement for dual approval under both the local and region schemes;
- involve independent technical experts in the determination process;
- encourage an appropriate balance between independent professional advice and local representation in decision-making for significant projects; and
- reduce the number of complex development applications being determined by local governments, to allow local governments to focus their resources on strategic planning.

The Minister must establish and maintain a register of local DAP members. Each local government must nominate 2 local DAP members and 2 or deputy local DAP members from its pool of elected members. The Minister then considers nominations received and appoints for a 2 year term.

If, within the 2 year term, a local DAP member is not re-elected, they can't hold the position of local DAP member.

Local government elections may result in a change to local DAP membership if current councillors, who are DAP members, are not re-elected. In this instance, the deputy local DAP members will take the place of the former local DAP members. If both local and alternate (deputy) local members are not re-elected, the local government will need to renominate and the Minister to re-appoint.

The Council needs to consider the above in selecting nominees as local DAP members.

Following the gazetting of the DAP regulations the Minister will establish fifteen different DAPs on 2 May 2011; however, these will not start to consider new applications until 60 days after their establishment. Therefore, DAPs will commence operation on 1 July 2011.

In light of this new legislation the DAPs will be included in Policy 1.11 and four councillors nominated and the Minister advised.

### **Appointments of Delegates, Proxy Delegates and Staff**

Council resolved at the February 2011 OCM that the following appointments be made as Delegates, Proxy Delegates and Staff to the organisation as shown:

<b>Organisation</b>	<b>Delegate</b>	<b>Proxy</b>	<b>Staff</b>
Goldfields Voluntary Regional Operational Council (GVROC) (Two delegates)	President Cr J Quadrio	Cr G Harris	CEO
Goldfields Esperance Country Zone (GECZ) Of WALGA	President	Cr J Quadrio	CEO
Goldfields Esperance Regional Road Group	President	Cr J Quadrio	CEO
Regional Partnership Agreement Management Committee (Two delegates)	Cr J Quadrio	Cr C Webb Cr G Harris	CEO
Local Emergency Management Committee	President	Cr G Harris	CEO DCEO Works Manager Leading Hand

### **Consultation**

GVROC delegates  
GVROC Secretariat  
GVROC Chief Executive Officers

### **Strategic Implications**

Strategic Plan 2009-14, Go-Ahead Wiluna, Work with neighbouring council's GVROC and MWDC to identify new initiatives for Wiluna and the region.

The strategic implications following the creation of a Regional Collaborative Group could include the improvement of governance arrangements within the region, better opportunities for resource sharing, as well as efficiencies gained in procurement and human resources issues.

### Statutory Implications

Nil

### Policy Implications

Inclusion of Goldfields Esperance Regional Collaborative Group (GERCG) and Development Assessment Panels (DAPs) into Policy 1.11 - Nomination to Boards and Committees will see Policy 1.11 updated as follows:

*POLICY: NOMINATIONS TO BOARDS & COMMITTEES*  
*POLICY NO: 1.11*  
*SECTION: COUNCIL*  
*COUNCIL MEETING HELD: 27 April 2011*  
*DATE TO BE REVIEWED: 23 November 2011*

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*Council will nominate the following representatives to the Boards and Committees:*

<b>Organisation</b>	<b>Delegate</b>	<b>Proxy</b>	<b>Staff</b>
<i>Goldfields Voluntary Regional Operational Council (GVROC) (Two Delegates)</i>	<i>President Councillor</i>	<i>Councillor</i>	<i>CEO</i>
<i>Goldfields Esperance Regional Collaborative Group (GERCG) (Two Delegates)</i>	<i>President Councillor</i>	<i>Councillor</i>	<i>NA</i>
<i>Goldfields Esperance Country Zone (GECZ) of WALGA</i>	<i>President</i>	<i>Councillor</i>	<i>CEO</i>
<i>Development Assessment Panels (DAPs) (2 year term – Minister to be advised)</i>	<i>Councillor Councillor</i>	<i>Councillor Councillor</i>	
<i>Goldfields Esperance Regional Road Group</i>	<i>President</i>	<i>Councillor</i>	<i>CEO</i>
<i>Regional Partnership</i>	<i>Councillor</i>	<i>Councillor</i>	<i>CEO</i>



Agreement Management Councillor  
Committee

Local Emergency  
Management Committee  
(LEMC)

President

Councillor

CEO  
DCEO

Works Manager  
Leading  
Hand

*Nominations for and the election of delegates to the above organisation to be carried out at the Ordinary Meeting of Council held November of each year.*

*That delegates representing Council at Association Conferences (WALGA) shall vote and move motions as they see fit and as they believe reflects the views of Council. This authority be granted subject to the delegates reporting back to Council the proceedings of the Conferences at the next Ordinary Meeting.*

#### **Financial Implications**

Nil

#### **Voting Requirement**

Simple Majority

#### **OCM 28/11 Council Decision and Officer Recommendation**

**MOVED** Cr Harris

**SECONDED** Cr Webb

That Council:

1. Adopt the amendment to Policy 1.11 to include the Goldfields-Esperance Regional Collaborative Group and the Development Assessment Panels and it be shown as follows:

<b>POLICY:</b>	<b>NOMINATIONS TO BOARDS &amp; COMMITTEES</b>
<b>POLICY NO:</b>	1.11
<b>SECTION:</b>	COUNCIL
<b>COUNCIL MEETING HELD:</b>	27 April 2011
<b>DATE TO BE REVIEWED:</b>	23 November 2011

*Council will nominate the following representatives to the Boards and Committees:*

<b>Organisation</b>	<b>Delegate</b>	<b>Deputy / Proxy</b>	<b>Staff</b>
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Goldfields Voluntary Regional Operational Council (GVROC) (Two Delegates)	President Councillor	Councillor	CEO
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Goldfields Esperance Regional Collaborative Group (GERCG) (Two Delegates)	President Councillor	Councillor	NA
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Goldfields Esperance Country Zone (GECZ) of WALGA	President	Councillor	CEO
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Development Assessment Panels (DAPs) (2 year term – Minister to be advised)	Councillor Councillor	Councillor Councillor	
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Goldfields Esperance Regional Road Group	President	Councillor	CEO
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Regional Partnership Agreement Management Committee	Councillor Councillor	Councillor	CEO
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Local Emergency Management Committee (LEMC)	President	Councillor	CEO DCEO Works Manager Leading Hand
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Nominations for and the election of delegates to the above organisation is to be carried out at the Ordinary Meeting of Council held November of each year.

That delegates representing Council at Association Conferences (WALGA) shall vote and move motions as they see fit and as they believe reflects the views of Council. This authority be granted subject to the delegates reporting back to Council the proceedings of the Conferences at the next Ordinary Meeting.

2. Nominates Councillor Kyanga as the Shire of Wiluna Delegate and Councillor Quadrio as Deputy on the Board of the Goldfields-Esperance Regional Collaborative Group.
3. Nominates Councillor Webb and Councillor Petterson as the Delegates and Councillor Kyanga and Councillor Harris as Deputies

respectively, for a two (2) year term as the Shire of Wiluna nominees for the Development Assessment Panels.

**CARRIED 5/0**

<b>10.1.4. Subject/Applicant:</b>	<b>Constitutional Recognition for Local Government</b>
File:	00332
Reporting Officer:	Samantha Tarling, CEO
Date of Report:	18 April 2011
Disclosure of Interest:	Nil

### **Purpose**

The purpose of this report is for Council to decide whether to campaign for constitutional recognition by adopting resolutions supporting a 2013 referendum on financial recognition of local government.

### **Background**

There is a long history of debate on Constitutional recognition for Local Government in Australia, with referendums having previously been put before the voters in 1974 and 1988, with both being defeated.

During 2008 the Australian Local Government Association actioned a strategic approach aimed at securing a referendum which involved:

- Some initial resource materials to assist Local Governments to conduct a conversation at the local level on the need for Constitutional recognition
- Zone or region level discussions, where appropriate, based on WALGA agenda items
- Statewide forum to determine a state Local Government position (resolved at Local Government Convention)
- A national experts forum a National Constitution Summit (Melbourne December 2008)

In 2009/10 Australia Local Government Association (ALGA) focused advocacy around national political forums, political parties and key influential academics, while State Associations built up state profiling campaigns to improve the image and perception of their local government jurisdictions.

The ALGA Board further refined the national position in 2010 to focus specifically on financial recognition and the WALGA position was also aligned to this focus.

## **Comment**

Whilst the Federal Government has said that it will run a referendum, their willingness to do so in any sort of reasonable time frame will be heavily influenced by their perceptions of its likely success. A major factor in their perceptions will be the degree to which the conversation reflects broad community engagement.

This is not a campaign to encourage the Commonwealth to take over responsibility for Local Government, nor will constitutional recognition affect the current rights of the State Government regarding local government. The campaign supported by WALGA is about making sure that the Federal Government has the continuing legal capacity to do what it has been doing for a number of years – provide direct funding to local governments. Its ability to do so has been placed in serious doubt by the 2009 challenge by Mr Bryan Pape to the validity of the Commonwealth retail stimulus package. Although this challenge was defeated, it is seen by many legal experts to have effectively narrowed the Federal Government's power to act in this way, restricting its efforts to situations of national and international emergency. Clearly regular payments to local governments would have difficulty in meeting this threshold requirement. Therein lies the importance of achieving recognition for local government in the Australian Constitution.

Local Government in WA receives, on average, approximately \$90M in direct Federal funding through the Roads 2 Recovery program and the Community Infrastructure Fund. The importance and effectiveness of this funding to the lives of people in WA communities is undeniable.

Not only does direct Federal funding benefit local governments, it effectively benefits the State Government too, by enabling a greater spend of the national tax within WA – extra funds that would not come to WA if it wasn't for the direct Local government funding programs that make it possible.

## **Consultation**

WALGA

## **Statutory Environment**

Local Government Act 1995

## **Policy Implications**

The national policy position is consistent with the WALGA position. Adoption of the recommendation will formalise council's policy position and align it with the national campaign.

## **Financial Implications**

Nil

### Strategic Implications

Strategic Plan 2009-14, Leading Wiluna, Strong leadership, governance and planning.

### Voting Requirements

Simple Majority

<b>OCM 29/11 Council Decision and Officer Recommendation</b>
--

**MOVED** Cr Harris

**SECONDED** Cr Webb

That Council:

1. support the ALGA campaign for the Constitutional recognition of local government; and
2. call on the Federal Government to conduct a referendum to achieve the Constitutional recognition of local government at the 2013 federal election.

**CARRIED 5/0**

<b>10.1.5. Subject/Applicant:</b>	<b>Wiluna Claim – Native Title WAD6164/1998</b>
File:	00148
Reporting Officer:	Samantha Tarling, CEO
Date of Report:	18 April 2011
Disclosure of Interest:	Nil

### Purpose

The purpose of this report is to seek Council's direction relating to the extent of involvement the Shire of Wiluna will have in the negotiation of the consent determination relating to Wiluna Claim – Native Title WAD6164/1998.

### Background

MinterEllison has been acting on behalf of Goldfields local governments in relation to providing a briefing watch on Native Title claims relevant to each Shire. The Wiluna Claim was lodged in 1998. Like many Claims, they progress slowly, however, in recent months, activity on the Wiluna Claim has increased.

### Comment

As you can see from the attached letter from MinterEllison in Point 3 - Directions Hearing, MinterEllison is asking for the Shire to provide direction because it would be useful for them if the Shire raises any concerns held regarding the consent determination at the native title forum proposed to be held in April 2011. Likewise the Court has sought an indication from the Shire

of when it will be able to provide a response to the position paper drafted by the State of WA setting out the reasons why the requirements under the Native Title Act 1993 have been satisfied for the Wiluna Claim which will allow a determination by the Federal Court that native title continues to exist and a draft native title consent determination. Appendix E (mauve pages).

As seen in the MinterEllison letter they are seeking the Shire's instruction on the extent of involvement the Shire of Wiluna wishes to have in the negotiation of the consent determination.

The options are as outlined in the letter:

1.1 *Options for involvement*

*In essence, the three options are as follows:*

- (a) *we continue to act on a watching brief basis. This option is not recommended at this stage of the negotiations, because where the Shire has any interests in areas where native title has not been extinguished, those interests may not be properly recognised in the native title determination, and may be subsumed by the native title rights and interests;*
- (b) *we conduct a review of the draft consent determination and negotiate on the Shire's behalf to ensure that the Shire's interests in the determination area are included in the determination. We also conduct a peer review of the tenure analysis being prepared by the State in areas where the Shire holds interests to ensure that, wherever possible, any assessment made by the State that native title continues to exist is correct. Express recognition of the Shire's interests in the determination will ensure that such interests are given precedence over the native title rights recognised. This option is the minimum basis on which we would recommend you instruct us; or*
- (c) *we conduct the reviews in option 2, as well as negotiate an indigenous land use agreement (ILUA) with the native title applicant on behalf of the Shire. An indigenous land use agreement is a dedicated instrument in which the Shire of Wiluna may seek recognition by the native title applicant of its interests in the claim area, as well as obtaining the consent of the native title claimants to any acts that it may wish to undertake in the area in future. Any acts performed in areas where native title continues to exist are called 'future acts'. Any proposed future acts must comply with the future acts regime in the NTA before proceeding. However, where a party is acting under an ILUA, they*

are not required to comply with the future acts regime to the extent the relevant consents are already given under the ILUA. An ILUA may relate to specific acts, or it may set out a process for how particular classes of acts are to be dealt with. Depending on what interests the Shire has in the area, and depending on what the Shire wishes to do in the area in future, an ILUA may be appropriate.

## 1.2 Joinder as party

We also seek instructions as to whether the Shire wishes to apply to become a party to the two related native title claims, Wiluna People #2 and the Tarlpa People claims. These native title applications are being negotiated in tandem with the Wiluna People claim (the only claim of the three to which Shire of Wiluna is a party). The Shire will not formally have standing to seek a special provision in the consent determination in any area that does not fall within the Wiluna People claim (i.e. those areas subject to Wiluna People #2 and Tarlpa People claims).

Joining the other native title claims as a party is unlikely to be difficult for the Shire, given its status as the local government body for the area. However, it will require a notice of motion for each matter, together with a supporting affidavit stating why the Shire seeks to become a party, and the reasons it did not do so earlier.

## 2. Fee estimate

The fee estimate for each of the options set out at 4.1 above is as follows:

- (a) watching brief - \$2,000-4,000 annually;
- (b) participation in negotiation of consent determination and peer review of State's tenure history/extinguishment analysis - \$30,000 - \$50,000; and
- (c) participation in negotiation of consent determination, peer review of State's tenure history/extinguishment analysis and negotiation of ILUA, over 2 – 3 years - \$100,000-\$150,000.

There are numerous variables that will affect our estimate to provide these services which are presently unknown. These variables include the number of lots that the Shire has an interest in which require peer review of the State's native title extinguishment analysis, and the willingness of the native title parties to negotiate consents to future acts. As each of these variables is determined, we can provide you with a clear indication of likely cost.

*The fee estimate for applications to join the Shire as a party to the Wiluna People #2 and Tarrlpa People native title claims is \$4,500-6,000. Court fees will also apply (\$328 for a notice of motion for each claim with supporting affidavit).*

In consultation with some councillors previously, the CEO has advised MinterEllison the Shire doesn't wish to become a party to the two related native title claims, Wiluna People Number 2 and the Tarlpa People claims. These native title applications are being negotiated in tandem with the Wiluna People claim – the only claim of the three which the Shire of Wiluna is a party.

### **Consultation**

Goldfields Shire CEO's  
Councillors  
MinterEllsion

### **Statutory Environment**

Native Title Act 1993

### **Policy Implications**

A policy position on Native Title has not been set down by the Shire.

### **Financial Implications**

The amount for a watching brief has been accounted for in the 2010/11 budget.

### **Strategic Implications**

Nil

### **Voting Requirements**

Simple Majority

<b>OCM 30/11 Council Decision and Officer Recommendation</b>
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**MOVED** Cr Quadrio

**SECONDED** Cr Harris

For Council:

1. To instruct MinterEllison to continue to act on the Shire of Wiluna's behalf in the native title Wiluna Claim on a watching brief basis; and
2. Endorse the CEO's advice to MinterEllison in March 2011, the Shire doesn't wish to become a party to the two related native title claims, Wiluna People Number 2 and the Tarlpa People claims.

**CARRIED 5/0**



<b>10.1.6. Subject/Applicant:</b>	<b>Goldfields Highway, Wiluna – Meekatharra – Information Report Update</b>
File:	00181
Reporting Officer:	Samantha Tarling, CEO
Date of Report:	18 April 2011
Disclosure of Interest:	Nil

### **Purpose**

The purpose of this report is to provide an update of the Councillor Lobby Group and CEO actions in regard to lobbying for the sealing of the Goldfields Highway, Wiluna to Meekatharra and Council to receive the report and endorse the Councillor Lobby Group and CEO's actions.

### **Background**

At the March OCM council resolved to:

- 1. Approve a lobby group made up of the Shire president, Deputy President and Cr Jim Quadrio to represent the Shire and work with Urbis to develop material they will take on a 'roadshow' to their meetings with stakeholders, whom can influence and enhance the outcome of political will being to seal the Goldfields Highway, Wiluna to Meekatharra section;*
- 2. Authorise the Councillor Lobby Group and the CEO together, to identify by consensus, the stakeholders to be targeted in the roadshow;*
- 3. Amends the 2010/11 budget to reflect the amount of up to \$100 000 (ex GST) be spent in the 2010/11 financial year, for the purpose of lobbying for the sealing of Goldfields Highway, Wiluna to Meekatharra section; and*
- 4. Authorises expenditure of the funds in accordance with Section 6.8(1)(b) of the Local Government Act 1995.*

### **Comment**

At the 1 April 2011 GVROC meeting the following resolution was passed:

*That GVROC support the sealing of the Goldfields Highway Wiluna to Meekatharra to provide a link between the Goldfields and Pilbara.*

Further to this, the Laverton Shire President advised the CEO and Shire of Wiluna Councillors at the GVROC meeting, that the Premier had made an announcement at a Liberal Pre-Selection Branch meeting that he would be supporting the road link between Wiluna and the Pilbara by allocating \$300M in the 2011 State budget.

With this information and resolution from the GVROC, a letter was sent to Premier, Hon Colin Barnett MLA and Minister for Regional Development;

Lands; Minister Assisting the Minister for State Development, Hon Brendon Grylls MLC. See Appendix F (yellow pages).

A response was received from the Premier and not from the Minister at the time of writing this report. It read as follows:

*On behalf of the Premier, the Hon Colin Barnett MLA, I acknowledge and thank you for your letter of 6<sup>th</sup> April 2011, seeking a meeting with the Premier & The Shire of Wiluna to discuss State Government Road Funding.*

*As the event falls within the portfolio of the Hon Troy Buswell, Minister for Transport, Housing your correspondence has been referred to the Minister's office for consideration and direct reply to you.*

Given the urgency in this matter, the Councillor Lobby Group and CEO determined time does not allow for political ping pong and an email has been forwarded to the Premier. A response has not been received and at the time of writing this report. The email to the Premier reads as follows:

*Dear Premier*

*I note you have referred our request for a meeting with you to the Minister for Transport. I again attach a copy of our request and draw your attention particularly to the third paragraph which states:*

*"We seek an urgent meeting with you to discuss State Government road funding for this region, as we have been advised that you have personally indicated the State Government will shortly announce significant road funding is to be made available to create a new road linking the Goldfields with the Great Northern Highway at Doolgunna."*

*It is because of your personal involvement in this matter that we seek a meeting with you and we again ask that you set aside a time for us in the coming weeks.*

*I look forward to a positive response.*

The attached Communication Plan is being executed currently. The Stakeholders analysis is attached for information. See Appendix G (caramel pages).

## **Consultation**

Councillors  
URBIS

## **Statutory Environment**

Local Government Act 1995

### Policy Implications

Nil

### Financial Implications

A budget has been allocated in the 2010/11 budget.

### Strategic Implications

Strategic Plan 2009-14, Go-Ahead Wiluna

### Voting Requirements

Simple Majority

<b>OCM 31/11 Council Decision and Officer Recommendation</b>
--

**MOVED** Cr Webb

**SECONDED** Cr Petterson

For Council to receive this report for information purposes and endorse the Councillor Lobby Group and CEO's actions.

**CARRIED 5/0**

<b>10.1.7. Subject/Applicant:</b>	<b>Airport Compliance with CASA – 2011 Technical Inspection Report</b>
File:	00422
Reporting Officer:	Samantha Tarling, CEO
Date of Report:	18 April 2011
Disclosure of Interest:	Nil

### Purpose

The purpose of this report is for council to receive the Wiluna Airport Technical Inspection Report. See Appendix H (pink pages).

### Background

The Technical Inspection is carried out annually in accordance with the Civil Aviation Safety Regulations 1998 requirements.

### Comment

The matters raised in the report are being attended to presently. The emergency field exercise is being held at the May 2011 LEMC meeting.

The recommendation that the cross strip should be closed down or upgraded will be considered in the Airport Masterplan considerations. The Masterplan

is scheduled to be started and completed in the 2011/12 and 2012/13 financial years in the Strategic Plan.

The Safety Management System is a priority, due to competing demands and the Shire being without a Works Manager for three months this has impacted on this being used as it is intended.

The Drug and Alcohol Management Plan (DAMP) is in place and the annual report was recently returned to CASA and is being adhered to.

All other requirements in the Inspection Report are being worked through systematically to ensure compliance.

### **Consultation**

Aerodrome Management Services P/L

### **Statutory Environment**

Civil Aviation Safety Regulations 1998

### **Policy Implications**

Nil

### **Financial Implications**

The items identified in the report to be corrected are accounted for in the 2010/11 budget.

### **Strategic Implications**

Strategic Plan 2009-14, Green Wiluna, Maintain the Wiluna Airport and Airstrip to ensure compliance with Australian Standards

### **Voting Requirements**

Simple Majority

<b><i>OCM 32/11 Council Decision and Officer Recommendation</i></b>
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**MOVED** Cr Harris

**SECONDED** Cr Webb

For Council to receive the Wiluna Aerodrome Annual Technical Inspection Report dated 24 February 2011 for information.

**CARRIED 5/0**

<b>10.1.8. Subject/Applicant:</b>	<b>Goldfields Esperance Regional Collaborative Group – Scope of Activities to Share</b>
File:	00421
Reporting Officer:	Samantha Tarling, CEO
Date of Report:	18 April 2011
Disclosure of Interest:	Nil

### **Purpose**

The purpose of this report is to consider the scope of activities/services that have potential to provide efficiencies delivered through regionalised shared service arrangements and structures with the information to be provided to the Executive Officer for consideration at a future meeting of the GVROC Technical Officers Working Group. (Appendix I gold pages).

### **Background**

At the inaugural meeting of the Goldfields Esperance Regional Collaborative Group (GERCG) meeting in Kalgoorlie on Friday 1 April 2011, the Board resolved to:

*Request Member Councils to consider the scope of activities/services that have potential to provide efficiencies delivered through regionalised shared service arrangements and structures with the information to be provided to the Executive Officer for consideration at a future meeting of the GVROC Technical Officers Working Group.*

### **Comment**

The Goldfields Esperance RCG has been offered \$360,000 for Regional Business Planning. The RCG will also be eligible for further funding of \$220,000 for Integrated Strategic Planning and \$350,000 for Asset Management.

In discussions with Dr Chris Berry, the Goldfields Esperance RCG's Case Officer, the Executive Officer was advised that a small proportion of the funds provided for business planning can be set aside for project management and executive support. This will reduce the total funds available for the various planning projects.

In the first instance consideration must be given to the development of a regional business plan and as a consequence the appointment of consultants to undertake the preparation of the plan.

The Department of Local Government has suggested the GERCG Board may wish to consider an integrated approach for the development of each of the project plans when appointing consultants. This will facilitate greater continuity and seamless transition between the projects, as well as deliver

cost efficiencies for the projects being undertaken concurrently rather than costed separately.

A template for the Expression of Interest (EOI) for Business Planning and Advisory Services formed an attachment to the meeting agenda.

In considering how best to document/seek expressions of interest for the preparation of the regional business plan, a timeframe of 12 months following the appointment of the consultant is suggested by the Department of Local Government as appropriate for finalising the plan.

The GVROC Technical Officers Working Group considered this matter at its meeting on Friday 18 March 2011 and resolved as follows:

*That the GVROC Technical Officers Working Group recommends to the Goldfields Esperance Regional Collaborative Group (RCG) that:*

1. *Member Councils be requested to consider the scope of activities/services that have potential to provide efficiencies delivered through regionalised shared service arrangements and structures with the information to be provided to the Executive Officer for consideration at a future meeting of the GVROC Technical Officers Working Group.*
2. *Clarification on the degree of planning covered by the funding be sought from the Department of Local Government in relation to clause 3.1 (Integrated Strategic Planning) of the template for the Expression of Interest for Business Planning and Advisory Services for the Goldfields Esperance Regional Collaborative Group.*

The CEO has considered a number of activities and services and submits them for council consideration and amendment / contribution.

<b>Professional Services</b>	<b>Opportunities</b>
Engineer	Regional Development – social and economic development and tourism
Town Planner	
Financial Services	Engineering services & advice
Auditors	
Records Management	Roadwork Contractors
Environmental Health Officer	
Building Surveyor	Plant & Equipment (“Coates Hire for Councils”) –
OSH Compliance Officer	
Rangers	· purchase
Swimming Pool Manager and staff	· utilisation
Aerodrome Compliance Officer - CASA	Fleet acquisition & disposal (Carfleet)
Legal Services	
IT Services	Records Facility and Management
Marketing/PR	
Project Management	
Compliance Auditor – Local Government Act 1995 & Reg’s	

TV and Radio Technician Rates Officer · Collection · Modelling · Notices · Advertising Payroll Officer · administration · processing HR Services	Waste Management  Environmental Management  Quality Management Services – same software to manage risk and quality in organisation.  IT Services – same software and support group/help desk
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### Consultation

Goldfields Esperance Regional Collaborative Group CEO's

### Statutory Environment

Nil

### Policy Implications

Policy 1.16 – Regional Alliance

The Council of the Shire of Wiluna considers that it has far more in common with the region centred on Kalgoorlie and at all times will endeavour to have this objective met when participating in any regional activities, organisations, promotions etc.

### Financial Implications

Nil at this time.

### Strategic Implications

Strategic Plan 2009-14, Go-Ahead Wiluna, Work with neighbouring council's, GVROC and MWDC to identify new initiatives for Wiluna and the region.

### Voting Requirements

Simple Majority

<b>OCM 33/11 Council Decision and Officer Recommendation</b>
--

**MOVED** Cr Harris

**SECONDED** Cr Quadrio

For Council:

1. To advise the Technical Officer's Group that the Shire of Wiluna submit the following for consideration in the planning for GERCG -

- potential to provide efficiencies delivered through regionalised shared service arrangements; and
2. Advise the Group, that Council considered the GERCG CEO's best positioned to determine structures at this time, hence, not returning a response.

Professional Services	Opportunities
Engineer	Regional Development – social and economic development and tourism
Town Planner	
Financial Services	Engineering services & advice
Auditors	
Records Management	Roadwork Contractors
Environmental Health Officer	
Building Surveyor	Plant & Equipment ("Coates Hire for Councils") – · purchase · utilisation
OSH Compliance Officer	
Rangers	Fleet acquisition & disposal (Carfleet)
Swimming Pool Manager and staff	
Aerodrome Compliance Officer - CASA	Records Facility and Management
Legal Services	
IT Services	Waste Management
Marketing/PR	
Project Management	Environmental Management
Compliance Auditor – Local Government Act 1995 & Reg's	
TV and Radio Technician	Quality Management Services – same software to manage risk and quality in organisation.
Rates Officer	
· Collection	IT Services – same software and support group/help desk
· Modelling	
· Notices	
· Advertising	
Payroll Officer	
· administration	
· processing	
HR Services	

**CARRIED 5/0**

**10.2. Principal Environmental Health Officer and Building Surveyor Report**

<b>10.2.1. Subject/Applicant:</b>	<b>Status Report</b>
File:	Various
Reporting Officer:	Environmental Health Officer
Date of Report:	18 April 2011
Disclosure of Interest:	Nil



### Purpose

The purpose of this report is for council to receive the Environmental Health and Building Surveyor's report and endorse the Officer's actions.

### Comment

The Environmental Health Officer visited Wiluna 21 – 25 March and carried out the following tasks.

### Department of Housing – new residential development:

The Department of Housing has advised that it proposes to develop:

- 3 x 2 bedroom dwellings at Lot 563 Trenton Street;
- 4 x 1 bedroom dwellings at Lot 939 Trenton Street; and
- 2 x 3 bedroom dwellings plus 1 x 4 bedroom dwelling at Lot 942 Trenton Street.

No Building Licence has been issued. Council is reminded that the Department of Housing does not require building approval from the Shire for its public works projects – refer to Section 373 (3) Local Government (Miscellaneous Provisions) Act 1960.

Notwithstanding, application is to be made to the Shire and approval issued by the Shire for the installation of the bacteriolytic system (septic tanks) servicing the developments.

### Building Licences Issued during March 2011

#### Demolition Licence No. 01/11

Location:	74 Lennon Street
Type of Construction:	Single residence
Demolition Contractor:	Steve Bellin PO Box 2149 Boulder
Fees:	\$50.00

#### Building Licence No. 01/11

Location	Lot 5001 Scotia Street
Type of Construction	New Transportable 2 bedroom duplex
Owner	Ngangganawili Community Health & Medical Service
Builder	Quality Builders Pty Ltd PO Box 303 Kalamunda 6926
Construction cost	\$609,591.40
Fees:	B/L Fee - \$1,939.61
	Gov't BCITF Levy - \$1,219.18
	BRB - <u>\$40.50</u>
	\$3,199.29

### **Wiluna Refuse Site – Sewage Effluent Disposal Trenches**

The Department of Environment and Conservation has in place a Controlled Waste Tracking System (CWTS) to record the collection, transport and disposal of all Controlled Waste as defined by the Environmental Protection (Controlled Waste) Regulations 2004.

Sewage is defined as a Controlled Waste under the Environmental Protection (Controlled Waste) Regulations 2004.

During the week there was a need to formally confirm to the DEC the receipt of 8 trucks load of liquid waste (sewage) at the Wiluna Refuse Site.

As you are aware, there is a fenced off area at the Wiluna Refuse Site in which are several shallow trenches for the final disposal of effluent from septic system pump outs (septage).

According to the DEC the trenches are not registered as a liquid waste disposal facility nor does the Shire's Refuse Disposal Site Licence acknowledge their existence or give approval for their use.

### **Food Act 2008**

Under the new *Food Act 2008* all food businesses are now required to submit a notification/registration form to the local government and the local government is to issue a "Certificate of Registration of a Food Business" under Section 110 (6) of the *Food Act 2008*.

Current Shire records show that some Wiluna Food Businesses have submitted the notification/registration form but have not received the sequential Certificate of Registration of a Food Business.

The following premises have now been issued with a "Certificate of Registration of a Food Business".

Mount Keith Village Wet Mess, Mount Keith Village Dry Mess, the Gunn Café and Gunbarrel Groceries.

<b>OCM 34/11 Council Decision and Officer Recommendation</b>
--

**MOVED** Cr Quadrio

**SECONDED** Cr Harris

That Council receives this report and endorses the Environmental Health Officer and Building Surveyor's recommendations and actions.

**CARRIED 5/0**

### 10.3. Deputy CEO Reports

<b>10.3.1. Subject/Applicant:</b>	<b>Common Seal Report</b>
File:	00339
Reporting Officer:	Linda Butterly – Deputy CEO
Date of Report:	13 April 2011
Disclosure of Interest:	Nil

#### **Purpose**

The purpose of this report is to seek council's endorsement on the use of the Shire of Wiluna Common Seal on the Proposed Amendments No.3 of the Town Planning Scheme during the reporting period.

Date Impressed: 13 April 2011

Proposed Amendment No. 3 of the Town Planning Scheme.

#### **Consultation**

CEO

#### **Statutory Implications**

The Shire of Wiluna Local Law (Standing Orders) 1999

#### **Financial Implications**

Nil

#### **Voting Requirement**

Simple Majority

#### ***OCM 35/11 Council Decision and Officer Recommendation***

**MOVED** Cr Webb

**SECONDED** Cr Petterson

For Council to endorse the impress of the Shire of Wiluna Common Seal on the Proposed Amendment No.3 of the Shire of Wiluna Town Planning Scheme 1.

**CARRIED 5/0**

### 10.4. Project Manager's Reports

<b>10.4.1. Subject/Applicant:</b>	<b>Accounts Paid by Authority</b>
File:	00020 Vol 2
Reporting Officer:	Tony Doust - Project Manager
Date of Report:	18 April 2011
Disclosure of Interest:	Nil

### **Purpose**

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

### **Background**

The list of accounts for the period ending 31 March 2011 are listed as Appendix A – Blue pages

### **Consultation**

Nil

### **Statutory Environment**

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

### **Policy Implications**

Nil

### **Financial Implications**

Nil

### **Strategic Implications**

Nil

### **Voting Requirement**

Simple Majority

### **OCM 36/11 Council Decision and Officer Recommendation**

**MOVED** Cr Harris

**SECONDED** Cr Petterson

That the accounts paid by authority for the period ended 31 March 2011 totalling \$1,682,336.73 be received, endorsed and incorporated in the Minutes of the meeting.

**CARRIED 5/0**

<b>10.4.2. Subject/Applicant:</b>	<b>Financial Report</b>
File:	Finance
Reporting Officer:	Tony Doust - Project Manager
Date of Report:	18 April 2011
Disclosure of Interest:	Nil

### Purpose

The purpose of this report is to advise Council that the financial report for the period ending 31 March 2011 will be presented to Council at its May 2011 meeting.

### Background

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.

### Comment

As the Manager Finance and Administration is on leave and the Project Manager had been fully occupied completing the budget review, this report has not been completed. Section 36 (4) (a) (ii) requires that if the monthly report is not provided for the Council's consideration it must be presented to the next meeting.

The reports for the period ending 31 March 2011 and 30 April 2011 will be presented to the Council at its meeting on the 25 May 2011.

### Statutory Environment

Local Government Financial Management Regulations 1996 – Regulations 34-35.

### Voting Requirement

Simple Majority

<b>OCM 37/11 Council Decision and Officer Recommendation</b>
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**MOVED** Cr Webb

**SECONDED** Cr Harris

That the information be received.

**CARRIED 5/0**

<b>10.4.3. Subject/Applicant:</b>	<b>Adoption of the 2010/2011 Budget Review</b>
File:	00016
Reporting Officer:	Tony Doust – Project Manager
Date of Report:	18 April 2011
Disclosure of Interest:	Nil

### Purpose

To consider the budget review as presented in the Statement of Budget review for the period 1 July 2010 to 28 February 2011 and to adopt the revised budget estimates. (Appendix J green pages).

## Background

A Statement of Budget Review (Financial Activity) incorporating year to date budget variations and forecasts to 30 June 2011 for the period ending 28 February 2011 is presented for Council to consider. The *Local Government (Financial Management) Regulations 1996*, regulation 33A as amended, requires that local governments conduct a budget review between 1 January and 31 March in each financial year. A copy of the review and determination is to be provided to the Department of Local Government within 30 days of the adoption of the review.

## Comment

The budget review has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards. Council adopted an 8% and a \$10,000 minimum for the reporting of material variances to be used in the statements of financial activity and considered during the annual budget review.

The attachments to the Statement of Budget review provide details of all income and expenditure to the 28 February 2011 at a program, sub programme and account level, together with the original budget estimates and revised budget estimates. The variations are quite extensive and any attempt to summarise these in the agenda report will only duplicate what has been provided in the attachments.

In general terms the review has highlighted a significant number of incorrect allocations both within the year to date income and expenditure and the budget document. Where practical these have been corrected and the report now presented is as far as possible an accurate assessment of what was intended in the original budget and the position at the 28 February 2011. The basis used in the budget for allocating Administrative Overheads and Staff Housing costs is very questionable and will be reviewed in the 2011/12 budget. The rates for allocating Public Works Overheads and Plant Operation costs will be reviewed to ensure the full cost is being allocated to works and services.

A summary of the overall financial position shows that this is very satisfactory and based on the revised budget estimates a surplus of \$878,905 is projected. This has occurred in the main from the following increases in income:

- |  |           |
|--|-----------|
| • Grants Commission Funding                        | \$150,000 |
| • R4R 2010/11 allocation                           | \$474,848 |
| • Regional Road Group Funds (2009/10) not expended | \$ 39,600 |
| • Surplus B/F 2009/10 not in adopted budget        | \$357,065 |

This figure is subject to review of the expenditure allocations made in the accounts over the past years for the Wiluna Development Project and Streetscape funding provided from Royalties for Regions (R4R). Both these projects have not been audited and will need to comply with the requirements of funding. Any past expenditure that does not meet the requirements will need

to be taken into consideration and this may impact on the projected surplus.

It is recommended that Council adopt the revised budget estimates as shown in the report provided.

### **Consultation**

Chief Executive Officer, Deputy CEO, Works Manager.

### **Statutory Environment**

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires:

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.  
*\*Absolute majority required.*
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

### **Policy Implications**

The budget is based on the principles contained in the Strategic Plan and Plan for the Future.

### **Financial Implications**

Specific financial implications are as outlined in the Detail section of this report.

### **Strategic Implications**

The Budget Review has been developed based on existing strategic planning documents adopted by Council.

### **Voting Requirement**

Absolute Majority required

<b>OCM 38/11 Council Decision and Officer Recommendation</b>
--

**MOVED** Cr Harris

**SECONDED** Cr Petterson

That Council adopt the budget review for the period 1 July 2010 to 28 February 2011 and amend the 2010/11 budget to the revised budget estimates as shown in the review financial report Appendix H (green pages).

**CARRIED BY ABSOLUTE MAJORITY 5/0**

President Kyanga and Linda Butterly left the meeting at 11.50 am and returned at 11.52 am. Samantha Tarling left the meeting at 11.52 am and returned at 11.54 am. Cr Quadrio left the meeting at 11.54 am and returned at 11.56 am.

<b>10.4.4. Subject/Applicant:</b>	<b>Policy 2.13 - Housing Allowances</b>
File:	00027
Reporting Officer:	Tony Doust Project Manager
Date of Report:	18 April 2011
Disclosure of Interest:	Nil

### **Purpose**

The purpose of this report is to obtain Council approval for a change in the arrangements with employees for the provision of Housing and the consequential outcome requiring revision of Policy 2.13 Housing - Allowances.

### **Background**

“Council Policy 2.13 is as follows:

*POLICY: HOUSING - ALLOWANCES*  
*POLICY NO: 2.13*  
*SECTION: ADMINISTRATION AND FINANCE*  
*COUNCIL MEETING HELD: 27 MAY 2004*  
*DATE TO BE REVIEWED: TBA*

*Council offers housing to its employees at a subsidised rental.*

*This is achieved by*

*Charging a fortnightly rental currently \$106.00 per fortnight and*

*Providing a Wiluna Remote Subsidy allowance currently \$100.00 per fortnight*

*Charging a fortnightly amount for utilities currently \$13.20 (Unit)*

*Charging a fortnightly amount for utilities currently \$23.20 (House)*

*Providing a fortnightly allowance for utilities currently \$11.40*

*Council employees not utilising Council properties receive the same allowances without the deductions.”*

During the past and up until the 31 March 2011 the Wiluna Remote Area Allowance has been paid fortnightly and tax has not been deducted from the payment made to employees. Recent advice from WALGA Tax has made it clear that the amount should be taxed as a part of the PAYG each fortnight. The impact of this requirement would have resulted in a reduction in the net (after tax) fortnightly salary as a result of tax being deducted from the allowance paid. Alternatively the Remote Area Allowance could have



been increased to cover the tax payable and providing the employee with the net \$100.00 as per the existing. This second option would have increased the average fortnightly payment of the remote area allowance to \$146.00 per employee.

Policy 2.13 also includes the requirement for employees that live in Shire Housing to pay a rent of \$106.00 per week. This rent has been paid by all employees and is deducted from the gross salary per fortnight prior to tax being calculated. This is referred to as "salary sacrifice". As Wiluna is located within the "Remote Housing Area" for the purposes of Fringe Benefits Tax assessment the payment of the rent on a salary sacrifice basis meets the requirements of ATO.

Given the above and looking at the best solution for both the employees and the Shire, it was decided to remove the remote area allowance for those employees that lived in Shire Housing and also remove the requirement to pay rent. The result being that the employees that are living in Shire Housing would receive small increase in the fortnightly net a pay. The employees living in either their own housing or privately rented previously received a remote area allowance of \$50.00 per week. This has been replaced with "housing allowance" of \$82.00 to allow for tax to be deducted and to ensure equality with the arrangements for employees that live in shire housing.

### **Comment**

As it was important to comply with the ATO (Taxation) requirements without delay the Chief Executive Officer authorised the changes outline above prior to the Council considering this matter. The financial implications for the Shire are minimal and it was considered that in the interest of good relations with the employees that any change in the arrangements that previously existed should be made to ensure staff were not disadvantaged.

It is recommended that the policy be changed to delete the requirement for employees to pay a rental and the removal of the remote are allowance.

### **Consultation**

Chief Executive Officer

### **Statutory Environment**

The Residential Tenancies Act and standard rental agreements

### **Policy Implications**

Policy 2.13 – Housing Allowances

### Financial Implications

As outlined in the report.

### Strategic Implications

Shire of Wiluna Strategic Plan 2009-2014 –Leading Wiluna – “A strong capable and well trained workforce” Adequate staff housing and arrangements contributes to this objective.

### Voting Requirements

Simple Majority

<b>OCM 39/11 Council Decision and Officer Recommendation</b>
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**MOVED** Cr Harris

**SECONDED** Cr Webb

That Council amends Policy 2.13 as follows:

POLICY:	HOUSING AND ALLOWANCES
POLICY NO:	2.13
SECTION:	ADMINISTRATION AND FINANCE
COUNCIL MEETING HELD:	25 May 2011
DATE TO BE REVIEWED:	23 November 2011

Subject to availability the Shire will provide rental free housing to its full time permanent (only) employees as from 1 April 2011.

Employees occupying Shire housing to pay the following:

- Fortnightly an amount for utilities of \$13.20 (Units) (to be reviewed annually)
- Fortnightly an amount for utilities of \$23.20 (Houses) (to be reviewed annually)

The Shire to provide each employee that is allocated Shire Housing a fortnightly allowance for utilities of \$11.40 (to be reviewed annually)

Permanently employed full time Shire employees not occupying Shire provided housing receive a fortnightly housing allowance of \$164.00. (to be reviewed annually).

**CARRIED 5/0**

<b>10.4.5. Subject/Applicant:</b>	<b>Shire Housing – Planning Approval</b>
File:	Lot Files 963 & 1487
Reporting Officer:	Tony Doust - Project Manager
Date of Report:	19 April 2011
Disclosure of Interest:	Nil

## Purpose

The purpose of this report is to obtain formal Council planning approval under the "Shire of Wiluna Town Planning Scheme No1" for the construction of Shire Housing on Lot 963 Jones & Trenton Streets and Lot 1487 Jones & Bernales Streets, Wiluna.

## Background

Council at its meeting on the 15 December 2011 considered a report on the result of tenders called for additional Shire housing, which included the recommendation that the above mention lots be used for this purpose. Council resolved accordingly:

- "1. That the Council approves of the proposal to construct (4) residential units for staff on the land as outlined in the report.*
- 2. The funding for the proposal be as outlined in the report and an application be made to the Department of Regional Development and Lands to utilize \$474,848 from the Country Local Government Fund allocated to the Shire of Wiluna, for the purpose of providing (4) residential units for staff.*
- 3. That the tender submitted by McGarth Homes, Wangarra, for the construction and placement on site in Wiluna, of (4) residential units as outlined in the report, at a total cost of \$712,439, be accepted, subject to prior approval being obtained from the Department of Regional Development and Lands for the Shire to utilize Country Local Government Funding for this purpose.*
- 4. On completion approval/completion of items 2 and 3 of this decision the Chief Executive be authorized to proceed with the project."*

Whilst the Council resolution did not name the lots for the additional housing, the report did include Lot 963 and Lot 1487.

Approval for use of the Country Local Government Funding (CLGF) has been obtained and the housing is now under construction.

## Comment

Recent advice from Urbis relating to the AMS development of the land adjoining the Shire Administration complex raised the issue of the need to refer any development of land within the Mineral Prospectivity Area. Section 5.2 of the Shire of Wiluna Town Planning Schema No 1 (TPS1) refers to this requirement:

*"5.2 Mineral Prospectivity Area  
5.2.1 Purpose of Control Area*

*To protect the area from development of uses which may conflict with future mining activity.*

*5.2.2 Application and Referral requirements*

*(a) Planning approval is required for the use or development of any land within the Mineral Prospectivity Area including a single house*

*(b) The local government is to refer any application for development to the Department of Minerals and Energy and may refuse or approve with or without conditions such application having regard for the recommendations of that agency."*

Whilst the TPS requires referral, it is the decision of the Council (local government) on any application after considering the recommendations of the Department of Minerals and Energy. The Shire's Planning Consultants Urbis have confirmed this position.

Given the Council's decision in December to utilize lots 963 and 1487 for housing (Appendix K, white pages) and as both lots fall within the "Mineral Prospectivity Area, the proposed development was forwarded to the Department, now the Department of Mines and Petroleum, for their consideration. The Department has now advised accordingly;

*"Both the sites are located within a Special Control Area (SCA) identified as a Mineral Prospectivity Area in the Shire of Wiluna TPS No 1. The SCA is intended to provide adequate separation between sensitive land uses such as housing from gold mineralised access for the long term economic development of the town, Department of Mines and Petroleum (DMP) cannot support proposals of this type within the SCA that overlie the Mineral Prospectivity Area.*

*DMP recommends that the Shire identifies alternative sites for the proposed developments outside of the Mineral Prospectivity Areas."*

Whilst the DMP has provided its comments it is important to recognise that substantial development already exists within the area and the proposed housing will be no closer to the mining site than the buildings that have been constructed in the past. The following needs to be considered when determining this application:

- (7) Shire housing units already exist on Lot 1487 and have been in place for some time. The proposed units will not be any closer than existing housing.
- A substantial portion of the Shire administration building also falls within the Mineral Prospectivity Area and this structure is included in the State Heritage Register.
- The existing Wiluna School is very close to the this Mineral Prospectivity Area.
- Recreation facilities are also in close proximity to the Mineral Prospectivity Area.
- The proposed new AMS facility will be very close to the this Mineral Prospectivity Area.

After considering all of the existing and proposed developments it would seem to be far more appropriate to revise the Mineral Prospectivity Area

when reviewing the TPS1 and as that is now being undertaken it is suggested the matter be considered by the consultants as a part of the review.

Issues that are important from the Shire operation include the availability of housing that is in close proximity to the Shire Administration complex for Councillors, Staff and Consultants. Often people in these positions are in Wiluna without a vehicle and being close to the Shire Administration complex is important. The existing units in the South Wing maybe required for office accommodation in the future. The transportable nature of the proposed housing also provides an opportunity to relocate the facilities if it is ever required.

Given the above it is recommended that the Council grant Planning approval for the development of housing on Lots 963 and 1487.

### **Consultation**

Chief Executive Officer, Urbis, Department of Minerals & Petroleum

### **Statutory Environment**

As per the report above

### **Policy Implications**

No specific Council policy

### **Financial Implications**

The non use of the land for housing may require a further consideration of the cost of the project.

### **Strategic Implications**

Shire of Wiluna Strategic Plan 2009-2014 "Go-Ahead Wiluna" & "Leading Wiluna"

### **Voting Requirements**

Simple Majority

<b><i>OCM 40/11 Council Decision and Officer Recommendation</i></b>
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**MOVED** Cr Petterson

**SECONDED** Cr Quadrio

That whilst the Council has noted the requirements for the Mineral Prospectivity Area under the Shire of Wiluna Town Planning Scheme No1 and the recommendation of the Department of Minerals and Petroleum, for the reasons outlined in the comment section of this report, Planning approval

is granted for the construction of Transportable Housing on Lot 963 Jones & Trenton Street and Lot 1487 Bernales & Jones Street Wiluna.

**CARRIED 5/0**

## 10.5. Manager of Works Report

<b>10.5.1. Subject/Applicant:</b>	<b>Status Report</b>
File:	Various
Reporting Officer:	Laurie Bresland, Manager Works
Date of Report:	20 April 2011
Disclosure of Interest:	Nil

### **Purpose**

The purpose of this report is for Council to receive the Manager of Works report and endorse the Officer's actions.

### **Roads**

All roads have now been opened apart from the Ullula/Sandstone Road which will be opened when assessment determines it is safe for drivers. Both, the Council and NGE Earthmoving Transport grader have spent the last month repairing flood damage, grading and getting roads trafficable. There have been reports of severe road damage and road flooding out to Carnegie and Mungili. The Manager of Works will inspect the damage and report back as to the extent of damage with the view of claiming flood damage through WANDRRA.

The Granite Peak Road, Lake Violet Road, Gunbarrel/Wongawol and Wonganoo Roads will be inspected over the Easter period.

Whilst the Manager of Works has been inspecting the road network, he has taken the opportunity to meet with Pastoralists and other residents along the way to ensure that a strong positive relationship is built between the pastoralists and the Shire staff and to ensure the needs of the community are being met.

### **Mosquito Fogging**

Mosquito Fogging has been ongoing and Water Corporation are double dosing the sewerage ponds in an attempt to reduce mosquito numbers. Fogging has been done during the evenings to reduce the health risk to children. This will continue until winter.

### **Maintenance schedule**

Maintenance is ongoing and includes airport garden maintenance and Power Station maintenance. The public toilet near the pool has been repainted

internally due to offensive graffiti, a darker blue has been used to reduce the impact of these problems.

The shade sail in the Administration has been repaired and reinstated. The new streetscape signage to be installed in town has commenced.

### **Vehicles**

The 10 Tonne Hino is undergoing repair to steering. Trailers are being upgraded to ensure they comply with Licensing standards.

A container for the back-up generator for the airport has been sourced and will be painted and prepared for installation.

Regular servicing and maintenance of vehicles is ongoing.

The SES vehicle and trailer have been serviced and have been relocated to the Council Depot.

### **Aerodrome**

Lighting is currently being updated by EPE Services.

<b>OCM 41/11 Council Decision and Officer Recommendation</b>
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**MOVED** Cr Harris

**SECONDED** Cr Webb

That Council receives the Manager of Works information report and endorses the Officer's actions.

**CARRIED 5/0**

## **10.6. Council Information Bulletin**

<b>10.6.1. Subject/Applicant:</b>	<b>Status Report</b>
File:	00320
Reporting Officer:	Ranger Services
Date of Report:	7 April, 2011
Disclosure of Interest:	Nil

### **Purpose**

The purpose of this report is to inform council of the Ranger's outcomes achieved on his visit to Wiluna each month. His next visit will be Sunday, April 17, Monday 18 and Tuesday 19, 2011

March 6, 7 & 8 <sup>th</sup>	March 26, 27, & 28 <sup>th</sup>
Patrols, licensing and trapping conducted	Patrols, licensing and trapping conducted.

1 complaint dealt with regarding feral cats hanging around Wiluna Cafe (Cafe owned by David & Marilyn). As a result 6 feral cats were trapped and destroyed.	7 feral cats trapped and destroyed. 1 complaint outstanding as complainant was unable to be contacted.
2 unregistered dogs with no collars or tags trapped on the outskirts of town and destroyed.	1 unregistered dog trapped and destroyed.

<b>10.6.2. Subject/Applicant:</b>	<b>Status Report</b>
File:	00423
Reporting Officer:	Swimming Pool Manager
Date of Report:	20 April 2011
Disclosure of Interest:	Nil

### **Purpose**

The purpose of this report is to inform Council of the current status of the Swimming Pool.

### **Comment**

The 2010-2011 Pool Season has come to a close with Sean Lennon completing his duties and preparing the Pool for the winter break. Sean has now left town and we will be seeking to recruit a replacement Manager for next season.

AVP Pool Maintenance will be conducting a scheduled mid-year pump infrastructure maintenance program in early May. There is also a range of minor grounds and infrastructure maintenance which need attention prior to the summer season.

<b>10.6.3. Subject/Applicant:</b>	<b>Status Report</b>
File:	Various
Reporting Officer:	Heather Charlton, Art Gallery Manager
Date of Report:	18 April 2011
Disclosure of Interest:	Nil

### **Purpose**

The purpose of this report is inform council of the Art Gallery operations.

### **bhp Nickel West, Mt Keith**

The Annual Birriliburu Art Exhibition held on site at bhp Nickel West took place on 22 March 2011. The number of Artists contributing to the gallery over recent months has diminished, consequently the number of works exhibited was reduced, as was the number of exhibition days. Accordingly



sales figures for this year's exhibition reached only half of that of 2010, amounting to \$8,055.

Similarly, other factors affecting sales were a reduced exhibition attendance, coupled with the current economic uncertainties which are impacting on art centres across Australia.

### **Artstart**

The Artstart Children's Painting group was put on hold this month as a restructure is being carried out. Its popularity has overtaken the objective of the program and our ability to provide the desired outcome for participants. Accordingly, in future, numbers will be limited, and an assistant engaged, who has offered her services on a voluntary basis when we re-commence in the next school term.

### **Wiluna Streetscape**

Unfortunately, damage has occurred to parts of the design on the Sport & Recreation building. The galvanised metal finish of the doors has led to paint being easily peeled off. Suitable surface preparation and sealing for repairs is being considered.

<b><i>OCM 42/11 Council Decision and Officer Recommendation</i></b>
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**MOVED** Cr Petterson

**SECONDED** Cr Quadrio

For Council to receive the Council Information Bulletin reports.

**CARRIED 5/0**

## **10.7. Committee Report**

### **Confirmation of Minutes of Previous Meeting**

The Minutes of the Audit Committee Meeting held on 6 April 2011 be accepted as a true record of that meeting. (Appendix L red pages).

<b><i>OCM 43/11 Council Decision and Officer Recommendation</i></b>
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**MOVED** Cr Harris

**SECONDED** Cr Webb

**CARRIED 5/0**

## **11. Elected Members Motion of Which Previous Notice Has Been Given**

Cr Webb has advised in writing that she wishes to move the following motion at this meeting:

1. a budget item for the 2011/12 financial year for the purchase and installation of decent sized signs that will clearly advise a driver of safety precautions when driving in the Outback be submitted.
2. the signs be placed on all Shire Local Roads and placed inside a 2 kilometre radius from town.
3. the CEO liaise with MRWA and Road Wise WALGA to gather their input into the wording for consideration and the staff will make the final determination of placement, wording and size.

**BACKGROUND INFORMATION FROM CR WEBB**

Fellow councillors I am asking you to consider the following motion for the safety of travellers in the Wiluna Shire. As you are aware we recently had a tragic preventable death in the Shire of Wiluna.

I believe, if our public liability is not affected, council should support my motion to prevent possible deaths in the future.

I have put my motion because I believe we need to reaffirm to travellers in the remote outback, of the perpetual dangers that could occur - distance miscalculation, availability of help for mechanical breakdowns, no RAC , no available good water, no food outlets, little shade in some areas, no medical help – inaccessibility in certain arrears, communication problems –nil in a lot of areas, understanding the knowledge of awareness in the aspect of letting your family and authorities know where you are heading. For these reasons I am asking Council to support my motion.

I know it is not Main Roads WA policy to put the proposed signs up on highways but I believe the recent death in Wiluna shows cause for us to consider my motion.

***OCM 44/11 Council Decision and Councillor Recommendation***

**MOVED** Cr Harris

**SECONDED** Cr Petterson

**CARRIED 5/0**

**12. Urgent Business Approved by the Person Presiding or by Decision of Council**

Nil

**13. Public Question Time**

Nil

**14. Matters Behind Closed Doors – Confidential Item**

Nil

**15. Closure**

The meeting closed at 12.30 pm.