

# Shire of Wiluna

## MINUTES



**Ordinary Meeting of Council**

**Held**

**Wednesday 28 September 2011**

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**Minutes**

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

The Meeting was opened at 10.08 am.

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

John Kyanga (President)  
Graham Harris (Deputy President)  
Jim Quadrio (Councillor)  
Chris Webb (Councillor)  
Stacey Petterson (Councillor) (Attended at 10.52 am)

Tony Doust (Acting Chief Executive Officer)  
Linda Butterly (Deputy Chief Executive Officer)

**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**

8.1. The Minutes of the Meeting held on 24 August 2011 be accepted as a true record of that meeting.

**OCM 104 /11 Council Decision**

**MOVED Cr Harris**

**Seconded Cr Quadrio**

**The Minutes of the Meeting held on 24 August 2011 be accepted as a true record of that meeting.**

**CARRIED 4/0**

**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:	Tony Doust – Chief Executive Officer
Date of Report:	21 September 2011
Disclosure of Interest:	Nil

**Purpose**

The purpose of this report is for Council to receive the CEO's status report on the items outstanding from previous meetings and endorse the CEO's actions and recommendations.

**Background**

Section 3.6 of the Shire of Wiluna Local Law (Standing Orders) 1999 requires the Chief Executive Officer to submit a status report to each ordinary meeting of Council on any items that are incomplete.

**Comment**

This report relates to the items that the Acting Chief Executive Officer is aware of and are not covered by other reports in this agenda.

**Ordinary Council Meeting 27 July 2011**

1. Appointment of Works Manager

Council resolved that the position of Works Manager be advertised and filled as a matter of urgency. Whilst the position has not been advertised as per Council's decision a competent Acting Works Manager has been appointed on the basis of continuing employment until a decision on a permanent appointment has been made. The Acting CEO believes that the appointment of a permanent person to this position should be made by the Chief Executive Officer after returning to work from leave.

The Acting Works Manager Mr Brett Edwards is undertaking the duties in a very competent manner.

### Ordinary Council Meeting 24 August 2011

#### 1. Public Bus Service Wiluna

In response to a letter from the Minister for Transport about the provision of a public bus service to Wiluna Council resolved that the Acting Chief Executive Officer enter into discussions with the Public Transport Authority (PTA) about the arrangements required to provide a weekly service and report back to Council.

The Acting Chief Executive Officer has discussed this matter with Mr Peter Jones PTA and the following information has been received:-

- The proposed service would connect to the existing Kalgoorlie Laverton Goldrush Tours Bus Service at Leonora
- The weekly timetable would be return from Kalgoorlie on a Thursday at 9.00am, arrive in Leonora at 11.45am and arrive in Wiluna at 4.00pm. Depart Wiluna on Friday at 7.30am, arrive Leonora at 11.30am and arrive Kalgoorlie at 2.15pm
- The proposed fee for the Wiluna Leonora leg (one way) would be \$52.00 per adult and \$35.00 concession. In addition to the above fees the Goldrush charges of \$52.00 per adult and \$35.00 concession for the bus trip from Leonora to Kalgoorlie (one way) would also be payable. The Shire and Goldrush Tours would need to coordinate bookings and collect the fees
- The Shire to provide a Bus that is licensed to provide this public service, including an appropriately licensed driver and meet these costs.

The PTA have requested the Shire provide an estimate of the costs associated with providing the service to connect with the existing Goldrush Kalgoorlie Laverton Bus service. On receipt of this information the PTA will consider the possibility of funding to assist with the cost. The PTA also suggest that if the service is provided it be for a trial period of six months with a minimum benchmark of (4) persons per trip for the retention of the service.



The Acting Chief Executive Officer has some concerns about finding a suitably qualified person to drive the bus on a permanent basis. Based on the timetable it will be at least two (8) hour days per week. Prior to proceeding any further Council feedback on the proposal as outlined is sought.

2. Tri Drive Prime Mover – Mitchell West Application

As a result of an application from Mitchell West to use Tri Drive Prime Mover vehicles on shire roads to deliver fuel to Jundee Mine and Horizon Power facility, the Council requested the Acting Chief Executive Officer meet with representatives from Newmont and Mitchell West to discuss the issues, including the responsibility of ongoing maintenance and damage to the roads by this type of vehicle. The Acting Chief Executive Officer has met with representatives of both organisations and informed them that the Council will require a formal agreement to cover the use of the roads by this type of RAV vehicle, clearly identifying the responsibilities of the user and shire. The representatives have agreed to discuss the concept with their management and make further contact with the Chief Executive Officer in due course.

3. Wiluna Drive Trail and Interpretation Concept Plan

Council considered this plan at its last meeting and resolved that it be advertised inviting public comment for a period of two months. This has been done and numerous copies forwarded to pastoralists and community organisations for their consideration. The outcome of the advertising will be reported to the Council at its November 2011 meeting.

4. Payments made to Barry Burmeister

Council requested further information be provided for two payments made to Barry Burmeister that were included in the list of accounts presented at the August 2011 meeting. Both payments of \$4,977.50 and \$7,255.50 were for a shelter that was funded by Main Roads. The Shire role was to receive the funding and pay the contractor when requested by Main Roads. The Shire was paid an administration fee of \$1,112.09 (net of GST). The shelter was erected at a Main Road parking bay.

5. Budget Adoption 2011/2012

Three of the Council decisions arising from the adoption of the budget have not been implemented. These have been held over for consideration by the Chief Executive Officer following the conclusion of her leave.

The decisions referred are as follows:

Whilst the Council has agreed to adopt the 2011/12 Budget as presented, the Chief Executive Officer is instructed not to proceed with the following items included in the budget, until the requirements shown below have been undertaken and further approval of the Council is obtained to proceed with these projects :-

- Any changes proposed to the funded organisational structure and number of employees included in the adopted Budget
- The calling of tenders and engagement of Consultants to undertake the proposed records management until the Council has been provided with a written report, including any legislative requirements that need to be met, on why it is necessary to spend over \$300,000 during the past year and proposed this year, on this project.
- Council wishes to review the works proposed in the road construction programme prior to any commitments being made for the works to be undertaken.

6. Lease of Lot 1 Cnr Wall & Wotton Streets Wiluna to Australian Bureau of Meteorology

The Bureau has been advised of the Council's decision not to continue with the lease of this land. Arrangements have been made to meet with a representative of the Bureau in Wiluna to consider alternative sites for the weather station.

7. Fitness for Work Policy

Council resolved that this matter be held in abeyance until the Chief Executive Officer returns from long service leave in October 2011.

**Canning Stock Route Exhibition Art Exhibition during CHOGM**

The Shire President would like to attend the above which is being held in Perth during the period 31<sup>st</sup> October to 4<sup>th</sup> November 2011.

A group of Artists from Wiluna including the Art Gallery Manager will be attending and arrangements have already been made for these people to attend. Unfortunately accommodation in Perth during CHOGM is fully booked and it will be very difficult for the Shire to arrange for this on the Presidents behalf. Cr Kyanga would also like to his wife to attend.

The request is put forward for Councils consideration and approval.

**OCM 105 /11 Council Decision**

**MOVED Cr Harris**

**SECONDED Cr Webb**

**That Council approves John Kyanga and his wife's attendance at the Canning Stock Route Exhibition and will cover all costs in accordance with Council Policies.**

**CARRIED 4/0**

**OCM 106 /11 Officer Recommendation & Council Decision**

**MOVED Cr Webb**

**SECONDED Cr Harris**

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

**CARRIED 4/0**

<b>10.1.2. Subject/Applicant:</b>	<b>Roads To Recovery Program</b>
File:	00237
Reporting Officer:	Tony Doust – Acting Chief Executive Officer
Date of Report:	12 September 2011
Disclosure of Interest:	Nil

**Purpose**

To raise with Council information received from the Australian Local Government Association about a campaign for increased and ongoing Roads To Recovery program funding. The ALGA is asking all Local Governments to pass a resolution of support.

**Background**

The ALGA have written to all Local Governments as follows:

*"We achieved the Roads To Recovery Program because of strong and united local government campaigning in 2000. Further campaigns by local government have been very successful with two extensions to the Program and a funding increase to \$350m per annum in 2009. By the time the current Program ends in 2014 more than \$4.5 billion in additional funding will have been provided for local roads.*

*It is now time for local government to again mount a campaign for increased and ongoing Roads to Recovery Program funding. There is no question that local government needs the funding. The Australian Local Government Association (ALGA) commissioned research, released at the 2010 National Local Roads and Transport Congress in Bunbury, which shows that the national shortfall in the level of funding for local roads amounts to about \$1.2 billion annually.*

*ALGA will be launching local government's Roads to Recovery campaign at the 2011 National Local Roads and Transport Congress being held in Mount Gambier from 16-18 November.*

*Our campaign needs the support of every council and in advance of the launch I am asking your council to pass a resolution of support. A suggested text for your council's motion is provided.*

*The motion calls for the Roads to Recovery Program to be made permanent at a rate that recognises the backlog of needs on local roads and a continuation of the current popular and successful arrangements. These arrangements provide all councils with certainty of funding and give them the control over the works to be funded.*

*You will notice that the motion does not link the ongoing Roads to Recovery Program to any source of funding such as fuel excise. I have discussed the suggested wording for the motion with all state associations and we have agreed not to link the campaign to a funding source at this time because of uncertainty arising from the announcements to review fuel excise by the Productivity Commission, the review of the Financial Assistance Grants and the Henry Taxation Review recommendations on road user charging. You may be assured that ALGA will be making the strongest possible representations to these reviews to protect and improve local government's financial position.*

*As part of our campaign, it is important to ensure that national political leaders are left in no doubt about local government views. I am therefore asking that you write to the Prime Minister, the Leader of the Opposition, Minister for Infrastructure and Transport, Opposition spokesperson for Transport and your local Federal Member of Parliament to advise them of council's support for a new Roads to Recovery Program"*

### **Comment**

The Roads to Recovery Programme has been a significant funding source to Local Government for roads over the past 10-15years. The Shire of Wiluna presently receives \$358,547 per year from this source.

### **Consultation**

Nil

### **Statutory Environment**

Nil

### **Policy Implications**

Nil

### **Financial Implications**

Loss of funding from this source will have considerable impact on the Shire's annual road programme.

### Strategic Implications

The Shire of Wiluna Strategic Plan 2009/14 includes the strategy to “ensure all Shire roads and streets are maintained and safe.”

### Voting Requirements

Simple Majority

<b>OCM 107/11 Officer Recommendation &amp; Council Decision</b>
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MOVED Cr Quadrio

SECONDED Cr Webb

The Council of the Shire of Wiluna calls on the Federal Government to:

- Recognize the successful delivery of the Roads to Recovery Program by local government since 2000;
- Continue the Roads to Recovery Program on a permanent basis to assist local government meet its responsibilities of providing access for its communities;
- Continue the Roads to Recovery Program with the current administrative arrangements; and
- Provide an increased level of funding under a future Roads to Recovery Program that recognizes the shortfall of funding on local roads of \$1.2 billion annually.

**CARRIED 4/0**

<b>10.1.3. Subject/Applicant:</b>	<b>Review of Country Local Government Funding</b>
File:	00042
Reporting Officer:	Tony Doust – Acting Chief Executive Officer
Date of Report:	12 September 2011
Disclosure of Interest:	Nil

### Purpose

To advise Council of a review of the Royalties for Regions Country Local Government Fund, and resolve that a submission be made in support of the fund being retained.

### Background

The Western Australian Local Government Association has advised accordingly

*“The Minister for Regional Development and Lands, Hon Brendon Grylls MLA, announced a review of the Royalties for Regions Country Local Government Fund (CLGF). The Review is being undertaken by the Western Australian Regional Development Trust (WARDT) and is to be completed with a report to the Minister by 31 January 2012.*”

*To undertake the Review, the WARDT has released an Issues Paper which outlines the purpose and history of the CLGF, the submission and consultation process and the terms of reference for the review.*

*An extract of the Terms of Reference is included below which includes the issues for consideration in the Review:*

*Overall, whether there is a continuing need for the CLGF, and if so, in what form, with what budget parameters, and with what purpose.*

- 1. The extent to which the stated aims of the CLGF are being met, in particular, have the objectives of the CLGF been materially achieved:
  - *how the CLGF is addressing local governments' infrastructure backlogs and enhancing local government' capacity building*
  - *how the financial sustainability of country local governments is being improved through improved asset management*
  - *the effectiveness of funds directed to voluntary amalgamation*
  - *how CLGF is assisting groups of country local governments to fund larger scale infrastructure projects*
  - *the effect or impact of funds allocated under the CLGF**
- 2. Whether country local government or the Department of Regional Development and Lands has experienced difficulties in applications and approvals, executing, acquitting, reporting, or managing projects under the CLGF.*
- 3. The efficacy of the current formula in allocating funds to individual and groups of local governments, including whether this approach should be retained reformed or replaced.*
- 4. The appropriate proportional allocation of funding between individual, group and regional components over time.*
- 5. The scope of initiatives that should be funded and in particular, whether the existing focus on infrastructure and capacity building should be retained, narrowed, broadened or otherwise changed.*
- 6. Matters that would improve the efficiency and effectiveness of the Fund's implementation including the existing processes for forward capital works development, and business plan development.*
- 7. Any other relevant matters.*

*Submissions to the Review are being sought by the WARDT from WALGA, Country Local Governments and other stakeholders no later than 31 October 2011.*

*Following the close of submissions, during November and December 2011, the WARDT intends to consult with key stakeholders including WALGA and Non-metropolitan Local Governments. This will allow further input into the Review process beyond written submissions.*

***WALGA is seeking input from Local Governments no later than 12 October 2011 to guide a comprehensive sector submission to the Review".***

### **Comment**

The Country Local Government Fund was introduced by the State Government in 2008/09. In 2008/09 the Shire of Wiluna received \$753,249 which was allocated to Streetscape (\$278,401) and Staff Housing (\$474,848). A further \$474,848 was allocated to the Shire in the year 2010/11 which has been allocated for the completion of the Streetscape Project. The Shire has recently been advised that \$417,416 for use on projects as identified in the Shire of Wiluna Forward Capital Works Plan. The plan proposes that this funding be used to upgrade the Shire Administration Centre.

In addition to the direct amount shown above the Shire was allocated \$255,687 and \$417,416 in 2010/11 and 2011/12 respectively for Regional Projects as agreed with other Local Governments in the Murchison Region of the Mid West Development Commission. The 2010/11 allocation is to be used to update the Murchison Vermin Proof Fence and a decision has not been made at this time as to the regional projects for the funds allocated in 2011/12.

The funding is important to Local Government as it provides additional resources to provide new and maintain existing assets.

### **Consultation**

Nil

### **Statutory Environment**

Expenditure of funding must be in accordance with Department of Regional Development requirements.

### **Policy Implications**

Nil

### **Financial Implications**

The reduction of funding will impact on the Shire's ability to provide new and improved facilities and maintain existing assets.

### **Strategic Implications**

Shire of Wiluna Strategic Plan 2009/2014

### **Voting Requirements**

Simple Majority

**OCM 108/11 Officer Recommendation & Council Decision**

**MOVED Cr Harris**

**SECONDED Cr Webb**

That the Council request the CEO to prepare a submission, incorporating:

1. The importance of this funding to the Shire of Wiluna and that the direct Local and Regional Contributions should be retained at 50% each.
2. The need to widen the scope of initiatives to allow for the purchase of land as a part of any infrastructure project.
3. That the level of administration and approvals required for Local Government are excessive and should be relaxed.
4. The formula for allocating funds be reviewed to reflect a more equitable distribution between Local Governments.
5. That funding of particular projects may be necessary over two/three years and the approval process be amended to allow this to occur.

**CARRIED 4/0**

*Cr Harris left the meeting at 10.45 am and the meeting was adjourned due to the lack of a quorum. Cr Harris returned at 10.47 am and the meeting was resumed.*

*Cr Petterson entered the meeting at 10.52 am.*

<b>10.1.4. Subject/Applicant:</b>	<b>Regular Public Transport Air Service to Wiluna</b>
File:	00201
Reporting Officer:	Tony Doust – Acting Chief Executive Officer
Date of Report:	12 September 2011
Disclosure of Interest:	Nil

### **Purpose**

To provide Council with information received from the Minister for Transport with regard to the regular public transport air service to Wiluna.

### **Background**

The Minister has responded to the Shire as follows:

*“Thank you for letter dated 12 July 2011 regarding the regular public transport (RPT) air service to Wiluna, in particular the service and delivery, scheduling and fares and the comparison to charter services.*

*I note that the Shire of Wiluna is advising local stakeholders to report grievances with the RPT air services to the Department of Transport (Dot) or Skippers Aviation (Skippers). I encourage you to advise these stakeholders to report their grievances directly to Skippers in the first instance and escalate to*



*DoT only where the matter is not resolved. Complaints are reported by Skippers to DoT as part of the deed arrangement.*

*It is acknowledged that on time performance to and from Wiluna has been poor in recent months and DoT is working with Skippers to determine the reasons for delayed flights. DoT has spoken with multiple airlines both charter and RPT operators and all have raised concerns that delays at Perth Airport are impacting on-time performance.*

*Your concern that a number of recent cases where the medical service has been unable to book passengers on Skippers' RPT flights was raised with Skippers and it has been determined that over the last three months, there have been seven out of 78 one-way flights to or from Wiluna which have been at full capacity. Skippers has advised that the service is reviewed constantly and that it can be upgraded to a larger aircraft where required. Bookings can also be made by contacting Skippers' reservations directly on 1300 729 924.*

*Resident fares are now in place for all towns serviced by Skippers' RPT air services. Corporate clients can liaise directly with Skippers to negotiate rates where there are regular bookings.*

*At present, there are approximately 2,300 passengers per annum travelling between Perth and Wiluna on three triangulated services per week, primarily operated in a 19-seat aircraft. Whilst there would be convenience awarded by Skippers providing additional services to Wiluna, the current demand does not justify five weekly services. However, Skippers is encouraged by DoT to increase the number of services to regional towns as they become viable.*

*Charter services are operated under a different set of operating conditions that RPT services, prescribed by the Civil Aviation Safety Authority (CASA). Charter services are not available for use by the general public and charter operators carrying members of the general public when engaged by a resource company are in breach of CASA regulations. As such, any charter operations to RPT airports approved by DoT or myself are restricted to the employees and contractors of the resource company only. DoT is raising this matter with airlines and mining companies to reiterate this restriction.*

*Mr Phil D'Costa, Aviation Policy Manager at DoT, is coordinating the Community Consultation Groups for the second half of 2011, at which meetings Skippers will also be present. Should you wish to follow up on the issues you have raised with me, I encourage you to raise these at the next Community Consultation Group meeting."*

## **Comment**

The CEO's letter dated 12 July 2011 to the Minister was referred to the Department of Transport for consideration and comment. Mr Phil D'Costa contacted the Shire some time ago and spoke to the Acting CEO about the issues raised. The Acting CEO confirmed the concerns of Council,

particularly the number of people from Wiluna using charter services and not RPT.

The second last paragraph of the Ministers' letter clearly states that any charter operation to an RPT airport is restricted to employees and contractors of the resource company. The Minister has not referred to the situation regarding private air strips airports that are not used for an RPT service. The Acting CEO raised this matter with Mr D'Costa's office and the advice received was that the Department of Transport does not restrict the use of aircraft on private strips. In view of this it is going to be very difficult to increase the use of the RPT when mining companies allow non employees/contractors to use aircraft operations on private airstrips.

If Council wishes to continue with the matter of use of aircraft by non employees/contractors, it is recommended that this be raised with the mining companies.

### **Consultation**

Department of Transport Mr P D'Costa

### **Statutory Environment**

Department of Transport requirements for RPT services  
Civil Aviation Safety Authority Regulations

### **Policy Implications**

No specific policy

### **Financial Implications**

No specific implications at this time

### **Strategic Implications**

Shire of Wiluna Strategic Plan 2009-14

### **Voting Requirements**

Simple Majority

<b><i>OCM 109/11 Officer Recommendation &amp; Council Decision</i></b>
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**MOVED** Cr Harris

**SECONDED** Cr Quadrio

**That Council meet with representatives of BHP Mt Keith and Newmont Jundee to discuss the issues relating to use of aircraft from their private**

**airstrips by non employees/contractors and the impact this is having on the RPT service to Wiluna.**

**CARRIED 5/0**

<b>10.1.5. Subject/Applicant:</b>	<b>Inquiry into Fly In-Fly Out/Drive-In-Drive-Out Mining Operations</b>
File:	
Reporting Officer:	Tony Doust – Acting Chief Executive Officer
Date of Report:	12 September 2011
Disclosure of Interest:	Nil

### **Purpose**

To inform Council of an inquiry by the House of Representatives Standing Committee on Regional Australia, into the experience of fly-in fly-out (FIFO) and drive-in drive-out (DIDO) workers in Australia, and recommend the Council makes a submission.

### **Background**

The terms of reference for the inquiry established by the Minister for Regional Australia, Regional Development and Local Government, the Hon Simon Crean MP are as follows:-

*“The Committee is to inquire into and report on the use of “fly-in, fly-out” (FIFO) and “drive-in, drive-out” (DIDO) workforce practices in regional Australia, with specific reference to:*

- the extent and projected growth in FIFO/DIDO work practices, including in which regions and key industries this practice is utilised;*
- costs and benefits for companies, and individuals, choosing a FIFO/DIDO workforce as an alternative to a resident workforce;*
- the effect of a non-resident FIFO/DIDO workforce on established communities, including community wellbeing, services and infrastructure;*
- the impact on communities sending large number of FIFO/DIDO workers to mine sites;*
- long term strategies for economic diversification in towns with large FIFO/DIDO workforces;*
- key skill sets targeted for mobile workforce employment, and opportunities for ongoing training and development;*
- provision of services, infrastructure and housing availability for FIFO/DIDO workforce employees;*
- strategies to optimize FIFO/DIDO experience for employees and their families, communities and industry;*
- potential opportunities for non-mining communities with narrow economic bases to diversify their economic base by providing a FIFO/DIDO workforce;*
- current initiatives and responses of the commonwealth, State and Territory Governments; and*

- *any other related matter.”*

### **Comment**

The Committee would appreciate any views that Council may have addressing the inquiry terms of reference. Submissions should be sent to the Committee by 7 October 2011. It is preferred that submissions are sent by email. Alternatively they may be sent by mail. Submissions should be addressed to:

The Committee Secretary  
House of Representatives Standing Committee on Regional Australia  
Parliament House  
CANBERRA ACT 2600

The Committee usually makes public the written submissions it receives for an inquiry. However, you should note that, once the Committee has received a submission, it cannot be published or disclosed to another person without the Committee's authorization. Guidelines on making a submission and appearing as a witness at a hearing are available from the Committee's web site.

This is a very good opportunity for Council to express concern about the impact of fly-in fly-out has on the development of isolated areas of the State of Western Australia such as Wiluna. The issues of concern include:-

- \* Mining operations in many situations continue over a significant period of time and the communities where this occurs do not develop like areas where there is no or very little fly-in fly-out, i.e. Tom Price, Newman, Karratha and Boddington.
- \* Limited opportunities for expansion of commercial and social facilities within small towns and equality of services with people living in larger populated areas. With a greater resident population within a town there will be improved commercial, social and recreational opportunities and an improved quality of life in small towns like Wiluna.
- \* Equality in taxation treatment of travel and isolation costs, e.g. is FBT payable by mining companies on air/vehicle travel to mine sites.
- \* No long term direct benefits to people in mining areas from the high economic mining resource. After the mining ceases all that remains is generally a large hole in the ground.
- \* Meekatharra Wiluna Road Goldfields Highway would now be sealed if the population of Wiluna was greater.

The above are some of the issues that the Acting CEO believes need to be raised in a written submission. Council should also request the opportunity to appear before the Standing Committee and expand on the issues raised.

### **Consultation**

Nil

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

No immediate implications

**Strategic Implications**

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

**Voting Requirements**

Simple Majority

**OCM 110/11 Officer Recommendation & Council Decision**

**MOVED Cr Harris**

**SECONDED Cr Petterson**

**That the Acting Chief Executive Officer make a submission to the House of Representatives Standing Committee on Regional Australia, outlining the Councils' concerns about fly-in fly-out (FIFO) work practices in Wiluna as listed in the comment section of this report and request that representatives from the Shire of Wiluna be given the opportunity to address the Committee in person.**

**CARRIED 5/0**

<b>10.1.6. Subject/Applicant:</b>	<b>Digital T.V. Switchover</b>
File:	00243
Reporting Officer:	Tony Doust – Acting Chief Executive Officer
Date of Report:	12 September 2011
Disclosure of Interest:	Nil

**Purpose**

Is to provide Council with information about the TV digital switchover to WA Midwest Region, including the Shire of Wiluna and a decision on the option the Council wishes to take.

**Background**

To assist Local Governments in the Mid West Region in regard to the impending switchover from analog to digital TV services in 2012-13, Mr Mark

Canny, Senior Project Manager Communications and Technology, Mid West Development Commission has prepared a report. (Attached as Appendix C lilac pages). Also attached is a copy of a letter from Satellite Television and Radio Australia regarding this change over and options available. (Attached as Appendix D, pink pages).

The following information is provided by Mr Canny in regard to background and channels that will be available:-

*“Australia is switching from analog to digital TV broadcasting. This process is being managed by the Australian Government’s Department of Broadband, Communications and the Digital Economy.*

*This department has set up a taskforce called the Digital Switchover Taskforce. Over the next few years, the Government will be turning off the current signal that carried the television signal (analog) and replacing it with a digital signal. This phased roll out began in June 2010 and all regions in Australia will be completed by the 31<sup>st</sup> of December 2013.*

#### **What Channels will be Available?**

*All WA locations will have access to the same number of digital channels that are available in capital cities. It will feature channels carrying programs sourced from Southern Cross Seven, Imparja Nine and the Ten network, and the main national broadcaster services, ABC1, and SBS ONE, together with digital SD channels; ABC2, ABC3, SBS TWO, 7TWO, GO! And ELEVEN, and the high definition channels; ABC News 24, SBS HD, 7mate (Seven HD), GEM (Nine HD), and ONE (Ten HD).*

*The VAST (Viewer Access Satellite Television) service (see elsewhere in this document) will also provide viewers with access to the local regional news services currently broadcast by the commercial broadcasters in their relevant terrestrial licence areas. These services will be provided through a dedicated news channel. In addition, the news services of the national broadcasters, the ABC and the SBS, will also be provided. ABC news will be provided on a state basis and through the ABC’s 24 hour news channel, ABC News 24.*

*Full List of Digital Channels including Radio is below*

Channel Name	Company	Hours	Format	Channel Location
ABC1	ABC	24 hours	576i SDTV	LCNs 2, 21.
ABC2/4 kids	ABC	6 am – 2 am	576i SDTV	LCN 22.
ABC3	ABC	6 am – 9 pm	576i SDTV	LCN 23.
ABC News 24	ABC	24 hours	720p HDTV	LCN 24.
Seven Network (GWN)	Seven Media Group	24 hours	576i SDTV	GWN
7Two	Seven Media Group	24 hours	576i SDTV	62
7mate	Seven Media Group	24 hours	1080i HDTV	63
Nine Network (WIN)	Nine Entertainment Co.	24 hours	576i SDTV	WIN
Go!	Nine Entertainment Co.	24 hours	576i SDTV	88
GEM	Nine Entertainment Co.	24 hours	1080i HDTV	80
Network Ten	Ten Network Holdings	24 hours	576i SDTV	Ten Digital
Eleven	Ten Network Holdings	24 hours	576i SDTV	55
One	Ten Network Holdings	24 hours	1080i HDTV	50
SBS One	SBS	5 am – 2 am	576i SDTV	LCNs 3, 33, 34
SBS One HD	SBS	5 am – 2 am	720p HDTV	LCN 30.
SBS Two	SBS	6.30 am – 1 am	576i SDTV	LCN 32.
ABC Dig Music	ABC	24 hours	Audio only	LCN200.
ABC Jazz	ABC	24 hours	Audio only	LCN 201.
SBS Radio 1	SBS	24 hours	Audio only	LCN 38.
SBS Radio 2	SBS	24 hours	Audio only	LCN 39.

### ***What Equipment is Required to Access Digital TV?***

*Almost all new televisions will have a digital receiver built in to them to receive digital TV. Older TV's will require the purchase of a set top box that has a digital receiver.*

*Depending on strength of signal users may require an external aerial. Users who already have an external aerial should be able to use the same one. Users of the Viewer Access Satellite Television (VAST) service will require a small satellite dish and a set top box. Users who currently access TV via satellite may only have to upgrade to a new set top box.*

### ***Timelines for Switchover in the Mid West (Estimated)***

#### ***What's Available Now?***

- *WA free to air digital TV channels are now available via the satellite VAST system (see info on VAST below) for viewers in regional and remote areas of Western Australia who cannot receive terrestrial digital TV. All of the digital channels from the ABC and SBS are currently available on VAST including ABC2, ABC3, ABC News 24, SBS Two*

and SBS HD. As well as the standard definition commercial channels from WIN, GWN and TEN.

- Digital TV services available in Mingenew
- ABC1, ABC2, ABC3, ABC News 24, SBS TWO and SBS HD available in Geraldton

### **30 July 2011**

- VAST service will provide all nine standard definition and high definition commercial channels, including the digital-only channels such as ONE HD, Eleven, Go!, Gem, 7TWO and 7mate.

### **2<sup>nd</sup> Half of 2012 (Tentative May-June)**

- Full Digital TV services available in Geraldton

### **August 2012**

- Upgrades to all broadcaster transmission sites in WA completed.

### **October 2012**

- Subsidies for WA customers (in self-help transmission sites not being upgraded) available for conversion to VAST satellite service

### **2<sup>nd</sup> Half of 2013**

- Full Mid West Switchover to Digital TV completed
- Analog TV services switched off
- Remote Area Broadcasting Service (RABS) Aurora switched off

## **Viewer Access Satellite Television (VAST)**

### **What Is It?**

The majority of Australians receive their television services from the network of broadcaster-owned transmission towers and will continue to do so after the switch to digital. However, for those who live outside the coverage of this terrestrial network, a new satellite television service is available to ensure that they are able to enjoy the same benefits of digital television as other Australians.

Viewers in remote Australia, or viewers who live in regional/metropolitan areas, who are unable to receive adequate terrestrial television reception from the transmitters that serve the area in which they live will be able to receive their digital television services through the new Government-funded Viewer Access Satellite Television (VAST) service.

### **How to Connect to VAST**

Existing Aurora-Remote Area Broadcasting Service (RABS) users will be able to use their existing Satellite dish but will require a new set top box (STB)(cost approx. \$280) to connect to VAST. The new STB will have to go through a registration/activation process to access services.



*Users without a current satellite dish will require one as well as the set top box.*

### **Self Help Retransmission Sites (SHRS)**

*Self-help re-transmission facilities have been set up, generally by councils or local community organizations, in areas where broadcasters have not established transmitters or where the signal from the broadcasters' transmitter serving the area is not adequate. Self-help re-transmitters currently broadcast in analog only. Broadcasters are not required to establish transmitters in every part of the licence area they have been licensed to serve. Whether or not a broadcaster establishes a transmitter in any particular part of their licence area is a commercial decision for them to make. Self-help re-transmission sites receive and retransmit signals from the main television broadcaster towers or satellites to viewers in areas that cannot get any or adequate coverage from the main broadcaster towers. Located across Australia, they were established to provide analog television signals in areas that weren't serviced by the broadcasters directly, and tend to cover small population centres in remote and regional areas."*

### **Comment**

In the report prepared by Mr Canny and support in the letter from Satellite Television and Radio Australia, Wiluna Town falls within "VAST area" and no upgrade of self help retransmission sites. There are numerous other towns within this category. Mr Canny outlines the options for areas like Wiluna:-

### ***"How Will the Switch to VAST Operate?"***

*The Digital Switchover Taskforce (DST) will be*

- Contacting every resident and local government affected by the switch to digital TV and running information campaigns and sessions about the switchover.*
- Operate an open tender process for the purchase and installation of equipment to access the VAST service.*
- Coordinating the installation of VAST equipment and the allocation of subsidies for equipment installation.*
- 

### ***Our SHRS Is Not Being Upgraded. What Are Our Options?***

#### ***Option 1 – Do Nothing***

*The digital switchover taskforce will be coordinating the transition to Digital TV services and will be contacting all residents in affected areas as their area begins the switchover process. Residents should be made aware that they will lose access to free to air analog TV when the transition is complete.*

#### ***Option 2 – Help Residents via Coordination with DST and Further Subsidising Cost***

*Some locations (shires) may opt to help coordinate the transition to the VAST service and try to minimize the expense to their local residents. The gap between actual cost per resident and the government subsidy will be determined when the Digital Switchover Taskforce completes a tender process for the purchase and installation of required equipment. This may be negligible or up to \$300 per installation. Shires should contact the Digital Switchover Taskforce. (See contacts elsewhere in this document).*

**Option 3 – Opt to Upgrade Self Help Transmissions Sites (SHRS) to Digital**

*Shires/organizations that already operate a SHRS may opt to upgrade their site to digital transmission. Costs can vary but estimates for sites in the eastern states have ranged from 100K-300K depending on range required, tower height etc. The owner would also be responsible for the ongoing maintenance of the equipment. This process would require new transmission licenses to be requested from ACMA for the new digital frequencies. Note: Digital channels may not be available in all areas.*

**Subsidy Schemes**

**Satellite Subsidy Scheme**

*Households in regional and remote areas currently receiving the analog signal from a self-help tower may be eligible for the Satellite Subsidy Scheme (SSS) if this signal is not going to be converted to digital. Under the scheme, a high definition satellite set top box, satellite dish and cabling will be supplied and installed by a government-contracted installer. Households will be required to make a one-off contribution of between \$200 and \$350 for the installation.”*

The retention and upgrading to digital (Option 3) of the existing “Self Help Retransmission” in Wiluna in the opinion of the Acting Chief Executive Officer an expensive option in view of the initial and ongoing costs. Option 2 above would seem to be the best alternative given the number of people that already have this facility. The rebroadcasting system only operates in the townsite of Wiluna and close surrounds. Any assistance the Shire may provide with Option 2 would be minimal compared with the initial outlay for Option 3 and ongoing maintenance.

**Consultation**

Nil

**Statutory Environment**

Compliance with the Australian Government requirements for the change from analog to digital.

**Policy Implications**

Nil

### Financial Implications

To be determined by the number of households that will require assistance.

### Strategic Implications

Shire of Wiluna Strategic Plan 2009-14  
"Go-Ahead Wiluna"

### Voting Requirements

Simple Majority

<b>OCM 111/11 Officer Recommendation &amp; Council Decision</b>
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**MOVED Cr Webb**

**SECONDED Cr Harris**

1. That Council at this time determines that Option 2 as outlined in the report by Mr Canny be progressed for the Shire of Wiluna residents currently covered by the Shire rebroadcasting TV & Radio services i.e.

**"Help Residents via Coordination with DST and further Subsidising Cost"**

2. That the Shire of Wiluna help coordinate the transition to the VAST service to minimise the expense to local residents. The gap between actual cost per resident and the government subsidy will be determined when the Digital Switchover Taskforce completes a tender process for the purchase and installation of required equipment.

**CARRIED 5/0**

<b>10.1.7. Subject/Applicant:</b>	<b>Goldfields Voluntary Regional Organisation of Councils Meeting, Friday 30 Sept 2011</b>
File:	00074
Reporting Officer:	Tony Doust – Acting Chief Executive Officer
Date of Report:	12 September 2011
Disclosure of Interest:	Nil

### Purpose

To inform Council of a meeting of the Goldfields Voluntary Regional Organisation of Councils to be held in Kalgoorlie on Friday 30 September 2011.

## **Background**

The Bi Monthly meeting of the GVROC Council deals with issues arising of the Technical Officers Working Group along with any specific requests received from member Councils.

The Agenda closed on 16 September 2011 and it is proposed that the meeting papers will be circulated by Friday 23 September 2011. Unfortunately this will be too late for inclusion with the Shire OCM Agenda 28 September 2011, however will be available for Council at the Council Meeting.

## **Comment**

No comment at this time other than to advise that accommodation has been reserved for delegates on Thursday 27 September 2011 and Friday 28 September 2011 in Kalgoorlie at the Quest Yelverton.

Crs Kyanga and Quadrio are the nominated delegates for GVROC and the Acting Chief Executive Officer will also be attending.

## **Consultation**

Nil

## **Statutory Environment**

Nil

## **Policy Implications**

Nil

## **Financial Implications**

Nil

## **Strategic Implications**

Nil

## **Voting Requirements**

Simple Majority

<b><i>OCM 112/11 Officer Recommendation &amp; Council Decision</i></b>
--

**MOVED Cr Webb**

**SECONDED Cr Harris**

**That Councillor Harris and Acting Chief Executive Officer Tony Doust attend the GVROC meeting in Kalgoorlie on Friday 30 September 2011.**

**CARRIED 5/0**

***OCM 113/11 Council Decision***

**MOVED Cr Quadrio**

**SECONDED Cr Harris**

**That Council requests that the GVROC meetings be scheduled in time to allow Local Governments to receive and consider the Agenda's.**

**CARRIED 5/0**

<b>10.1.8. Subject/Applicant:</b>	<b>Ordinary Biannual Council Elections October 2011</b>
File:	00578
Reporting Officer:	Tony Doust – Acting Chief Executive Officer
Date of Report:	12 September 2011
Disclosure of Interest:	Nil

**Purpose**

This report is to formally advise Councillors of the outcome of the nominations to fill the vacancies on Council.

**Background**

Five vacancies were advertised, four as a result of the normal four year terms of Councillors expiring on the 15 October 2011 and one following the resignation of Dave McCutcheon in April 2011. The remaining portion of Dave McCutcheon's term of office is two years from the 15 October 2011.

The Acting Chief Executive Officer conducted the election process in the position of Returning Officer.

**Comment**

The vacancies on the Council were advertised in the "West Australian", Shire Notice Board and other notice boards in the townsite of Wiluna.

Nominations opened on 1 September 2011 and closed at 4.00 pm on Thursday 8 September 2011.

Five nominations were received to fill the vacancies. As there was sufficient number of candidates to fill the vacancies, to determine the terms for the persons that had nominated, the Returning Officer conducted a draw. The result of the draw –

John Charles Kyanga	4 years
Bernard John Weller	4 years

Stacey Eva Petterson	4 years
Tracey Louise Wongawol	4 years
Graham Allen Harris	2 years

The Returning Officer has declared the above persons as elected for the terms shown. Bernard John Weller and Tracey Louise Wongawol commence office as from the 15 October 2011.

Prior to acting in any position of Councillor after the 15 October 2011 all newly elected persons will need to make the necessary Declaration of Office.

### **Consultation**

Nil

### **Statutory Environment**

Local Government Act 1995 and Local Government (Election) Regulations 1997

### **Policy Implications**

Nil

### **Financial Implications**

Costs were in accordance with adopted budget.

### **Strategic Implications**

Not applicable

### **Voting Requirements**

Simple Majority

***OCM 114/11 Officer Recommendation & Council Decision***

**MOVED Cr Petterson**

**SECONDED Cr Harris**

**That the information be received.**

**CARRIED 5/0**

<b>10.1.9. Subject/Applicant:</b>	<b>Purchasing Policy Review</b>
File:	00344
Reporting Officer:	Tony Doust – Acting Chief Executive Officer
Date of Report:	12 September 2011
Disclosure of Interest:	Nil

### **Purpose**

In view of recent concerns expressed by Councillors at the OCM on 27 July 2011 about the lack of compliance with Council's purchasing policy, a review has been conducted of Policy 2.7 to reflect changes required to make the policy relevant to the situation in Wiluna and the draft model produced by the Department of Local Government in 2007.

### **Background**

Given that the existing policy was adopted in May 2004, whilst it has been reviewed, it is important that it is workable and complies with current legislation.

The Local Government (Functions and General) amendment Regulations 2007 were published in the Government Gazette on 2 February 2007, The amendments included an increase in the tender threshold from \$50,000 to \$100,000 and the requirement for Local Governments to have a Purchasing Policy for the amounts under the new threshold.

### **Comment**

The Western Australian Local Government Association, in consultation with the Department of Local Government and Regional Development, produced a draft policy as a guide for Local Governments when considering this requirement. The draft policy has been produced on a basis that it may be suitable for all Local Governments. The detail/administration required by the draft appears to be far in excess of this Shire's requirements given the size, staff numbers and availability of competition within the Shire.

The Acting Chief Executive Officer has amended the draft to reflect the above and the requirements for the Shire of Wiluna and is satisfied that the principles have not been compromised. At times it is very difficult to obtain quotations given the isolation of Wiluna and in view of this the values for obtaining quotations including the number have been changed from the existing policy to ensure work/services can proceed. When considering this matter it was also necessary to incorporate Council's Policy with regard to "Local Purchases". Reference has been made to this policy in Section 1.4 and the existing policy is attached as an appendix.

The following attachments are provided:-

(1) Existing Policy 2.7 (Purchasing – Quotes and Tenders) (Appendix E Grey Page)

- (2)New Purchasing Policy 2.7 (Appendix F Caramel Pages)
- (3)Existing Policy 2.8 (Local Purchase Policy) (Appendix G Orange Page)

### **Consultation**

Nil

### **Statutory Environment**

Local Government Act 1995 Section 3.57 – Tender for Providing Goods & Services  
Local Government (Functions and General) Regulations 1996 Section (11) and (11A)

### **Policy Implications**

Development of a new policy “Purchasing”.  
Reference is made to Council’s existing “Local Purchasing and Sales of Goods and Services”:

### **Financial Implications**

The adoption and implementation of this policy will not require any additional expenditure.

### **Strategic Implications**

The policy will assist with the delivery of “Best Practice” with purchasing goods and services and ensure consistency in undertaking this requirement.

### **Voting Requirements**

Simple Majority

<b><i>OCM 115/11 Officer Recommendation &amp; Council Decision</i></b>
--

**MOVED Cr Petterson**

**SECONDED Cr Quadrio**

**That Council adopts the Draft Purchasing Policy 2.7 as shown in the attachments to the Agenda/Minutes and the same be implemented as from 29 September 2011.**

**CARRIED 5/0**



<b>10.1.10. Subject/Applicant:</b>	<b>Lot 1506 Woodley &amp; Wells Streets, Wiluna</b>
File:	Lot 1506
Reporting Officer:	Tony Doust – Acting Chief Executive Officer
Date of Report:	14 September 2011
Disclosure of Interest:	Nil

### **Purpose**

To obtain Council approval to relinquish the lease of Lot 1506 to the State.

### **Background**

Lot 1506 was leased by the Shire from the Minister for Lands in 2007, for a period of 10 years. The shed is used by Meedac, however there does not appear to be any formal agreement for this use. The Shire has met the annual cost of the lease, presently \$250 per year and is also responsible for maintenance and repairs under the lease with Minister for Lands.

### **Comment**

The history of this relates to the collapse of Marruwayura Aboriginal Inc. and the need to continue the use of the shed for CDEP and as there was no sponsor the Shire agreed to take on the lease and Meedac manage the day to day operation.

The CEO has recently been approached to have the lease transferred back to the Lands Department for use by Meedac.

Whilst the Acting CEO understands there is an informal arrangement for the use by Meedac, no costs have been recovered. A recent approach by Meedac to the Shire to undertake repairs raises some concern about the arrangements.

It is important that Council formally agrees to transfer the lease to Lands Department/Meedac to allow this to progress. In the short term a formal arrangement needs to be put in place for the use of Shire Property and responsibility for costs.

### **Consultation**

Nil

### **Statutory Environment**

Local Government Act 1995 – Section 3.58 Disposing of Property

### **Policy Implications**

Nil

### Financial Implications

The need to formalize the arrangement for costs with the tenant Meedac will ensure the Shire is not exposed to unlimited expenditure/liability.

### Strategic Implications

Nil

### Voting Requirements

Simple Majority

<b>OCM 116/11 Officer Recommendation &amp; Council Decision</b>
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**MOVED** Cr Harris

**SECONDED** Cr Webb

1. That the Council agrees to the lease being transferred back to the Minister for Lands to allow the property to be leased to Meedac, and the Acting Chief Executive Officer progress the transfer in accordance with the requirements of Section 3.58 of the Local Government Act 1995.
2. The Acting Chief Executive Officer advise Meedac that a rental agreement is required in the short term until the lease transfer is completed, at a peppercorn rental and on the basis that all costs incurred by the Shire on maintaining and leasing the property/improvement are met by Meedac.

**CARRIED 5/0**

*Linda Butterly left the room at 11.46 am and returned at 11.49 am.*

<b>10.1.11. Subject/Applicant:</b>	<b>Shire of Wiluna Town Planning Scheme No 1 – Amendment No 3</b>
File:	Lot 5001 Scotia Street, Wiluna
Reporting Officer:	Tony Doust – Acting Chief Executive Officer (Urbis Report)
Date of Report:	20 September 2011
Disclosure of Interest:	Nil

### Purpose

For Council to consider the submissions received during the advertising of Amendment No.3 to the Shire of Wiluna Town Planning Scheme No.1, and final adoption of the Amendment.

### Background

The Amendment proposes to:-

1. Reclassify Lot 5001 Scotia Street, Wiluna from 'Residential R10/30' zone to 'Public Purpose' reserve.

This amendment will facilitate the creation of a site for the development of health care facilities and other associated services for the Ngangganawili Aboriginal Health Service (NAHS).

Figure 1 below identifies the location of the subject site within town.



**Figure 1 – Location Plan**

The Ngangganawili Aboriginal Health Service (NAHS) was established in 1993 as a community controlled Aboriginal Corporation and Health and Medical Service to provide affordable and culturally appropriate services to the Indigenous and wider population of Wiluna and surrounding areas. NAHS currently operate an existing health care facility at Lot 1467 Thompson Street, Wiluna. It is intended that this scheme amendment will facilitate the development of a new facility to replace the existing Thompson Street facility. This site has limitations with service availability owing to inadequate space and degraded building materials.

At the 23 February 2011 Ordinary Council Meeting, Council resolved as follows:

1. *“That Council, pursuant to Section 75 of the Planning and Development Act 2005 (as amended), adopt (for the purpose of advertising) Amendment No. 3 to Town Planning Scheme No. 1 by rezoning Lot 5001 Scotia Street from “Residential R10/30” to “Public Purpose” reserve.*
2. *That Council forward Amendment No. 113 to Town Planning Scheme No. 1 to:*
  - i) *The Environmental Protection Authority (EPA) for comment, pursuant to Section 81 of the Planning and Development Act 2005; and*

ii) *The Western Australian Planning Commission for information.*

3. *That Council, pursuant to Regulation 25(2) of the Town Planning Regulations 1967 as amended), subject to no objections being received from the Environmental Protection Authority, advertise the amendment for public comment for a period of 42 days to the satisfaction of the Chief Executive Officer."*

### **Comment**

As per the Council resolution, Amendment No.3 was referred to EPA and WAPC; both agencies considered the amendment satisfactory for the purposes of advertising. The amendment was then formally advertised (through a sign on-site, notification in the West Australian newspaper and notification to surrounding landowners via a letter) for a period of 42 days between 22 June 2011 and 3 August 2011.

It is important to note that Council at the same February Ordinary Council Meeting also resolved to approve a Development Application for the NAHS facilities at the subject site; as it was determined that the NAHS facility could technically be considered for approval as a 'civic use' under the existing 'Residential R10/30' zone. The proposed use was considered consistent with the intent of the 'Civic Use' use class given the facility was being funded by both federal and state governments. NAHS itself is primarily a federally funded initiative and the proposed facility would provide a civic service to both the indigenous and non-indigenous communities of Wiluna. A reclassification of the site to a 'Public Purpose' reserve was also considered necessary however to ensure TPS 1 most accurately reflects the ultimate land use for the site. Accordingly this amendment to reclassify the subject site to 'Public Purpose' Reserve is finalising this administrative amendment process.

### Schedule of Submissions

A total of two submissions were received during the advertising process and these submissions are outlined in detail below.

No.1	Submitter	Summary of Content	Staff Response and Comment	Action
1.	Department of Indigenous Affairs	1. A review of the Register of Aboriginal Sites indicates there is no known Aboriginal Heritage Sites which intersect with the site; however no comprehensive Aboriginal survey has been undertaken over the area.	Refer to Discussion section.	Refer Section below.
		2. DIA recommend the Shire undertake a comprehensive archaeological and anthropological site identification survey over the area.	<u>Refer to Discussion Section.</u>	<u>Refer Section below.</u>

2.	Department of Environment and Conservation	<ol style="list-style-type: none"> <li>1. Confirmed the DEC had no issues with the proposed amendment.</li> <li>2. Suggested the proponent must ensure the development does not impact on any identified rare or priority flora.</li> </ol>	As the subject site is essentially cleared, a search of possible identified rare or priority flora is not considered necessary.	Nil.
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Aboriginal Heritage

The Department of Indigenous Affairs (DIA) has requested the Shire undertake a detailed Indigenous Archaeological and Anthropological survey over the subject site. A review of the DIA’s own Register of Aboriginal sites has indicated that no such sites exist, however it is acknowledged that no detailed assessment has specifically been undertaken over the subject site.

The Shire has liaised with the proponent in relation to the matter of Aboriginal Heritage, whom advised that consultation with Traditional Owners had occurred prior to commencement of detailed design. Furthermore, it is important to also note that the site had previously been subdivided for residential use and accommodated numerous residential dwellings, which have subsequently been demolished, cleared and the lots amalgamated over time. Therefore the likelihood of significant sites being located on this land parcel is remote. The proponent has also stated that construction will be undertaken in accordance with the requirements of the Aboriginal Heritage Act 1972 (i.e. construction to cease if a potential significant artefact or similar is located on site). For these reasons, it is considered an assessment as required by the DIA is not necessary at this point in time.

As previously outlined, the proposed scheme amendment, whilst not essential in order to facilitate the development of the NAHS facility at Lot 5001 Scotia Street, was considered necessary in achieving orderly and proper planning objectives. The proposed amendment, whilst essentially an administrative “tidy-up,” is part of a process that will ultimately facilitate a final end use of much needed health care facilities for both the Indigenous and non-Indigenous communities of Wiluna. Whilst the DIA have raised the issue of Aboriginal Heritage and the need for an associated survey, such work is not considered necessary, primarily due to the fact the subject site has previously accommodated residential development that has subsequently been demolished and cleared. Accordingly, officers consider Amendment No. 3 to Town Planning Scheme No.1, suitable for the purposes of final adoption.

**Consultation**

Advertising as per the background and comment section of the report.

### **Statutory Environment**

Amendments to Town Planning Schemes are required to be undertaken in accordance with the provisions of the Planning and Development Act (2005) (as amended) and the Town Planning Regulations (1967) (as amended).

### **Policy Implications**

Nil

### **Financial Implications**

All costs associated with processing the amendment are itemised within a fee schedule and payable by the proponent.

### **Statutory Implications**

As Council would be aware, a review of Town Planning Scheme No. 1 and the preparation of a new Local Planning Strategy have been initiated. Both draft documents have taken into consideration the proposed re-classification and where necessary, responded appropriately to this newly proposed development from a land use perspective.

### **Voting Requirements**

Simple Majority

<b><i>OCM 117/11 Officer Recommendation &amp; Council Decision</i></b>
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**MOVED Cr Quadrio**

**SECONDED Cr Harris**

- 1. That Council, pursuant to Regulation 17(1) of the Town Planning Regulations (1967) (as amended), note the submissions received and endorse the response to those submissions prepared by Shire staff.**
- 2. That Council, pursuant to Section 75 of the Planning and Development Act (2005)(as amended) and Regulation 17(2)(a) of the Town Planning Regulations (1967)(as amended), adopt Amendment No. 3 to Town Planning Scheme No. 1, as follows:**

**Reclassify Lot 5001 Scotia Street, Wiluna from 'Residential R10/30' to Public Purpose 'Reserve' as indicated on the Scheme Amendment Map.**
- 3. That Council authorise the Shire President and the Chief Executive Officer to execute the relevant documentation pursuant to Regulation 22(1) of the Town Planning Regulations (1967)(as amended).**

4. That Council forwards the Schedule of Submissions and a copy of each submission to the Western Australian Planning Commission together with three copies of the signed and sealed Amendment documents for endorsement pursuant to Regulation 22(2) of the Town Planning Regulation (1967)(as amended).
5. That Council request the Honourable Minister for Planning to grant final approval to Amendment No. 3 to Town Planning Scheme No. 1.
6. That Council inform those agencies and persons who made a submission on Amendment No. 3 to Town Planning Scheme No. 1 of its decision.

**CARRIED 5/0**

*Meeting adjourned at 11.49am and recommenced at 11.54am.  
Garry Agnew attended the meeting at 11.54am.*

<b>10.1.12. Subject/Applicant:</b>	<b>Development Application Central Desert Native Title Services Land Management Facility and Caretakers Dwelling</b>
File:	Lot 501 Wotton Street, Wiluna (Formerly Lot 1569)
Reporting Officer:	Tony Doust – Acting Chief Executive Officer (Urbis Report)
Date of Report:	20 September 2011
Disclosure of Interest:	Nil

### **Purpose**

For Council to consider a Development Application for a Land Management Facility and associated Caretakers Dwelling at Lot 501 Wotton Street, Wiluna. The application is being presented to Council as it is outside of the authority delegated to Council officers.

### **Background**

The subject site is described as Lot 501 Wotton Street, Wiluna. The Central Desert Native Title Services hold a lease over the subject site which is unallocated crown land. A location plan depicting the subject site is depicted on **Figure 1**, below.

In terms of surrounding land uses, the subject site is bound by commercially zoned land to the north, Wotton Street and the Wiluna Police Station to the east, Thompson Street to the south and light industrial zoned land to the west. The site is devoid of any substantial vegetation and completely devoid of any structures.



**Figure 1 – Location Plan**

**Central Desert Native**

Title Services Limited (CDNTS) is a recognised native title service provider for the native title claimants and holders of the Central Desert region of Western Australia. The Wiluna native title claimants have developed a standard Exploration and Prospecting Agreement with the purpose of protecting cultural heritage sites and areas of cultural significance during the conduct of exploration or prospecting activities within their native title claim area.

CDNTS through a joint management agreement with the Department of Environment and Conservation, operates a land management initiative on the former Lorna Glen Pastoral Lease, which is identified as having conservation value. The initiative aims to encourage Martu people to become engaged with employment and business development opportunities related to their land. It is intended that the proposed facility for this site will provide storage space for



equipment, materials and vehicles associated with the following land management initiatives:

- Restoration of traditional lands and waterholes on the Canning Stock Route;
- Contract repair of landscape at mining sites; and the
- Possible contract establishment and maintenance of town streetscapes.

An administration office (with amenities) is proposed for the planning and coordination of the above activities. The hours of operation of the office will be between 7.00am and 5.00pm, Monday to Friday (public holidays excluded). A temporary (transportable) Caretaker's dwelling is also proposed to assist in establishing security and a consistent presence for enquiries.

### **Comment**

The proposal consists of the following development:

- 1 x Warehouse/Shed (for storage);
- 1 x Administrative office;
- 1 x Kitchen facility;
- 1 x Unisex/Disabled Toilet;
- 1 x Male Toilet;
- 1 x Gazebo;
- A boundary fence along Thompson Street;
- 1 x Caretakers Dwelling;
- 12 x carparking bays (including 1 x disabled bay); and
- 1 x Septic Tank System.

The primary building containing the warehouse/shed, administrative office, kitchen facilities and toilets will be located at the front of the lot with a frontage Wotton Street. The proposed caretaker's dwelling will be sleeved behind the primary building and visible only from Thompson Street. Primary access and parking will be from Thompson Street, with 1 vehicular access (no parking) proposed from Wotton Street in order to allow service vehicles to directly access the primary building.

A copy of the Development Application Plans (site plans, floor plans etc.) are attached as Appendix H.

The subject site is zoned 'Commercial' under TPS1. In the absence of a specific office or warehouse use class in TPS1, the storage shed and office component of the proposal can be classified as an 'Industry-Light' use. The definitions for 'Industry' and 'Industry-Light' under TPS1 are as follows:

*'Industry – means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land use for:*

- (a) *The storage of goods;*
- (b) *The work of administration or accounting;*
- (c) *The selling of goods by wholesale; or*
- (d) *The provision of amenities for employees*

Officers consider the office/warehouse component of the proposal falls within the definition of 'Industry' due to its role as a premise used for the storage of goods, with an incidental administration function. This use is considered discretionary or 'D' use in a 'Commercial' zone, which means that the *'use is not permitted unless the local government has exercised its discretion by granting planning approval.'*

A Caretaker's Dwelling is included as a defined use under the provisions of TPS1, which is also a discretionary use in the 'Commercial' zone. A 'Caretakers Dwelling' is defined as a *'dwelling on the same site as a building, operation or plant, and occupied by a supervisor of that building, operation or plant'.*

The applicant has stated that the person living in the Caretaker's Dwelling will be the Land Management supervisor; therefore the intent of the use and operation of the dwelling is consistent with the definition.

An assessment of each component of the proposal against TPS1 is provided below:

#### *Office/Storage Facility*

In assessing the office and storage facility as a discretionary use against TPS1, officers consider that the proposed facility is adequately setback from both Wotton and Thompson Streets whilst still providing an appropriate presence to the corner. It is noted that TPS1 does not nominate any prescribed setbacks

TPS1 does not stipulate specific parking number requirements but requires consideration of:

- Access to parking and manoeuvrability within parking areas;
- The location of parking and its impact on amenity;
- The proportion of parking within setback areas;
- Pedestrian safety; and
- Landscaping and screening provided.

The site plan indicated the inclusion of twelve (12) carparking bays, with the provision of (1) disabled carparking bay. Officers consider the amount of parking is adequate in the context of the intended use and nature of the operation (with vehicles primarily being out onsite during operating hours). The location of parking is appropriate in that it is partially screened from Wotton Street, where the Shire is striving to achieve quality streetscape outcomes. Vehicular access ways from Wotton and Thompson Street are considered to be legible and appropriately spaced to ensure adequate vehicular manoeuvrability and pedestrian safety.

It is important to note that the loading and unloading of vehicles will only be within the warehouse/shed facility and occasionally in the carpark area. Fencing and landscaping is proposed along the Thompson Street interface to assist in the screening of the carpark from Thompson Street. Significant landscaping and a gazebo is proposed at the Wotton/Thompson corner. Officers consider this treatment important again given the sites prominent location within the town centre.

### *Caretaker's Dwelling*

A Caretaker's dwelling is a discretionary use in the 'Commercial' zone. As mentioned previously, the proposed dwelling is intended accommodate the Land Management supervisor. The dwelling will be a transportable dwelling, relocated from its existing location on Thompson Street.

The proposed Caretaker's Dwelling is located in the north-west corner of the subject site and is orientated to the east, with access via Thompson Street. The site and development requirements for a Caretaker's dwelling in a 'Commercial' zone is at the discretion of Council. Based on the plans submitted as part of the Development Application, the officer is of the view that the location of the caretaker's dwelling is acceptable on the basis that the visibility of the structure is obscured from Wotton Street, and appropriate landscape treatments will be utilised to improve the visual amenity of the site. An assessment of the design of the caretaker's dwelling is provided in the subsequent section of this report.

Council recently adopted a Draft Local Planning Policy for Transportable Structures and the Relocation of Buildings for the purposes of advertising. Generally this draft policy requires the following:

- A Site Plan;
- Current colour photographs of the structure from all elevations;
- Details of proposed landscaping; and
- Details of the purpose of the transportable structure, what it will be used for and the length of time that it will be on-site.

The applicant has provided all of the required information and officers are of the opinion that it meets the standards and objectives of both the abovementioned Local Planning Policy and TPS1.

The draft Policy also recommends Council advertise such applications to adjoining landowners for a minimum period of 14 days. This requirement was considered unnecessary however; as there was only one applicable landowner, with the adjoining lot to the west being owned in freehold by the Central Desert Native Title Service themselves and the land to the north being vacant Unallocated Crown land. The other relevant landholding is also located to the west of the subject site and this is held in private ownership. So as not to delay the assessment of the application with a potentially unnecessary advertising period, Council officers contacted the one applicable adjoining landowner (Lot 10 Woodley Street), whom advised they had no concerns with the relocation of the transportable structure.

Accordingly the Caretaker's dwelling component of the application has not been advertised to adjoining landowners.

### Design Response

In undertaking a design assessment of the proposal, the following were considered to be key issues:

- Interface with Wotton Street and Thompson Street;
- Staging of the development;
- Landscaping Treatments;
- Access Arrangements; and
- Design of the Caretaker's dwelling.

These design elements are discussed below:

The proposal has frontage to both Wotton and Thompson Street, and has been designed to primarily address Wotton Street and the corner with Thompson Street. Based on preliminary advice provided by officers, the plans were modified to include verandah treatments, a gazebo structure, landscaping and a built masonry statement, which demonstrates an improved built form outcome for this important corner.

The proposal demonstrates intent to improve visual amenity on this corner and encourages community use of the site through landscaping and the provision of publicly accessible seating as well as a communal gathering space at the gazebo. The site also has the potential to be redeveloped in the future, given its central location within the town centre.

While the visibility of the carparking area and caretakers dwelling from the Thompson Street may not be the most desirable outcome from a planning perspective, officers acknowledge that the main emphasis is on the Wotton/Thompson Street corner and for the built form to address Wotton Street. In addition, this portion of Thompson Street leads to an area of light industry, and therefore the activation of this interface is not considered imperative, given this context.

With regard to the staging of the proposed development, the proponent has confirmed that the development will be constructed in one stage. This creates a positive outcome for the streetscape and the vision of future town centre development.

A Landscaping Plan has been provided to the Shire as part of the Development Application. The Plan demonstrates a commitment to providing adequate landscaping on site, to contribute positively to the overall amenity of the area. Officers will work further with the Applicant to ensure trees are appropriately separated from the buildings for fire and building protection. This will require an updated Landscaping Plan to be provided as a condition of approval. Landscaping will therefore not be assessed as part of this Development Application.

It is the officers view that the design of the Caretaker's Dwelling should be subject to a schedule of colours and finishes to ensure a desirable design outcome given its location within the Wiluna Town Centre. This has been recommended as a condition of approval.

Overall, officers consider the proposal will result in an appropriate built form and streetscape outcome for what is an important site in the context of the town centre.

#### Draft Local Planning Scheme No.2

The draft Local Planning Scheme (LPS) No.2 is currently being prepared to respond to changes to land use, zoning, environmental or other provisions or practices, and to facilitate best practice growth and development in the area. The draft LPS 2 has not been released for public advertising, therefore it is unable to be used in the formal assessment of this Development Application.

Council, however, should be aware that under the new Local Planning Scheme No.2, the proposal is included within a new 'Town Centre' zone of the Shire. The purpose of this Town Centre zone is to identify adequate land for the consolidation and continued development of the primary commercial, retail and services precinct, and to apply appropriate development and land use controls to ensure development is built to a satisfactory standard. The provision of a 'Caretaker's Dwelling' and 'Warehouse' will be prohibited in a 'Town Centre' Zone under the new Scheme, however the office component is a permitted use.

As mentioned previously, although LPS2 is not able to be used in the formal assessment of this Development Application, it is important that Council are aware of the development intentions for this site under the new draft LPS2, when considering the officer recommendation.

The proposed development is recommended for approval subject to appropriate conditions as listed in the staff recommendations for the following reasons:

- The proposal (both Caretakers Dwelling and Warehouse) is a discretionary use within the Commercial zone, and is generally compliant with the objectives and requirements for this zone within TPS1;
- The proposed facilities will provide storage and administrative services to assist the CDNTS in continuing to operate and manage the Land Management Initiative in Wiluna;
- The relocation of the existing structure has not been formally advertised to adjoining landowners, however officers have liaised with one relevant private landowner, whom did not raise any objection to the proposal.
- The proposal places an emphasis on the articulation of the Wotton/Thompson Street corner and provides an adequate built form response to Wotton Street;

- The proposal demonstrates an intent to improve the visual amenity and community use of the site through landscaping and the provision of a publicly accessible seating/gathering space (gazebo);
- The site has the potential to be redeveloped in the future;
- Officers do not consider the proposed development will have a detrimental impact on the amenity of the surrounding residential areas.

### **Consultation**

As per the comment section of this report.

### **Statutory Environment'**

As per the comment section of this report.

### **Policy Implications**

Nil

### **Financial Implications**

All costs associated with processing the amendment are itemised within a fee schedule and payable by the proponent.

### **Strategic Implications**

As per the comment section of this report.

### **Voting Requirements**

Simple Majority

<b><i>OCM 118/11 Officer Recommendation &amp; Council Decision</i></b>
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**MOVED** Cr Petterson

**SECONDED** Cr Harris

**That Council approve the application for proposed Land Management Facility and the associated uses at 1569 Wotton Street, Wiluna, subject to the following conditions and footnotes:**

### **CONDITIONS**

- 1 Development must be carried out in accordance with the terms of the application as approved herein and any approved plan.**
- 2 This approval relates to the amended attached plan dated 1 August 2011.**

- 3 The provision and maintenance of a total of (12) marked carparking bays on-site, including the provision of (1) marked disabled carparking bay.
- 4 The parking bay(s), driveway(s) and points of ingress and egress to be designed in accordance with the Australian Standard for Off-street Carparking (AS/NZ2890.1) unless otherwise specified by this approval and are to be constructed, sealed, kerbed, drained and marked in accordance with the design and specifications approved by the Shire prior to issue of a Building Licence. The car park must be completed prior to the development being occupied and thereafter maintained to the satisfaction of Shire.
- 5 All earthworks and/or associated drainage details shall be in accordance with plans and specifications to the satisfaction of the Shire, prior to the issue of a Building Licence.
- 6 Earthworks over the site being stabilised to prevent sand blowing and dust nuisance.
- 7 The development must comply with the Environmental Protection Authority "Guideline for the Prevention of dust and smoke pollution from Land Development Sites in Western Australia 1996", to the satisfaction of Shire.
- 8 Retaining wall(s) must be constructed in accordance with a suitably qualified Structural Engineer's design and a Building Licence being obtained prior to construction.
- 9 A revised Landscaping Plan showing shall be submitted to and approved by the Shire prior to the issue of a Building License. The revised landscaping plan must be pursuant to Advice Note F1.
- 10 The Landscaping Plan must be implemented and thereafter maintained.
- 11 The applicant engaging a suitably qualified practicing Engineer to certify that the whole of the lot is suitable for the approved development to the satisfaction of the Shire, prior to issue of a Building Licence, and before the commencement or carrying out of any work or use authorised by this approval.
- 12 Prior to the issue of a Building Licence or any works commencing, the applicant is to have provided the Shire with information relating to existing contours and natural features and location of existing vegetation and the extent of earthworks and final contours for the land.
- 13 All advertising associated with the development, including signage painted on the building, must be to the satisfaction of the Shire and approved prior to erection or painting.

- 14 The proposed office/warehouse development shall be clad or coloured to compliment the surroundings, and/or adjoining developments.
- 15 All crossovers are to be designed and constructed to the satisfaction of Shire.
- 16 The Caretaker's (transportable) dwelling shall be structurally assessed at its current location in terms of its suitability for relocation.
- 17 Prior to issue of a Building Licence for the Caretaker's Dwelling, a series of current colour photographs from all elevations and a schedule of colours and finishes shall be submitted and approved to the satisfaction of the Shire.
- 18 The receipt of a cash deposit bond (value determined by Council at \$5000) is required prior the issue of a Building Licence for the Caretaker's Dwelling
- 19 The disposal of wastewater via a septic waste system.
- 20 The approval of Horizon Power being obtained to determine whether special provisions exist for the connection of electricity supplies to the proposed development.
- 21 The provision of a refuse storage area being provided of a size suitable to service the development and screened from view of the street, to the satisfaction of the Shire.
- 22 The office and appropriate sanitary facilities shall be included as part of Stage 1 of the development.
- 23 Fencing is not a part of this approval and a further application providing details of what is proposed is required.

#### **FOOTNOTES TO APPLICANT**

F1 In relation to condition 12, the revised landscaping plan must acknowledge the separation distances required between trees and buildings for fire and building protection.

**CARRIED 4/1**

Cr Quadrio requested that it be recorded that he voted against the motion.

*Meeting adjourned for lunch at 12.27pm and recommenced at 1.14pm*



<b>10.1.13. Subject/Applicant:</b>	<b>Draft Shire of Wiluna Local Planning Strategy and Local Planning Scheme No 2.</b>
File:	
Reporting Officer:	Tony Doust – Acting Chief Executive Officer (Urbis Report)
Date of Report:	20 September 2011
Disclosure of Interest:	Nil

### **Purpose**

This Report has been prepared to seek clarification from Council on the permissibility of Temporary Workers Accommodation (TWA) in zones other than the 'Industrial' zone within the Draft Local Planning Scheme No.2, to articulate the implications of only permitting TWA in the 'Industrial zone,' to ensure that Councillors are sufficiently informed in relation to the planning for TWA and for Council to formally endorse both the Draft Local Planning Strategy and LPS No.2 for the purposes of forwarding to the Western Australian Planning Commission for consent to advertise.

### **Background**

Through planning investigations undertaken during the preparation of the Shire's Draft Local Planning Strategy (the Strategy) and LPS No.2, and based on the Councillor workshop and Council meeting on the documents held on the 26<sup>th</sup> and 27<sup>th</sup> July 2011, it is clear there are concerns where temporary workers accommodation may be a permissible use within the Wiluna townsite. Although the Strategy promoted the 'Tourist' zone as the preferred zone and location for accommodating these types of uses, the draft Scheme permitted this use in the following other zones:

- Residential;
- Residential Development (subject to the preparation of a Structure Plan);
- Town Centre;
- Tourist;
- Commercial;
- Light Industrial; and
- Industrial.

At the Ordinary Council Meeting (OCM) of 27 July 2011, Council resolved to delete the permissibility of Temporary Workers Accommodation in all abovementioned zones, and make it a 'D' use (discretionary use) in the Industrial zone only. There was however also discussion on the suitability of TWA within the Residential Development zone (subject to a Structure Plan) as a means of facilitating the extension of infrastructure services to land south of the existing Primary School, however this was not reflected in the Council resolution.

## Comment

This report has been prepared to articulate the implications of only permitting TWA in the Industrial zone and accordingly, to seek clarification from Council on the permissibility of TWA in other zones within the Scheme area.

### Demand for Accommodation

Through consultation with the mining industry, local business operators and the general community, it is apparent that there are a number of needs that are driving housing and accommodation demand, within Wiluna. These include:

- Business travellers (mining industry, government and their consultants predominantly);
- Leisure travellers (tourist wanting to explore the Canning Stock Route, Gun Barrel Highway, cultural, art and outback experiences); and
- Construction workers and/or Fly In – Fly Out workers.

Accordingly, a key issue for the proposed Local Planning Strategy and LPS No.2 was the identification of a preferred site or zones, to accommodate a facility or facilities for the accommodation of all three groups of people mentioned above but with an emphasis placed on accommodating mine workers within the town.

There were two key drivers for this process, these being:

1. The desire of Council to capture the potential secondary benefits from increasing mining activity within the Shire in order to stimulate the local economy, in particular to support small business and enterprise development, as well as local employment in the town of Wiluna.
2. The interest and commitment from mining companies to house some of their workforce locally.

Within this context, it has been clearly identified there is an ongoing issue regarding the lack of short term and permanent accommodation generally in the town. Table 1 provides a summary of the workforce intentions for prospective mining operations within reasonable proximity to the town of Wiluna.

TABLE 1 – WORKFORCE REQUIREMENTS FOR PROSPECTIVE MINING OPERATIONS

Company	Construction workforce		Operational workforce		Commitments
<b>Toro Energy</b> (Status: Environmental approvals stage with construction anticipated 2013)	New residents (short and long term) – 50 Local hire – 115	FIFO - 185	New residents (short and long term) – 30 Local hire - 45	FIFO- 95	Toro are committed to providing a local resident workforce in Wiluna.  It is likely that their construction workforce, representing the largest influx of temporary workers, will be located remote to the town in the vicinity of their Centipede project site. There is the potential for the FIFO component of their operational workforce to be accommodated in a facility in the town.
<b>Golden West</b> (Status: Exploration)	No commitments	Unknown.	Unknown.	Unknown.	It is understood Golden West will utilise the Shire of Wiluna airstrip for their FIFO workforce.
<b>BHP Yeelirrie</b> (Status: Exploration/Feasibility)	No commitments	FIFO - 650	Drive in, drive out from Wiluna may be considered if there is the demand, however will be predominantly FIFO.	FIFO - 300	BHP's strategy for sourcing their workforce will be to seek personnel locally, regionally, within Western Australia and then nationally and internationally, if required. BHP propose to construct an on-site camp, and operate the camp on a FIFO basis using the Mt Keith airport.
<b>Mega Uranium</b> (Status: Pre-feasibility)	No commitments	450 construction	100% FIFO workforce accommodated on site	FIFO - 180	Mega are likely to utilise Leinster as the service centre for their operations.

It is evident that the availability and quality of existing accommodation in Wiluna is impacting on the ability to secure in town investment by mining companies. This is resulting in expenditure leakage to out of town accommodation facilities (i.e. mine camps such as APEX or Gunbarrel Grapes). It is important to note that the availability of rooms in these existing out of town facilities is also limited.

Restricting TWA to only the Industrial zone is particularly limiting and may not provide the incentive for these mining companies (or other parties) to invest in town. Providing a variety of options through permissibility in zones and the identification of a number of potential appropriate sites will only encourage investment.

#### Tourist Accommodation and Temporary Workers Accommodation

Through preliminary investigations and discussions with local business owners, it was determined that the cost of establishing short stay tourist accommodation facilities in Wiluna is possibly prohibitive in the short-term. Accordingly, in order to overcome this short-term problem, during the preparation of the Local Planning Strategy and LPS No.2, it was considered there was an opportunity that temporary accommodation provided by the mining industry could be converted into tourism accommodation once it was no longer required for the purposes of the mining companies. TWA was therefore identified as an 'A' use (permissible subject to advertising) in the 'Tourist' zone in LPS No.2 as presented to Council

Not only would this approach provide potential building stock for future tourist development but also result in sites being fully serviced by all essential infrastructure (sewer, telecommunications, water etc.). It was considered that this overall up-front investment would increase the attractiveness of the identified 'Tourist' sites for tourist operators and subsequently provide for much needed tourist/visitor accommodation within town.

Accordingly, the draft Local Planning Strategy identified two sites that would be suitable for tourist accommodation development. These were the Roadhouse site and the Old Primary School Site. It is understood that the use of these sites for tourist accommodation is supported by Council. These facilities would address the demand driven by business and leisure travellers refer to in the previous section. However in the short term, these rooms have the potential to be taken up by business travellers and possible construction workers until such time as on-site mine camp facilities are established for Toro and/or Golden West. It is important to note that in considering the location of appropriate 'Tourist' zoned sites, dual consideration was also given to the potential for such sites to accommodate TWA. Being located within but on the edge of the town centre at either end of Wotton Street, the two identified sites are well located to ensure (should TWA eventuate) that integration and investment in town occurs without imposing significantly on the existing residential population.

It is therefore recommended that Council adopt a revised schedule of modifications, permitting Temporary Workers Accommodation as an 'A' use (requiring advertising) within the 'Tourist' zone within LPS No.2.

The impact of Temporary Workers Accommodation “In-Town.”

Of the existing and future mining operations, Toro represents the greatest likelihood of providing a residential facility in the town of Wiluna. Toro recently released their Environmental Review and Management Plan (dated 25 July 2011). The plan describes Toro’s proposed operations which includes the consideration of options for their FIFO accommodation within the townsite of Wiluna or remote to the town.

During the construction phase Toro plans to accommodate workers on Lakeway Station adjacent to the Centipede mine site. As the construction workforce represents the largest influx of temporary residents into the Shire, and the temporary nature of construction worker accommodation facilities (in the case of Toro the construction phase is predicted to be 2 years), the location of this camp out of town and close to the mine site would ameliorate significant impacts on the local community and provide a more efficient outcome mining operator.

However, a distinction needs to be made between construction workforce accommodation and operational workforce accommodation. The operational phase of the Toro project is anticipated to be 14 years (2014 – 2028). Given the length of use, there is the potential for community integration over time, and for a higher quality built form outcome, that could add to the town fabric. An accommodation facility for Toro’s operational Fly-In Fly-Out (FIFO) workforce (estimated at 95 workers) would allow for better integration with the existing town community.

There are potential positive and negative impacts on community cohesion for a FIFO facility located within or remote to the town of Wiluna. Below is a summary of the positive and negative impacts of FIFO accommodation located in or out of town, adapted from Toro’s Social Impact Assessment (Creating Communities, 2011).

Location within the town	Location outside the town
<p><b>Positive</b></p> <ul style="list-style-type: none"> <li>▪ Opportunity for the stimulation of new development that would otherwise be unfeasible</li> <li>▪ Facilitate the extension of infrastructure to unserviced land</li> <li>▪ Economic opportunity for local businesses to service FIFO workers</li> <li>▪ Local employment and training opportunities</li> <li>▪ Opportunity for FIFO participation in community activities</li> <li>▪ Opportunity for social interaction between FIFO and permanent resident</li> <li>▪ FIFO able to access local facilities</li> <li>▪ Potential for the community to share use of some FIFO facilities</li> <li>▪ Additional patronage would make new businesses and other services more attractive and economically viable</li> <li>▪ Potential for FIFO accommodation infrastructure available for community use post decommissioning</li> <li>▪ Increased ratepayer base for the Shire of Wiluna, which can contribute to the cost of maintaining efficient services and utilities.</li> </ul> <p><b>Negative</b></p> <ul style="list-style-type: none"> <li>▪ Potential for anti-social behaviour within the town</li> <li>▪ Visual impact of a donga style village or camp within the town</li> <li>▪ The character of the town may be altered by the camp or village</li> <li>▪ Increased opportunity for conflict between the community and mining workforce</li> </ul>	<p><b>Positive</b></p> <ul style="list-style-type: none"> <li>▪ Removal of any potential antisocial behaviour in the town</li> <li>▪ Isolation of the workforce from the local residents which may minimise culturally inappropriate behaviour directed towards the Indigenous community</li> <li>▪ Less demand on local infrastructure</li> <li>▪ Cost of “camp” style accommodation more economic for mining operator.</li> </ul> <p><b>Negative</b></p> <ul style="list-style-type: none"> <li>▪ Reduced impact on local economy</li> <li>▪ Fewer opportunities for community to utilise FIFO facilities</li> <li>▪ Little or no social interaction with the local community</li> <li>▪ Missed opportunity for Council to get fee for services, for use of Shire facilities that are currently under-utilised.</li> </ul>

The report concluded that the impact of Toro's FIFO workers will be high, however it has the potential to be either a positive or a negative impact, depending on how the FIFO element is managed (Creating Communities, 2011). In many other mining communities the FIFO workforce is seen as a negative impact however this has more often than not occurred when there has been little attempt to integrate the FIFO worker with the host community and explore a "shared community" that can enhance the quality of life for both parties.

Critically the report concluded:

*"Should Toro, the Wiluna community and the Shire decide to commit to developing a joint strategy for integration there is the potential for this to be a highly significant positive impact. However, should the goal of segregated communities be pursued, the impact of FIFO could be a high negative impact that will require close attention to managing the negative aspects."*

In considering this report and the impacts of various forms of FIFO in other mining communities elsewhere, Council staff consider that if an accommodation facility is located in-town and an appropriate integration strategy is agreed to, implemented and managed, such development would have a positive impact of medium to high significance on Wiluna's community infrastructure. This benefit would be realised because of the increased user base and potential for contributions and support from Toro. It would be critical, if such development was to occur, that Toro discuss financial contributions and the provision of staff to community facilities with the Shire. The current Social and Economic Development Strategy being prepared by Urbis would help inform a more detailed integration strategy, in the event of a TWA development in the town.

Identification of preferred locations for a workers accommodation facility

In identifying the preferred location for Temporary Workers Accommodation as part of the Local Planning Strategy and LPS No.2 preparation process, the following questions were considered:

- How does the preferred location stimulate future development?
- What tangible community benefits does it provide?
- Can the site be re-used, and if so for what purpose?
- What benefit or incentive is there for the mining company?
- Are the issues or concerns raised related to the location or the management of the facility?

Following assessment and consideration of these questions, it was determined that TWA facilities should be permissible (subject to advertising) in the Residential, Residential Development (subject to a Structure Plan), Tourist (preferred in the short-term), Commercial, Town Centre, Industrial and Light

Industrial zones. This initial response was predominantly to provide for flexibility in locating such facilities.

The Council's initial concerns in relation to this "flexibility" and specifically for the potential for TWA to occur "In-Town" however are acknowledged and warranted further investigations and consideration. Accordingly, a review of the Strengths, Weaknesses, Opportunities and Threats (SWOT analysis) was undertaken to determine the appropriateness of TWA in the zones as originally proposed in LPS No.2. This SWOT analysis, together with consideration from a planning perspective is provided below.



TABLE 2 – STRENGTHS, WEAKNESSES, OPPORTUNITIES AND THREATS ANALYSIS OF TWA IN VARIOUS ZONES WITHIN LPS NO 2

Zone	Planning comments	Strengths	Weaknesses	Opportunities	Threats
Industry	<p>The location of TWA facilities in industrial areas is generally not consistent with orderly and proper planning in that it results in a lack of integration with existing communities. Industrial land is also a rare commodity and diminishing the amount of developable industrial land in regional towns through utilisation for TWA purposes, has resulted in land shortages elsewhere. The establishment of residential communities in industrial areas is contrary to the principles set out in the State Planning Framework and has the potential to both create an unacceptable environment for residential living and impose constraints on the use of land for industrial purposes. Advice from the Department of Planning has been sought on the acceptability of TWA within the Industrial zone. The Department have advised that workers accommodation is may be considered a sensitive use in an industrial area as it houses people. It would be preferred that land use conflicts of this nature are avoided.</p>	<ul style="list-style-type: none"> <li>▪ Is located within the town, but not in close proximity to residences or community infrastructure, minimising potential conflicts (which can occur if sites are not appropriately managed)</li> <li>▪ Would facilitate the extension of infrastructure currently not provided to the industrial estate.</li> <li>▪ Potential impacts from existing or potential land uses in the vicinity could be managed through a Council Local Planning Policy. Management measures may include encouraging temporary rather than permanent accommodation structures, placing time limits on use and the design and siting of such dwellings.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Potential for land use conflict between TWA (sensitive use) and future industrial development. Environmental Protection Authority guidelines establish buffers between some industrial uses and sensitive land uses. WAPC likely to consider potential future buffer requirements in the assessment of the Local Planning Strategy and LPS No.2.</li> <li>▪ Provides limited opportunities for integration with the rest of the town, and limited benefits to the mining company.</li> <li>▪ Industrial activities are often associated with more hazards and higher risk levels than is acceptable for residential development. They have the potential to cause adverse impacts on the amenity of residents in such dwellings through emissions such as dust, odour and vibration, have poor accessibility to both commercial and community services such as open space, education, health and cultural facilities.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The existing industrial area is for the most part undeveloped, with substantial portions of land, capable of being developed for TWA purposes immediately.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The separation of mine workers from the existing community has the potential to create a “divided” town, providing no flow-on benefits to the existing community. Utilising industrial land for TWA purposes may also result in an industrial land shortage in the medium-long term.</li> </ul>
Tourist	<p>The development of TWA facilities as an interim use in the Tourist zone is considered to be an acceptable planning outcome, particularly in the context of Wiluna where tourist development may take some time eventuate.</p>	<ul style="list-style-type: none"> <li>▪ Has the ability to stimulate future development through the conversion of facilities to tourist accommodation post decommissioning.</li> <li>▪ Would facilitate the extension of infrastructure (roads, sewer etc.) to identified sites</li> </ul>	<ul style="list-style-type: none"> <li>▪ Potentially limits the ability to attract tourist development (motel, chalets etc.) in the short-medium term during the lifespan of the TWA and may result in the locating of such tourist uses to other less desirable locations (i.e. residential).</li> </ul>	<ul style="list-style-type: none"> <li>▪ The sites nominated within the Draft Local Planning Strategy are located at each end of Wotton Street. Being located at the ends of the identified town centre core, these sites are considered well placed so as not to detract from the creation of an active town centre whilst but within adequate proximity to ensure integration with the town and associated facilities.</li> </ul>	<ul style="list-style-type: none"> <li>▪ May result in conflict between workers and the local community if relationship not appropriately managed.</li> <li>▪ Potential to limit the ability to attract tourist accommodation in the short-term whilst TWA in operation.</li> </ul>

Zone	Planning comments	Strengths	Weaknesses	Opportunities	Threats
<b>Residential Development</b>	Given the undeveloped state of residential development land, there is the ability through the implementation of appropriate planning and design measures, to ensure TWA is properly integrated into new residential areas.	<ul style="list-style-type: none"> <li>Given the “blank canvas” nature of this development, there is the benefit of having the ability to integrate TWA with new residential development concurrently.</li> </ul>	<ul style="list-style-type: none"> <li>If not appropriately located or managed (from both a design and internal management perspective) there is the potential for major social and design conflict.</li> </ul>	<ul style="list-style-type: none"> <li>The identified ‘Residential Development’ zone at the southern end of the existing townsite represents a sound opportunity to develop well located and appropriately integrated TWA facilities</li> </ul>	<ul style="list-style-type: none"> <li>If not appropriately designed and internally managed, there is the ability for significant conflict with the new and existing resident of Wiluna.</li> </ul>
<b>Light Industrial</b>	Similar to the Industrial zone, the development of TWA in the Light Industrial zone has the ability to create segregation and diminish the amount of developable light industrial land.	<ul style="list-style-type: none"> <li>Is located within the town, but not in close proximity to residences or community infrastructure, minimising the ability for conflict.</li> </ul>	<ul style="list-style-type: none"> <li>Provides limited opportunities for integration with the rest of the town, and limited benefits to the mining company.</li> </ul>	<ul style="list-style-type: none"> <li>There are limited opportunities for development of TWA in the Light Industrial zone due to spatial restrictions</li> </ul>	<ul style="list-style-type: none"> <li>Conflict with existing business owners (and in some cases residents) within the existing Light Industrial area.</li> </ul>
<b>Residential</b>	The location of TWA facilities within the existing Residential zone has the ability to create significant land use conflict.	<ul style="list-style-type: none"> <li>The potential to integrate the workforce population into an existing residential setting and community</li> </ul>	<ul style="list-style-type: none"> <li>If not appropriately managed from a design and site management perspective there is the potential for significant and various forms of conflict.</li> </ul>	<ul style="list-style-type: none"> <li>There are significant portions of undeveloped residential zoned land that are of sufficient size to accommodate TWA.</li> </ul>	<ul style="list-style-type: none"> <li>If not appropriately managed from a design and site management perspective there is the potential for significant and various forms of conflict.</li> </ul>
<b>Town Centre/ Commercial</b>	Whilst integration of TWA facilities with local communities is supported, the location of such facilities within the Wiluna Town centre would create significant potential for land use conflict and associated social issues.	<ul style="list-style-type: none"> <li>The potential to integrate the workforce population into the core of the Wiluna community. This would have obvious economic benefits for local businesses.</li> </ul>	<ul style="list-style-type: none"> <li>If not appropriately managed from a design and site management perspective there is the potential for significant and various forms of conflict.</li> </ul>	<ul style="list-style-type: none"> <li>There are limited opportunities (in terms of the size of site required) to accommodate TWA.</li> </ul>	<ul style="list-style-type: none"> <li>If not appropriately managed from a design and site management perspective there is the potential for significant and various forms of conflict.</li> </ul>

At the July OCM Council resolved to permit workers accommodation facility development in the Industrial zone only. The Shire's Planning Consultants advised that this is not likely to be supported by the Western Australian Planning Commission, due to the potential for land use conflict. Advice was sought from the Department for Planning on this matter and a copy of their response is provided as Appendix L (gold page).

The Department have highlighted the potential for land use conflict between a future TWA, which is considered a sensitive use<sup>1</sup>, and development permitted under the Industrial zone. The basis for this is that industrial development can create a number of social and environmental impacts on residential and other sensitive uses. The key planning principle is the avoidance of land use conflicts by separating sensitive and incompatible uses from industry and other economic activities with off-site impacts. This is outlined in the following policies, against which the WAPC will assess the draft strategy and scheme:

- Statement of Planning Policy No. 1 - State Planning Framework
- Statement of Planning Policy No. 3 – Urban Growth and Settlement
- Statement of Planning Policy No. 4.1 – State Industrial Buffer Policy
- Planning Bulletin 70 – Caretakers Dwellings.

Although much of the land currently zoned Industrial at the western end of Thompson Street is vacant, the presence of the power station would require a consideration of separation distances (buffers) for any new sensitive use.

Accordingly, Council staff recommend that Temporary Workers Accommodation be limited to an 'A' use within the 'Tourist' zone, with ability for the use to also be permissible within the 'Residential Development' zone subject to the detailed requirements of a Structure Plan. TWA would be an 'X' use in all other zones. Whilst the Council's desire for such workers accommodation to only be permissible in the 'Industrial' zone (as per July 28 Resolution) is acknowledged, the location of facilities in the existing industrial zone on the periphery of town is likely to only be to the detriment of the town and its fabric and is generally inconsistent with State Planning Policy. In this location, Council staff consider that there will be no integration with the existing community, little investment in local businesses and if not appropriately managed, the development of facilities here may result in anti-social behaviour (given isolated location) or conflict with the local indigenous community (whom are known to utilise this site for camping from time to time).

Issues and management aspects that will require further investigations

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<sup>1</sup> The Environmental Protection Authority have identified the following land uses, which are considered to be potentially sensitive to emissions from industry: residential developments, hospitals, hotels, motels, hostels, caravan parks, schools, nursing homes, child care facilities, shopping centres, playgrounds, and some public buildings.

Clearly planning for and the management of in-town FIFO is critical in ensuring potential issues are mitigated before they arise. The following table outlines a series of common issues associated with in-town FIFO and potential mitigation measures to be employed.

Potential Threat/Issue/Concern	Mitigation Measure
Integration between the existing community and new FIFO workforce	<p>Consultation with the community and stakeholders to determine their community development priorities regarding the site of the FIFO accommodation</p> <p>The development of a Community and Economic Development Plan to maximise the development of community and workforce integration</p> <p>Development of FIFO/community integration and management strategy through community consultation, the Shire and Regional Partnership Agreement. This would include ways that FIFO workers could be involved in community life, how to maximise economic opportunities arising from FIFO, shared facilities etc.</p>
Visual impact of a “donga” style village or camp within the town	<p>Shire to prepare planning policy/built form guidelines that determines how workers accommodation facilities should look.</p> <p>Ongoing involvement and consultation between mining proponents and Shire staff.</p>
Potential for anti-social behaviour within the town	<p>Contemporary accommodation facilities have strict codes of conduct and health and safety policies to manage worker behaviour. There is a high level of security and surveillance of facilities.</p> <p>The Shire can request that mine companies impose any restrictions on its workforce that the town deems fit to impose – curfew/boundary limits etc.</p> <p>Application of Designing Out Crime principles to in town accommodation facilities</p> <p>Development of a collaborative Police management strategy between mining operator, the Shire and the local police, regarding any antisocial behaviour by FIFO workers, and to establish a collaborative approach and facilitate a rapid a response to situations as they may arise</p>
The character of the town may be altered by the camp or village	<p>Built form guidelines and negotiations with the Shire can ensure that the look of an accommodation facility can be integrated with existing town development. Contemporary facilities are often attractive and landscaped. For example Kandama Village near Newman (out of town) and FMG’s Hamilton Motel in the town of Port Hedland. Appendix M gives examples of contemporary in and out of town workers accommodation facilities in WA.</p> <p>Wiluna’s history is steeped in a gold mining tradition. However culture, art and the outback experience are recognised as equally important components of the town’s character. Through the implementation of the local planning strategy and any built form guidelines that are developed, Shire officers and their planning consultants can work with the prospective mining company to ensure any new facility visually and physically integrates with the town, and does not detract from the character.</p>
Increased opportunity for conflict between the community and mining workforce	<p>FIFO workers are there to work and sleep. The level of interaction between workers can be managed and controlled by the Shire and the mining company. If instructed workers can contribute to community activities such as Tidy Town days, and sports competitions.</p> <p>The Shire can request that mine companies impose any restrictions on its workforce that the town deems fit to impose – curfew/boundary limits etc.</p>
Demand impact on the town’s utility infrastructure (water, power, sewer) and community infrastructure	<p>There is the potential to collect contributions to Wiluna community service, infrastructure and facilities. As remote accommodation villages are usually self-sufficient in terms of utility services, a mining accommodation village in town would be required to provide its own connection to services and contribution to the upgrading of utilities may be requested by the Shire.</p>

## Revised Schedule of Modifications

Council, should they deem necessary, now have the ability to review the Schedule of Modifications adopted at the 27 July 2011 Ordinary Council Meeting (OCM).

The following outlines the options available to Council in amending the Schedule of Modifications in relation to land use permissibility for TWA within the draft strategy and scheme:

### *Option 1:*

#### Draft Local Planning Strategy

1. Reinstate Action 3 of Section 4.3 of the Local Planning Strategy to state "Allow some flexibility within tourism zones for the inclusion of Temporary Workers Accommodation."
2. Delete previous Action 3 (as resolved at 27 July OCM) of Section 4.3 of the Local Planning Strategy which stated "In Local Planning Scheme No.2 identify Temporary Workers Accommodation as a discretionary use in the Industry zone."
3. Add Action 4 to Section 4.3 of the Local Planning Strategy stating "Allow for the potential for Temporary Workers Accommodation to occur within the identified 'Residential Development' zone subject to the specific requirement of a Structure Plan."

#### Draft Local Planning Scheme No.2

1. Amend Table 1 to modify the permissibility of Temporary Workers Accommodation so it is an "A" use in the 'Tourist' zone, a 'D' use in the 'Residential Development' zone and 'X' use in all other zones.
2. Delete (as resolved at 27 July OCM) "Modify the permissibility of Temporary Workers Accommodation so it is a discretionary 'D' use in the Industrial zone, and 'X' use in all other zones."

### *Option 2:*

Retain the schedule of modifications as determined at 27 July 2011 Ordinary Council Meeting.

## Other Modifications

In addition, the Schedule of Modification is to include the following modification to the draft Local Planning Strategy relating to responsibility for undertaking the actions contained with the strategy:

## Section 4 – Strategies and Actions for the Town of Wiluna

Insert after first sentence:

The actions are directed to the Shire and its activities, however the involvement of other parties will also be required. In many instances the implementation and delivery of development and infrastructure will be the responsibility of government agencies, industry, developers, the community and other parties.

This report has been prepared and presented to Council in direct response to Councillors concerns associated with the permissibility of Temporary Workers Accommodation within the Wiluna townsite. The report has clearly outlined the following:

- The demand for all forms of accommodation within town, with an emphasis on the strong demand for workers accommodation;
- The potential ability to utilise TWA as an interim and stimulant use within the 'Tourist' zone'
- The potential impacts/issues associated with "In-Town" TWA and how these impacts/issues may be managed.
- A re-assessment of the appropriateness of TWA within the various zones identified within LPS No.2

It is anticipated the content of this report will provide Councillors with all the relevant information needed to make a comprehensively informed decision on the permissibility of TWA in Wiluna in relation to the Draft Local Planning Strategy and Local Planning Scheme No.2.

### **Consultation**

As per the comment section of this report.

### **Statutory Environment**

As per the comment section of this report.

### **Policy Implications**

Nil

### **Financial Implications**

No specific implications at this time. Funding is provided in the 2011/12 budget for the Town Planning Review and Strategy.

### **Strategic Implications**

Shire of Wiluna Strategic Plan 2009-2014.

“Go-Ahead Wiluna”.

### **Voting Requirements**

Simple Majority

<b>OCM 119/11 Officer Recommendation &amp; Council Decision</b>
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**MOVED** Cr Harris

**SECONDED** Cr Petterson

**That Council:**

- 1. Receive the draft Local Planning Strategy, and consider the proposed objectives, strategies and actions for future growth of the Shire, provided in the document;**
- 2. Receive the draft Local Planning Scheme No.2, and consider the proposed zones, land use permissibility's, and development standards, which have been prepared in accordance with the Model Scheme Text; and**
- 3. Revise and endorse the revised schedule of modifications in accordance with Option 1 outlined in this Report (Refer Appendix M).**
- 4. Forward the draft Local Planning Strategy and Local Planning Scheme No.2 with the updated schedule of amendments to the Western Australian Planning Commission with a request that the document be assessed as soon as possible for compliance with the Regulation 12A(3) of the Town Planning Regulations 1967, and Council be permitted to advertise the draft Strategy and Scheme in accordance with the Regulations.**
- 5. Forward the draft Local Planning Scheme No.2 with the updated schedule of amendments to the Environmental Protection Authority (EPA) together with written notice of Council's resolution, to enable the EPA to comply with section 48A of the Environmental Protection Act 1986.**

**CARRIED 5/0**

*Tony Doust left the meeting at 1.23pm and returned at 1.26pm*

<b>10.1.14. Subject/Applicant:</b>	<b>Country Local Government Funding – Regional Funds</b>
File:	
Reporting Officer:	Tony Doust – Acting Chief Executive Officer
Date of Report:	21 September 2011
Disclosure of Interest:	Nil

### **Purpose**

To provide Council with the results of the Midwest Development Commission – Murchison Group Meeting on the projects for consideration under the 2011/12 Regional CLGF allocation and establish a priority

### **Background**

At the last meeting the Acting Chief Executive Officer advised of a proposed meeting on 1 September 2011 by the Midwest Development Commission to consider Regional Projects for the Murchison Group of Shires. The President Cr Kyanga and Acting Chief Executive Officer attended the meeting.

### **Comment**

The meeting was attended by Shire representatives from Meekatharra, Cue, Yalgoo, Mt. Magnet, Sandstone, Murchison and Wiluna. Mr Steve Douglas CEO Midwest Development Commission, Ann Finlay and Brendon Flanigan, officers from the Midwest Development Commission, were also in attendance.

The following is a summary of the issues discussed and priorities.

1. Biggest issues for the Murchison Shires
  - Housing – transport infrastructure – communications – health – vermin control
2. Priority projects as determined by participants (not in priority order)
  - Improved mobile telecommunications service
  - Sealing of the Wiluna-Meekatharra Road
  - Upgrade of the Meekatharra-Carnarvon Road
  - Upgrade of the Carnarvon-Mullewa Road
  - Ballinyoo Bridge replacement
  - Goldfields Hwy
  - MRVC fence
  - Bidi Bidi early childhood centre at Mt Magnet
  - Aged Care at Meekatharra
  - Meekatharra hospital replacement and feeders
  - Cue health centre
  - Mt Magnet health centre
  - Sub regional waste and recycling facility



3. Projects to be funded from 2011/2012 CLGF
  - Upgrade of the Meekatharra-Carnarvon Road
  - Key worker housing
  - Yalgoo-Morawa Road
  - \*Given Wiluna-Meeka Road cannot be funded in this round, Wiluna indicated that its priority is the Meeka-Carnarvon Road
  - \*Yalgoo happy to support housing if the Yalgoo-Morawa Road isn't supported by the sub-region.

At the workshop it was made clear that the approval of the Midwest Development Commission Murchison Group is required prior to any regional project being funded from the regional portion of CLGF. Council now needs to determine its priority for the projects listed and where they would like to see the funding allocated to Wiluna \$417,416 allocated towards.

### **Consultation**

Midwest Murchison Group of Local Governments.

### **Statutory Environment**

Requirements of the Department of Regional Development and Lands for use of regional funding

### **Policy Implications**

Nil

### **Financial Implications**

Nil

### **Strategic Implications**

Nil

### **Voting Requirements**

Simple majority

<b><i>OCM 120/11 Officer Recommendation &amp; Council Decision</i></b>
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**MOVED** Cr Harris

**SECONDED** Cr Webb

**That Council resolves that given the Wiluna-Meekatharra road cannot be funded this year the priority of the Shire of Wiluna is for the following projects in the Midwest Murchison area, under the Regional Country Local Government Funding:-**

- 1. Upgrade the Meekatharra-Carnarvon Road**

2. Key Workers Housing
3. Yalgoo-Morawa Road

**CARRIED 5/0**

*John Kyanga left the meeting at 1.55pm and returned at 1.57pm*

<b>10.1.15. Subject/Applicant:</b>	<b>Rates Write Off</b>
File:	
Reporting Officer:	Tony Doust – Acting Chief Executive Officer
Date of Report:	21 September 2011
Disclosure of Interest:	Nil

### **Purpose**

To obtain Council approval to write off rates/interest penalties that has been raised on two assessments.

### **Background**

Rate assessments 58 and 59 are for a mining camp and plant at Jundee. Both properties are rated on the basis of GRV as determined and approved by the Minister for Local Government in May 1997. The approval to rate on a GRV basis was published in the Government Gazette on 30 May 1997. Both facilities are situated on land that is held by the mining company as a mining lease which is also rated on a UV basis.

### **Comment**

The Shire receives regular updates/changes for mining leases etc. that are rated on a UV basis, however does not receive any notification for changes to the GRV assessment unless advised by the company/owner at the time of either a change of ownership or address.

There have been several changes during the past two/three years and the rate notices have not been sent to the correct owner and or address.

In view of the large amount of rates outstanding at the end of the 2010/11 financial year, over \$500,000, the Acting Chief Executive Officer investigated the reason and found several large rate accounts outstanding including assessments 58 and 59.

The rates and charges on both assessments have been outstanding for the years 2009/10 and 2010/11 and as a result interest has been raised.

The company has now paid the outstanding rates and charges totalling \$225,872.59 for 2009/10 – 2010/11 on both assessments and has questioned the responsibility for the interest charge given that the rate notices for both the years had the incorrect name and address thereon and were not received. It is agreed that the interested should now be written off

as the ratepayer was not provided with the notice as required by the Local Government. The total amount of interest is \$23,102.07.

**Consultation**

Ratepayers for assessments 58 and 59

**Statutory Environment**

Local Government Act 1995 Section 6.12

**Policy Implications**

Not applicable

**Financial Implications**

The Shire of Wiluna balance sheet at the 30 June 2011 provides a total of \$50,857.66 for doubtful debts which includes the amount of \$23,102.07 for this interest.

**Strategic Implications**

Not applicable

**Voting Requirements**

Absolute majority

<b><i>OCM 121/11 Officer Recommendation &amp; Council Decision</i></b>
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**MOVED Cr Harris**

**SECONDED Cr Quadrio**

**The Council resolves to write off the interest raised on assessment 58-59 during the years 2009/10 and 2010/11, totalling \$23,102.07.**

**CARRIED BY AN ABSOLUTE MAJORITY 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:	Garry Agnew - Principal Environmental Health Officer and Building Surveyor Report
Date of Report:	1 September 2011
Disclosure of Interest:	Nil

### Purpose

The purpose of this report is to provide information to Council in relation to Environmental Health and Building and for Council to receive the report and endorse the Officer's actions.

### INFORMATION BULLETIN

#### The week 29 August to 2 September 2011

#### **Commercial Development – Lot 40 Wotton Street:**

##### **File Ref: Lot 40**

Over the past few months several conversations were had with Mrs Kerrie Johnston regarding Meedac's proposed further commercial development of the new Post Office building at Lot 40 Wotton Street, culminating in a brief letter seeking approval for the following activities.

- Fuel supply
- Kitchen with dining area
- Groceries
- Alfresco dining
- Food take-away
- Bakery
- White goods and household items
- Hardware and gardening outlet
- Internet café
- Cigarettes
- Newsagency

Mrs Johnston has been was advised as follows.

Lot 40 Wotton Street is Zoned "Commercial" under the Shire of Wiluna Town Planning Scheme No.1, consequently as the proposed retail use of the building for White Goods, Hardware, Gardening, Internet Café, Cigarettes' and News Agency does not involve the carrying out of building works you are authorised under the TPS to commence operation of those specific activities at your convenience.

In terms of the proposed Food Business which is to embrace Alfresco Dining and Take-away and the carrying out of building work you must first obtain Development Approval from Council. You have been provided with a Form of Application for Planning Approval for that purpose – another form is enclosed.

In respect to the supply of Fuel I advise that this activity must also be included in your Application for Planning Approval as it is not listed as a Permitted Use under the Town Planning Scheme's Zoning Table. Though this activity had operated from Lot 40 Wotton Street in the past it obviously operated as a Non-Conforming Use.

*Clause 8.4 of the Shire of Wiluna Town Planning Scheme No1 states –*

*Where a non-conforming use of any land or building has been discontinued for a period of 6 months or more such land or building is not thereafter to be used otherwise than in conformity with the provisions of the Scheme.*

The accompanying material/information that is specified in the Town Planning Scheme to be submitted with the Application for Planning Approval for the Food Business and Fuel outlet activities is as follows:

*Clause 7.5 Accompanying Material*

*(a) a plan or plans to a scale of not less than 1:500 showing:*

- (i) the location of the site including street names, lot numbers, north point and the dimensions of the site;*
- (ii) the existing and proposed ground levels over the whole of the land the subject of the application and the location, height and type of all existing structures, and structures and vegetation proposed to be moved;*
- (iii) the existing and proposed use of the site, including proposed hours of operation, and the buildings and structures to be erected on the site;*
- (iv) the existing and proposed means of access for pedestrians and vehicles to and from the site;*
- (v) the location, number, dimensions and layout of all car parking spaces intended to be provided;*
- (vi) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;*
- (vii) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same; and*
- (viii) the nature and extent of any open space and landscaping proposed for the site;*

*(b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;*

(c) any specialist studies that the local government may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies; and

(d) any other plan or information that the local government may require to enable the application to be determined.

Clause 7.1 of the Shire of Wiluna Town Planning Scheme No.1 states, inter-alia, a person must not commence or carry out any development without first having applied for an obtained the planning approval of the local government under the Scheme.

**OCM 122/11 Officer Recommendation & Council Decision**

**MOVED Cr Harris**

**SECONDED Cr Petterson**

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

**CARRIED 5/0**

<b>10.2.2. Subject/Applicant:</b>	<b>New Building Act 2011</b>
File:	00369
Reporting Officer:	Garry Agnew - Principal Environmental Health Officer and Building Surveyor Report
Date of Report:	17 September 2011
Disclosure of Interest:	Nil

**Summary**

A new Building Act was passed on 23 June 2011 and will come into operation from 31 October 2011 with a proposed phased implementation over a period of 12 months.

**Comment**

The new Building Act has been developed to replace the *Building Regulations 1989* and parts of the *Local Government (Miscellaneous Provisions) Act 1960* and abolishes the Builders' Registration Board, the Painters' Registration Board, the Building Surveyors Qualifications Committee and the Building Disputes Tribunal and replaces them with a more streamlined and integrated system.

It will cover all building and the whole State of Western Australia, it introduces permit issuing authorities, enables private certification of design compliance and is designed to streamline and clarify the building process, including:

- Whole of state coverage;
- All buildings to be covered, including those owned by the Crown;

- Giving a clearer definition of what constitutes a building and clear exemptions from the building permit process;
- Nominating Permit Authorities - confirms local government's role issuing building permits, also enables State Government or special permit authorities are able to issue building and occupancy permits and to enforce building control;
- Enables private registered building surveyors to certify design compliance;
- Introducing separate and streamlined processes for approving domestic and commercial buildings;
- Retaining the option for owners to use the current local government combined certification and permit issuing function for residential construction houses and minor building work (class 1 and 10);
- Taking a risk-based approach to inspection requirements so that registered building professionals require less independent checking than lay designers and owner-builders;
- Providing a clear end-point to the construction process, and certification that the building complies with the building permit issued;
- Registering a wider range of industry practitioners to certify compliance;
- Implementing a nationally agreed accreditation framework for building surveyors; and
- Implementing a process for the assessment and approval of building works carried out without a building permit.

The Building Regulation Reform delivers the most significant transformation to Western Australian building legislation in over 50 years. The existing building approvals process was established by the Local Government Act of 1960, and reflects the way buildings were designed in the 1950's, relying on builders registered under the *Builders' Registration Act 1939*. Building policy and legislation has been fragmented between local and state government departments since then, with practitioner registration managed by individual boards. Reviews of building regulations undertaken by the former Housing and Works and Consumer Protection portfolios recommended that the legislation be updated to reflect modern building practices in Western Australia. The reviews also suggested that the legislation be managed in one place, by a single entity, and as a result the Building Commission was established.

It is hoped the outcome of these reforms will be a more responsive and modern building regulatory system that meets the changing needs and aspirations of all building industry participants and consumers.

These reforms will have an impact on the operation of the Building Section of the Shire however they will occur over a 12-24 month period.

### **Statutory Implications**

The Building Act sets up a different framework to the approvals process for building work than what was previously provided in the Local Government (Miscellaneous Provisions) Act.

The minimum functions that Local Government is required to perform under the new Building Act include;

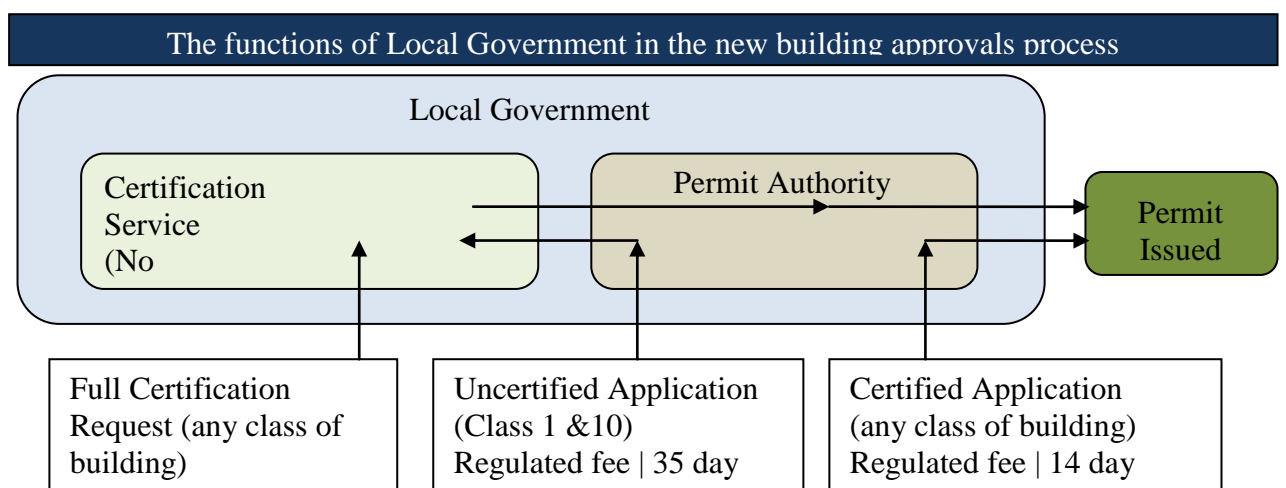
- Issue prescribed permits (Permit Authority)
- Ensure building works within its district achieve statutory compliance,
- Undertake assessment and issue Certificate of Design Compliance for class 1 (single houses) and 10 (sheds & patios etc)

The key change to the building approvals system is the introduction of the ability to have the building design certified by a building surveyor who no longer needs to be an employee of the local government within which district the building is proposed to be built.

Currently if someone undertakes building work within the Shire of Wiluna they have only one way to obtain a building permit and that is by submitting an application for building licence to the Shire. A qualified Building Surveyor employed by the Shire assesses the application and once satisfied that the application complies with the relevant legislation, a building licence can then be issued.

Under the proposed system, a person who is planning to build can seek the services of any qualified Building Surveyor who may be employed by the Shire of Wiluna, another local government, a Private Building Surveyor or other agency. The Building Surveyor would then issue what is now to be called a "Certificate of Design Compliance", (CDC). Once the owner or builder has obtained the CDC, they may then submit an application for a Building Permit that must include the CDC together with the necessary plans and specifications to the Local Government who then have **14 days** in which to issue the "Building Permit".

The diagram below provides a summary of the new process.





### Revisions to Schedule of Fees and charges

Most of the fee changes are statutory changes that will be set by the proposed new Building Regulations to be adopted under the Building Act.

### Voting Requirement

Simple Majority

<b>OCM 123/11 Officer Recommendation &amp; Council Decision</b>
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**MOVED Cr Webb**

**SECONDED Cr Harris**

**That Council receive this report**

**CARRIED 5/0**

<b>10.2.3. Subject/Applicant:</b>	<b>Health Act Notice – Club Hotel</b>
File:	Lot 55
Reporting Officer:	Garry Agnew - Principal Environmental Health Officer and Building Surveyor Report
Date of Report:	18 September 2011
Disclosure of Interest:	Nil

### Summary

Council is asked to endorse an extension of time to the 2 November 2011 for the Club Hotel to comply with the directions specified in the Health Act Notice served on the 6 May 2011.

### Comment

Council will recall its endorsement of the service of a Health Act Notice on the Club Hotel dated the 6 May 2011 directing work to be carried on a failed sewerage system and witnessed illegal dumping of raw sewage effluent into the creek as well as the Wiluna Refuse site – see Appendix I (Peach Page).

Consequent to the receipt of the Health Act Notice the Club Hotel sought quotations from several plumbers in respect to carrying out work on the Hotel's sewerage system as directed by the Health Act Notice. I am aware that the Hotel was initially apprehensive on committing to the work because of perceived excessive cost and alleged short compliance time-frame.

The owners emailed the CEO in June 2011 suggesting that they will attend to the issue when a local contractor is available - the following letter was in response to that email.

### **HEALTH ACT 1911 NOTICE DATED 6 MAY 2011 - SEPTIC TREATMENT AND DISPOSAL SYSTEM FAILURE AND SEWAGE OVERFLOW**

*I acknowledge receipt of a copy of an e-mail from Melissa to our CEO, Samantha Tarling dated 16 June 2011 and advise that Samantha has asked me to respond.*

*Please understand that service of the above Notice was consequent to the unacceptable maintenance standard of the Club Hotel sewerage system and its subsequent failure in April 2011, causing significant raw sewage escape and overflow that went beyond the Club Hotel property boundary.*

*For your record, service of the Notice was not a casual action as failure of the out of repair Club Hotel sewerage system constituted an offensive, dangerous and potentially injurious situation for public health. Further, until it is upgraded and brought into compliance as required by the Notice it remains an environmental health risk to the community.*

*I therefore confirm that full compliance with the Notice within the time-frame specified is not negotiable as adequate time was given for genuine and positive action by you (4 months).*

*In terms of your reason for the possible delay I remind you that the Notice was served on the owners of the Hotel accordingly that is where statutory accountability was directed and where it finally lies.*

*In respect to you contracting an electrician to carry out the required work I strongly encourage you to read the Health Act Notice carefully, with emphasis on the **Notation** that all plumbing is to be carried out by a "Licensed Plumber".*

*Other than power connection, the installation of the visual and audible alarm and the removal of excessive accumulated solid sewage from the septic tanks by an authorised operator, **all** of Item 2 in the Second Schedule of the Notice is work that only a "Licensed Plumber" is authorised to carry out.*

*For your information and record, Regulation 3. (1) of the Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000 defines a plumbing fixture as follows –*

***"fixture** includes any apparatus that is designed to collect, pump, receive or retain, and discharge, wastewater or other waste into sanitary or drainage plumbing, for example, a water-closet pan, urinal, bath, sink, basin, trough or pump."*

*Though I understand you and/or Ben have spoken to 2 Licensed Plumbers regarding the matters in the Notice, to date I have not received a formal application nor any other detail on a proposed alternating dual pump system for prior approval, as stipulated in Item 2. (b) of the Second Schedule.*

*Should you require further clarification or direction towards achieving compliance within the time-frame specified in the Notice do not hesitate to contact me through the Shire of Wiluna Office.*

*Yours faithfully*

*Garry Agnew*

***Principal Environmental Health Officer/  
Building Surveyor  
SHIRE OF WILUNA***

*21 June 2011*

Following receipt of the above correspondence the owners understood the imperativeness of compliance with the terms of the Notice and appeared to place greater importance on urgently seeking a "Licensed Plumber" to carry out the work.

During July I was contacted by a Licensed Plumber (Peter Main of MineTrades) seeking advice on the work required by the Health Act Notice as he had been contracted by the Hotel to do the work.

On the 31 August 2011 the following advice was received from Peter Main by e-mail.

*Garry,*

*As per phone call.*

*To update you with the works carried out to date at the Club Hotel.*

*We have with the assistance of the Shire Waste Truck lifted the lids on the septic tanks and removed all the solid waste which I believe it was about 90% and well above inlet level.*

*The same day we unblocked a drain at the caravan park ablutions and tidied up some very poor plumbing in regard to HWS and copper work.*

*Ben has given us the go ahead to organize the pumps and alarms as requested in your e-mail to install at the pump station which we will then seal as required.*

*Also the laundry plumbing will be made good.*

*We are in the process of procuring this equipment and will install as soon as we can however this may not be before the expiry date next week so if this can be extended we will keep you advised.*

*I will keep Justin and the staff at Leinster informed as the status.*

*Regards*

*Peter*

For Council's information, the septic tank 90% full of solids would have been the primary reason why the Hotel as had so many sewerage blockages.

## Conclusion

As the Club Hotel has now committed to a “Licensed Plumber” to address the failings of the Hotel’s sewerage system and because of the request by the “Licensed Plumber” it is suggested that an extension of time to comply with the Health Act Notice be granted.

## Statutory Implications

Health Act 2011

Definitions:

***house** means any building or structure, whether temporary or otherwise, including tents and vans, and includes a place of worship, school, factory, workroom, shop, hotel, public house, or other premises of a licensed victualler; the term also includes any vessel lying in any river, harbour, or other water within the territorial waters of Western Australia other than a vessel which is under the command or charge of any officer bearing Her Majesty’s commission, or which belongs to the government of any foreign state. It is immaterial whether the house is on alienated land or Crown land:*

*Provided that where any building is let or occupied in flats, each flat shall be deemed to be a separate house;*

## Division 1 — Houses unfit for occupation

### 135. Dwellings unfit for habitation

*(1) Any local government may, of its own motion, and shall, when required by order of the Executive Director, Public Health by notice in writing, declare that any house, or any specified part thereof, is unfit for human habitation.*

*(2) The notice may direct that such house or part thereof shall not, after a time to be specified in the notice, be inhabited or occupied by any person.*

*(3) The notice shall be affixed to some conspicuous part of the house, and a copy of such notice shall be served upon the owner or occupier thereof.*

*[Section 135 amended by No. 28 of 1984 s. 45; No. 14 of 1996 s. 4.]*

### 136. Such house not to be let or occupied

*Any person who, after the expiration of the specified time, inhabits or occupies, or suffers to be inhabited or occupied, such house or part thereof, commits an offence.*

Local Government Act 1995 S3.1 – the general Function of Local Government is to provide for the good government of people in its district.

## Policy Implications

Nil.

**Financial Implications**

Nil.

**Strategic Implications**

Nil.

**Voting Requirement**

Simple Majority

**OCM 124/11 Officer Recommendation & Council Decision**

**MOVED Cr Quadrio**

**SECONDED Cr Harris**

**An extension of time until the 2 November 2011 is granted for compliance with Schedule 2 of the Health Act 2011 Notice dated 6 May 2011 served on Perth City Traders Pty Ltd C/o Melissa Reilly and Elias Vlavianos, Club Hotel Wotton Street (PO Box 11) WILUNA WA 6646.**

**Should full compliance not be achieved with this extended period of time the Hotel is to be declared Unfit for Human Habitation pursuant to Section 135 of the Health Act 2011.**

**CARRIED 5/0**

<b>10.2.4. Subject/Applicant:</b>	<b>Application for Planning Approval</b>
File:	Lots 36 & 37
Reporting Officer:	Garry Agnew - Principal Environmental Health Officer and Building Surveyor Report
Date of Report:	
Disclosure of Interest:	Nil

**Summary**

Council is asked for direction on a proposed donation of a donga to the RPA to be located adjacent to the Maruwayura Complex at Lots 36 – 37 Wotton Street Wiluna.

**Comment**

On the 7 July 2011 the CEO received a copy of an email from Helen Ford, HR Superintendant Golden West Resources Ltd, which read as follows –

***Subject: RPA Office***

*Craig Dunk (GWR Site Manager) has gone and had a look at the donga out at Toro and is going to do up a list of what will be required to move it and also the materials that will be needed to fit it out. It does require a bit of work inside. Once I have received the list, I will email it around so we can have a look at it and see what we can all contribute.*

The CEO then emailed me –

*The below-mentioned is what I have agreed to under the RPA. The donga will be placed at the T section of the two buildings at Marruwayura. Please advise me what needs to happen to meet Council requirements – maybe a DA? A building plan and site plan? Does Council have to approve?*

*Identified as an urgent item by attendees: The Shire will support the earthworks required for the new RPA office building, which was agreed would join the current administration offices. Toro have a donga to donate. Shire will provide info required for Shire Approvals Process.*

During discussion with the CEO regarding the above email it was agreed that the donated second-hand donga was to be upgraded by being re-clad and re-roofed so that it complimented the existing Marruwayura buildings in Wotton Street.

Craig Dunk, Site Manager Wiluna West Project was then contacted seeking any plan detail he may have on the donga to be donated.

Craig responded by email:

*Hi Garry*

*Please see attached drawing of the proposed building for use as an RPA office in Wiluna.*

*The building has been used as a laundry and ablution block in the past. The work proposed is to strip the building of all its existing fittings and fixtures reline all wall and ceiling, repair a small section of the floor at the southern end replace existing floor covering with carpet squares, the exterior will be patched and painted to suit the existing buildings, power connected and a air conditioner fitted into each room.*

See drawing of the building as Appendix J (red page).

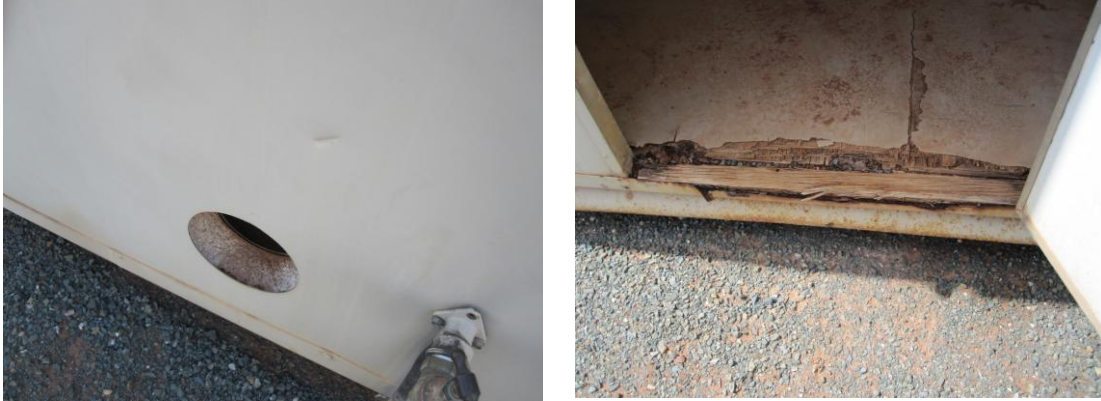
A site inspection with the A/CEO was carried out to determine site preparation requirements during which the proposal was discussed with the Shire President.

After receiving advice from Craig Dunk as to the donga's current location photographs were taken.

All of the photos taken are attached as Appendix K (white pages) - the two below are an example.



Council will see from the Appendix K photos that the donga is need of significant repair/upgrade (especially internally). It is important to note from the Appendix K photos that the donga to be donated is constructed using sandwiched foam cool-room panels – this feature does create limitations for any external structural modification.



If this donga is to be placed beside the Marruwayura buildings in Wotton Street it is important, and has been agreed, that it be treated externally to compliment the other buildings on site.

To achieve this desired level of visual amenity the donga's walls should be re-clad and the roof modified to a skillion similar in slope and height of the two existing Marruwayura buildings.

The existing Marruwayura buildings are weatherboard fibro clad with a skillion roof that has an apex of approximately 3.5ms. The donated donga has cool room panel walls with a 2.8m high 2° sloped roof. In the writer's view to re-clad the walls and extend the roof to that similar to the existing Marruwayura buildings would be structurally complex and cause abnormal wall profiles around doors and windows.





Additional to the appearance issue, the Marruwayura site has a significant decline towards the rear of the property as shown in the below two photographs. This will necessitate the need for substantial site preparation work prior to the pouring of footings and placement of the donga.



In terms of appearance, in the below two photos I have tried to provide an impression of what the before and after frontage view would be if the relocated donga was positioned to the west of the covered area between the two existing Marruwayura buildings, as suggested.



Council is advised that because of the cool-room panel method of construction of the donga it is questionable whether its re-cladding and re-roofing to match the cladding and roof profile of the existing Marruwayura buildings is structurally acceptable. To this end Council staff do not have the engineering design knowledge, confidence or willingness to prepare plans and specifications that would achieve a guaranteed permanent structural conclusion.

Additionally, the A/CEO advises that Council's contribution to this proposed project in terms of in-kind work and cost is not budgeted for in the 2011-12 Budget.

Council direction by is therefore sought in respect to the following:



1. Is the foam sandwich panel constructed donated donga to be positioned to the west of the Marruwayura covered area and existing buildings at lots 36-37 Wotton Street?

If so –

- Is it to be repainted a colour to compliment the existing two Marruwayura Buildings only; or
  - Is it to be re-clad and re-roofed to reflect a similar appearance to the two existing Marruwayura buildings? This will require professional structural confirmation on the method of cladding attachment and roof truss design.
2. Is the donga to be positioned to the rear of the lot so as not to jeopardise the visual presentation of the existing buildings?
  3. Is there an adopted budget allocation to cover Shire costs associated with this project?

### **Statutory Implications**

Local Government Act 1995 S3.1 – the general Function of Local Government is to provide for the good government of people in its district.

### **Policy Implications**

Nil

### **Financial Implications**

The A/CEO advises that no funds have been allocated in the 2011-2012 Budget in respect to this project.

### **Strategic Implications**

Nil

### **Voting Requirement**

Simple Majority

<b><i>Officer Recommendation</i></b>
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1. **Acceptance of a donation of a refurbished second-hand donga to be used as an additional office facility by the Regional Partnership Agreement at Marruwayura Lots 36-37 Wotton Street is endorsed.**
2. **The positioning of the donga is to be immediately to the west of the covered area between the two existing Marruwayura**

buildings at lots 36-37 Wotton Street as displayed in the body of this report.

3. (a) The exterior of the donated refurbished donga is to be repainted a colour that compliments the existing two Marruwayura buildings on site.

OR

3. (b) The external of the donated refurbished donga is to be re-clad with weatherboard fibro and re-roofed with a skillion roof similar in design and colour to the existing Marruwayura buildings on site. The specification for the attachment of re-cladding and re-roofing is to be designed and certified by a practicing structural engineer.
4. A cost estimate is to be prepared for Council consideration on any financial impact to the Shire.
5. The refurbished second hand donga is not to be positioned on site until/unless a formal Building Licence has been issued.
6. That the proposed refurbished second-hand donga is not an acceptable structure to be placed at no. 36-37 Wotton Street.

**OCM 125/11 Council Decision**

MOVED Cr Quadrio

SECONDED Cr Webb

That Council considers the proposed refurbished second hand “donga” is not an acceptable structure for placement at 36-37 Wotton Street, Wiluna, and the Acting Chief Executive Officer advise the RPA accordingly.

**CARRIED 5/0**

**10.3. Deputy CEO Reports**

<b>10.3.1. Subject/Applicant:</b>	<b>Status Report</b>
File:	Various
Reporting Officer:	Deputy CEO
Date of Report:	14 September 2011
Disclosure of Interest:	Nil

**Purpose**

The purpose of this report is for council to receive the Deputy CEO’s report and endorse the Deputy CEO’s actions.

**Blessing of the Highways Ceremony & Fun Run**  
**File Ref: 00557**

The first annual Blessing of the Highways ceremony and Fun Run on Friday 9 September was enjoyed by well over one hundred community members from town, Bondini, Jundee and Mt Keith mines.

The Blessing of the Highways was an 'all-of-community' event with support and assistance forthcoming from all Agencies throughout town. With the main focus being "Road Safety" we were fortunate indeed to have Mid-West Traffic Controllers donating their expertise with traffic control and the road closure from 9am – 12noon.

The Regional Roadwise Coordinator Ms Lee Mackin drove from Esperance to Wiluna to attend the event and to help staff the Roadwise Promotions Trailer. Ms Mackin expressed that this Blessing of the Highways was by far the best she had attended.

A range of photographs have been taken and it is the intention of the Community Development staff to conduct a showing of the photo's for the community with the view to selling individual photo's for \$2 each. All monies will go towards fundraising efforts for the purchase of a new Stretcher for the St John Ambulance.

Overall, the event was a great demonstration of a community coming together and anecdotal evidence suggests that the Blessing of the Highways Ceremony should be an annual event and as an official opening of the Tourist season.

### **Pool Manager**

#### **File Ref: 00170**

Lynne Kretschmer started her duties as the Pool Manager on Monday 5 September and during the first two weeks Lynne has clearly demonstrated her substantial abilities and efficiencies in providing a well-run aquatic centre for the Wiluna community.

The official summer pool season will open with a community BBQ on Saturday 1 October.

### **Art Gallery Manager**

#### **File Ref:00574**

Since arriving in Wiluna in mid-August as a temporary Art Centre Manager, Vanessa Bertagnole has demonstrated not only her skills and abilities in the art's sector; she has also embraced the desire to stay in Wiluna for an initial twelve month contract with the Shire.

With the current Gallery review being undertaken by Tracker Developments (Tim Acker) it is indeed timely that Vanessa brings a fresh and talented view of Indigenous arts to Wiluna and the Tjukurba Gallery.

A twelve month standard employment contract has been offered to Vanessa to August 2012.

**OCM 126/11 Officer Recommendation & Council Decision**

**MOVED Cr Petterson**

**SECONDED Cr Webb**

**For Council to receive the Deputy CEO's Status Report and endorse the Officer's actions.**

**CARRIED 5/0**

<b>10.3.2. Subject/Applicant:</b>	<b>Wiluna Playspace &amp; Park Consultation &amp; Concept Design Report 2010</b>
File:	00212
Reporting Officer:	DCEO
Date of Report:	12 September 2011
Disclosure of Interest:	Nil

### **Purpose**

The purpose of this report is to seek Council approval of the Wiluna Playspace & Park Consultation & Concept Design Report 2010.

### **Background**

The Shire of Wiluna invited Mary Jeavons Landscape Architects to design a new playspace and community park in the heart of town. As the first step in the design process, Mary Jeavons and Zoe Metherell visited Wiluna from 11-13 May 2010 to consult the local community about their vision for the project and to research the site. The Report summarises:

- Background information
- 'Place' – an introduction to the town of Wiluna, illustrated with maps and photos
- 'People' – a summary of the consultation outcomes

This Report highlights the community consultation process undertaken by the consultants. The consultants have also provided a range of options for park/playground equipment that could be utilised should the project go ahead.

### **Consultation**

Members of the Wiluna community

### **Statutory Environment**

Nil

### **Policy Implications**

Nil

### Financial Implications

The report does not provide any financial information or data in relation to the costs associated with the implementation and ongoing maintenance costs of the Project. Feasibility is required. No funding has been provided in the 2011/12 budget for this project. Council will need to approve unallocated expenditure as per Section 6.9 Local Government Act 1995 if we wish to proceed. Absolute majority required.

### Strategic Implications

Strategic Plan 2009-14, Healthy Wiluna.

### Voting Requirements

Absolute Majority

<b>OCM 127/11 Officer Recommendation &amp; Council Decision</b>
---

**MOVED Cr Harris**

**SECONDED Cr Webb**

**That the Chief Executive Officer be requested to provide Council with the following information prior to any decision being made about the project:-**

- 1. The total estimated capital cost for the entire proposal even though it may be undertaken on a progressive basis.**
- 2. The estimated annual costs (operational) for the maintenance and operation for the completed project. (Cost be prepared on the basis of asset management).**
- 3. The avenues available to obtain funding to assist with both the capital and operational costs**

**CARRIED 5/0**

### 10.4. Manager Finance & Administration Reports

<b>10.4.1. Subject/Applicant:</b>	<b>Accounts Paid by Authority</b>
File:	Finance
Reporting Officer:	Glenn Deocampo – Manager, Admin & Finance
Date of Report:	21 September 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 August 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

<b><i>OCM 128/11 Officer Recommendation &amp; Council Decision</i></b>
--

**MOVED Cr Harris**

**SECONDED Cr Webb**

**That the accounts paid by authority for the period ended 31 August 2011 totalling \$425,596.76 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:	Glenn Deocampo – Manager, Finance & Admin
Date of Report:	21 September 2011
Disclosure of Interest:	Nil

### **Purpose**

The purpose of this report is to seek Council's adoption of the Financial Reports for the period ending 31 August 2011.

### 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.

The reports for the period ending 31 August 2011 are listed as Appendix B (green pages).

### Comment

Nil

### Consultation

Nil

### Statutory Environment

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

### Voting Requirement

Simple majority

<b><i>OCM 129/11 Officer Recommendation &amp; Council Decision</i></b>
--

**MOVED Cr Quadrio**

**SECONDED Cr Harris**

**That Council adopt the Financial Reports for the period ending 31 August 2011 as presented.**

**CARRIED 5/0**

### 10.5. Manager of Works Report

<b>10.5.1. Subject/Applicant:</b>	<b>Status Report</b>
File:	Various
Reporting Officer:	Brett Edwards – Acting Manager of Works
Date of Report:	
Disclosure of Interest:	Nil

### Purpose

The purpose of this report is to provide information to Council in relation to the Works Department and for Council to receive the report and endorse the Officer's actions.

### Roads

Roads inspected by Acting Works Manager in the last month – Wongawol, Mt Fisher-Wonganoo, Wonganoo, Yeelirrie, Sandstone-Wiluna, North, Lake Way, Albion Downs, Windidda, Prenti Downs, Prenti Downs-Warren Bore, Carnegie, Carnegie-Glenayle, Sydney Heads, Granite Peak-Lake Violet Airport and all Townsite Roads. A maintenance works list is being formulated for these roads. The Shire has a responsibility to inspect all roads a minimum of twice during daylight and once at night, a program to complete this is being formulated.

Albion Downs Road was found to be in very bad state of repair, Albion Downs Station is near Albion Downs-Sandstone Road which is their link to the Goldfields Highway and is maintained by the Shire of Leonora. Albion Downs Road is a shortcut back towards Wiluna and obviously receives very little traffic. Contact was made with the station manager who stated the road is used only for windmill access and during muster with very little through traffic. This road hasn't been graded for a number of years and is now at a stage where it requires construction rather than simple maintenance. Albion Downs has a grader and is willing to maintain the road to their standard. This matter will be given further consideration and Council will be provided with a recommendation in due course.

All grids within the shire are being inspected, photographed and numbered with a number of issues identified regarding signage, maintenance and more importantly, frangibility (the ability to collapse under impact). A number of grids have railway track post to the side of the running surface and steel tube fencing panels parallel to the running surface which would both be considered unsafe to the road user. In due course a report will be prepared recommending removing those grids that do not have fences attached.

Roads maintenance graded in the past month include Mt Fisher-Wonganoo, Wonganoo, Barwidgee, Sandstone-Wiluna, Yeelirrie-Meekatharra, Cunyu access & North Roads.

Staff have commenced installing warning signage to Australian Standards for grids, curves & floodway's etc. Yeelirrie, North and Wongawol to be completed first along with perceived deep floodway's. Orders being placed for guide posts and correct signage and depth markers.

Vegetation removed from Airport access, information bay and refuse site access for sight line improvements. A number of dead or dying trees and limbs removed and footpath repairs completed throughout the townsite.

A number of heavy vehicle operators have been stopped within Wiluna residential area and outside of approved RAV roads, 1<sup>st</sup> warnings were issued with one of these operators now breaking down to a semi configuration before entering town.

Funding application sent for RRG funding to continue Wongawol preservation project.



Standby grader operator training underway.

### **Aerodrome**

Maintenance grading of gravel strip and sides of sealed strip complete, further water binding works yet to be completed. Replacement lighting has been sourced to comply with CASA requirements, EPE Services to complete this task.

### **Parks and gardens**

Contract installation of irrigation, lawn seed and plants to 61/63 Scotia and 38 Lennon Streets complete.

Maintenance of irrigation, parks & gardens continuing. Fertilising of lawns at admin centre and housing complete, oval programmed to be completed within the fortnight.

### **Plant**

The Shire grader has been out of service with a collapsed idler pulley bearing, both idler pulley and fan bearing replaced with grader now in service. Further works anticipated to correct timing and injector problems. Pacific multi tyre roller in the workshop at present, fuel lift pump replaced, working through brake problems.

### **Mosquito Fogging**

Fogging being carried out 4 nights a week, issues with children following plant being dealt with by staff and Police.

### **Private Works**

Numerous private works jobs completed during the last month, future works to be completed after hours if possible.

<b><i>OCM 130/11 Officer Recommendation &amp; Council Decision</i></b>
--

**MOVED Cr Harris**

**SECONDED Cr Webb**

**That Council receives this report and endorses the Manager of Works recommendations and actions.**

**CARRIED 5/0**

## **10.6. Committee Report**

Nil

## 10.7. Council Information Bulletin

<b>10.7.1. Subject/Applicant:</b>	<b>Status Report</b>
File:	00423
Reporting Officer:	Lynne Kretschmer - Swimming Pool Manager
Date of Report:	14 September 2011
Disclosure of Interest:	Nil

### Purpose

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

### Pre Season Preparation

As the newly appointed pool manager, I have been busy getting to know the pool plant and its overall operation. As part of the pre-season preparations the following had been achieved:

- Pool plant up and running
- Chemical injection working automatically
- Solar heating working
- Pool cleaned
- Cleaned and repaired pool blankets – significant process over two days
- Fixed Pool Blanket Buddy & rollers
- Cleaned the chemical storage room
- Cleaned the chlorine gas room
- Pool Records brought up-to-date
- Pool lawns fertilized, weeded and mowed.
- Sent auto pool cleaner to be repaired or replaced. There is potential that we may not have to purchase a new auto-cleaner. This item is in the 2011/12 budget.
- Bringing water quality up to WA Health Department standards.

With support from the Shire's EHO (Garry Agnew) all the Health Department water samples will be sent early next week in time for the official opening date of 1<sup>st</sup> October.

<b>10.7.2. Subject/Applicant:</b>	<b>Status Report</b>
File:	00178
Reporting Officer:	Anton Knezevich, Sport and Recreation Manager
Date of Report:	21 September 2011
Disclosure of Interest:	Nil

### Purpose

The purpose of this report is for Council to receive the Sports and Recreation Manager's report and endorse the Sports and Recreation Managers actions.

### Healthy Safe Fun Wiluna

Aug 30 Cooking Class –Dietician Health Talk visit

Sep 3 Disco Night  
Sep 9 Blessing of the Highways – Fun Run  
Sep 10 Girls Pampering Night  
Sep 13 Mt Keith vs. Wiluna Touch Rugby 6 -5 points  
Sep 17-21 Cheer Leading Camp in Perth  
Sep 20 Mt Keith vs. Wiluna AFL 7.30PM

**Facilitate participation in State level games for Wiluna sports teams and players.**

I spoke to Mt Keith's instructor of cultural awareness and he mentioned that it's so great to see the Wiluna community come together and be here on site.

The feedback of our Sporting events between town and the miners is very positive everyone really enjoys the competition and the relationships are blossoming nicely its refreshing for the Wiluna community to visit the sites and it's great to be the host in town.

For me personally it's terrific to see the Police, Hospital Staff, Shire, Sports Rec Staff and Local Martu playing on the same team.

**Organise visits by elite athletes to Wiluna to mentor local players**

In the Process

**Leading Wiluna**

**Facilitate accredited and professional development training opportunities for staff**

<b>10.7.3. Subject/Applicant:</b>	<b>Status Report</b>
File:	Various
Reporting Officer:	Vanessa Bertagnole, Art Gallery Manager
Date of Report:	21 September 2011
Disclosure of Interest:	Nil

**Purpose**

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

**Revealed Exhibition and Marketplace**

Flights and accommodation have been secured for artists Stacey Petterson and Tracey Latu Kuli Kefu travel to Perth for the events of Revealed. The Art gallery manager will also be attending the events.

The format of the Revealed events are; an exhibition of which artist and councillor Stacey Pettersen work was hand chosen to feature, an exhibition opening, professional development courses, and a two day marketplace where Tjukurba Art Gallery will selling selected merchandise and promote the Birriliburu Arts to a Perth audience.

## **Yiwarra Kuju**

As part of the successful Canning Stock Route travelling exhibition, the Australian Tapestry Workshop in Melbourne was commissioned to reproduce a collaborative work entitled 'Kunawaritij to Wajaparni' for the Vatican in Rome. Birriliburu Artist Clifford Brooks was one of the artists involved. The tapestry is the eighth to be woven for the Embassy Collection, a Tapestry Foundation of Australia initiative which places tapestries designed by Indigenous artists in selected Australian Embassies and High Commissions throughout the world. An exhibition for the completed work will be held Wednesday 28 September in Melbourne.

Flights and accommodation have been secured for the Art Gallery Manager to accompany artists, Vera Anderson, Ben Brown, Annette Williams, and Kaye Bingham to the Canning Stock Route exhibition featured in Perth in conjunction with the events of CHOGM. There will be an opening exhibition held on November 2<sup>nd</sup> followed by various activities for the artists through the week including; storytelling, tours through the show, teaching young children, singing and dancing.

## **Perth Royal Show**

Tjukurba Art Gallery will feature art works in the Perth Royal Show as part of the Goldfields Regional Tourism Network. The display in which the work will feature is to showcase the regions produce, minerals, and crafts etc. The pieces selected are of the 'Canning Stock Route' and the 'Rabbit Proof Fence' in order to maintain and promote the iconic features of this region. This event will contribute to tourism planning and initiatives to promote Wiluna as a unique tourist destination and an opportunity for Wiluna artists to display their work to a wider audience.

## **Consignments: Present and Upcoming**

Successful consignments were conducted with the Merenda Gallery in Perth and the Port Hedland Courthouse Gallery and both commercial galleries continue to show interest in the Birriliburu artists' work in both paintings and prints.

A new gallery in Kalgoorlie called FOSSICK has recently opened and has agreed to display back stock of 15 prints in their space. Consignments to commercial galleries are positive for both the Art Gallery and Wiluna artists in the exposure and income they can generate.

## **Tjukurba Website/Artists logo**

Initial investigation into the planning and costs related to the development of an art gallery website has commenced with Tim Trelloggen from Business Solutions Consultancy. Their clients include:

- DesArt Incorporated – Alice Springs NT

- Warlukurlangu Artists Aboriginal Corporation – Yuendumu Community NT
- Injalak Arts & Crafts – Gunbalanya NT
- Coolgaree Sports Bar and Bistro – Palm Island, QLD
- Tjala Arts – Amata Community, SA
- Artists of Ampilatwatja – Ampilatwatja, NT

This is an essential marketing opportunity that will allow the art gallery to reach beyond Wiluna's borders to provide Birriliburu artists and the Tjukurba Art Gallery the opportunity to stay relevant and involved in the Indigenous Arts Industry. In conjunction with the website design Birriliburu Arts feel that it is necessary to design their own logo that will prominently feature along-side the existing Tjukurba Art Gallery logo and the Shire of Wiluna Logo on any and all marketing and promotional materials. The logo and website will be discussed at further lengths with the artists during the critical meeting taking place October 6<sup>th</sup> with consultant Tim Acker to discuss the gallery's future and address artists concerns.

With the website in place we hope to feature more giftware products to the gallery's line including maintaining the success of Headsox. Preliminary discussions have begun with whole manufacturing companies. These items will include t-shirts, tote bags, jewelry, drink and wine bottle holders etc. Copyright will be addressed and artists will be fairly compensated for their designs.

### **Art Start Children's Program**

The Artstart after-school program held on Wednesdays from 3-4PM has recommenced in the wake of Heather's absence. The program is set to change slightly in the upcoming weeks in an effort to work with the Wiluna Remote Community School to encourage good behaviour during school hours and allow a greater number of interested children to participate. Twelve passes will be given to teachers to distribute Wednesday afternoon to the interested children who have shown exemplary behaviour at school and those children will be allowed to come and participate in the Artstart activities for the day.

Aboriginal elders are encouraged to come help run the program to share their cultural knowledge with the children in an effort to sustain cultural maintenance of traditional knowledge and painting.

Attached as Appendix N (white pages) is the Annual Program of Arts & Cultural Events for September – December 2011.

Attached as Appendix O (yellow pages) are the Total Sales from 18<sup>th</sup> August to 20<sup>th</sup> September 2011.

<b><i>OCM 131/11 Officer Recommendation &amp; Council Decision</i></b>
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**MOVED Cr Petterson**

**SECONDED Cr Quadrio**

That Council receive the "Council Information Bulletin Report."

**CARRIED 5/0**

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

Councillor Quadrio has given notice as per Section 3.9 of the Shire of Wiluna Local Law (Standing Orders) 1999, to include the following notice of Motions on the Agenda for the Council Meeting to be held on the 28 September 2011.

***OCM 132/11 Council Decision***

**MOVED Cr Quadrio**

**SECONDED Cr Webb**

**11.1. The Shire of Wiluna approach Golden West Resources regarding the formation of a Joint Working Party to:-**

**(a) Consider the action necessary to gain Local Government and Mining Industry support to lobby both State & Federal Governments to provide rail infrastructure to Wiluna to service bulk Iron Ore delivery to either or both Esperance and the proposed Oakajee Ports, and to make the development of the North Eastern Wiluna iron ore/manganese project made attractive for development.**

**(b) To consider the requirements and approvals necessary to progress the establishment of Mine Workers accommodation within the townsite of Wiluna.**

**CARRIED 5/0**

***OCM 133/11 Council Decision***

**MOVED Cr Quadrio**

**SECONDED Cr Harris**

**11.2. That G Harris and J Quadrio be nominated to represent the Shire of Wiluna at the National Local Roads and Transport congress in Mount Gambier during 16-18 November 2011 with all expenses paid for under relevant Council Policies.**

**CARRIED 5/0.**

***OCM 134/11 Council Decision***

**MOVED Cr Quadrio**

**SECONDED Cr Petterson**

**11.3. (a) That the Chief Executive Officer prepare a report detailing all the freehold and reserve land that is owned/vested/managed by the Shire of Wiluna, including the purpose for which the reserve is held and if there is a power to lease.**

**(b) On receipt of the report the Council consider the future purpose of all land and implement a strategy to achieve the use as determined.**

**CARRIED 5/0**

**OCM 135/11 Council Decision**

**MOVED Cr Quadrio**

**SECONDED Cr Webb**

- 11.4. Council requests the Chief Executive Officer to prepare a report outlining the tenancy arrangements for each Shire residence occupied by Shire employees, including the provision of water, gas, power, telephone, gardening etc., and on receipt of this information Council review its existing policy for the provision of housing to employees.

**CARRIED 5/0**

**OCM 136/11 Council Decision**

**MOVED Cr Quadrio**

**SECONDED Cr Harris**

- 11.5. That Council adopts the following policy to determine senior employees as per section 5.37 (1) of the Local Government Act 1995:-

*“In accordance with section 5.37(1) of the Local Government Act 1995, Council designates the following staff positions, as senior employees of the Council-*

- *Chief Executive Officer*
- *Deputy Chief Executive Officer*
- *Manager of Corporate Services*
- *Works Manager”*

**CARRIED 5/0**

**OCM 137/11 Council Decision**

**MOVED Cr Quadrio**

**SECONDED Cr Harris**

- 11.6. Council adopt the following policies:-

(a) *“That any report, contract or other document that has been prepared on a matter that relates to the management or administration of the Shire be presented/tabled at a Council meeting for consideration and discussion by Council. Items of confidential nature to be presented under matters to be considered behind closed doors.”*

(b) *“Councillors and Officers attending any conferences, seminars or meetings as delegates or representatives of the Council be required to provide a brief report on the issues/outcomes, to the next ordinary meeting of Council.”*

**CARRIED 5/0**

When advising of the Notices of Motion above Cr Quadrio has indicated that he will provide verbal support for the motions.

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

**OCM 138/11 Officer Recommendation & Council Decision**

**MOVED Cr Harris**

**SECONDED Cr Webb**

**Council agrees to accept and to consider the following late items:-**

**12.1. Draft Local Planning Policy – Transportable Structures and the Relocation of Buildings**

**12.1.2. Rates Write Off – Ngangganawili Health & Medical Services Facilities**

**CARRIED 5/0**

<b>12.1. Subject/Applicant:</b>	<b>Draft Local Planning Policy – Transportable Structures and the Relocation of Buildings</b>
File:	
Reporting Officer:	Tony Doust – Acting Chief Executive Officer
Date of Report:	22 September 2011
Disclosure of Interest:	Nil

**Purpose**

The Draft Local Planning Policy - Transportable Structures and the Relocation of Buildings within the Shire of Wiluna, is presented to Council for consideration for final adoption in accordance with Clause 9.7.2 of Town Planning Scheme No.1.

**Background**

Council at its 27 July 2011 Ordinary Council Meeting (OCM) resolved as follows:

*“Having regard to the objectives of the draft Policy, the issues at hand and the options available to Council, it is recommended that the draft Policy be adopted pursuant to Clause 9.7.2 of Town of Planning Scheme No.1 for the purpose of advertising.*

*That Council:*

- 1. Endorses the Draft Local Planning Policy regarding the use of Transportable Structures and the Relocation of Buildings with the amendments shown below within the Shire of Wiluna.*
- 2. Approve the formal advertising of the Draft Local Planning Policy.”*



Following the Council meeting, the Shire arranged the advertising of the amendment in accordance with the requirements of Clause 9.7.2 of Town Planning Scheme No.1. This advertising involved the seeking of submissions from the public over a 21 day period and notification being placed in the Western Australian newspaper over two consecutive weeks. Furthermore, the Shire placed a notice in the Administration Centre and on other notice boards in the Townsite of Wiluna. No submissions were received during this 21 day advertising period.

### **Comment**

Due to the high costs associated with construction within the Shire, it is acknowledged there is the need for alternative forms of development, including transportable structures and the relocation of existing structures. Council does however have an obligation to its residents and ratepayers to maintain an acceptable standard of building construction within the Shire area.

This Policy has been prepared in order to provide guidance to applicants and to ensure that Shire staff can assess the appropriateness of transportable structures and relocated buildings in the Residential zone and within other important areas such as the Wotton Street Town Centre Precinct and the Community, Recreation and Education Precinct.

Central to the policy is Section 6.0, which outlines the following requirements, applicable to all applications transportable structures and relocation of buildings:

- Floor area requirements;
- Requirement for consultation with adjoining landowners;
- The need to consider impacts on amenity (relating to the size, appearance, location and particulars of the structure and subject site);
- The need to ensure compliance with the Building Code of Australia (BCA);
- Relationship with the Shire's Town Planning Scheme No.1 (TPS1) and the R-Codes; and
- Application Requirements (including a scaled site plan, current colour photographs of the structure, details of proposed landscaping, use of structure and length of time it will be on-site); and

Whilst relatively simple, the policy will ensure clarity for both Council staff and applicants, not currently afforded by any Shire planning policy or document.

Section 7.0 of the policy importantly identifies a number key requirements specifically in relation to the Relocation of Existing Structures. The key component of this part of the policy being the need for applicants to make a cash deposit to be made to the Shire (required as a condition of Development Approval). This deposit is considered necessary so as to

ensure applicants relocate and upgrade the transported existing structure to an appropriate and structurally sound standard. Should this not occur within a specified timeframe, the Shire will use the collected funds to upgrade the structure to a suitable standard.

### Minor Modifications

During the advertising period for the Draft Policy, Council officers identified a number of small typographical errors. These errors did not materially alter the intent of the policy but to ensure clarity and accuracy, it was considered appropriate that they be modified. Furthermore, it was considered necessary to insert a definition of "Relocated Building" for the purposes of clarity; accordingly, an appropriately worded definition was inserted into Section 4.0 Definitions of the Draft policy.

The draft Local Planning Policy is considered an important piece of policy that will provide much needed guidance to both applicants and Shire officers in relation to transportable structures and the relocation of existing buildings; both of which are particularly common forms of development within Wiluna. No submissions were received during the formal advertising period, so it can be assumed that both business and the broader residential community are satisfied with the requirements of the policy.

In accordance with Clause 9.7.2 of TPS 1, Council can either:

- Resolve to adopt the policy with or without modifications; or
- Resolve not to proceed with the policy.

Officers in this instance recommend Council adopt the Local Planning Policy with the minor wording modifications as outlined below.

### **Consultation**

Advertised for public comments as detailed in the report background and comments.

### **Statutory Environment**

Shire of Wiluna Town Planning Scheme No. 1 – Clause 9.7.2(b).

### **Policy Implications**

This process establishes a new policy.

### **Financial Implications**

Costs associated with the establishment the policy are provided for in the 2011/12 Budget.

## **Strategic Implications**

Shire of Wiluna Strategic Plan 2009-14 "Go-Ahead Wiluna".

## **Voting Requirements**

Simple majority

<b>OCM 139/11 Officer Recommendation &amp; Council Decision</b>
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**MOVED Cr Harris**

**SECONDED Cr Quadrio**

## **That Council**

- 1. Adopt Draft Local Planning Policy Transportable Structures and the Relocation of Buildings in accordance with Clause 9.7.2 (b) subject to minor modifications outlined below.**
- 2. Arrange for one notification of the adoption of the policy to be placed in a newspaper circulating the Scheme area.**
- 3. Forward the adopted Local Planning Policy to the Western Australian Planning Commission for their information.**

## **LOCAL PLANNING POLICY – TRANSPORTABLE STRUCTURES AND RELOCATION OF BUILDINGS**

### **Transportable Structures & Relocation of Buildings**

#### **1. Purpose**

**To provide guidance for the assessment and determination of applications for Planning Consent for sea containers, transportable buildings (i.e. dongas) and the relocation of existing permanent buildings within the Residential, Commercial, Special Residential, Rural Residential and Special Use zones.**

#### **2. Objectives**

- To provide a consistent approach to assessing applications for transportable structures and the relocation of buildings within the Shire of Wiluna.**
- To ensure that transportable structures and relocated buildings are constructed and located in such a way as to minimise the impact on the amenity of the locality.**

#### **3. Background**

**Due to the high costs associated with the construction within the Shire, it is acknowledged there is the need for alternative forms of development, including transportable structures and the relocation of existing structures. Council does however have an obligation to its residents and ratepayers to maintain an acceptable standard of building construction within the Shire area.**

**The use of transportable buildings such as sea containers, dongas and prefabricated site offices for storage, residential or office**

purposes may provide for a high level of security and be an economical means of providing accommodation. However, the 'industrial' appearance and relatively large size of these types of buildings can detract from the visual amenity of a locality.

Further, as these structures are generally without architectural features such as pitched roofs or windows, they can appear to be out of place in a residential setting as they are inconsistent with the general residential housing design.

This Policy has been prepared in order to provide guidance to applicants and to ensure that Shire staff can assess the appropriateness of transportable structures and relocated buildings in the Residential zone and within the areas defined in Map 1.

#### 4. Definitions

**Transportable Structure:** For the purposes of this Policy, a 'Transportable Structure' is defined as:

*"A structure that is brought to a property, held in place primarily by its own mass or affixed to the ground and includes, but is not limited to, sea containers, prefabricated transportable buildings, decommissioned railway carriages and transport conveyances."*

The definition of 'Transportable Structure' does not include new prefabricated kit homes over 60m<sup>2</sup> in floor area. A 'Relocated Building' is a building that has been utilised or occupied previously, and is proposed to be relocated to within the policy area.

**Relocated Building:** For the purposes of this Policy, 'Relocated Building' is defined as

*"A building that has been wholly or partly transported from somewhere else and fixed to a site. The assembly, reassembly or securing of a relocated building is building work for the purposes of the Building Act."*

#### 5. Application

This policy applies to any transportable structure in the Residential, Commercial, Special Residential, Rural Residential and Special Use zones, the exception being where the transportable structure is considered to be in accordance with the provisions of TPS1, a single dwelling in a residential zone. In this scenario, unless the proposal is seeking to vary the Residential Design Codes or is in a Heritage Area, planning approval is not required and therefore the provisions of this policy do not apply.

**General Criteria (applicable to all proposals)**

6.1 All applications for transportable structures shall be referred to adjoining landowners for comment for a period of not less than 14 days.

6.2 Any proposal for a Transportable Structure that does not satisfy any this section of the policy, will not be recommended for approval, unless in Council's opinion the size, appearance, location and particulars of the subject site will not have a detrimental impact on the landscape and amenity of the area.

6.3 Transportable structures will only be permitted where they are structurally sound (BCA compliant), prior to being relocated to a property.

6.4 The floor area of a transportable structure shall be calculated as a contribution to the total floor area of structures in accordance with the Town Planning Scheme or Residential Design Codes.

6.5 Applications for the placement of a transportable structure shall be in the form of an Application for Planning Consent and include the following:

a) A site plan to scale showing all existing development on the lot, location of existing vegetation, and the proposed location of the transportable building.

b) Current colour photographs of the transportable structure from all elevations.

c) Details of proposed landscaping to the transportable structure.

d) Details of what purpose the transportable structure will be used for and the length of time that the transportable structure will be on-site.

6.6 This Policy relates only to the assessment of applications for transportable structures under the Shire's Town Planning Scheme No. 1. The placement of any transportable structures on a property is also subject to the provisions of the Building Code of Australia, and therefore a building licence is required to be obtained in addition to Development Approval.

#### **Relocation of Existing Structures**

7.1 A "Special" Building Licence, as is permitted under the Building Regulations 1989, will be issued for approved second-hand relocated buildings restricting the time for completion to 6 months.

7.2 A cash deposit shall be held by the Council until such time as:-

(a) the relocated building is brought to a standard acceptable to the Council; or

(b) the specified period expires.

7.3 In the event that the owner fails to complete the required works to bring the building to a standard acceptable to the Council within the specified period, then the Council may apply the cash deposit, bond or irrevocable bank guarantee, or such other security to carry out the required work.

7.4 The amount of such cash deposit referred to above shall be determined by Council through annual fees and charges.



**CARRIED 5/0**

*Councillor Webb declared an interest in this matter due to her being an employee of the N.A.H.S. and withdrew from the meeting at 4.00 pm.*

<b>12.1.2. Subject/Applicant:</b>	<b>Rates Write Off – Ngangganawili Health &amp; Medical Services Facilities</b>
File:	
Reporting Officer:	Tony Doust – Acting Chief Executive Officer
Date of Report:	21 September 2011
Disclosure of Interest:	Nil

### **Purpose**

To obtain Council approval to write off rates/interest penalties that has been raised on two assessments

### **Background**

The Ngangganawili Health and Medical Service Shelter and Medical Centre have been rated for a number of years in the past and also this year. The Acting Chief Executive Officer has recently discussed this with the Director Richard Whittington and been advised the organisation is a registered charitable body. In view of this the medical centre and shelter are deemed to be used for charitable purposes and under the Local Government Act 1995

Section 6.26(2)(9) are not rateable. Several staff dwellings are located on the same lot and are rateable.

### **Comment**

It is recommended the Council write off the rates and interest penalty outstanding on assessments (Property Id.) 70 and 87 which amount to \$7,964.71 and \$18,985.32 respectively. The Valuer General has been asked to provide new valuations for the residential units included in Property Id. 87 and when these have been received rating will be raised for the current and three subsequent years. (This is the period for which the rates to be written off apply to).

### **Consultation**

Director NAHS, Richard Whittington, Valuer Generals Office

### **Statutory Environment**

Local Government Act 1995  
Section 6.26(2)(9) – Rateable/Non rateable Land  
Section 6.12 – Writing of Rates and Charges

### **Policy Implications**

Nil

### **Financial Implications**

The Shire of Wiluna balance sheet at the 30 June 2011 provides a total of \$50,857.66 for doubtful debts, although \$23,102.07 relates to other rate assessments being written off.

### **Strategic Implications**

Not applicable

### **Voting Requirements**

Absolute majority

<b><i>OCM 140/11 Officer Recommendation &amp; Council Decision</i></b>
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**MOVED Cr Harris**

**SECONDED Cr Petterson**

**The Council resolves to write off the rates and interest raised on assessments 70 and 87 during the period 1/7/2008 to 28/9/2011 totalling \$26,950.03.**

**CARRIED 4/0**

*Councillor Webb returned to the meeting at 4.10 pm*

**13. Public Question Time**

Nil

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

Nil

**15. Closure**

The meeting was closed at 4.40pm.