

# Shire of Wiluna

## MINUTES



**Ordinary Meeting of Council**

**Held**

**Wednesday 27 June 2012**

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**MINUTES**

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

The President opened the meeting at 1:02 p.m.

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

Graham Harris (President)  
Jim Quadrio (Deputy President)  
Chris Webb (Councillor)  
Stacey Petterson (Councillor)  
Bernie Weller (Councillor)  
Kim Ovens (Councillor)

Tony Doust (Acting Chief Executive Officer)  
Glenn Deocampo (Manager Admin & Finance)

Vanessa Guthrie (Executive General Manager, Toro Energy, Wiluna Project)

The President welcomed the newly elected member, Kim Ovens.

**2.1.** The newly elected Councillor Kimley Ovens is required to make a Declaration of Office before commencing duties as a Councillor. Cr Ovens made the declaration of office in the presence of Cr Graham Harris.

**3. Response to Previous Public Question Taken on Notice**

Nil

**4. Public Question Time**

Nil

**5. Applications for Leave of Absence**

Cr Stacey Petterson and Cr Graham Harris both requested leave of absence on 25<sup>th</sup> July 2012.

**OCM 110/12 Council Decision**

**MOVED CR QUADRIO**

**SECONDED CR WEBB**

**That Cr Stacey Petterson and Cr Graham Harris be granted leave of absence for the Ordinary Council Meeting scheduled for 25<sup>th</sup> July 2012.**

**CARRIED 6/0**

**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**

Vanessa Guthrie from Toro Energy presented an update on the Wiluna Uranium Project and responded to questions raised.

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

8.1. Ordinary Council Meeting 23<sup>rd</sup> May 2012.

**OCM 111/12 Council Decision**

**MOVED CR WEBB**

**SECONDED CR WELLER**

**The Minutes of the Meeting held on 23<sup>rd</sup> May 2012 be accepted as a true record of the meeting.**

**CARRIED 6 /0**

**9. Announcement Presiding Member without Discussion**

The President reported on his meeting in Mt. Magnet with the Department of Transport Murchison Aviation Consultation Group.

**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 Acting Chief Executive Officer
Date of Report:	20 <sup>th</sup> June 2012
Disclosure of Interest:	Nil

**Purpose**

The purpose of this report is for Council to receive the Acting Chief Executive Officer's status report which will include items outstanding from previous

meetings; and endorse the Acting Chief Executive Officer'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.

### **Ordinary Council Meeting 28 September 2011 Golden West Resources Working Party File Ref: 00636**

Council's decision:-

*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.*

At the Council meeting held on the 29<sup>th</sup> February the Chief Executive Officer reported that Mick Wilson, Director, and Golden West (GWR) had advised that GWR would be pleased to participate in a joint working party in respect to infrastructure. The nominees will be Paul Leidich (GWR Mining Engineer and Wiluna West Study Manager), Mick Wilson (GWR Director) and either Gary Lyons (GWR Director & Infrastructure sub-committee member) or Dave Walker (GWR Infrastructure Consultant). It was proposed to hold a meeting at the Shire on Tuesday 28 February 2012 commencing at 5.00pm and a BBQ tea to follow.

Council at its meeting on the 3<sup>rd</sup> April 2012 resolved accordingly:

*"Council appoints Cr Quadrio, Cr Wongawol and Cr Petterson as members of the working party to progress matters with Golden West Resources in respect to infrastructure".*

Due to other commitments and Councillors non availability the meeting has not been held.

Council agreed that in view of the commitments and time of the year that the progression of this be held over until Oct/Nov 2012.

**Ordinary Council Meeting 14 December 2011**  
**Toro Energy General Manager to address Council**  
**File Ref:**

Council's decision:-

*"That Council strongly reaffirms its support for the establishment of permanent mining accommodation within the town of Wiluna, particularly by Toro Energy and Golden West Resources (subject to conditions and requirements of Wiluna Town Plan Scheme).*

*Council invite Toro Energy General Manager (Vanessa) to address Council at Feb or March OCM 2012."*

Arrangements were made for Vanessa Guthrie to attend the Council meeting on the 28<sup>th</sup> March 2012. The March Council meeting date was changed to 3<sup>rd</sup> April 2012 which was not suitable for Ms Guthrie. Arrangements were then made for Ms Guthrie to attend the Council meeting to be held on the 23<sup>rd</sup> May 2012. Unfortunately Ms Guthrie was not able to attend the Council meeting on the 23<sup>rd</sup> May 2012.

Arrangements have now been made for Ms Guthrie to attend the Council meeting at 1.00pm on the 28<sup>th</sup> June 2012. Ms Guthrie has also been invited to have lunch with Council at 12.00 midday.

**Lobbying for Sealing of the Goldfields Highway –Wiluna to Meekatharra Section**  
**File Ref: 00181 (Vol 2)**

Council's decision:-

*"That Council:*

- 1. Receive the report for information;*
- 2. Advise Shire of Meekatharra council that Shire of Wiluna councillors are available to be involved in future meetings to be held with stakeholders;*
- 3. Request the CEO to organize an in-person meeting with Shire of Meekatharra CEO and council to discuss our joint strategy for 2012 to ensure the desired effect is achieved for the lobbying campaign; and*
- 4 Authorize the CEO to continue working closely with the Shire of Meekatharra CEO in the joint efforts to achieve a positive outcome in the lobbying of the sealing of the Goldfields Highway, Wiluna to Meekatharra section."*

The Council was provided with an update at its meeting on the 29<sup>th</sup> February 2012 and resolved accordingly:-

Council's decision:-

- “. Receive the report for information; and*  
*Nominate Cr Harris and Cr Kyanga to meet with Shire of*



*Meekatharra to discuss the sealing of the Goldfields Highway lobbying strategy in March on a date yet to be determined, and nominate any councillors as proxy for the said meeting.”*

Given the resignation of Cr J Kyanga it was necessary to appoint another Councillor to meet with the Shire of Meekatharra.

Council at its meeting on the 3<sup>rd</sup> April 2012 resolved:

*“That Council appoints Cr Quadrio as a replacement for Cr J Kyanga and Cr Webb as a proxy for both appointed delegates.”*

Arrangements were made for a meeting with representatives from the Shire of Meekatharra in Wiluna on Wednesday 13<sup>th</sup> June 2012 at 11.00am.

The Acting Chief Executive Officer on the 23<sup>rd</sup> May 2012 referred to an email sent to all Councillors including a copy of a letter to the Shire of Meekatharra confirming that funding has been provided for the planning work required to seal the road.

The Shire President Cr Harris, Deputy Shire President Cr Quadrio and Acting Chief Executive Officer Tony Doust met with Cr Norm Trenfield and Chief Executive Officer Roy McClymont from the Shire of Meekatharra as above. A discussion was held about the present position and the decision by the Government to include the planning work to seal the Meekatharra Wiluna Road in the Port Link Project. The Acting Chief Executive Officer advised the meeting that he was of the understanding that both Shires will be invited to participate in a consultation group to progress the objectives of the Port Link Study. This will provide an opportunity to be involved and kept up-to-date on the progress. It was agreed that when the opportunity arises that both Local Governments continued with lobbying to ensure the road is sealed. At this time it was felt there was no further need for any future meetings or any other action. It was agreed that no further action was required at this time.

### **Socio-Economic Profile and Economic Opportunity Assessment** **File Ref: 00547**

*Council’s decision:-*

- “1. Defer the Socio Economic Profile and Economic Opportunity Assessment to be received and considered to the March 2012 OCM; and*
- 2. Request the CEO to contact URBIS to ask if changes can be made and one of those being, Pastoralists being factored into the socio economic profile.”*

The Acting Chief Executive Officer reported on the 3<sup>rd</sup> April 2012 that the file indicates that a request has been made to Urbis to include “Pastoralists”. The Acting Chief Executive Officer will contact Urbis and request an updated copy. It is recommended that consideration this matter be held over until the Council meeting on the 24<sup>th</sup> April 2012.

Council at its meeting on the 3<sup>rd</sup> April 2012 resolved:

*"That Council agrees that the matter be considered at the Council meeting on the 24<sup>th</sup> April 2012."*

Councillors during the past months have raised concerns about the accuracy of the report and agreed to provide their concerns to the Acting Chief Executive Officer.

To date councillors have not provide any information.

It is recommended that this matter now be concluded and the Acting Chief Executive Officer arrange for the completion of the report.

### **Ordinary Council Meeting 29 February 2012**

#### **Digital TV Switchover**

**File Ref: 00243**

Council at its meeting on the 28<sup>th</sup> September 2011 considered this matter.

*"Council's decision:-*

- 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."*

Council at its meeting on the 29<sup>th</sup> February 2012 received a report on this matter raising an alternative to what was previously agreed to.

*"Council's decision:-*

- 1. receive this report and the attachments for information and endorse the CEO decision to have Peter Thompson from Satellite Television and Radio Australia P/L represent the Shire of Wiluna at the WALGA Digital TV Switchover Forum to be held in Perth;*
- 2. Reverse the decision to introduce the VAST system due to new information presented and advise the Digital Switchover Taskforce that the Shire of Wiluna elects to upgrade our self-help retransmission tower; and*
- 3. Request the CEO to advise Digital Switchover Taskforce by 2 March 2012 of council's decision."*

The Acting Chief Executive Officer advised Council on the 3<sup>rd</sup> April 2012 that he has considered the information provided in support of the decision to change from the vast box option, however felt it was little

premature as one of the major factors of any asset provision is the ongoing yearly cost. The capital cost is upfront and a "one of", however the ongoing yearly cost includes replacement, maintenance, parts/repairs, licenses insurance, etc. this cost has been considered. As a person that has been responsible in the past to make our existing rebroadcasting facility operate he feel it is essential that the estimated operating costs be established prior to finally deciding what option to take. I would like Council to re consider the matter.

Council at its meeting on the 3<sup>rd</sup> April 2012 resolved:

*"That the decision of Council made on the 29<sup>th</sup> February 2012 in regard to the T V Digital Switchover not be implemented and prior to any further action or revised decisions being made full costing's for both capital and ongoing outlays for all the options be prepared along with an evaluation of the advantages and disadvantages of each alternative."*

Whilst the Council resolved at it has on the 3<sup>rd</sup> April 2012, a number of Councillors have raised with the Acting Chief Executive Officer that they are satisfied that the best option for Wiluna is the Vast Box. Full details of the proposal were presented to Council on the 28<sup>th</sup> September 2011. It is recommended that Council reinstates the decision made in September 2011 to adopt the vast box option.

**Cr Weller declared a potential financial interest as a possible supplier of the Vast equipment and did not participate in the voting or discussion on this item.**

<b>OCM 112/12 Officer Recommendation &amp; Council Decision</b>
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**MOVED CR QUADRIO**

**SECONDED CR OVENS**

- 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 helps 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**

**Ordinary Council Meeting 23<sup>rd</sup> May 2012**  
**Public Bus Service Wiluna**  
**File Ref: 00581**

Council at its meeting resolved accordingly:-

1. Council agrees to provide the proposed bus service from Wiluna to Leonora and return, on Thursday and Friday on a weekly basis, for a trial period of six months.
2. The maximum estimated deficit cost of the service after the subsidy to be received from the Department of Transport, through the Public Transport Authority, of \$13,572, be approved.
3. The following fares as set by the Department of Transport (PTA) be adopted:-

FARES

Wiluna-Leonora (one way)	Full fare	\$52.00
	Concession	\$35.00
Kalgoorlie-Leonora (one way)		
Goldrush Tours	Full fare	\$52.00
	Concession	\$35.00

4. The Acting Chief Executive Officer be authorized to complete the arrangements for the trial service and make any minor adjustment/changes required.

Whist all arrangements have been completed we are awaiting approval from the Department of Transport to use the Shire Toyota Van for this purpose. When this obtained the service will be advertised for several weeks and after this it will commence.

***OCM 113/12 Officer Recommendation & Council Decision***

**MOVED CR WEBB**

**SECONDED CR WELLER**

**That Council receive this report and endorses the Chief Executive Officer's recommendations and actions that have not already been dealt with by a separate motion.**

**CARRIED 6/0**

<b>10.1.2. Subject/Applicant:</b>	<b>Shire Owned/Controlled Land</b>
File:	Various
Reporting Officer:	Tony Doust, Acting Chief Executive Officer
Date of Report:	11 <sup>th</sup> June 2012
Disclosure of Interest:	Nil

### **Purpose**

To consider a report on the workshop held on Thursday 24<sup>th</sup> May 2012, to review the status of the land owned freehold or managed/vested in the Shire of Wiluna.

### **Background**

Council at its meeting on the 28<sup>th</sup> September 2011 considered and adopted a Notice of Motion put forward by Cr Quadrio as follows:

*“(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.”*

At the October OCM council resolved OCM 151/11:

*For council consideration and development of a strategy at the February OCM.*

Council subsequently agreed to hold a workshop on Thursday 24<sup>th</sup> May 2012 to consider the report.

### **Comment**

The workshop on the 24<sup>th</sup> May 2012 was attended by:-

Cr Graham Harris – Shire President

Cr Jim Quadrio – Deputy Shire President

Cr Chris Webb

Tony Doust – Acting Chief Executive Officer

The list prepared and presented to the workshop (Appendix 10.1.2. – white page and coloured maps) was discussed. The consensus of the persons present at the workshop was that the only property that should be considered was Reserve 30771- Lots 78 and 79 Lennon Street Wiluna (item 21 on the list included in the attachment). This reserve is on the corner of Wall Street, immediately joining the eastern boundary of the hotel property. The Reserve purpose is for “children’s playground”. The Acting Chief Executive Officer be asked to research the position given that Council had previously agreed to relinquish the Reserve to the Department of Lands.

The following information was reported to Council on the 18<sup>th</sup> March 2010 by the E.H.O. Mr Bill Atyeo:-

*"In June 2009, Council was approached by the Lands Department in regard to a request by the owners of Lot 80 Lennon Street to add land to their block due to the placement of the dwelling some time ago on the Lot. The request was for some of Lot 79 to be amalgamated with Lot 80 so that the correct distance from the boundary could be maintained, along with the drainage system.*

*Council supported the inclusion on approx. 5 metres of Lot 79 into Lot 80 Lennon Street to overcome the issues stated by the owners. This would have to be assessed as appropriate with the surveying of the Lots to ensure that the boundaries are clearly identified and that enough land has been included.*

*At the time Council stated that:*

*It should be noted that the land (lots 78 and 79) are currently zoned as "recreational" in the Wiluna Town Planning Scheme. This may require the land to be rezoned through an amendment of the Town Planning Scheme, which is due to be reviewed in financial year 2010/11.*

*The question then remaining for Council to decide is what to do with the remaining land. It is generally felt that the land would probably not be developed as "Children's Playground" due to its proximity to the Hotel. The land comprising of Lot 78 and the remaining land of Lot 79 could also be rezoned, Council could relinquish the management order over it, and it could then be released for acquisition by interested people or organisations for a worthwhile purpose.*

*It would be imperative that issues around this would have to be discussed further with your Department and Council before a final decision is reached, but Council would have no objections to that which has been stated here.*

*The Department of Regional Development and Lands has now come back to the Shire with the following proposal.*

*That a 5 metre strip of Lot 79 be amalgamated into Lot 80 to address the encroachment and access issues, with the balance of Lot 79 and the whole of Lot 78 to be offered for sale on the open market.*

*However, rather than sell the balance of Lot 79 with a 15 metre frontage to Lennon Street, a subdivision of Lot 79 and Lot 78 into two Lots "A" and "B" (as shown on a diagram we were issued with) would potentially create two lots with a 25 metre frontage each, and they would face onto Wall Street rather than Lennon Street."*

The Department was advised of the above and whilst there has been correspondence with the Department the last letter on file is dated 22<sup>nd</sup> Sept

2010. The Acting Chief Executive Officer has sent an email to the Department to determine the present position.

Other than Reserve 30771 the workshop position was that all lands held either freehold or under a management/vesting order be retained for the future requirements of the Shire.

### **Consultation**

Crs Harris, Quadrio and Webb.

### **Statutory Environment**

Nil

### **Policy Implications**

Nil.

### **Financial Implications**

Nil.

### **Strategic Implications**

The land held either freehold or under a management/vesting order is considered to be necessary to ensure adequate provision is available to meet future development and changing needs of the Shire of Wiluna.

### **Voting Requirements**

Simple Majority.

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### ***OCM 114/12 Officer Recommendation & Council Decision***

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**MOVED CR QUADRIO**

**SECONDED CR WELLER**

- 1. That the report from the workshop held on 24<sup>th</sup> May 2012 be received.**
- 2. That the land presently owned freehold or under management/vesting order, by the Shire of Wiluna be retained.**
- 3. The Acting Chief Executive Officer follow up the position with regard to Reserve 30771 and report to Council.**

**CARRIED 6/0**

<b>10.1.3. Subject/Applicant:</b>	<b>Extraordinary Election 30<sup>th</sup> June 2012</b>
File:	00648
Reporting Officer:	Tony Doust – Acting Chief Executive Officer
Date of Report:	29 <sup>th</sup> May 2012
Disclosure of Interest:	Nil

### **Purpose**

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

### **Background**

The election was held to fill the vacancy on the Council created by the resignation of John Kyanga. The term expires in October 2015. The election was conducted by the Acting Chief Executive Officer in the position of Returning Officer.

### **Comment**

The vacancy on the Council was advertised in the “West Australian”, Shire Notice Board and other notice boards in the townsite of Wiluna.

Nominations opened on 17<sup>th</sup> May 2012 and closed at 4.00 pm on Thursday 24<sup>th</sup> May 2012.

Only one nomination was received from Kimely Ovens, “Mt. Russell Waters” Wiluna.

The Returning Officer declared Kimely Ovens elected for the remaining portion of the term expiring October 2015.

Kimely Ovens will be required to make a Declaration of Office prior to acting as a Councillor.

### **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.

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**OCM 115/12 Officer Recommendation & Council Decision**

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**MOVED CR WEBB**

**SECONDED CR WELLER**

**That the information be received.**

**CARRIED 6/0**

<b>10.1.4. Subject/Applicant:</b>	<b>Shire of Wiluna Policies</b>
File:	00293
Reporting Officer:	Tony Doust – Acting Chief Executive Officer
Date of Report:	11 <sup>th</sup> June 2012
Disclosure of Interest:	Nil

### Purpose

To formally agree to the policies reviewed by Councillors present at the pre Council meeting forum held on the 23<sup>rd</sup> May 2012.

### Background

The Council policies have not had a comprehensive review for some-time. During the past two months all existing policies have been reviewed and amended. Several new policies that have been requested by Council have also been prepared and included in the review.

At the pre Council meeting forum on the 23<sup>rd</sup> May 2012 the Acting Chief Executive Officer presented a revised policy manual for consideration and informal discussion. Each policy included was considered and it was the consensus that the document now be presented to Council for adoption.

### Comment

Council policies are necessary to ensure the efficient operation of the Shire and provide Councillors, the Chief Executive Officer and staff with guidance on various matters.

As they are policies Council by a formal decision at a Council meeting can vary any policy and or decide not to apply the same on a special occasion.

In the absence of any special consideration by Council it is obligatory that the policies be implemented at all times.

It is recommended that the reviewed policies as listed in the manual attached as Appendix 10.1.4. (ivory pages) be adopted by Council.

### **Consultation**

Councillors at the pre Council meeting forum on 23<sup>rd</sup> May 2012.

### **Statutory Environment**

All policies are to comply with any statutory requirements relating to the particular matter.

### **Policy Implications**

Review and establish existing and new policies.

### **Financial Implications**

As per the requirement provided in each policy.

The financial implications of any policy must also be considered when being implemented by the Chief Executive Officer and Councillors at all times.

### **Strategic Implications**

To provide policies to ensure the effective and efficient operations of the Shire of Wiluna.

### **Voting Requirements**

Absolute Majority.

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### ***OCM 116/12 Officer Recommendation & Council Decision***

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**MOVED CR WELLER**

**SECONDED CR WEBB**

**That the Council adopts the policies listed below and shown in detail in the Appendix 10.1.4. to this meeting minutes:-**

#### **GOVERNANCE**

- 1.1 The Policy Manual**
- 1.2 Meetings – Timing and Order of Business**
- 1.3 Public Question Time**
- 1.4 Gratuity Payments**
- 1.5 Public Relation – Greetings**
- 1.6 Citizenship Ceremonies**
- 1.7 Use of Council Logo**
- 1.8 Use of Disclaimers – Professional Indemnity**
- 1.9 Media Statements**

- 1.10 Donations
- 1.11 Nominations to Boards and Committees
- 1.12 Councillor Training Expenses
- 1.13 Travelling Expenses
- 1.14 Tourism
- 1.15 Regional Alliance
- 1.16 (Deleted)
- 1.17 Gifts to Retiring Members (New)
- 1.18 Telephone Allowance – Members
- 1.19 Deputations to Council
- 1.20 Uranium Mining in the Shire of Wiluna
- 1.21 Determination of Senior Employees
- 1.22 Reports, Contracts and other Documents
- 1.23 Delegates Reports Councillors/Officers
- 1.24 Councillor Briefing Sessions (New)

#### **ADMINISTRATION AND FINANCE**

- 2.1 Flying of Flags
- 2.2 (Deleted)
- 2.3 (Deleted)
- 2.4 (Deleted)
- 2.5 Accommodation South Wing
- 2.6 Purchasing, Quotes and Tenders
- 2.7 Local Purchase Policy
- 2.8 Leave Deferment
- 2.9 Housing – Staff
- 2.10 Housing Allowances
- 2.11 Bush Fire Control
- 2.12 Staff Superannuation Contributions
- 2.13 Satellite Phone Usage
- 2.14 Bus Hire Policy & Conditions
- 2.15 Injury Management Policy
- 2.16 Payment of Accounts (New)
- 2.17 Legal Representation & Indemnity (New)

#### **ENGINEERING**

- 3.1 Cross overs
- 3.2 Fitness for Work (New)

#### **BUILDINGS AND TOWN PLANNING**

- 4.1 Municipal Heritage Inventory Policy on Development of Listed Places

**CARRIED 6/0**

<b>10.1.5. Subject/Applicant:</b>	<b>Shire of Wiluna - Delegations</b>
File:	00407
Reporting Officer:	Tony Doust – Acting Chief Executive Officer
Date of Report:	11 <sup>th</sup> June 2012
Disclosure of Interest:	Nil

### **Purpose**

The purpose of this report is for Council to formally consider the review of delegations to the Chief Executive Officer under Section 5.42 of the Local Government Act and adopt the delegations now provided.

### **Background**

It has been sometime since a complete review of delegations has been undertaken and it should be an annual process. This review has been very extensive and based on the publication by the Department of Local Government “Local Government Operational Guidelines Delegations”.

### **Comment**

The Manual of Delegations now presented is based on past delegations, bearing in mind if those that were considered unnecessary and the addition of new delegations to ensure effective and efficient management of the Shire of Wiluna.

It is important to ensure efficiency and where it is appropriate the most effective way to manage the operations of the Shire is through delegation to the Chief Executive Officer of the functions of Council in an accountable manner. All delegations require Council approval by an absolute majority decision. Council at any time can withdraw a delegation.

The revised Delegation Register is attached as Appendix 10.1.5. (pink pages).

### **Consultation**

Informal discussion with Councillors and staff.

### **Statutory Environment**

The review is in accordance with the provisions of 5.42 of the Local Government Act 1995. All Delegations are subject to the requirements of relevant legislation.

### **Policy Implications**

No specific policy implications.

### **Financial Implications**

No special costs in regards to the review.

All Delegations are subject to compliance with relative legislation and budget allocations.

### **Strategic Implications**

Clear and precise delegation assists in the operational requirements of the Shire and allows decisions without having to obtain approval of Council.

### **Voting Requirements**

Absolute Majority.

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### ***OCM 117/12 Officer Recommendation & Council Decision***

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**MOVED CR QUADRIO**

**SECONDED CR WEBB**

1. That Council revokes all previous delegations to the Chief Executive Officer as from this date.
2. Council approves the following delegations to the Chief Executive Officer as listed and supported in detail by the documentation in Appendix 10.1.5. attached to this meeting minutes:-

#### **ADMINISTRATION (1000)**

- 1001 Liquor Licensing Act
- 1002 Enforcement of Laws
- 1003 Legal Representation
- 1004 Local Laws Administration
- 1005 Functions Outside Own District
- 1006 Notices to Owners & Occupiers Land
- 1007 Emergency Entry to Land
- 1008 Remove and Impound Goods
- 1009 Sale of Impounded Goods
- 1010 Impounding Periods
- 1011 Impounding Goods Cost Recovery
- 1012 LSL Provisions and Leave Deferments
- 1013 Variation of Tenders – Minors
- 1014 Vehicles Use of

#### **WORKS (2000)**

- 2001 Regulatory Signs
- 2002 Temporary Road Closures
- 2003 Disposal of Surplus Equipment
- 2004 Events on Roads
- 2005 Heavy Haulage Permits

- 2006 Gates and Pipes across Thoroughfares
- 2007 Dangerous Excavations
- 2008 Cross-overs
- 2009 Notices to Repair Cross-overs
- 2010 Private Works on Roads or Public Places

**FINANCE (3000)**

- 3001 Payment of Accounts – Signatures
- 3002 Rate Book
- 3003 Investment of Surplus Funds
- 3004 Rates Payments Agreements
- 3005 Outstanding Rates Recovery
- 3006 Rates Objections – time extension
- 3007 Consideration of Rate Objection
- 3008 Notice of Rate Objection Decisions

**BUSHFIRE CONTROL (4000)**

- 4001 Firebreak Order-Variations and enforcement
- 4002 Burning on Roadsides
- 4003 Prohibited Burning Times – variations

**PLANNING (5000)**

- 5001 Response to Discretionary Decisions
- 5002 Subdivisions and Amalgamations
- 5003 WA Planning Commission authorities
- 5004 Land Admin Act and Native

**HEALTH AND BUILDING (6000)**

Health

(To be developed)

Building

(To be developed)

**ANIMAL CONTROL (7000)**

- 7001 Enforcement – Generally

**CARRIED 6/0 by Absolute Majority**

<b>10.1.6. Subject/Applicant:</b>	<b>Review of Shire of Wiluna Local Laws</b>
File:	00026
Reporting Officer:	Tony Doust – Acting Chief Executive Officer
Date of Report:	11 <sup>th</sup> June 2012
Disclosure of Interest:	Nil

### **Purpose**

To report on the outcome of the review of the Shire of Wiluna Local Laws and obtain Council approval to advertise the proposal to formally review the Local Laws.

### **Background**

Council at its meeting on the 29<sup>th</sup> February 2012 resolved:

*“Request the CEO to commence the process as set out under section 3.16 Local Government Act 1995 – Periodic Review of Standing Orders 1999 and Bush Fire Brigades Local Laws, to allow council to determine whether or not it considers that one or both should be repealed, amended or remain as is.*

*The Acting Chief Executive Officer reported on the 3<sup>rd</sup> April 2012 that although the above recommendation refers to Standing Orders and Bush Fire Brigades Local Laws the Acting Chief Executive Officer intends to review all Local Laws. It is intended that the review will commence in April 2012”.*

### **Comment**

A review has now been completed of the following Shire of Wiluna Local Laws:-

	Date Gazetted
Bush Fire Brigades Local Law	3 <sup>rd</sup> October 2002
Cemetery Local Law 2007	5 <sup>th</sup> June 2007
Standing Orders	16 <sup>th</sup> February 1999
Local Government Property and Dogs Local Law 2007	5 <sup>th</sup> June 2007
Health Local Laws 2007	17 <sup>th</sup> September 2007

It is considered that the existing Local Laws are satisfactory and no amendment and or changes are required at this time.

Section 3.16 of the Local Government Act 1995 requires that a review be undertaken after a (8) year period of the law commencing.

The act requires that the proposed review be advertised for a period of not less than (12) weeks and that the public be permitted to inspect the laws and make submissions as to whether the Local Laws should be amended or repealed.

It is recommended that the Council resolve to advertise the Bush Fire Brigades Local Law and the Standing Orders Local Law for public consideration and comment.

**Consultation**

Nil.

**Statutory Environment**

Local Government Act 1995 – Section 3.16.

**Policy Implications**

Nil.

**Financial Implications**

Advertisements costs have been provided in the 2011/12 budget.

**Strategic Implications**

Nil.

**Voting Requirements**

Simple Majority.

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***OCM 118/12 Officer Recommendation & Council Decision***

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**MOVED CR WELLER**

**SECONDED CR PETTERSON**

- 1. That the Council is satisfied that the existing Shire of Wiluna Bush Fire Brigades and Standing Orders Local Laws are adequate to meet the Shire's requirements.**
- 2. That the public be invited to make submissions on the existing Bushfire Brigades and Standing Orders Local Laws prior to Council completing the review of these Local Laws.**

**CARRIED 6/0**



<b>10.1.7. Subject/Applicant:</b>	<b>Tjukurba Art Gallery</b>
File:	00574
Reporting Officer:	Tony Doust – Acting Chief Executive Officer
Date of Report:	13 <sup>th</sup> June 2012
Disclosure of Interest:	Nil

### **Purpose**

To inform Council of the position with the Tjukurba Art Gallery and the decision to reopen and operate the facility prior to the introduction of the Councils decision on the future operation arising from the Tim Acker report.

### **Background**

The Tjukurba Art Gallery (Gallery) has been closed since November 2011 following the resignation of the Manager at that time.

In view of the impending changes arising from the business plan options prepared by Tim Acker no action was taken to appoint a Manager.

Council at its meeting on the 29<sup>th</sup> February 2012 resolved accordingly:

*“Council’s decision:-*

- 1. Adopt the recommendation in the Tjukurba Gallery Business Plan 2012 – 15 prepared by Tim Acker – Recast the current Tjukurba Art Gallery business model: the ‘gallery’ and the ‘art centre’ roles separated and given the tools that enable each to work. The Shire of Wiluna retains Tjukurba Art Gallery as a retail and display/exhibition outlet, complementing its tourism and heritage roles. In a staged approach, Birriliburu Artists are given the independence and commercial footing necessary for its development and long term viability.*
- 2. Adopt the processes outlined in the Plan as the strategic and operational future framework that the Shire of Wiluna and Birriliburu Artists will work within to achieve the outcomes set out.*
- 3. Work cooperatively with Birriliburu Artists to develop their profile, activities and incorporation over an 18-24 month period commencing April 2012.”*

Council reviewed this matter again at its meeting on the 3<sup>rd</sup> April 2012 and resolved:-

*“That the President and Acting Chief Executive Officer discuss with the Artists how the Council decision might be implemented and report back to Council.”*

### **Comment**

Following the decision in April 2011 several attempts have been made to have a meeting with the artists. Unfortunately it has not been possible due to other commitments either by the artists or the Shire President.

At the Council meeting on the 23<sup>rd</sup> May 2012 the Acting Chief Executive Officer advised that he was considering opening the Gallery and operating it on a similar basis to the past until the new measures arising from the Councils decision on the 'Acker Report' are in place.

This action is considered necessary to ensure the artists interest is maintained and to meet the demand of people visiting Wiluna and wanting to purchase art.

Arrangements have now been made for a previous art gallery manager, Heather Charlton, to assist in this process on a consulting basis.

The proposal will include Heather being in Wiluna for either a week or two weeks at a time to assist a support person (Assistant Manager) and to initially visit and discuss with the artists the arrangements now proposed.

During this time it is intended to progress the outcome and decision from the Acker Report.

### **Consultation**

Councillors 23<sup>rd</sup> May 2012, Shire President, Heather Charlton.

### **Statutory Environment**

Nil.

### **Policy Implications**

No specific policy relating to the operations of the Art Gallery.

### **Financial Implications**

Funding is available in the existing budget 2011/12 and will also be provided in the 2012/13 estimates.

### **Strategic Implications**

Shire of Wiluna Strategic Plan 2009-14  
"Proud Wiluna"  
Provide arts and cultural facilities.

## Voting Requirements

Simple Majority.

### ***OCM 119/12 Officer Recommendation & Council Decision***

**MOVED CR WEBB**

**SECONDED CR OVENS**

1. That Council supports the Acting Chief Executive Officers decision to reopen the Tjukurba Art Gallery pending the implementation of the Councils decision arising from the Tim Acker business plan report.
2. Funding for the continued operation of the Tjukurba Art Gallery be provided in the 2012/13 budget estimates.

**CARRIED 6/0**

<b>10.1.8. Subject/Applicant:</b>	<b>Plant and Equipment Items to be Written Off</b>
File:	
Reporting Officer:	Tony Doust – Acting Chief Executive Officer
Date of Report:	14 <sup>th</sup> June 2012
Disclosure of Interest:	Nil

## Purpose

To obtain Council approval to write off various items of plant and equipment included in the Shire of Wiluna asset register.

## Background

A recent review of the plant and equipment included in the Shire of Wiluna Asset Register revealed that a number of items were either no longer usable, missing and or below the capitalization policy adopted in the annual budget.

## Comment

It is important that the information included on the Shire Asset Register is updated and relevant to the present situation.

Some items are missing, others sold and or useful life has passed. A number of small items that do not meet the current capitalization policy of \$3000 for equipment/tools and \$5000 for plant are being removed.

Any item under the original value of \$3000 and above \$300 will be recorded in an “Attractive Items Register” to ensure there is always a record of the items purchased for accountability purposes.

It is recommended that Council approve the write off as per the list attached as Appendix 10.1.8. (grey page).

### **Consultation**

Past Works Managers and Depot staff, Finance Manager.

### **Statutory Environment**

Disposal of property is covered by Section 3.58 of the Local Government Act 1995. Section 30 of the Local Government (Functions – General) Regulations 1996 exempt property from the requirements of the Act where the market value is less than \$20,000.

Whilst the above requirements do not specifically refer to writing off items it is considered appropriate to obtain Council approval.

### **Policy Implications**

Significant accounting policies adopted in the 2011/2012 budget included the capitalisation threshold when assets are acquired.

### **Financial Implications**

No specific implications as the written down value is minimal.

### **Strategic Implications**

Nil.

### **Voting Requirements**

Absolute Majority.

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### ***OCM 120/12 Officer Recommendation & Council Decision***

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**MOVED CR WELLER**

**SECONDED CR QUADRIO**

**That Council resolves to write off the items listed in Appendix 10.1.8. (as attached) with an at total cost value of \$111,468.33 and total written down value of \$4,032.33 as at 1/6/2012.**

**CARRIED 6/0 by Absolute Majority**

<b>10.1.9. Subject/Applicant:</b>	<b>Audit Services – 1<sup>st</sup> July 2012 to 30<sup>th</sup> June 2016</b>
File:	00392
Reporting Officer:	Tony Doust – Acting Chief Executive Officer
Date of Report:	19 <sup>th</sup> June 2012
Disclosure of Interest:	Nil

### Purpose

To consider the appointment of Auditors for the period 1<sup>st</sup> July 2012 to 30<sup>th</sup> June 2016.

### Background

The existing Audit contract with RSM Bird Cameron expires on the 30<sup>th</sup> June 2012. The present Auditors will complete the Audit for the year 2011/12.

It is necessary to appoint Auditors for the period commencing 1<sup>st</sup> July 2012, prior to this date.

### Comment

Whilst Tenders can be called for Audit Services, it is not compulsory if the total cost of the service for the period does not exceed \$100,000 or the company is on the WALGA preferred suppliers list. Given the isolation of Wiluna the Acting Chief Executive Officer has invited four organizations to submit proposals for up to a five year period. Each organization presently provides Audit services to a number of Local Governments.

The specification used for quotation purposes has been prepared based on one used by other local governments.

Proposals have now been received from three of the organisations invited to submit a quotation. The quotations received provide a cost per year, which in each case has been escalated to allow for increased costs. Given that only two of the organisations are on the WALGA preferred supplier list and the total cost of all proposals for five years exceeds \$100,000 it is recommended that the term of the contract be four years. This will then comply with the legislative requirements. For the assessment purposes the cost of the first year are shown as well as the total cost for the four year period. The cost of travel and accommodation is addition to the fees for all the proposals received. **(Note costs shown are not including GST).**

RSM Bird Cameron	Cost 1 <sup>st</sup> year \$18,990	Cost 4 years \$81,709
Grant Thornton	Cost 1 <sup>st</sup> year \$21,818	Cost 4 years \$94,545
UHY Haines Norton	Cost 1 <sup>st</sup> year \$22,000	Cost 4 years \$94,000

The proposals received comply with the Audit specification.

It is recommended that the proposal by RSM Bird Cameron be accepted. The firm presently audits a number of local governments in the Murchison area including Wiluna.

**Consultation**

Grant Thornton, UHY Haines Norton, RSM Bird Cameron and AMD Chartered Accountants.

**Statutory Environment**

Local Government Act 1995 – Part 7 Audit – Division 2 Appointments of Auditors.

**Policy Implications**

Nil.

**Financial Implications**

Provision will be made in future budgets for the Audit costs.

**Strategic Implications**

Nil.

**Voting Requirements**

Absolute Majority.

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***OCM 121/12 Officer Recommendation & Council Decision***

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**MOVED CR WEBB**

**SECONDED CR WELLER**

**That RSM Bird Cameron be appointed as Auditors for the Shire of Wiluna for the period 1<sup>st</sup> July 2012 to 30<sup>th</sup> June 2016 as per their proposal dated 18<sup>th</sup> June 2012.**

**CARRIED 6/0 by Absolute Majority**

<b>10.1.10. Subject/Applicant:</b>	<b>Community Strategic Plan 2012-2023</b>
File:	00171 & 00514
Reporting Officer:	Tony Doust – Acting Chief Executive Officer
Date of Report:	20 <sup>th</sup> June 2012
Disclosure of Interest:	Nil

### **Purpose**

To present to Council the outcome of a recent consultation with the community for a review of the Shire of Wiluna existing strategic plan and adopt an amended draft plan for the period 1/7/2012 to 30/6/2013.

### **Background**

Council at its meeting on the 24<sup>th</sup> April 2012 considered a report on the requirements now in legislation for the preparation of a strategic plan. To remind Councillors the following procedure needs to be complied with:-

- “(1) a local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) In making or reviewing a strategic community plan, a local government is to have regarded to –*
  - a) the capacity of its current resources and the anticipated capacity of its future resources; and*
  - b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
  - c) demographic trends.*
- (6) Subject to sub regulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.*  
*\*Absolute Majority required.*

- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or, modified plan applies to the district the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.”*

To assist Council with the consultation requirement Æthos Consulting were appointed by the President and Acting Chief Executive Officer. Council resolved on the 24<sup>th</sup> April 2012:

1. *Council endorses the action of the Shire President, Deputy Shire President and Acting Chief Executive Officer in engaging ÆTHOS Consulting (Mr Ken Redwood and Ms Lisa Chandler) to conduct the community consultation process on the review/extension of the Shire of Wiluna Strategic Plan 2009 – 2014.*
2. *The draft report to be prepared by ÆTHOS be considered by Council at its meeting on the 23<sup>rd</sup> May 2012.*

### **Comment**

In 2009 the Wiluna Shire developed the *Shire of Wiluna Strategic Plan 2009 – 2014*, following detailed consultation with the Wiluna community. The strategic plan presents a vision for the Shire of Wiluna and identifies a range of planning goals, strategies and actions to advance the Shire towards the attainment of key elements of its vision for the future. The implementation of the five year Strategic Plan is now about half way completed and, in preparation for the development of a longer term (2012 – 2022) strategic plan, the Shire commissioned Æthos Consulting to assist it in consulting Wiluna residents and other stakeholders on their expectations and levels of satisfaction with work completed to date under the 2009 – 2014 Strategic Plan. The results of the consultation forms part of the Shire’s review of:

- progress in implementing the key actions identified in the 2009 – 2014 plan (*“What progress has been made in achieving our vision?”*)
- the effectiveness of the strategies and actions currently being implemented (*“Are the things we are doing achieving the outcomes we had hoped for?”*)
- community priorities for future Shire actions (*“Are the goals we identified in 2009 still relevant and important to people in Wiluna?”*)

The results of the community strategic plan review will provide input to subsequent planning instruments, including a Corporate Business Plan. This report presents the results of stakeholder consultation conducted in May



2012. The consultation served to check whether the community priorities identified through comprehensive community consultation in 2009 are still relevant to the Wiluna community.

Stakeholder consultation was conducted by Ken Redwood and Lisa Chandler of Æthos Consulting during the period from 11 May to 22 May 2012. Information on community perspectives on the relevance and effectiveness of the current Strategic Plan was collected by means of face to face and telephone interviews with a range of stakeholders, including local residents, Wiluna business operators, pastoralists, and government service providers. The duration of interviews typically ranged from about 30 minutes to about an hour. An open community meeting organised by the Shire of Wiluna was held at the Shire offices in Wiluna on Saturday, 12 May to discuss the strategic plan.

The interviews and community meeting all were conducted as semi-structured conversations centred on the strategic focus areas identified in the community plan:

- Proud Wiluna (community identity and culture)
- Green Wiluna (management of the natural and build environment)
- Healthy Wiluna (community health and safety)
- Go-ahead Wiluna (business, employment and enterprise)

A fifth focus area (“Leading Wiluna”), which relates to governance matters was not targeted in the community consultation because it largely relates to administrative and management actions initiated by the local government to assist in its delivery of services. Governance matters appear not to have been raised by community members in the 2009 community consultation. However, where participants in the 2012 consultation specifically raised governance matters, these have been noted.

In summary the results of the 2012 consultation are as follows:

A diversity of opinion was expressed by stakeholders, but overall those interviewed identified a relatively small number of planning matters that they considered as high priority issues. No new high priority issues were identified. That is, all of the issues identified as important priorities in 2012 had also been identified in 2009. Some issues raised in 2009 were not explicitly mentioned during the interviews conducted in May 2012. For example, none of those interviewed specifically mentioned a waterpark, or the need for improved shopping facilities or government service facilities, or a women’s refuge.

The dominant message received from stakeholders was that the future focus of local government in Wiluna should be “Back to Basics”, concentrating on a relatively small number of initiatives and reducing the complexity of the ambitious 2009 – 2014 Strategic Plan. The top three priority areas for Shire effort identified by those interviewed were:

- Community recreational and cultural institutions
- Improvement of roads and streetscapes
- Support for additional accommodation in Wiluna

These priority planning areas are discussed in more details in Sections 5.1 through 5.3, of the report which is attached as Appendix 10.1.10.a. (lilac pages).

Given the above the Acting Chief Executive Officer is currently updating the 2009-2014 Strategic Plan to reflect the above findings and also considering the time frame of items in the existing plan given the available resources to the Shire of Wiluna.

It is proposed to present and discuss with Council at the pre council meeting forum on 28<sup>th</sup> June 2012 the revised strategic plan with the view to it being considered formally by Council at this meeting.

The revised strategic plan will not be available until the pre council forum.

### **Consultation**

Shire President, Mr Ken Redwood and Lisa Chandler

### **Statutory Environment**

Local Government Act 1996 Section 5.56 Planning for the Future.  
Local Government (Administration) Regulation 19C (as detailed in the background section of this report).

### **Policy Implications**

No specific policy.

### **Financial Implications**

Funding has been provided in the 2011/12 budget to review and extend the Shire of Wiluna Strategic Plan (a/c E041010).

### **Strategic Implications**

The future direction of the Shire of Wiluna will be the outcome of the review/extension of the existing Shire of Wiluna Strategic Plan 2009 – 2014.

### **Voting Requirements**

Absolute Majority.

**OCM 122/12 Officer Recommendation & Council Decision**

**MOVED CR WELLER**

**SECONDED CR PETERSON**

**That Council:**

- 1) Receive the report by Æthos Consulting on the Community Consultation for the review of the Shire of Wiluna Strategic Plan 2009 – 2014. (Included as Appendix 10.1.10.a. lilac pages.)**
- 2) Bearing in mind the level of available resources the revised Strategic Community Plan for the period 1<sup>st</sup> July 2012 to 30<sup>th</sup> June 2013 as presented, be adopted. (Included as Appendix 10.1.10.b. white pages.)**

**CARRIED 6/0 by Absolute Majority**

<b>10.1.11. Subject/Applicant:</b>	<b>Central Desert Native Title Services – Amendment development application Lot 501 Wotton Street Wiluna</b>
File:	Lot 501 Wotton Street Wiluna
Reporting Officer:	Tony Doust – Acting Chief Executive Officer (Urbis Report)
Date of Report:	20 <sup>th</sup> June 2012
Disclosure of Interest:	Nil

**Purpose**

For Council to consider a proposed amendment to the previously approved Development Application for a Land Management Facility and associated Caretakers Dwelling at Lot 501 Wotton Street, Wiluna.

This application seeks to change the use of the previously approved Caretakers Dwelling to a Staff Training Centre as well as reposition the centre and the associated car parking. The amendment proposes to move the centre east closer to the main facility, and increase the southern and western boundary setbacks. 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.

**Context**

The subject site is bound by ‘commercial’ 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**

Previous Planning Approval

The previous planning application sought and attained council's approval on 20 September 2011 for the development of a warehouse/shed, administrative office, kitchen facilities and toilets located at the front of the lot, adjacent to Wotton Street. It also included the approval for the caretaker's dwelling located behind the primary building, and the associated parking and access approved from Thompson Street.

Proposed Change of Use and Minor Amendments

This application seeks approval for the alternative use of a 'Staff Training Centre' in place of the previously approved 'Caretaker's Dwelling'. The application also proposes to move the Centre eastward closer the previously approved warehouse and office for ease of access.

The layout and orientation of the Staff Training Centre has also been amended. The proposed plans show the centre reorientated 90 degrees. As such the Centre's veranda which previously faced the eastern (Wotton Street) boundary is now adjacent to the southern (Thompson Street) boundary. This adjustment has also increased the southern setback from 23.0 metres to 29.0 metres and the western (rear) setback from 1.5 metres to 8.8 metres

The repositioning of the Staff Training Centre has also impacted on the previously approved parking layout; as such the setback of the proposed car

parking bays to the western (Rear) boundary has reduced from 7.5 metres to 1.5 metres

No changes are proposed to the previously approved number of car parking bays provided on site or the vehicle access via Thompson Street. The location and use of the portion of the development facing Wotton Street also remains unchanged.

A copy of the previously approved Development Application Plans dated 20 September 2011 are attached as 10.1.11. Appendix A, and the revised Development Application Plans for the proposed change are use are attached as 10.1.11. Appendix B.

#### Staff Training Centre

The new use for this building is for staff training. The proponent has advised that centre will have a maximum of 5 staff members at any one time. The site and development requirements for a Staff Training Centre in a "Commercial" zone is at the discretion of Council. (See commentary below).

Based on the plans submitted as part of the Change of Use – Amended Development Application, the location of the Staff Training Centre is considered 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.

#### **Comment**

#### Statutory Implications

##### Town Planning Scheme No. 1 (TPS1)

The subject site is zoned "Commercial" under Town Planning Scheme No 1 (TPS1). The proposed use is classified as an "educational establishment" under TPS1. The definition for an 'educational establishment' is *"a premises used for the purpose of education and includes a school, tertiary institution, business college, academy or other educational centre"*.

It is considered that the 'staff training centre' falls within the definition of an "educational establishment" due the provision of training services and facilities. This use is a 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*.

An "educational establishment" is further considered to satisfy the objectives of the 'commercial zone' which states *"the objective is to provide for shopping, office, administrative, social, recreation, entertainment, and community facilities commensurate with the role of Wiluna in the region"*. Given the proposed staff training centre intends to provide training for the management of land, it is considered to satisfy this objective.

It is noted that TPS1 does not nominate any prescribed setbacks nor 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.

As previously mentioned, the proposed number of car parking bays and the point of access via Thompson Street has not changed from the original approval. However, the revised layout of the car parking bays seeks a minor amendment to the previous planning approval through the reduction of the eastern setback.

The proposed layout is considered to address the parking and setback considerations of TPS1. The revised parking layout and eastern setback reduction is considered to have no undue impact on the Wotton Street streetscape. Additionally, 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 from Thompson Street is considered to be legible and appropriately spaced to ensure adequate vehicular manoeuvrability and pedestrian safety

#### Draft Town Planning Scheme No. 2 (Draft TPS2)

The Shire's Draft Town Planning Scheme No 2 (Draft TPS2) is currently being advertised. Draft TPS 2 identifies the subject site as being a new "Town Centre" zone. 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 an "educational facility" will be an "A" use in a "Town Centre" Zone under the new Scheme, meaning that the *use is not permitted unless the local government has exercised its discretion by granting planning approval after giving notice in accordance with clause 8.4. This notice is not required in this instance due to the draft status of TPS2.* Refer to subsequent section in relation to advertising requirements.

As specified within Draft TPS2, an educational establishment is required to provide 1 carparking bay per staff member, plus 1 carparking bay per 10 students. A minimum landscaping requirement is also specified within TPS2. It is required within the Town Centre Zone that canopy shade trees at the rate of 1 tree for every 4 open air parking bays is planted. That screen landscaping, paving and garden areas are implemented as required by Council.

As previously mentioned, the proposed centre is expected to have a maximum of five staff and students at any one time.

The proposed number of car parking bays has not changed from the original approval which provided 12 carparking bays with 1 disabled carparking bay.

The provided number of carparking bays therefore satisfies the parking requirements of draft TPS2.

In order to address the landscaping requirements also prescribed within draft TPS2 a condition has been applied for the provision of three shade canopy trees to be incorporated within the carparking area.

The front and secondary Street setbacks are consistent with the minimums also proposed to be established by Draft TPS2.

The rear setback which under Draft TPS2 which is determined at the discretion of the Council, is also considered acceptable given the proposed setback is greater than that proposed within the original Planning Approval due to the provision of additional landscaping.

### **Policy Implications**

Council recently adopted a Local Planning Policy for Transportable Structures and the Relocation of Buildings. Generally this 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 proposed training facility is to be a transportable structure. The previous planning application provided all of the required information and officers were of the opinion that the proposal met the standards and objectives of both the abovementioned Local Planning Policy and TPS1. The proposed amended planning application provides the same information, and proposes only minor changes to the previously approved development. It is therefore also considered to be compliant with the policy.

### Advertising

The above mentioned Local Planning Policy recommends Council advertise such applications to adjoining landowners for a minimum period of 14 days.

In the previous planning application this requirement was considered unnecessary 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 only relevant landholding is located to the west of the subject site and this is held in private ownership. This landowner has previously indicated verbally to the Shire that they have no concerns with the development of transportable structures on the site.

Whilst Draft TPS2 would require an educational establishment to be advertised, this notice is not required due to the draft nature of TPS2.

For these reasons, Council staffs do not consider this Amendment application requires public advertising.

## Financial Implications

Nil

## Conclusion

The proposed amended application is recommended for approval subject to appropriate conditions as listed in the Officer's Recommendations, for the following reasons:

- The proposal is compliant with the objectives and requirements of TPS1 and Draft TPS2;
- The proposal is considered to be a minor amendment to the existing approval;
- The proposal is compliant with the setback, parking and land use requirements of TPS1 and Draft TPS2; and
- Officers do not consider the proposed Amendment will have a detrimental impact on the amenity of the surrounding areas.

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### ***OCM 123/12 Officer Recommendation & Council Decision***

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**MOVED CR WEBB**

**SECONDED CR PETERSON**

**It is recommended that Council approve the Amended Development Application, which proposes a change of use from a "Caretaker's Dwelling" to an "Educational Establishment" and some minor amendments given the compliant nature of the proposal with TPS1, Draft TPS2 and the relevant Local Planning Policies.**

### **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 24 April 2012.**
- 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. A revised Landscaping Plan showing the provision of (3) canopy shade trees provided within the car park's landscaping shall be submitted to and approved by the Shire prior to the issue of a Building License.
6. 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.
7. Earthworks over the site being stabilised to prevent sand blowing and dust nuisance.
8. 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.
9. 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.
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. All crossovers are to be designed and constructed to the satisfaction of Shire.
15. The Staff Training Centre (transportable) dwelling shall be structurally assessed at its current location in terms of its suitability for relocation.
16. Prior to issue of a Building Licence for the Staff Training Centre, 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.

17. The receipt of a cash deposit bond (value determined by Council at \$5000) is required prior the issue of a Building Licence for the Staff Training Centre
18. The disposal of wastewater via a septic waste system.
19. The approval of Horizon Power being obtained to determine whether special provisions exist for the connection of electricity supplies to the proposed development.
20. 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.
21. The office and appropriate sanitary facilities shall be included as part of Stage 1 of the development.
22. Fencing is not a part of this approval and a further application providing details of what is proposed is required.

**CARRIED 6/0**

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

Nil

**10.3. Manager of Corporate Services Reports**

Nil

**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:	19 June 2012
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 May 2012 are listed as Appendix 10.4.1. (blue pages).

### **Consultation**

Nil

### **Statutory Environment**

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

### **Policy Implications**

Nil

### **Financial Implications**

Nil

### **Strategic Implications**

Nil

### **Voting Requirement**

Simple Majority

### **OCM 124/12 Officer Recommendation & Council Decision**

**MOVED CR WELLER**

**SECONDED CR WEBB**

**That the accounts paid by authority for the period ended 31 May 2012 totalling \$342,882.47 be received, endorsed and incorporated in the Minutes of the meeting.**

**CARRIED 6/0**

<b>10.4.2. Subject/Applicant:</b>	<b>Financial Report</b>
File:	Finance
Reporting Officer:	Glenn Deocampo – Manager, Finance & Admin
Date of Report:	19 June 2012
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 May 2012.

### **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 periods ending 31 May 2012 are listed as Appendix 10.4.2. (green pages).

### **Comment**

Nil

### **Consultation**

Nil

### **Statutory Environment**

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

### **Voting Requirement**

Simple Majority

### ***OCM 125/12 Officer Recommendation & Council Decision***

**MOVED CR WELLER**

**SECONDED CR OVENS**

**That Council adopt the Financial Reports for the period ending 31 May 2012 as presented.**

**CARRIED 6/0**

<b>10.4.3. Subject/Applicant:</b>	<b>Furniture and Equipment to be Written Off</b>
File:	
Reporting Officer:	Glenn Deocampo, Finance Manager
Date of Report:	18 June 2012
Disclosure of Interest:	Nil

### **Purpose**

The purpose of this report is for Council to approve the write off of various items of the Furniture and Equipment included in the Shire of Wiluna asset register.

### **Background**

A recent review of the furniture and equipment in the asset register was carried out.

On purchase, Council records the initial cost of the asset and then applies an annual depreciation charge to reflect wear and tear on the asset. The final cost is known as the written down value cost (WDV) or net book value. When this cost reduces to nil, the asset is considered to have reached the end of its useful life and no longer has any monetary value to Council.

Maintaining records of furniture and equipment is difficult as often not enough information is available to sufficiently identify like assets from each other. Additionally as furniture and electronic equipment breaks down it is often "junked" without referral back to the asset register.

### **Comment**

It is significant that the Asset Register is updated and relevant to the present situations.

The asset register revealed that there are items in the register that are either fully depreciated or carried at nil value over the years, non-existent, unknown location, missing, and no longer usable. Some items are also recorded in the register should have been considered an "operating expense" and not assets. These items do not meet the capitalisation policy of \$3000 or more for Furniture and Equipment as adopted in the annual budget.

Any item purchased under \$3000 and above \$300 will be recorded in an "Attractive Asset Register" for accountability purposes.

Some items that are recommended for write off will be considered in the "Attractive Asset Register" as noted in the list.

It is recommended that assets classified as Furniture and Equipment on the attach appendix 10.4.3. (caramel pages) be approved for write off.

### **Consultation**

Tony Doust, Acting CEO

### **Statutory Environment**

Disposal of property is covered by Section 3.58 of the Local Government Act 1995. Section 30 of the Local Government (Functions-General) Regulations 1996 exempt property from the requirements of the Act where the market value is less than \$20,000.

Whilst the above requirements do not specifically refer to writing off items, it is considered appropriate to present to the council for approval.

### **Policy Implications**

Significant accounting principles adopted in the 2011/2012 budget included in the capitalisation threshold when assets are acquired.

### Financial Implications

A loss on disposal of assets will be incurred for items that are not fully depreciated. No specific implications as the written down value is minimal.

### Strategic Implications

Nil

### Voting Requirements

Absolute Majority

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### ***OCM 126/12 Officer Recommendation & Council Decision***

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**MOVED CR WEBB**

**SECONDED CR OVENS**

**That Council approves to write off items as shown in Appendix 10.4.3. with the total value of \$96,991.55 and the total net book value of \$8,936.93 as at 18 June 2012.**

**CARRIED 6/0 by Absolute Majority**

### 10.5. Works Manager Report

<b>10.5.1. Subject/Applicant:</b>	<b>Tender Road Maintenance Services 1<sup>st</sup> July 2012 to 30<sup>th</sup> June 2014</b>
File:	00374
Reporting Officer:	Brett Edwards – Works Manager
Date of Report:	20 <sup>th</sup> June 2012
Disclosure of Interest:	Nil

### Purpose

The purpose of this report is to inform Council of the result of tenders called for maintenance grading service during the period 1<sup>st</sup> July 2012 to 30<sup>th</sup> June 2014 and accept a tender.

### Background

Council at its meeting on the 23<sup>rd</sup> May 2012 considered the proposed tender documents for maintenance grading starting from 1<sup>st</sup> July 2012. Tenders were to be called on the following basis:-

- 1) For the whole of the Shire
- 2) Sections:-  
Section A – Western Area:- incorporating Sandstone, Wiluna, Yeelirrie, Yandil, Lake Way, Albion Downs and Wiluna North Roads.

Section B – South East Area:- incorporating Barwidgee, Mount Fisher, Wonganoo, Barwidgee-Yandal and Prenti Downs roads.  
Section C – Central Area:- incorporating Wongawol, Granite Peak – Lake Violet, Carnegie, Carnegie-Glenayle, Gunbarrel Hwy, Sydney Heads, Granite Peak Bypass, Lake Violet access and Glenayle access roads.

When considering the tender documentation Council accepted the following requirements as recommended by the Shire staff:-

*“Qualitative Criteria for the Tender*

<b>Description of qualitative Criteria</b>	<b>Weighting</b>
<i>Demonstrated experience in completing similar projects including skills, experience and certification of key personnel</i>	20%
<i>Tenderers resources and quality of plant and equipment including accommodation</i>	10%
<i>A demonstrated understanding of the required tasks.</i>	10%
<i>Provision of a suitable occupation health and safety regime for the protection of staff and the general public</i>	10%
<i>Tendered price of the works</i>	50%

*Selection Criteria*

*A best value for money approach will be adopted for the tender with the lowest price not necessarily being accepted, nor the tender with the highest ranking on the qualitative criteria.*

*Compliance Criteria*

*The tender documents include compliance criteria which will not be point scored but assessed on a simple Yes/No basis. If a criteria is not met and has a “No” against it, the tender may be eliminated from consideration.*

*It is intended to close the tenders at 3.00pm on Monday 18 June 2012. Tenders will be opened at 3.30pm on the same day. This will enable the tenders to be invited and closed in time to be considered by Council at the June ordinary meeting.”*

Council resolved on the 23<sup>rd</sup> May 2012:-

- 1. “Tenders be publicly invited for the provision of road maintenance grading services for the period 1<sup>st</sup> July 2012 to June 30<sup>th</sup> 2014, on the following basis:-**

**Tender RTF12/01/01- Provision of Road Maintenance Grading Services for Whole of the Shire of Wiluna;**

***Tender RTF 12/01/02- Provision of Road Maintenance Grading Services for a section of the Shire of Wiluna based on the sections A, B and C as outlined in this report.***

- 2. The ‘Selection Criteria’ together with the ‘Qualitative Criteria’ and ‘Compliance Criteria’ outlined in this report and listed in the tender documents be used in considering and accepting tenders.***
- 3. Tenders close at 3.00 pm on Monday 18<sup>th</sup> June 2012.”***

**Comment**

Tenders were called as per Council’s decision. An advertisement was placed in the “West Australian” on the 26<sup>th</sup> May 2012.

During the period of advertising (14) enquiries were made and tender documents sent out.

At the close of tenders on the 18<sup>th</sup> June 2012 at 3.00 pm three tenders had been received. Tenders were opened by the Acting Chief Executive Officer and Works Manager. All tenders received are for the grading of the whole Shire.

The tenders received have now been assessed against the selection criteria by the Acting Chief Executive Officer and Works Manager:-

Description of qualitative Criteria	Weighting	Them Earthmoving Pty Ltd Geraldton	Northern Goldfields Earthmoving Bullsbrook	HAS Earthmoving Kalamunda
Demonstrated experience in completing similar projects including skills, experience and certification of key personnel	20%	10	16	10
Tenderers resources and quality of plant and equipment including accommodation	10%	5	9	7
A demonstrated understanding of the required tasks.	10%	5	7	7
Provision of a suitable occupation health and safety regime for the protection of staff and the general public	10%	7	8	9
Tendered price of the works	50%	50	41.67	20.05
Total	100	77	81.67	53.05
Hourly Rate (Including fuel and excluding GST)		\$150.00	\$175.00	\$239.85
Grader Type and ages		John Deere 772B, 770B 1993 & 1990	CAT 140H, 140H 2006 & 2007	CAT 12M, 140H, 120H 2012, 2001 & 2000



None of the tenders received included evidence of Professional Indemnity Insurance. The Acting Chief Executive Officer believes this is not required and should have been omitted as a requirement.

It is recommended that the tender submitted by Northern Goldfields Earthmoving for the Maintenance Grading of the (Whole Shire) for the period 1<sup>st</sup> July 2012 to 30<sup>th</sup> June 2014 accepted.

### **Consultation**

Acting Chief Executive Officer

### **Statutory Environment**

Section 3.57 Local Government Act 1995  
Local Government Function and General Regulations 1996 11, 14 and 15

### **Policy Implications**

Purchasing Policy

### **Financial Implications**

Provision will be made in the 2012/13 and future budget for the funding required for the level of maintenance grading required annually.

### **Strategic Implications**

Shire of Wiluna Strategic Plan 2009-14  
"Green Wiluna"  
Ensure all Shire roads and streets are maintained and safe.

### **Voting Requirements**

Simple Majority

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### ***OCM 127/12 Officer Recommendation & Council Decision***

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**MOVED CR WELLER**

**SECONDED CR WEBB**

**That the tender submitted by Northern Goldfields Earthmoving for the Maintenance Grading of all roads in the Shire of Wiluna, for the period 1<sup>st</sup> July 2012 to 30<sup>th</sup> June 2014, as per the tender specifications (without the need to provide Professional Indemnity Insurance Cover) be accepted.**

**CARRIED 5/1**

***Cr Quadrio requested that his vote against the motion be recorded.  
Cr Weller left the meeting at 3.40 pm and returned at 3.45 pm.***

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

Nil

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

**12.1 Shire Organisation Staff Structure**

The Acting Chief Executive Officer provided Council with a revised structure for the staff that he wished to include in the 2012/13 Budget. This was in line with the Council decision on 24<sup>th</sup> August 2011, after the 23011/12 Budget was adopted:-

*“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:-*

- 1. Any changes proposed to the funded organisational structure and number of employees included in the adopted Budget.”*

In December 2011 approval was given to change the structure adopted i.e. the position of Deputy CEO was changed to Manager of Community Development.

The Acting Chief Executive Officer explained the proposed changes to the structure and responded to questions raised.

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***OCM 128/12 Officer Recommendation & Shire Decision***

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**MOVED CR QUADRIO**

**SECONDED CR OVENS**

**That Council approves the revised staff organisational structure as per (Appendix 12.1) attached to the minutes.**

**CARRIED 6/0**

**13. Public Question Time**

Nil

**14. Matters Behind Closed Doors**

Nil

**15. Closure**

The meeting was declared closed at 3.57 pm.