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MINUTES

1. Declaration of Opening and Announcement of Visitors

The President opened the meeting at 1.10 p.m.

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

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

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

Public (Mrs G Marchant)

Apologies

Jim Quadrio (Deputy President)

3. Response to Previous Public Questions Taken on Notice

Nil

4. Public Question Time

Nil

5. Applications for Leave of Absence

Cr Weller – March OCM

OCM 001/13 Council Decision

MOVED CR WEBB

SECONDED CR OVENS

That Cr Weller be granted a leave of absence for OCM that will be held on 26th March 2012

CARRIED 5/0

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

Nil

8. Confirmation of Minutes of Previous Meeting

8.1. Ordinary Council Meeting 12th December 2012.

OCM 002/13 Council Decision

MOVED CR WEBB

SECONDED CR WELLER

The Minutes of the Meeting held on 12th December 2012 be accepted as a true record of the meeting.

CARRIED 5/0

9. Announcement Presiding Member without Discussion

Nil

10. Reports of Officers and Committees

10.1. Chief Executive Officer Reports

10.1.1. Subject/Applicant:	Status Report
File:	Various
Reporting Officer:	Tony Doust - Chief Executive Officer
Date of Report:	20 th February 2013
Disclosure of Interest:	Nil

Purpose

The purpose of this report is for Council to receive the 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.

Comments

Ordinary Council Meeting 28 September 2011

Golden West Resources Working Party

File Ref:

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 more attractive for development.
- (b) To consider the requirements and approvals necessary to progress the establishment of Mine Workers accommodation within the townsite of Wiluna.

Council at its meeting on the 3rd 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”.

Mr Mick Wilson and Mr Craig Ferrier from Golden West Resources attended the Council meeting on the 28th November 2012 and addressed Council on the present state of their operations. Council resolved at its meeting on the 28th November 2012 for Cr G Harris to fill the vacancy on the working party created by Cr Wongawol no longer being a Councillor. It was also agreed to progress the working party with the first meeting to be held in early February 2013. Several dates have been sent to GWR for consideration.

The Chief Executive Officer has made several attempts (November 2012 & 22nd January 2013) by email to contact Mr Wilson to arrange a meeting and has not received any response.

The Chief Executive Officer recommends to Council that Golden West Resources be advised that as they have not proceeded as per the discussion with Council on the 28th November the Working Group will be disbanded.

Ordinary Council Meeting 27th June 2012

**Reserve 30771 Cnr Wall and Lennon Street Wiluna
File Ref: Lot 78**

Council considered a report on all the Shire controlled land at its last meeting. Other than the above lot Council resolved that all land be retained for future requirements.

The above reserve is on the eastern boundary of the Hotel and its purpose is “Children’s Playground”. The property on the northern boundary was owned by the Shire some time ago and the house on this lot has been extended onto part of the Reserve.

The Department of Lands have been advised and progressing with the requirements to change the land.

The survey work is now being undertaken which will allow the matter to be finalized.

Ordinary Council Meeting 22nd August 2012

Lot 1467 (Reserve 30708) Transfer to the Ngangganawili Aboriginal Health Service (NAHS)
File Ref: 00243

The Council's decision to request the Department of Lands to transfer the above reserve to the NAHS has been implemented. The matter is progressing and further information was recently provided by the Shire to the Department of Lands.

The Vesting/Management Order has been returned to the Department of Lands for transfer to NAHS.

Ordinary Council Meeting 12th December 2012

Wiluna Cemetery Records
File Ref: 00396

The Chief Executive Officer advised Council at its last meeting as follows:-

"The Acting Chief Executive Officer has discovered that the plans for the burials at the Wiluna Cemetery (as per Section 40 (2) of the Cemeteries Act 1986 have not been updated/completed during the period commencing April 2007 until 21st March 2012. During this time (35) deceased persons have been buried in the Wiluna Cemetery and the location of the graves have not been recorded on the plans held at the Shire Office. At this time it is not possible to determine the location of each of the deceased persons. Most of the deceased persons are indigenous.

The Shire has a significant problem as the Board responsible for the Wiluna Cemetery with regard to identifying who is buried where during this period. Other than digging up each of the graves that have been used for a burial that we have no record of the deceased person in that grave, and locating the plate on the coffin, there appears to be little else that can be done to rectify the oversight by the Chief Executive Officers during the period April 2007 to March 2012.

The requirement to certify that plans have been kept and maintained, showing the location of all burials, as per section 40 (2) of the Cemeteries Act 1986, has been included in the Annual Compliance Audit Return for the years 2007, 2008, 2009 and 2010. A search of the minute book reveals that on each of these returns the officers have responded "yes" to the compliance with this requirement. Copies of the sections from the compliance return adopted by Council and sent to the Department are attached as appendix 12.1.

The Acting Chief Executive Officer recommends to Council that the public be made aware of this oversight, advise the Department of Local Government

as the administration of the Cemeteries Act 1986 falls under the Minister for Local Government and seek legal advice on the matter.”

Council resolved accordingly:

- 1. That the Council acknowledges the information provided by the Acting Chief Executive Officer and would like more time to consider the matter.*
- 2. The item is included on the agenda for the Council Meeting in February 2013.*

The Chief Executive Officer recommended to Council on the 12th December 2012 of the action he believed need to be taken. It is now up to Council to determine the action required.

**A discussion was held on this matter and it was agreed
“That the Chief Executive Officer advise the Department of Local Government of the position and seek guidance on how the matter might be addressed.”**

OCM 003/13 Officer Recommendation & Council Decision

MOVED CR WELLER

SECONDED CR OVENS

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 5/0

10.1.2. Subject/Applicant:	Commonwealth Financial Assistance Grants to Local Government – Review of Methodology by the Western Australian Local Government Grants Commission
File:	00133
Reporting Officer:	Tony Doust - Chief Executive Officer
Date of Report:	24 th December 2012
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to provide Council with an overview of the impact on the Shire of Wiluna of the review of the methodology used by the Western Australian Local Government Grants Commission (WALGGC) for the distribution of Commonwealth Financial Assistance (FAGS) to Local Governments in Western Australia. The report recommends that the Council raise concern with the WALGGC about the significant loss of income by the Shire of Wiluna due to the phasing in principle adopted by the Commission.

Background

Commonwealth Financial Assistance Grants to Local Governments in Australia have been in place for over 40 years. The funding received by Local Government is divided into two separate allocations, "General Purpose Grants" and "Road Grants". The process of distributing funds has changed over this time and for the past 20 years or more the methodology used by the Western Australian Local Government Grants Commission for the allocation of "General Purpose Grants" has been the "Balanced Budget" approach. The other used for the Roads portion is based on the "Asset Preservation Model" which takes into consideration the actual road inventory data of each Local Government.

The Western Australian Local Government Grants Commission over the past two years has reviewed the process used for distributing the funding based of the National Principles set out in section 9 of the Local Government (Financial Assistance) Act 1995. This process included the opportunity for Local Governments to have input.

In January 2012 the WALGGC published an overview of the new methodology to be used for the General Purpose Grants in the future and in April 2012 produced a guide to assist Local Governments in understanding how these grants are to be calculated. The assessment of the Road Grants portion would continue on the principles previously used.

Comment

The Shire of Wiluna Chief Executive Officer recently obtained a copy of the detail use by the WALGGC for assessing the 2012/13 Grants for each Local Government.

In summary the Shire of Wiluna FAGS Road Grant for 2012/13 has been assessed at a similar level to what was received in the previous year and is now \$745,220.

The FAGS General Purpose Grant to be received by the Shire of Wiluna in 2012/13 is assessed at \$1,262,412 which has increased over the previous year's grant of \$1,128,420. This increase equates to 11.87%, however the actual grant has been reduced to \$1,247,851 to bring the increase down to 10.58% the maximum increase that any Local Government is entitled to receive.

Whilst the increase received is appreciated, the new methodology for the General Purpose Grants calculates the Shire of Wiluna to have an equalisation requirement under the new criteria of \$2,401,550. Appendix 10.1.2. is a summary showing the Fiscal Equalisation Data used to assess the Shire of Wiluna's need.

Given the above the Shire of Wiluna has been assessed by the WALGGC as requiring \$2,401,550, however the Shire of Wiluna will not receive this because of the impact on other local governments that are now well over their assessed equalisation need from the past methodology. The WALGGC has

taken the approach that any significant decrease on a Local Government will have an impact on their operation.

It is acceptable to expect some reasonable level of phasing in of any change, however it should not be based on the maximum increase as used by the WALGGC for the year 2012/13. If this level is adopted as an acceptable base in future years it will take between 6 to 8 years for the Shire of Wiluna to receive the full yearly equalisation as established in the principles adopted by the Commission. The financial loss/impact on the Shire is difficult to determine however it could be as high as six or seven million dollars.

The capacity of the Shire of Wiluna to operate will be significantly compromised as the isolation and location disabilities included in the methodology applicable to the Shire, are substantially ignored by this arbitrary decision to phase in the new requirements and in fact put aside the real principles of equalisation adopted by the WALGGC in accordance with the National legislation.

It is recommended that the Council resolve to take this matter up with the WALGGC and Western Australian Local Government Association requesting the phasing in process of the full assessed equalisation for each Local Government be no longer that (3) years from the 1st July 2012.

Consultation

Officers Western Australian Local Government Grants Commission. Shire President, Deputy Shire President.

Statutory Environment

Commonwealth Government - Local Government (Financial Assistance) Act 1995

State Government – Local Government Grants Act 1978

Policy Implications

Nil

Financial Implications

The financial impact of the position with this funding is outlined in the comments section of this report.

Strategic Implications

The ability of the Shire to meet its strategic objectives will be effected by the reduced revenue resulting from the decision by the Western Australian Local Government Grants Commission to phase in the full equalisation for the Shire of Wiluna established under the principles in the National legislation.

Voting Requirements

Simple Majority

OCM 004/13 Officer Recommendation & Council Decision

MOVED CR WEBB

SECONDED CR PETTERSON

Council resolves that the Chief Executive Officer take this matter up with the WALGGC and Western Australian Local Government Association requesting the phasing in process of the full assessed equalisation for each Local Government, be no longer that (3) years from the 1st July 2012.

CARRIED 5/0

10.1.3. Subject/Applicant:	2012 Compliance Audit Return for Local Governments
File:	00275
Reporting Officer:	Tony Doust - Chief Executive Officer
Date of Report:	14 th January 2013
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to present Council with the completed Audit Compliance Return for the period 1 January 2012 to 31 December 2012, for adoption.

Background

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

The return when completed is to be:

- (a) Presented to the Audit Committee to review and report the results to a meeting of Council
- (b) Adopted by Council
- (c) Recorded in the Minutes of the meeting at which it is adopted.

Comment

When comparing this year's return with the Return for 2011, it is pleasing to note compliance of 100%

As the Council has appointed five of the present six Councillors to the Audit Committee (OCM 3rd April 2012) and there are no other members, it is proposed that rather than holding an Audit Committee meeting, the Council deal with the matter during the Council meeting. The Councillor that is not a member is Cr Ovens, and it is proposed that Cr Ovens abstain from participating in the Committee deliberation. The committee will make its recommendation to the Council for Council to then formally adopt.

After adoption by Council, a copy of the Return (appendix 10 .1.3.) is to be certified by the Shire President and the Chief Executive Officer, and submitted to the Department of Local Government by 31 March 2013.

Consultation

Nil

Statutory Environment

Local Government Act 1996
Local Government (Audit) Regulations 1996.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority

Cr Ovens did not participate or vote on the matter discussed by the Audit Committee

Committee Recommendation/Decision

MOVED CR WEBB

SECONDED CR WELLER

The Audit Committee recommends to Council that the Compliance Audit Return for the period 1 January 2012 to 31 December 2012, be adopted.

CARRIED 4/0

OCM 005/13 Officer Recommendation & Council Decision

MOVED CR OVENS

SECONDED CR PETERSON

1. The Compliance Audit Return for the period 1 January 2012 to 31 December 2012 be adopted.
2. A certified copy of the Compliance Audit return, together with the section of Council meeting minutes adopting the return, be submitted to the Director General of the Department of Local Government.

CARRIED 5/0

10.1.4. Subject/Applicant:	Regional Development Commission Area
File:	00354
Reporting Officer:	Tony Doust - Chief Executive Officer
Date of Report:	24 th December 2012
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to raise with Council the issue of the Regional Development Commission area the Shire of Wiluna should be located in and determine any action that is required to progress the Council's choice.

Background

Whilst both State and Federal Governments have placed the Shire in regional groupings for government business purposes, if the Council has a preferred position it is important that this be determined to allow the same to be put forward when decisions are being made about regional groupings, particularly when there is a choice.

There is probably no other Local Government in Western Australia that has such a mixture of regional groupings. The following are examples of some but not all of the regions the Shire have been placed in:-

Regional Development Commission	Midwest/Geraldton
Roads (Main Roads)	Goldfields Kalgoorlie
Land Administration (DOLA)	Midwest (Midland)
FESA – Fire & Emergency Services	Kalgoorlie (serviced by Midwest/Geraldton)
Education	Goldfields/Kalgoorlie
Police	Goldfields/Kalgoorlie
Health	Midwest/Geraldton
Recreation – Sport	Geraldton
Local Government-WALGA	Goldfield Esperance Ward

In April 2003 the Council considered a report on this matter and resolved accordingly:-

- (1) *"The Council adopts the following policy.*

Regional Centre

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

- (2) *The Minister for Local Government and Regional Development be advised of the Council's decision/policy and asked to consider this preferred position when regional boundaries are being developed or revised.*

(3) *That the Western Australian Local Government Association be advised of the Council's decision/policy and requested to inform Council of the action required to changes from the Murchison Zone to the Esperance-Eastern Goldfields Zone."*

A number of changes have occurred since the decision was made in 2003 including the following:

- The Shire of Wiluna is now in the Goldfields Esperance Zone of WALGA.
- The Shire is also a member of number of Goldfields Esperance Regional Local Government Organisations e.g. GVROC and GERCG.
- A member of the Goldfields Tourism Network Association.
- Joint venture partner in a Goldfields Esperance Record Storage facility in Kalgoorlie

Comment

At a recent Midwest Development Commission (MWDC) function the Chairman of the Commission, Mr Murray Criddle, raised with the Shire of Wiluna Chief Executive Officer (CEO) the possibility of the Shire of Wiluna changing to the Goldfields Esperance Development Commission (GEDC). Mr Criddle did indicate that he had discussed this matter with his equivalent in the GEDC.

Following this the CEO raised the matter with the MWDC Chief Executive Officer, Mr Gavin Treasure.

Advice has now been received from Mr Treasure that the State Regional Development Council will be conducting a review of the regional development commission boundaries in 2013 and it would be an opportune time to progress the change.

Given the changes and direction the Council has made since 2003 and now that the Royalties for Regions CLGF funding is taking a significant regional focus it is important that the Shire is located in the region to take the best possible advantage. It is considered that the Shire of Wiluna would best be located in the Goldfields Esperance Regional Commission.

If Council wishes to progress this change it will need to re-affirm the decision made by the Council in 2003.

Consultation

Chairman and Chief Executive Officer Midwest Development Commission.

Statutory Environment

The Shire has an obligation to comply with Government decisions on where the regional service will be provided from; however the Council has the right to determine which regional area it wishes to be aligned with for activities that are non government.

Policy Implications

Shire of Wiluna Policy - 1.15

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

Financial Implications

Nil

Strategic Implications

The policy provides Strategic direction to develop regional associations and relationships.

Voting Requirements

Simple Majority

OCM 006/13 Officer Recommendation & Council Decision

MOVED CR WEBB

SECONDED CR WELLER

That Council reaffirms its position that the Shire of Wiluna be located in the Goldfields Esperance Regional Development Commission area and the Chief Executive Officer be requested to progress this objective with the Midwest and Goldfields Esperance Development Commissions.

CARRIED 5/0

10.1.5. Subject/Applicant:	GRV Valuation & Rating Magellan Mine Plant and Accommodation
File:	00602
Reporting Officer:	Tony Doust - Chief Executive Officer
Date of Report:	24 th December 2012
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to obtain Council approval to progress the method of Valuation of the Magellan Mine Plant/Improvements and Accommodation facilities, from Unimproved to Gross Rental Valuation.

Background

The Magellan operation is presently rated on the unimproved valuation basis of the mining tenement which does not consider the improvements and operation. Three other mining operations in the Shire are valued of a Gross Rental basis which takes into consideration the value and use of the

improvements. These mines are operated by BHP Billiton at Mount Keith, Newmont at Jundee and Apex Minerals in Wiluna.
The outcome of this change will increase revenue for the Shire to assist with cost of providing facilities and services used by the mining companies.

Comment

It is considered that the Shire must be consistent in its approach to rating and as Magellan has been operational for some time it is appropriate for this change to proceed.

There are a number of matters and procedures that need to be put in place prior to being able to progress this change, including consultation with the mining Company, survey of the site, approval of the Department of Local Government, gazettal and valuation.

Council's approval and endorsement is sought for the principal of rating Magellan Plant and Accommodation Facilities on a GRV basis.

Consultation

Nil

Statutory Environment

Local Government Act 1995 – Sections 6.28 and 6.29
Valuation of Land Act 1978

Policy Implications

No specific policy relating to rating other than the practices that have been used for annual rating in the past.

Financial Implications

No estimates have been prepared on the additional rate revenue to be achieved by this change. There will be additional costs for the process required however existing budget allocations will cover these.

Strategic Implications

Additional revenue will assist Council in achieving the objectives of the Strategic Plan

Voting Requirements

Simple Majority

<i>OCM 007/13 Officer Recommendation & Council Decision</i>
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MOVED CR WELLER

SECONDED CR WEBB

That in the interest of equality and fairness Council approves and endorses the proposal to change the valuation for the rating of Magellan Plant/Improvements and accommodation, situated on their mining lease North West of Wiluna, to Gross Rental Valuation and the Chief Executive Officer proceed with the requirements for this to be implemented.

CARRIED 5/0

10.1.6. Subject/Applicant:	R V Friendly Region
File:	
Reporting Officer:	Tony Doust - Chief Executive Officer
Date of Report:	2th December 2012
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to inform Council of the objective of GVROC to create a RV Friendly region for the Goldfields Esperance Region and determine the action require by the Shire of Wiluna to achieve this.

Background

The term ‘RV Friendly Town’ is a Campervan Motor Home Club (CMCA) initiative aimed at assisting RV “Recreational Vehicle” tourists as they journey throughout Australia. This includes motorhomes, campervans and caravans.

An RV Friendly Town is one that has met a set of guidelines to ensure they provide a certain amount of amenities and services at a level for these travellers. On achieving these requirements approval is granted to erect signs so tourists know they are welcome, certain services will be available that are not in other towns and it will be a safe place to stay overnight and for a longer period.

When a town is approved the CMCA will promote this by dedicating one page for the town on its web site as well as publishing a one only article in their monthly magazine. The Club also provides 2 x 600mm x 690mm road signs showing the RV friendly information. By each town in the Goldfields Esperance Region meeting this requirement the term “R V Friendly Region” will be achievable as per the GVROC objective.

Comment

Before any town can be appointed as “RV Friendly’ there is a set of criteria that must be met which include:

- Provision of appropriate parking within town centre with access to a general shopping area with groceries or fresh produce.
- Provision of short term (24/48) hour parking for self-contained vehicles not more than 5kms from the Post Office or Agency
- Provision of long term parking for self- contained vehicles negotiable

- Access to potable water
- Access to a free Dump Point within the town Precinct
- Where they might be located and the possible impact on existing operators of short term camping and caravan accommodation.

There are a number of other desirables that will assist in attracting tourists. Details of these and other information provided are attached as Appendix 10.1.6.

If Wiluna is to achieve this status then it will be necessary to look at how the essential requirements can be provided, including cost, where they might be located and the possible impact on existing operators of short term camping and caravan accommodation.

It is recommended that the requirements be considered by the Chief Executive Officer with a report being presented to Council at its meeting in April 2013.

Consultation

GVROC

Statutory Environment

Caravan Park and Camping Grounds Act 1995
Caravan Park and Camping Grounds Regulations 1997

Policy Implications

Council Policy 1.14 Tourism
No specific policy on the provision of this type of facility

Financial Implications

To be determined for further consideration by Council

Strategic Implications

The Shire of Wiluna Strategic Plan 2012-2023
Strategy- "Boost Tourism planning and initiatives to promote Wiluna as a unique tourist Destination" **Action** - "Identify the requirements to meet the standards required to be a RV Friendly destination"

Voting Requirements

Simple Majority

OCM 008/13 Officer Recommendation & Council Decision

MOVED CR OVENS

SECONDED CR PETERSON

That the Chief Executive Officer consider the requirements and costs to be a RV Friendly Town, including where any facilities required might be located and the possible impact on existing operators of short term camping and caravan accommodation, and report to the Council meeting in May 2013.

CARRIED 5/0

10.1.7. Subject/Applicant:	Development Assessment Panels – Shire of Wiluna Nominations
File:	00420
Reporting Officer:	Tony Doust Chief Executive Officer
Date of Report:	6 th February 2013
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to advise Council that the appointment of the current Council members nominated to sit on the State Planning Commission Development Assessment Panel when required, expires on the 26th April 2013 and new nominations are now being invited.

Background

Development Assessment Panels (DAP's) are a mix of independent experts and councillors, created by State Government to be the decision making body for development applications. These panels will have the power to determine applications for development approval, instead of the relevant decision making authority, for development of a certain class and value – over \$7M (mandatory) and \$3M (optional) applies to the Shire of Wiluna.

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

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

The Minister is required to establish and maintain a register of local DAP members. Each local government must nominate 2 local DAP members and 2 or deputy local DAP members from its pool of elected members. The Minister then considers nominations received and appoints for a 2 year term. If, within the 2 year term, a local DAP member is not re-elected, they can't hold the position of local DAP member. If the Council does not make a nomination as outlined above, the Director General of the Planning Commission can nominate someone who is an elector for the Shire that has

the relevant knowledge and experience to represent the interest of the local community.

Nominated Members are entitled to be paid for attendance at both training and meetings unless otherwise excluded.

Comment

Cr's Webb and Petterson are the existing Council members and Cr Harris and Mr John Kyanga the deputy members.

Council is required to make the appointment and advise the Planning Commission by the 15th February 2013. An extension for this date has been requested.

Consultation

Nil

Statutory Environment

Planning and Development (Development Assessment Panels) Regulations 2011 – Regulation 26

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority

OCM 009/13 Officer Recommendation & Council Decision

MOVED CR OVENS

SECONDED CR HARRIS

Council nominates Cr Webb and Cr Weller as members and Cr Petterson and Cr Harris as deputy members

CARRIED 5/0

10.1.8. Subject/Applicant:	GVROC & GERCG – Meeting Minutes
File:	00245 & 00421
Reporting Officer:	Tony Doust – Chief Executive Officer
Date of Report:	6 th February 2013
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to receive copies of the minutes of GVROC and GERCG meetings held in Esperance on the 1st February 2013.

Background

Council resolved in September 2011 that a report be provided from Councillors and officials attending any conferences, seminars or meetings as delegates or representatives of the council.

Comment

GVROC and GERCG Council meetings were as follows.

1st February 2013 in person at Esperance
The Shire President Cr. G. Harris and Chief Executive Officer Tony Doust attended the meetings.

Copies of the minutes are attached as Appendix 10.1.8. Action required by Council on any matter raised at these meetings has been included in the agenda as a separate item.

Consultation

Nil

Statutory Environment

Nil

Policy Implications

Council Policy 1.24

Councillors and Officers attending any conferences, seminars or meetings as delegates or representatives of the Council are required to provide a brief report on the issues/outcomes, to the next ordinary meeting of Council.

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority

OCM 010/13 Officer Recommendation & Council Decision

MOVED CR PETTERSON

SECONDED CR WEBB

That the minutes of the GVROC and GERCG Council Meetings held on 1st February 2013, be received.

CARRIED 5/0

10.1.9. Subject/Applicant:	Use of Shire of Wiluna Common Seal
File:	00339
Reporting Officer:	Tony Doust Chief Executive Officer
Date of Report:	6 th February 2013
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to seek Council's endorsement on the use of the Shire of Wiluna Common Seal for the documents listed in the report.

Background

The shire of Wiluna Local Law (standing Orders) 1999 includes the following requirement:-

PART 19 – COMMON SEAL

19.1 The Council's Common Seal

- (1) *The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.*
- (2) *The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.*
- (3) *The common seal of the Local Government is to be affixed to any local law which is made by the Local Government.*
- (4) *The CEO is to record in a register each date on which the common seal of the Local Government was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.*
- (5) *Any person who uses the common seal of the Local Government or a replica thereof without authority commits an offence.*

Comment

During the period 13th September 2012 to 6th February 2013 the Common Seal has been used to complete the following documents:-

1. Kutkabubba Community Plan as per Council decision 19th September 2012.

2. Contract of employment Chief Executive Officer AJR Doust as per Council decision 12th December 2012.
3. Funding Agreement for a Grant from the Department of Local Government Western Australia for implementation of the Cat Act.
4. 10 Year Debenture Loans from the Treasury Corporation for part funding for the Recreation Ground Change Rooms, Toilets and Kiosk and Canning Stock Route Gunbarrel Highway Interpretive centre as per the 2012/13 adopted Budget.
5. Joint agreement with GVROC Council's for the purchase and operation of the Records Facility in Kalgoorlie.

Consultation

Shire President Cr Graham Harris

Statutory Environment

The Shire of Wiluna Local Law (Standing Orders) 1999

Financial Implications

Nil

Voting Requirements

Simple Majority

OCM 011/13 Officer Recommendation & Council Decision

MOVED CR WEBB

SECONDED CR WELLER

That Council receives the report on the use of the Shire Common Seal during the period 12th September 2012 to 6th February 2013 to, noting that on all occasions the Council had made a prior decision on each matter which ultimately necessitated the use the seal when completing the Councils requirements.

CARRIED 5/0

10.1.10. Subject/Applicant:	2014 Regional Arts Conference
File:	000000
Reporting Officer:	Tony Doust, Chief Executive Officer
Date of Report:	7 th February 2013
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to think about a decision by GVROC at its council meeting on the 1st February 2013, that member Councils give

consideration to committing funding in their 2013/14 and 2014/15 budgets for activities emanating from the 2014 Regional Arts Conference to be held in Kalgoorlie.

Background

The City of Kalgoorlie- Boulder has been successful in winning a bid to host the 2014 Regional Arts Australia National Conference (RAANC) 2014. The conference is the nation's most prestigious form on creativity, culture and regional arts and this is the ninth occasion that it will have been held. The conference will be held in the spring of 2014 and will bring together hundreds of artists, academics, volunteers, government and community representatives from around Australia to consider and celebrate the arts and culture and its impact and contribution to the creativity and identity of regional Australia. The City of Kalgoorlie Boulder is contributing \$100,000 towards the event.

Comment

GVROC at its meeting on the 1st February 2013 resolved that member Councils be asked to consider providing funding of \$12,500 in their 2012/13 budget and \$13,500 in the 2014/15 budget to support the "Whole in One" project and community delegate attendance at 2014 RAANC.

During the discussion at GVROC most of the members were uncertain about what this funding was going to be used for. The document provided by Country Arts WA refers to the "WHOLE in One" Please see appendix 10.1.10 that provides some information and a budget.

The information is very difficult to interpret and determine exactly what the benefit will be to each local government that is a member of GVROC. The budget indicates (5) Creative development projects costing \$15,300 each and Artists travel for (10).

Both the Shire President and Chief Executive Officer of the Shire of Wiluna were in attendance at the GVROC meeting and are not able to provide any clear direction on what we are most likely going to receive for the total contribution of \$26,000 that has been asked for from each member local government of GVROC.

In view of the above it is recommended that GVROC be advised that this shire is not prepared to make any commitment until it is abundantly clear what the outcomes will be for Wiluna.

Consultation

Shire President and GVROC Members

Statutory Environment

No specific requirements

Policy Implications

No specific Policy

Financial Implications

The action recommended at this time will have no impact on the financial position of the Shire

Strategic Implications

Shire of Wiluna Strategic Plan 2012 -2021
Goal “opportunities and for artist and creative business”

Voting Requirements

Simple Majority

OCM 012/13 Officer Recommendation
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MOVED CR WEBB

SECONDED CR OVENS

That GVROC be advised that this shire is not prepared to make any commitment until it is abundantly clear what the outcomes will be for the Shire of Wiluna.

CARRIED 5/0

10.1.11. Subject/Applicant:	Amalgamation Lots 38,39 & 40, Wotton Street, Wiluna
File:	Lot 38, Lot 39 & Lot 40 Wotton Street
Reporting Officer:	Tony Doust, Chief Executive Officer
Date of Report:	11 th February 2013
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to inform Council of a proposed amalgamation of three lots in Wotton Street Wiluna and recommend that the application be approved.

Background

Lots 38, 39 and 40 are owned by Meedac Holdings Pty Ltd and the land presently includes a building which is currently used for the Post Office and Shop and will be also be used for a café (work currently underway).

The applicant Land West (on behalf of the owners) advise that the existing building is located on lots 39 & 40 and lot 38 is vacant, however is included in the area fenced (total landholding) The existing lots are serviced by water and power.

The proposed lot will be 3036m² in size. The land is all zoned “commercial under the Shire of Wiluna Town Planning Scheme No 1 and “Town Centre” under the proposed Shire of Wiluna Town Planning Scheme No 2. The existing uses comply with both the existing and future zonings.

The intention of the amalgamation is to allow better utilisation of the land and redevelopment of the site.

Comment

The amalgamation of these lots will allow better utilisation of the land and there does not appear to be any reason why the Council should not support the proposal.

Any redevelopment of the site will need to comply with the requirements under the Shire of Wiluna Town Planning Scheme and will require planning approval.

A plan of the proposed amalgamation is attached as appendix 10.1.11

Consultation

Nil

Statutory Environment

Subdivision/ Amalgamations - Planning and Development Act 2005 and Planning and Development Regulations 2009

Land Use (zoning) – Shire of Wiluna Town Planning Scheme No 1 and No2

Policy Implications

No specific policy

Financial Implications

No financial implications for the Shire of Wiluna

Strategic Implications

Shire of Wiluna Strategic Plan 2012-2021
Sustainable and Strategic Growth and Development. (Better utilisation of existing land)

Voting Requirements

Simple Majority

<i>OCM 013/13 Officer Recommendation</i>

MOVED CR WELLER

SECONDED CR PETTERSON

That Council supports the proposed amalgamation of lots 38, 39 and 40 Wotton, Street Wiluna and the Western Australian Planning Commission be advised accordingly.

CARRIED 5/0

10.1.12. Subject/Applicant:	Wiluna Recreation Ground Facilities Tender 3/2012-2013
File:	00661
Reporting Officer:	Tony Doust Chief Executive Officer
Date of Report:	11th February 2013
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to provide Council with the results of the tender called to provide changerooms, toilets and kiosk at the Wiluna Recreation Ground and obtain approval to proceed with the project.

Background

Given the lack of changerooms, toilets and kiosk at the Wiluna recreation Ground, Council in its 2012/13 budget decided to provide funding to allow the construction of these facilities.

Funding in the 2012/13 budget is provided by the way of a loan of \$500,000 (interest and principal repayable over 10 years) and \$200,000 from municipal revenue, giving a total of \$700,000 for the project.

Comment

Rather than appoint an architect to design a facility the Chief Executive Officer felt that a similar approach used for four new housing units constructed several years ago would achieve the required result and be best value for the money provided.

Tenders for the design, construction and delivery of either transportable or built on site facilities were invited. A notice was placed on the Shire Office Notice Board and on other boards in the Wiluna Townsite and an advertisement was placed in the "West Australian" newspaper on Saturday 8th December 2012. Tenders closed on 1st February 2013 at 4.30pm.

Six companies have tendered and the proposals submitted have now been assessed against the specification and selection criteria included in the tender documentation provided to all prospective providers.

Details of the assessment of each tender received against the selection criteria is attached as appendix 10.1.12(a). Based on the selection criteria assessment it is recommended that the proposal submitted by McGrath Homes, Wangarra, to provide a facility as per the sketch plan and specification of \$546,857.27 (excluding GST), be accepted. (Copy of the plan and specification attached as appendix 10.1.12 (b)).

Whilst McGrath's proposal does not include several of the requirements included in the specification, given the significant variation in price and the

assessment criteria, McGrath Homes is considered to be the best value for the level of funding allocated for this project. Any additional costs or variations to the proposal submitted by McGrath Homes will be more than adequately covered by the estimated funding available from of the \$700,000 allocated.

The tender specification did not include site works, electrical connection to switchboard, water connection from main to units, effluent disposal system, and concrete floor undercover area. As previously mentioned it is estimated that any additional costs not included in the tender to be accepted or variations required, will be met from the balance of funding i.e. \$153,143.

Consultation

Community Development Manager and, Works Manager..

Statutory Environment

Local Government Act 1995, Local Government (Functions & General) Regulations 1976 – Tender requirements. .

Policy Implications

No specific Council policy in regard to this project.

Financial Implications

As outlined in the background and comment section of the report. Funding has been provided in the 2012/13 budget for this expense. The loan required has now been raised and funds available.

Strategic Implications

Shire of Wiluna Strategic Plan 2012 – 2021
“Access to sports, recreational and cultural activities and infrastructure.
Construct toilet/ablution/shelter/kiosk facilities at the Wiluna Oval”

Voting Requirements

Simple majority

<i>OCM 014/13 Officer Recommendation</i>

MOVED CR WELLER

SECONDED CR OVENS

- 1. That the tender submitted by McGrath Homes, Wangarra, for the construction and placement on site in Wiluna, of the Recreation Facility as outlined in the report, at a total cost of \$546,857, be accepted.**
- 2. The Chief Executive is authorized to proceed with the project.**

CARRIED 5/0

10.1.13. Subject/Applicant: Town Planning Scheme No. 2 and Local Planning Strategy – Final Approval

File:

Reporting Officer: Tony Doust Chief Executive Officer

Date of Report: 15th February 2013

Disclosure of Interest: Nil

Purpose

The purpose of this report is to:

Note the Western Australian Planning Commission's (WAPC's) schedule of modifications to the Shire's Local Planning Strategy and Local Planning Scheme No.2 (as attached).

Request the CEO update the Local Planning Strategy and Local Planning Scheme No.2 in accordance with the WAPC's Schedule of Modifications

Background

At its Ordinary Council Meeting of 24 October 2012, Council considered the submissions received on the Draft Local Planning Strategy and Draft Local Planning Scheme No.2 (Draft Strategy and Scheme), and resolved to adopt the documents for final approval, subject to various modifications. A copy of Council's resolution, as well as the schedule of submissions and recommended modifications was then forwarded to the WAPC for final approval and endorsement.

At the WAPC'S Statutory Planning Committee of the 12th January, 2013, the WAPC resolved to approve the Local Planning Strategy and Scheme, with modifications. The Scheme was then endorsed by the Minister on the 30th January, 2013. Accordingly, the Shire is now required to modify the Strategy and Scheme in accordance with these modifications and return the documents to the WAPC for final approval/endorsement and gazettal.

The modifications proposed by the WAPC are not considered to be substantial and accordingly, the Strategy and Scheme do not require re-advertising in accordance with the *Town Planning Regulations 1967*.

Please note that the modifications presented in this report are final and accordingly, are for the Council's information only.

Comment

The WAPC's Schedule of Modifications (dated 31st January, 2013) includes 12 modifications to the Local Planning Strategy and 7 modifications to Local Planning Scheme No.2. For the most part, the changes requested by the WAPC are relatively straight-forward and as per Council's recommendation.

A copy of the WAPC's schedule of modifications is provided at Appendix 10.1.13.(a).

A key departure from Council's recommendation, however, is the WAPC's support for the removal of all 3 Special Control Area's (SCA's) from the

Scheme. As Council are aware, the advertised versions of the Strategy and Scheme originally removed all 3 SCA's from the Scheme, to ensure the Shire takes a strong position on townsite development being a higher priority for land within the existing townsite boundary, as opposed to mining.

Through the advertising process, however, the Department of Mines and Petroleum (DMP) strongly objected to the removal of the SCA's on the basis that it may jeopardise the long term economic prosperity of the town if mining of unknown mineralisation cannot proceed due to the encroachment of sensitive land uses nearby.

To achieve a compromise, Council, at their Ordinary Council Meeting of the 24th October, 2012, recommended the eastern SCA remains deleted, however, given the central and western SCA's did not impede on areas identified for future residential growth, Council recommended these SCA's be reinstated.

However, in providing a recommendation to the WAPC and Minister, the Department of Planning were of the opinion that all 3 SCA's did not serve a planning purpose and therefore recommended all 3 SCA's removed from the new Scheme. This recommendation was subsequently approved by the WAPC and Minister.

This recommendation is aligned with the advertised versions of the Strategy and Scheme and Council's original position, and accordingly, is a positive outcome for the Shire.

Following receipt of the attached modifications, however, clarification was sought from the Department of Planning in relation to 2 of the modifications. A summary of each modification and the related changes required to be undertaken to the Strategy and Scheme is provided below:

Modification 1

Firstly, clarification was sought from the Department of Planning in relation to modification (b) to the Local Planning Strategy. The modification reads as follows:

'Modify Action No.6 at part 4.2 – Residential Land, to the following:

In Local Planning Scheme No.2, delete the 'Special Control Area' identified for mineral prospectivity that affects the easternmost area of land within the townsite boundary between Wells Street and Nulsen Street'.

As stated previously in this report, in providing a recommendation to the WAPC and Minister, the Department of Planning were of the opinion that the SCA's did not serve a planning purpose and accordingly, recommended all 3 SCA's removed from the new Scheme. Given this position, the above modification is therefore incorrect.

Further, Section 4.2 (Action 6) of the Local Planning Strategy, relating to Residential Land, reads as follows:

'In Local Planning Scheme No.2, delete the Special Control Areas identified for Mineral Prospectivity that affect land within the townsite boundary'.

Given the above existing Strategy wording, and as a result of further verbal discussions with the Department of Planning, the Shire has been advised to completely remove this modification from the schedule.

Modification 2

Further, clarification was sought in relation to modification (h) to the Local Planning Strategy. The modification reads as follows:

'Include an Action at part 5.3 – Mining, to require referral to the Department of Mines and Petroleum for development proposals within 250m of known mineralisation areas and modify part 6.8 - Mining to acknowledge the known gold mineralisation areas within and adjacent to the Wiluna townsite and include reference to create appropriate buffers in the scheme should mining activities commence in the future'.

In reviewing this modification, the CEO was of the opinion that the word 'require' was not be suitable in this instance. The intent behind the various actions listed in the Local Planning Strategy is that these actions will then be then enforced, where possible, through a statutory requirement in the new Scheme. To provide a comment in the Strategy which states that referral to the DMP is required, without legally requiring this within the Scheme, is considered to be inconsistent.

Whilst it is acknowledged that some form of liaison should occur with DMP in circumstances where larger development proposals are proposed within the proximity of known mineralisation areas, it is believed this should only occur in circumstances where sensitive uses are proposed and/or where the proposed development may potentially be a threat to health/safety/amenity as a result of the nearby mineralisation areas/proposed mining.

Accordingly, the CEO has liaised with the Department to seek an amendment to this modification. The revised modification now reads as follows:

'Consult with the Department of Mines and Petroleum in relation to development proposals in proximity to known mineralisation areas, in circumstances where a sensitive use is proposed and/or where there may be a potential threat to the health, safety or amenity of the Wiluna community'.

Again, it is important to highlight that the above is not a statutory requirement of the Scheme, rather it is encouraged in such circumstances.

The Local Planning Strategy will be updated to this effect.

A copy of the email correspondence between the Shire's consultant planners, Urbis, and the Department of Planning to confirm this modification is included at Appendix 10.1.13.(b).

It is recommended Council proceed with undertaking the required modifications to the Strategy and Scheme documents in accordance with the attached Schedule of Modifications, acknowledging the 2 revised modifications outlined in this report, for the following reasons:

- The Draft Local Planning Strategy provides the planning direction for sustainable growth and development of Wiluna for the next 15 years.
- The Draft LPS will provide the legal tool for implementing the Strategy, guiding land use, development control and infrastructure coordination within the town and broader Shire.
- The modifications recommended are in accordance with State Planning Policy and other Government processes, and are not considered to be substantial in nature.

Consultation

Urbis and State Planning Commission

Policy Implications

Shire of Wiluna Strategic Plan 2012-2021.
Various State Planning Policies (SPP's).
Various Development Control Policies.

Financial Implications

The Shire will incur costs for advertising the notice of the Local Planning Strategy and the gazettal of the final Local Planning Scheme No.2. Further, the Shire will incur costs for printing copies of the final gazetted version of the documents (Scheme Text, Scheme Maps and the Local Planning Strategy Background and Strategies Documents).

Gazettal of Draft LPS2 may result in some additional subdivision and development potential. In due course, this may lead to increases in the Shire's rates base.

The Shire has an existing contract with planning consultants Urbis to manage the finalisation and gazettal of the Strategy and Scheme.

Funding is provided in the 2012/13 budget for this purpose.

Strategic Implications

A Key Action of the Shire's Strategic Plan 2012-2021 is to 'review the Town Planning Scheme No.1 to work with the State Government to release new land for small business' and 'develop a Local Area Planning Strategy as a masterplan to guide town planning, land use and release, and use of Council owned buildings and facilities. The finalisation and gazettal of the Scheme and strategy is aligned with this objective.

Council's consideration of the submissions made on Draft LPS2 and the Draft Local Planning Strategy will progress the documents to gazettal and operation, which will facilitate the achievement of these key strategic actions.

Voting Requirements

Simple Majority

OCM 015/13 Officer Recommendation & Council Decision

MOVED CR OVENS

SECONDED CR WELLER

That Council:

- 1. Note the Western Australian Planning Commission's (WAPCs) schedule of modifications to the Local Planning Strategy and Local Planning Scheme No.2 (as attached).**
- 2. Request the Chief Executive Officer to update the Local Planning Strategy and Local Planning Scheme No.2 in accordance with the WAPC's Schedule of Modifications.**
- 3. Forward 3x copies of the updated Local Planning Strategy and 2x copies of Local Planning Scheme No.2 to the WAPC and Minister for final approval and endorsement.**
- 4. Publish a notice of the local planning strategy and the endorsement of the Commission in accordance with regulation 12B(4) of the *Town Planning Regulations 1967*.**
- 5. Undertake required tasks to enable the gazettal of Local Planning Scheme No.2.**

CARRIED 5/0

10.1.14. Subject/Applicant:	Tenders – Hire of Road Making Plant
File:	00580
Reporting Officer:	Tony Doust – Chief Executive Officer
Date of Report:	20 th February 2013
Disclosure of Interest:	Nil

Purpose

Tenders were recently invited for the provision of Road Making Plant to assist with the construction and upgrading of roads within the Shire during the period of two years from March 2013, with the option a further one year period. A Council decision on the tenders received is required.

Background

The road construction programme for the year 2012/13 includes \$1,700,000 for work for sealing and gravel works of the Wongawol Road. \$358,547 of this amount is the carried forward of the unexpended Roads to Recovery Grant for 2011/12.

In the past few years the Shire has called tenders for the hire of plant and the successful applicant has undertaken the work with very little supervision from

the Shire. This year the Chief Executive Officer is going to change the way in which the construction work is undertaken and complete the works as a Shire managed projects, utilizing some of the Shire equipment and labour as well as contractors. As the Shire workforce is very small a major requirement will be contractors providing both plant and machine operators. This approach has been used in the past and provided the level of supervision is good the end result has been very satisfactory. Given the Shire is required by the Local Government Act 1995 to call tenders for any works in excess of \$100,000 (individually or collectively), to allow the practice to be implemented, tenders have been called for the hire of various items of plant.

Comment

Tenders were advertised on the 2nd February 2013 in the "West Australian" news paper, and notices placed on the Shire notice board and other boards in the Wiluna Townsite. Tenders closed on Tuesday 19th February 2013 at 2.00pm. Although (26) enquiries were received and documents sent out, (11) tenders were actually received prior to the closing time of 2.00pm.

Of the (11) received (3) were for the provision of machinery on a "Dry Hire" basis, (1) for the provision of supervisory staff and traffic management and the remaining (7) for plant and labour.

Given the difficulty the Shire will have in finding qualified operators and accommodation at this time it is recommended that tenders for "Dry Hire" equipment not be accepted. It is also important to note that the number of proposals received for the supply of plant and equipment, including several contractors living in the Shire of Wiluna, is satisfactory and the prices seem to be reasonably competitive.

The seven tenders have been assessed and as the type and size of the equipment offered by each of the tenderers varies significantly it has been difficult to assess. Given this the assessment has been limited to the main items of equipment to be used in the roads works programme.

The Selection Criteria for assessing the tenders is as follows:

A) Value of Money

i. Price 80%

B) Relevant Experience in providing this service

i. Provide details of similar services
ii. Demonstrate competency and proven track record of achievement in this field 10%

C) Respondents Resources

i. Plant equipment and materials necessary to supply and provide service
ii. Any contingency measures or back up of resources

personnel.

10%

In addition to the above a 10% Local Preference Policy will apply to any tender received from contractors that reside in the Shire of Wiluna and their operational office is located within the Shire of Wiluna.

The General Requirements of the tender include

"It is expected that the plant and services will be able to commence no later than 1st March 2013 and be available for the full 2 year period is needed. Items of plant will be selected on the basis of the most economically and efficient method of completing the task within the budget and timeframe.

Each item of plant and equipment shall be fully self-contained, which means:

- Provided with a suitably qualified and experienced operator, with a minimum of 5 years' experience on the specific item of plant.*
- Must be able to provide sufficient fuels and oils for the terms of its use.*
- Must be responsible for own maintenance and servicing.*
- Must include full accommodation cost for operator(s) and any service staff.*
- Must be fully insured to indemnify the Shire of Wiluna from loss or damage.*

This contract will be a panel type contract for a period of 2 years, with possible extension into the third year whilst the next panel tender is being developed, advertised and awarded.

Each component of this tender will be awarded to a Primary Tenderer and a Secondary Tenderer. This means that the Primary tenderer will be offer the works relevant to the tendered task first. If the Primary tenderer cannot carry out the works, the task(s) will then be offered to the secondary tenderer.

If the Primary tenderer can not be contacted by all reasonable methods, the Shire may then approach the Secondary tenderer to complete the task.

The Shire is under no obligation to use either the primary tenderer or the secondary tenderer, and may use their own plant and workforce, and/or an alternative contractor/supplier to complete tasks. The actual selection of a contractor will be solely at the Chief Executive Officer's discretion, based on a project by project basis and provide the best suitable outcome for the Shire of Wiluna.

The successful primary and secondary tenderer will have no claim against the Shire of Wiluna should they not be awarded any particular task or services.

Should neither the primary and secondary tender not be able to carry out the works, then the Shire of Wiluna will go to the industry market to source the appropriate item of plant."

A report has been prepared listing the tenders received and is attached as appendix 10.1.14.

The Chief Executive Officer and the Works Manager have considered the tenders against the selection criteria and local preference policy and it is recommended that the Primary tender be awarded to Goodwork Holdings Pty Ltd and the secondary tender be awarded to Northern Goldfields Earthmoving.

Consultation

Works Manager

Statutory Environment

Local Government Act 1995 Section 3.57 and Local Government (Functions & General) Regulations 1996 – Part 4 “Tenders for Providing Goods & Services”.

Policy Implications

Nil

Financial Implications

Funding for proposed works is within the 2012/13 budget estimates.

Strategic Implications

The resource is required to complete the objectives in the 2012/13 budget.

Voting Requirements

Simple Majority

<i>OCM 016/13 Officer Recommendation & Council Decision</i>
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MOVED CR PETTERSON

SECONDED CR OVENS

- 1. That the tenders for the supply of equipment on a “Dry Hire” basis not be accepted at this time as the preference is for hire of equipment and operator.**
- 2. That the tender for the provision of supervisory services and traffic management from Howson Management be accepted and the Chief Executive Officer consider this requirement in conjunction with the normal shire operational functions.**
- 3. That Goodwork Holdings Pty Ltd be selected as the Primary tenderer for the provision of various items of hire plant and labour for the two year period commencing the 1st March 2013 and ending 28th February 2015.**
- 4. That Northern Goldfields Earthmoving be selected as the secondary tenderer for the provision of various items of hire**

plant and labour for the two year period commencing the 1st March 2013 and ending 28th February 2015.

CARRIED 5/0

10.2. Principal Environmental Health Officer and Building Surveyor Report

10.2.1. Subject/Applicant:	Application for Planning Approval
File:	Lot 1499 Wotton St
Reporting Officer:	Garry Agnew - Principal Environmental Health Officer and Building Surveyor Report
Date of Report:	19 th December 2012
Disclosure of Interest:	Nil

Purpose

Determination of an application for Planning approval from Wiluna Traders to develop a fabric covered domed shaped shelter between two existing containers at "Commercial" zoned lot 1499 Wotton Street Wiluna.

Background

The Shire is in receipt of an application for Planning Approval from Wiluna Traders, 37 Wotton Street, Wiluna, for the erection of a fabric covered dome shaped shelter between 2 existing containers at lot 1499 Wotton Street Wiluna – see appendix 10.2.1.(a).

The proposed shelter is to be 7.4m wide with an apex of 5.19m and for the purpose of vehicle parking and short term storage – see appendix 10.2.1.(b).

Comment

An application for Building Permit was received in October 2012 for the construction of an undercover parking structure on the vacant lot 1499 Wotton Street. As lot 1499 is Zoned "Commercial" under the Shire of Wiluna Town Planning Scheme No.1 and that the proposed structure involved the use of two containers the application for building permit could not be assessed without first obtaining planning consent from Council – see copy of advisory letter to applicant as appendix 10.2.1 (c).

Wiluna Town Planning Scheme- Part 7 – Development of Land includes the following-

"Subject to clause 7.2, all development on land and reserved under the Scheme requires the prior approval of the local government. A person must not commence or carry out any development without first having applied for and obtained the planning approval of the local government under the Scheme."

Further, under the Shire of Wiluna Town Planning Scheme No.1:

“Commercial” means – *The objective is to provide for shopping, office, administrative, social, recreation, entertainment, and community facilities commensurate with the role of Wiluna in the region.*”

The two existing containers on lot 1499 (one used for dry food storage, the other for small tool storage) have not been subject of an application or the issue of a Building Permit.

The Shire of Wiluna Town Planning Scheme No.1 Zoning Table does not list undercover parking, storage containers or incidental structures as a permitted use in the “Commercial” zone.

Clause 3.3.4 of the Town Planning Scheme states:

Interpretation of the Zoning Table

- (a) *Where a specific use is mentioned in the Zoning Table it is deemed to be excluded from the general terms used to describe any other use.*
- (b) *If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may:*
 - i. *determine that the use is consistent with the objectives of the particular zone and is therefore permitted; or*
 - ii. *determine that the proposed use may be consistent with the objectives of the particular zone and therefore follow the advertising procedures of clause 7.6 in considering an application for planning approval; or*
 - iii. *determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

It is the EHO/Building Surveyors view that as the ownership of lot 1499 Wotton Street is common with the adjoining Wiluna Traders lot 1568 this proposed development can be determined as being an extension of the Wiluna Traders “Commercial” activity; therefore it is consistent with the objectives of the “Commercial” Zone under the TPS (as per (b) (i) above) and can be permitted.

In terms of the requirements of the Wiluna TPS the proposed use is in accordance with the objectives for the “Commercial” Zone as long as there is common ownership of both lots 1499 and 1568 Wotton Street. Should this circumstance change in the future then the Planning Approval becomes void.

Additional Comments (23rd January 2013)

The EHO/Building Surveyor provides additional comments after the preparation of the initial report:-

Council will notice that the fabric covered dome shaped shelter, the subject of this application, has in fact been constructed without first receiving Planning Approval from Council and without the issue of a Building Permit.

Shire of Wiluna Town Planning Scheme No.1

Clause 7.1 A person must not commence or carry out any development without first having applied for and obtained the planning approval of the local government under the Scheme.

Clause 9.3 A person must not:

(a) contravene or fail to comply with the provisions of the Scheme;
(b) use any land or commence or continue to carry out any development within the Scheme Area:

(i) otherwise than in accordance with the Scheme;

(ii)

unless approvals required by the Scheme have been granted and issued,

Note: Section 118 of the Planning and Development Act 2005 provides that a person who –

(a) contravenes or fails to comply with the provisions of a Town Planning Scheme;

(b) commences or continues to carry out any development which is required to comply with a town planning scheme otherwise than in accordance with that scheme or otherwise than in accordance with any conditions imposed with respect to the development by the responsible authority pursuant to its power under the scheme, is guilty of an offence.

Penalty: \$50,000, and a daily penalty of \$5,000.

Building Act 2011

Section 9 No building work without a building permit

A person must not do any building work unless –

(a) a building permit is in effect for the building work; or

(b) a building permit is not required for the building work under Part 5 or regulations or an order mentioned in Part 5 Division 1: or

(c) the work is done in accordance with a building order; or

(d) the work is done in the course of taking action under section 118(2).

Penalty:

(a) for first offence, a fine of \$50,000;

(b) for a second offence, a fine of \$75,000;

(c) for a third or subsequent offence, a fine of \$100,000 and imprisonment for 12 months.

On the 25 October 2012 an application for a Building Permit for the construction of an undercover parking area for vehicles at lot 1499 Wotton Street was submitted to the Shire by Bryce Boxall of Wiluna Traders.

As the application could not be assessed until Planning Approval had been granted the attached letter was sent – appendix 10.2.1 (c)

The compliant Application for Planning Consent (appendix 10.2.1.(a)) of the Report) was received some time after the 12 November 2012 – however that was after the Principal Environmental Health Officer/Building Surveyor's week in Wiluna for November 2012 (5th to 9th).

The Principal Environmental Health Officer/Building Surveyor then returned to Wiluna during the week 17th to 21st December 2012 – the Report to Council was prepared on the 19 December 2012.

Council will recall that the December 2012 Meeting of Council had been moved to an earlier date (14 December 2012) therefore the Report was actually prepared for presentation at the January 2013 Meeting – Council did not have a Meeting in January 2013, consequently there was no option other than the Wiluna Traders Application for Planning Approval be held over for presentation at this February 2013 Meeting – (4) months after the initial application for building permit.

Council is advised that circumstances have played a part in delaying a determination of this matter however that does not absolve Mr. Boxall from penalty for disregarding the approval processes.

The Principal Environmental Health Officer/Building Surveyor called at Wiluna Traders on the 22nd January 2013 to discuss the matter with Mr. Boxall. Mr. Boxall stated that the erection of the structure at this stage was only for a trial. My discussion with him was confirmed by letter – see appendix 10.2.1 (f).

Consultation

Occupier of the property Wiluna Traders and Chief Executive Officer

Statutory Environment

Shire of Wiluna Town Planning Scheme No.1

Policy Implications

Shire of Wiluna Local Planning Policy – Transportable Structures and Relocation of Buildings (adopted by Council 28th September 2011) – see appendix 10.2.1.(d).

Consequent to the use of containers in the proposed development, Council is to take account of the requirements of its Local Planning Policy; that is -

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.

Council is referred to the requirements of Clause 6.1 of the Local Planning Policy.

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

Financial Implications

Nil.

Strategic Implications

Nil.

Voting Requirement

Simple Majority

CEO Comments

The Chief Executive Officer would like to inform Council that in regard to the meeting in December 2012 the date was set in December 2011 and advertised. Council does not meet in January as per policy 1.2. The list of meetings for each year is advertised twelve months in advance. Whilst the CEO is not wishing to oppose the application it is important to inform Council that approval of this proposal will set a precedent and others will expect to be treated in the same manner.

OCM 017/13 Officer Recommendation (BS/EHO)

That:

Planning Approval be granted to Wiluna Traders 37 Wotton Street Wiluna for the development of a fabric covered dome shaped covered area spanned between two shipping containers at lot 1499 Wotton Street Wiluna, for the purpose of vehicle parking and short term storage in connection with the retail business located at lot 1568 Wotton Street; conditional upon:

- 1. the application for planning approval being referred to adjoining landowners for comment for a period of not less than 14 days.**
- 2. there not being a change of ownership of either lot 1499 or 1568 Wotton Street as this will cause this planning approval to be void; and**

3. an application for building approval is applied for and a Building Permit issued by the Shire prior to the commencement of any building work.

Further, the CEO is hereby given delegated authority to issue formal Planning Approval if there is no objection from adjoining landowners as per Condition '1' above.

OCM 017/13 Council Decision

MOVED CR WELLER

SECONDED CR OVENS

That the application be refused on the grounds that the proposed development is not a suitable structure for placement in the town centre zone of the Wiluna Townsite.

CARRIED 5/0

10.3. Manager of Corporate Services Reports

Nil

10.4. Manager Finance & Administration Reports

10.4.1. Subject/Applicant:	Accounts Paid by Authority
File:	Finance
Reporting Officer:	Glenn Deocampo – Manager, Admin & Finance
Date of Report:	20 th February 2013
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 periods ending 31st December 2012 and 31st January 2013 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 018/13 Officer Recommendation

MOVED CR WEBB

SECONDED CR OVENS

That the accounts paid by authority for the period ending 31st December 2012 totalling \$879,404.35 including the fund transfer of \$500,000.00 to the Call Deposit account and the period ending 31st January 2013 totalling \$835,361.63 including the fund transfer of \$600,000.00 to the Call Deposit account be received, endorsed and incorporated in the Minutes of the meeting.

CARRIED 5/0

10.4.2. Subject/Applicant:	Financial Report
File:	Finance
Reporting Officer:	Glenn Deocampo – Manager, Finance & Admin
Date of Report:	20 th February 2013
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to seek Council's adoption of the Financial Reports for the periods ending 30th November 2012, 31st December 2012 and 31st January 2013.

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 30th November 2012, 31st December 2012 and 31st January 2013 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 019/13 Officer Recommendation

MOVED CR PETERSON

SECONDED CR OVENS

That Council adopt the Financial Reports for the periods ending 30th November 2012, 31st December 2012 and 31st January 2013 as presented.

CARRIED 5/0

10.5. Works Manager Report

Nil

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

Nil

13. Public Question Time

Nil

14. Matters Behind Closed Doors

OCM 020/13 Council Decision – MEETING CLOSED TO PUBLIC

MOVED CR WEBB

SECONDED CR PETERSON

That the meeting be closed to the public to deal with a confidential matter relating to a staff issue.

CARRIED 5/0

The public and Finance Manager withdrew from the meeting at 2.20 p.m.

OCM 021/13 Council Decision – MEETING OPEN TO PUBLIC

MOVED CR PETERSON

SECONDED CR WELLER

That the meeting be re-opened to the public

CARRIED 5/0

No decision was made behind closed doors.

The meeting was re-opened at 3.03 p.m.

15. Closure

The meeting was closed at 3.04 p.m.