



**Minutes of the meeting of the Council of the Shire of Wiluna held in the Council Chamber, Scotia Street Wiluna on 12 February 2014**

*The Chairman declared the meeting open at 1.05 pm.*

PRESENT: Cr Graham Harris (in the Chair), Cr Bernie Weller, Cr Kim Ovens, Cr Clinton Farmer and Cr Chris Webb

ALSO IN ATTENDANCE: Andrea Nunan, Chief Executive Officer;

PUBLIC GALLERY: Mr Simon Thomas and Mrs Gillian Marchant

APOLOGIES: Cr Quadrio

LEAVE OF ABSENCE: Cr Petterson  
(PREVIOUSLY APPROVED)

RESPONSE TO PRVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE: Nil

PUBLIC QUESTION TIME: Nil

APPLICATIONS FOR LEAVE OF ABSENCE: Nil

NOTATIONS OF INTEREST: Nil

PETITIONS AND DEPUTATIONS: Nil

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

**Moved: Cr Chris Webb      Seconded: Cr Bernie Weller**

That the minutes of the ordinary meeting of Council held on 18 December 2013 be confirmed as a true record of the meeting.

**CARRIED 5/0**

*Resolution no. 001/14*

ANOUNCEMENTS OF THE PRESIDING MEMBER WITHOUT DISCUSSION: Nil

REPORTS OF OFFICERS AND COMMITTEES

**1 Freight Policy Forum**

The Council considered CEO report numbered 10.1.1 in the agenda.

Councillors discussed issues with the inefficiencies in freight routes, for items such as mail/post and medicines; for example mail for Kalgoorlie/Goldfields having to go to Perth first then be delivered back to Kalgoorlie or pharmacy items from Newman being taken to Perth and then back to Meekatharra for delivery to Wiluna.

**Moved: Cr Chris Webb**

**Seconded: Cr Bernie Weller**

That The Shire of Wiluna advises WALGA of the following matters for consideration of inclusion in the terms of reference for the WALGA Freight Forum:

- 1 State and/or Federal Government consideration of a subsidized/regulated road transport freight network for remote or disadvantaged areas;
- 2 State and/or Federal Government consideration of private freight subsidies for primary producers in remote or disadvantaged areas; and
- 3 Investigation into inefficiencies of road transport freight logistics for essential services (including Australia Post mail deliveries) into remote or disadvantaged areas

**CARRIED 5/0**

*Resolution no. 002/14*

**2 Consideration of donation**

The Council considered CEO report numbered 10.1.2 in the agenda.

The Chief Executive Officer declared of a proximity interest in the item but remained in the meeting.

The value of the donation was discussed by Councillors and it was raised that the Council needed to be mindful that the recent rainfall in the Shire had caused considerable road damage which the Shire would need to fund in part or full.

**Moved: Cr Kim Ovens**

**Seconded: Cr Clinton Farmer**

That The Council approves a donation of \$1,000 to the Lord Mayor's Disaster Relief Fund for the Parkerville fires

**CARRIED 5/0**

*Resolution no. 003/14*

**3 Water Service Providers – Exemptions from Development Applications**

The Council considered CEO report numbered 10.1.3 in the agenda.

**Moved: Cr Bernie Weller**

**Seconded: Cr Graham Harris**

That Council notes that Water Service Providers, including the Water Corporation of Western Australia, by provision of the Water Services Act 2012, are not required to seek development approval to undertake public works in the Shire of Wiluna.

**CARRIED 5/0**

*Resolution no. 004/14*

**4 Change of Airport Status**

The Council considered Chief Executive Officer report numbered 10.1.4 in the agenda.

General discussion was held about the costs of maintaining the Aerodrome at its current status of certified and the possible implications of applying for a downgrading to registered.

**Moved: Cr Kim Ovens**

**Seconded: Cr Chris Webb**

That:

- 1 Council directs the Chief Executive Officer to contact key stakeholders for aircraft landing at the Wiluna Aerodrome (including but not limited to: Skippers Aviation, Skytrans, Maroomba Airlines, Dept. Transport (WA) to:
  - Advise that the Council is considering downgrading the CASA status of the Wiluna Aerodrome to registered; and
  - Seek feedback of the potential impact in their operations if the downgrade is applied for; and
- 2 A report then be presented back to Council, detailing the feedback from the key stakeholders, in order to Council to make a final decision regarding the change of Aerodrome status to registered.

**CARRIED 5/0**

*Resolution no. 005/14*

## **5 Road Funding – Potential Reduction**

Council considered Chief Executive Officer report numbered 10.1.5 in the agenda.

**Moved: Cr Bernie Weller**

**Seconded: Cr Kim Ovens**

That Council:

- 1 Notes the information in this report;
- 2 Instructs the Chief Executive Officer to write a letter to the State Government of Western Australian advising that the Shire of Wiluna does not support road funding cuts for local government because of the serious impacts it will have on local governments' ability to deliver goals in their strategic plan (a plan that was mandated by the State Government) and to meet on-going maintenance and improvement of community infrastructure and assets; and
- 3 Requests a further report from the Chief Executive Officer in due course

**CARRIED 5/0**

*Resolution no. 006/14*

## **6 Future Town Development**

Council considered the Chief Executive Officer report numbered 10.1.6 in the agenda.

**Moved: Cr Kim Ovens**

**Seconded: Cr Bernie Weller**

That Council:

- 1 Supports in-principle the development of a Structure Plan for the future development of the southern area of the Wiluna townsite, bounded by Forrest, Nulsen and Prior Street, including both higher-density residential and Tourist/Caravan Park site development in the area
- 2 Instructs the Chief Executive Officer to prepare a scope of works for the Structure Plan and obtain a quotation from Urbis for the preparation of the Structure Plan
- 3 Instructs the Chief Executive Officer to present the quotation to Council for Council to then consider progressing with a Structure Report

**CARRIED 5/0**

*Resolution no. 007/14*

**7 Accounts Paid by Authority**

Council considered the reported numbered 10.3.1 in the agenda

**Moved: Cr Chris Webb**

**Seconded: Cr Clinton Farmer**

That the accounts paid by authority for the period ending 31 December 2013 are received

**CARRIED 5/0**

*Resolution no. 008/14*

**8 Financial Report**

Council considered the report numbered 10.3.2 in the agenda

**Moved: Cr Bernie Weller**

**Seconded: Cr Clinton Farmer**

That the Financial Reports, including the Statement of Financial Activity, for the period ending 31 December 2013 be received.

**CARRIED 5/0**

*Resolution no. 009/14*

**9 LEMC Report**

**Moved: Cr Bernie Weller**

**Seconded: Cr Kim Ovens**

That the Report of the Local Emergency Management Committee meeting held on 25 November 2013 be received

**CARRIED 5/0**

*Resolution no. 010/14*

ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil

URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION OF COUNCIL

The Chairperson accepted Late Report numbered 12.1.1 (affixed hereto) for consideration as the 2012-2013 Annual Report was being presented at the Annual Meeting of Electors to be held at 5.00pm 12.02.2014.

**Moved: Cr Kim Ovens**

**Seconded: Cr Bernie Weller**

- 1 That Council notes the Chief Executive Officer's advice that:
  - a) during 2012-13 an FOI application was received, processed and approved in relation to donated materials to the Tjukurba Art Gallery; and
  - b) no documentation regarding an FOI application during 2012-13 financial year in relation to the breach of a staff member's contract for can be located; and
- 2 The 2012-2013 Annual Report (as adopted by Council Resolution 126/13) be amended by deleting the phrase "*No Freedom of Information application has been received by the Shire of Wiluna in the year 2012/2013*" that appears on page 11, end of sub-paragraph 6.

**CARRIED 5/0**

*Resolution no. 011/14*

*All members of the public gallery left the meeting at 2.40pm*

**MATTERS BEHIND CLOSED DOORS**

**Moved: Cr Chris Webb**

**Seconded: Cr Kim Ovens**

That the meeting be closed to the public to deal with:

Report 13.1.1 "Tjukurba Art Gallery Participation in Art Exhibition" (circulated separately with this Agenda), pursuant to S5.23 (2) (e) (ii) and (iii) of the Local Government Act WA 1995, to discuss a matter that if disclosed would reveal information that has a commercial value to a person and information about the business, professional, commercial or financial affairs of a person; and

Report 13.1.2 "Lot 1468 Wotton Street" (circulated separately with this Agenda), pursuant to S5.23 (2) (e) (ii) and (iii) of the Local Government Act WA 1995, to discuss a matter that if disclosed would reveal information that has a commercial value to a person and information about the business, professional, commercial or financial affairs of a person

**CARRIED 5/0**

*Resolution no. 012/14*

*The meeting was closed to the public at 2.41pm*

Council considered confidential item numbered 13.1.1

**Moved: Cr Clinton Farmer**

**Seconded: Cr Graham Harris**

That Council endorses the Chief Executive Officer's directive that the Shire of Wiluna Tjukurba Art Gallery does not participate in the 2014 OPR Art Exhibition.

**CARRIED 5/0**

*Resolution no. 013/14*

Council considered confidential item numbered 13.1.2

**Moved: Cr Bernie Weller**

**Seconded: Cr Chris Webb**

That Council:

1 Receives the Chief Executive Officer's Report in relation to the conditional lease purchase and development of Lot 1468 Wotton Street; and

2 Instructs that a report be presented to Council in due course as the matter progresses

**CARRIED 5/0**

*Resolution no. 014/14*

**Moved: Cr Clinton Farmer**

**Seconded: Cr Chris Webb**

That the meeting now be opened to the public

**CARRIED 5/0**

*Resolution no. 015/14*

*The meeting was re-opened to the public at 2.48pm*

**CLOSURE**

There being no further business, the Chairperson closed the meeting at 2.50pm.

Annexure A – Late Report Numbered 12.1.1

<b>12.1.1 Subject/Applicant:</b>	<b>2012-2013 ANNUAL REPORT - CORRECTION</b>
File:	107 and 135
Reporting Officer:	Chief Executive Officer; Andrea Nunan
Date of Report:	12 February 2014
Disclosure of Interest:	Nil

**Purpose**

Council to note and resolve correction required within 2012-13 annual report

**Background**

The Freedom of Information Act (“FOI”) 1992 Sections 96 and 97 requires that the Shire of Wiluna publish, at least annually, a Statement of Information regarding Freedom of Information. The same sections specify the information required in that statement.

Section 96 and 97 allow the Statement to be stand-alone (i.e. its own document) or can be incorporated into the Shire’s Annual Report.

**Comment**

The Shire of Wiluna has published the required information in the 2012-13 Annual Report; it was also noted in the same report (page 11) that *“No Freedom of Information application has been received by the Shire of Wiluna in the year 2012-2013”*.

Once the 2012-13 Annual Report was made available to the public, a member of the public advised the Shire that two Freedom of Information applications had been made in 2012-13:

1. Application in relation to handling of items donated to the Shire of Wiluna through the Art Gallery
2. Application in relation to actions in breaching a staff member’s contract and with the request that this information be brought to the attention of council

The Reporting Officer has been able to verify the first application as being received, processed and completed.

The Reporting Officer has been unable to verify the second application. The Shire’s FOI Co-Ordinator as well as Records Officer has also been unable to verify that the second application was received. This may be because of the current legal action in relation to this matter and/or the



matter not being considered an FOI matter by the processing officer at the time.

Upon consideration of Section 96 and 97 of the FOI Act, the Reporting Officer has noted that it is **NOT** a requirement of the Shire to publish in its FOI Information Statement, whether or not any applications had been received.

Notwithstanding that the two applications were/may have been received, there is not requirement to disclose them anyway.

The recommendation today is for Council to note the applications that were/may have been received and amend the annual report.

**Consultation**

FOI Act 1992

FOI Commissioner's website [www.foi.wa.gov.au](http://www.foi.wa.gov.au)

**Statutory Environment**

Sections 96 and 97 of FOI Act 1992

**Policy Implications Nil**

**Financial Implications Nil**

**Strategic Implications Nil**

**Voting Requirements Simple Majority**

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***0Officer Recommendation***

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**MOVED**

**SECONDED**

- 1 That Council notes the Chief Executive Officer's advice that:
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  - b) no documentation regarding an FOI application during 2012-13 financial year in relation to the breach of a staff member's contract can be located; and
- 2 The 2012-2013 Annual Report (as adopted by Council Resolution 126/13) be amended by deleting the phrase "*No Freedom of Information application has been received by the*

***Shire of Wiluna in the year 2012/2013***” that appears on page 11,  
end of sub-paragraph 6.

**CARRIED.../...**