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MINUTES

1 Declaration of Opening and Announcement of Visitors

This meeting was declared open at 10.05am.

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

Attendance:

Cr K Johnston (Council President)
Cr J Kyanga (Council Deputy President)
Cr C Carton
Cr C Ellis
Cr A Geary
Cr K Farmer
A Kirwan (Chief Executive Officer)
J Alagappan (Manager, Admin & Finance)

Public:

D Shill

Apologies:

Cr D Farmer

3 Response to Previous Public Questions Taken on Notice

Nil

4 Public Question Time

Summary of **Questions** and *Answers*:

The following four Questions submitted by fax prior to the meeting by Mr D Shill:

Proposed 'Closure of Laneways' – Why – How – Hydrants?

The Shire wrote a letter to Mr. Shill explaining this why this has occurred. The Department has asked for the closures. All of the relevant information has been sought.

Shires new logo 'Edge of the Desert' – Why – Who has checked into background? Is it based on the book?

Council decided to update the logo when a new batch of stationary had to be printed. It is not based on a book.

Newsletter – Who produces it? Does anyone check the information?

Community Development Officer produces it. The information is checked. If there is any problem you are welcome to discuss it at any time.

Office Hours on front sign – What are office hours?

Office hours are 8.00am to 4.30pm.

*** Cr K Farmer entered meeting at 10.15am ***

5 Application for Leave of Absence

5.1 Subject/Applicant:	Motion to Admit Urgent Business
File:	
Reporting Officer:	A Kirwan, Chief Executive Officer
Date of Report:	18 th April 2006
Disclosure of Interest:	Nil

Summary

One additional report that was not included in the agenda papers circulated to Council prior to the meeting is proposed for consideration.

Statutory Environment

Standing orders Local Laws, item 3.11 provides that –

- (1) In cases of urgency or other special circumstances, matters may, with the consent of the persons presiding be raised without notice and decided by the meeting.
- (2) Any member may move that the urgent business proposed to be raised by the presiding person not be accepted and if carried by a majority of members present, the urgent business is not to be accepted.

Voting Requirement

Simple Majority.

Officer Recommendation

That Item 5.2 be admitted to the meeting.

22/06 Council Decision

MOVED CR K Farmer

**SECONDED CR C Ellis
CARRIED 6/0**

5.2 Subject/Applicant:	Darren Farmer-Leave of Absence
File:	
Reporting Officer:	A Kirwan, Chief Executive Officer
Date of Report:	18 th April 2006
Disclosure of Interest:	Nil

Summary

Councillor Farmer has requested leave of absence due to illness and eye problems.

He is in the process of doing eye tests and receiving glasses.

Statutory Environment

Under Section 2.25 (1) ..."Council may, by resolution grant leave of absence to a member".

Under Section 2.25 (3) the granting of leave is to be recorded in the minutes.

Policy Implications

Nil

Voting Requirement

Simple majority.

Officer Recommendation/Draft Motion

That Council resolves to approve leave of absence for Councillor Farmer for one month.

23/06 Council Decision

MOVED CR C Ellis

**SECONDED CR C Carton
CARRIED 6/0**

6 Petitions and Deputations

President's Report

The meeting with DHW was attended by Deputy President Cr. John Kyanga, and Councillors Catherine Carton and Anne Geary, thankyou all for the discussion on the design of houses we need in Wiluna, to fit our climate.

On Tuesday I attended the community meeting held by Jundee at the function centre. It was an information update as to what was happening out at the mine.

On the same day the CEO and Councillor Darren Farmer attended a meeting with representatives from BHP (Mt. Keith mine)

On the 22nd of March there was the CEO review; I thank the Councillors that attended and expressed their views. I thank Ms. Anne Lake for facilitating the meeting.

On the 11th April 2006 there was a meeting held at the Shire Chambers with the Water Corporation representatives, Mr Hugh Lavery and Mr Steve Greeve. Mr Lavery gave the council an update as to what was happening with the sewerage pools and the drinking water, in Wiluna. Mr Lavery also gave a purposed date as to when we could expect to see the removal of the sewerage start. But unfortunately it want be until early 2007.

On the 12th April 2006 there was a meeting with Water Corporation representatives from Perth.

The Deputy President, CEO and myself showed them the sewerage pool and discussed why we need to remove them from the town. We also discussed the quality of our water. The outcome of the visit, was to see if the sewerage pools removal date could be brought forward. Mr Jim Gill assured the Shire of Wiluna that the Water Corporation was committed to fixing the problem, of our sewerage pools.

On the 16th March 2006 Lion Ore mining representatives did a presentation of their future plans of Honey Moon Well.

7 Confirmation of Minutes of Previous Meeting

The Minutes of the Ordinary Meeting Held on 16th March 2006 be accepted as a true record of that meeting.

24/06 Council Decision

**MOVED CR J Kyanga SECONDED CR C Ellis
CARRIED 6/0**

8 Announcements by Presiding Member without Discussion

Nil

9 Reports of Committees and Officers

9.1 Chief Executive Officer Reports

9.1.1 Subject/Applicant:	Status Report
File:	
Reporting Officer:	A Kirwan, Chief Executive Office
Date of Report:	10 th April 2006
Disclosure of Interest:	Nil

Presiding Member.....Date.....

Wiluna Swimming Pool

Due to the cool weather and the cold water swimming has ceased. The swimming pool manager will be finishing up on 28th April 2006 and is planning to recommence on 1st September 2006.

CEO Review

A review of the Shire of Wiluna's CEO was conducted on 22 March 2006. The Local Government Act requires this review and Councillors are encouraged to express their opinions.

Bondini Park

The 2005/2006 budget has funding for a children's playground and park. This was planned for the area next to the Club Hotel but is now proposed for Bondini. It is suggested that the money be used for a half basketball court and children's playground in 2006/2007.

Housing Meeting with DHW

A housing meeting was recently held with DHW where design was discussed. After feedback from a number of community members DHW have given every indication that they will improve the designs to incorporate breezeways.

Project Manager

The Department of Local Government and Regional Development, with Shire assistance, has applied for a Project Manager to assist with the large projects planned for Wiluna in the next financial year. Although the funds have not yet been approved preparations to employ the person are continuing. The projects include sewerage, housing, land development for housing and industry, Desert Gold and town improvements.

Price Watch

The price watch posted its first results this month and will continue with a comparison to Meekatharra in April once the road is open. The storeowner has expressed his dissatisfaction with the process although he has not withdrawn from the watch. He has written a letter of complaint to the press, politicians and WALGA in which some of the content is disputable. To date no query has been received from anyone of these organisations.

Land Development in Wiluna

The process to develop new land for housing and industry in Wiluna has begun. We are obtaining a quotation from Western Power and will soon be talking to the Water Corporation. The

release of the land from the Department of Planning and Infrastructure will take some time.

Shared Services Working Group

This working group has reformed now that there is a new CEO in Kalgoorlie. The group has reformed to take another look at how the various Shires in the region might cooperate. There is a lot less pressure being applied.

Officer Recommendation/Draft Motion

For discussion only.

9.1.2 Subject/Applicant:	Confirmation of Meeting Dates
File:	
Reporting Officer:	A Kirwan, Chief Executive Officer
Date of Report:	7 th April 2006
Disclosure of Interest:	Nil

Summary

Council Policy 1.2 provides for the Council to meet monthly at 10.00 am on the third Thursday of each calendar month.

Date	Day	Commencement Time
18 th May	Thursday	10.00 am
15 th June	Thursday	10.00 am
20 th July	Thursday	10.00 am
17 th August	Thursday	10.00 am
21 st September	Thursday	10.00 am
19 th October	Thursday	10.00 am
16 th November	Thursday	10.00 am
14 th December	Thursday	10.00 am

Officer Recommendation/Draft Motion

That council approve the dates for the council meetings for this year.

25/06 Council Decision

MOVED CR A Geary

**SECONDED CR C Ellis
CARRIED 6/0**

Presiding Member.....Date.....

9.1.3 Subject/Applicant: Alter Budget Allocations for Various Items

File:

Reporting Officer: A Kirwan, Chief Executive Officer

Date of Report: 10th April 2006

Disclosure of Interest: Nil

Summary

These alterations to the budget are proposed to pay for extra funds for litter control in Wiluna.

Background

1. All of the budgeted funds for litter control have been spent for this financial year.
2. Further funds are required to keep the town clean.

Financial Implications

1. \$50,000 budgeted for litter control has been spent in this financial year.
2. We propose to transfer funds into this account to continue with the regular town clean up.

\$25000 is proposed to be transferred from the Park Development Capital Account to the Litter Control Expense account.

\$10000 is proposed to be transferred from the Street Sweeping and Cleaning account

Notes.

1. The Park Development Account funds will be replaced in the next financial year and it is proposed that this money be spent at Bondini.
2. \$3000 remains in the remains in the Street Sweeping and Cleaning account for this financial year.

Strategic Implications

Nil

Voting Requirement

Simple majority.

Officer Recommendation/Draft Motion

That Council approve the proposed changes to the budget.

26/06 Council Decision

**MOVED CR J Kyanga SECONDED CR K Farmer
CARRIED 6/0**

9.1.4 Subject/Applicant:	Amending the Shire of Wiluna Town Planning Scheme to
File:	Allocate Land for a New School Site
Reporting Officer:	02.00.12 / 18.00.02
Date of Report:	A Kirwan, Chief Executive Officer
Disclosure of Interest:	10 th April 2006
	Nil

Summary

At the meeting held on the 13th July 2005 Council resolved the following:

1. That Council resolves that under Section 7 of the Town Planning and Development Act 1928 to initiate an amendment to Town Planning Scheme 1 to:
 - a. Reclassify Unallocated Crown Land bounded by Castle, Scotia, Forrest Streets from "Special Use" (for 'holiday accommodation') to Local Reserve for Public Purpose; and
 - b. Reclassify the Castle Street road reserve between Forrest and Scotia Streets, Wiluna from Local Reserve for Recreation and Open Space to Local Reserve for Public Purpose.
2. That the President and Chief Executive Officer be authorised to certify Adoption of the Amendment.

The proposed change to the Wiluna Town Planning Scheme has been advertised and there were no objections. The resolution below are the next step in the process.

Background

Councillors are well aware of the background to the suggested change but in summary this includes:

- Moving the school from its present site because of the hotel, traffic and surrounding noisy activity.
- Selecting a new site closer to the oval, swimming pool and recreation centre.

(See Appendix C – Orange Pages)

Comment

The process for an amendment to the Town Planning Scheme to provide for the relocated school will take 12 to 18 months to final approval. Formalities are initiated by resolution of the Council, after which only the Minister for Planning and Infrastructure can terminate the process.

Consultation

There has been extensive consultation with the Department of Education, community members and other agencies.

Statutory Environment

This proposal is governed by the Town Planning and Development Act 1928.

Policy Implications

The most important policy implication is the change to the Town Plan that will affect the lives of our children.

Financial Implications

The consultant's fees and costs will be \$1500 plus GST and another \$2500 to cover advertising in newspapers and The Government Gazette.

Strategic Implications

Nil

Voting Requirement

Simple majority.

Officer Recommendation/Draft Motion

1. THAT Council resolve in accordance with Section 7 of the *Town Planning & Development Act 1928* to recommend that final approval be granted to Amendment 2 to Town Planning Scheme 1, without modification.
2. THAT a copy of each Submission and the Schedule of Submissions be forwarded to the Western Australian Planning Commission.

27/06 Council Decision

MOVED CR A Geary

**SECONDED CR C Ellis
CARRIED 6/0**

9.1.5 Subject/Applicant:	Policy Addition 2.21 Email & Internet
File:	04.00.08
Reporting Officer:	A Kirwan, Chief Executive Officer
Date of Report:	10 th April 2006
Disclosure of Interest:	Nil

Summary

The attached policy has become necessary due to the large amount and increasing use of the internet and email. (See Appendix D – Yellow Pages)

Background

It is the Shire of Wiluna's responsibility to ensure that all of the staff are fully aware of their responsibilities and do not misuse the system.

Comment

I have become aware of use of the Shire system that requires the statement of a clear policy.

Consultation

We have taken advice from Anne Lake and the Cities of Swan, Melville and Subiaco.

Statutory Environment

The policy may be applied with reference to the Equal Opportunity Act 1984 (WA), the Censorship Act 1996 (WA) and the Shire of Wiluna Code of Conduct.

Policy Implications

This is an addition to the Shire of Wiluna policy manual.

Financial Implications

Nil

Voting Requirement

Simple majority.

Officer Recommendation/Draft Motion

That the Policy for Email and Internet Use be added to the Shire Policy Manual.

28/06 Council Decision

**MOVED CR K Farmer SECONDED CR J Kyanga
CARRIED 6/0**

9.1.6 Subject/Applicant:	New Policy 2.22 Time in Lieu Policy
File:	04.00.08
Reporting Officer:	A Kirwan, Chief Executive Officer
Date of Report:	10 th April 2006
Disclosure of Interest:	Nil

Summary

The Shire of Wiluna requires a policy that clearly states how Administration staff manages overtime and time in lieu.
(See Appendix E – Pink Pages)

Background

The previous system allowed accumulation and although this was stopped in 2005 it has not become a Shire Policy.

Comment

Senior staff and the Swimming Pool Manager have higher salaries that take into account more overtime requirements although this system does apply to them should they wish to use.

Consultation

Staff

Voting Requirement

Simple majority.

Officer Recommendation/Draft Motion

That Council approve the addition of a Time in Lieu policy to the Shire of Wiluna Policy Manual.

29/06 Council Decision

**MOVED CR J Kyanga SECONDED CR A Geary
CARRIED 6/0**

9.1.7 Subject/Applicant:	Cultural Centre-Shops and Offices
File:	
Reporting Officer:	A Kirwan, Chief Executive Officer
Date of Report:	10 th April 2006
Disclosure of Interest:	Nil

Summary

The Shire of Wiluna purchased Lots 95 and 96 in Wotton Street for the purpose of developing the centre of Wiluna for Civic purposes.

Background

Most of the centre of old Wiluna has been removed and Council wishes to replace some of that atmosphere.

Comment

Council has asked an architect for a concept drawing with the title "Bring Back the Past" and is thinking along similar lines to the Streetscape in Leonora.

Financial Implications

Council has asked an architect to produce a set of drawings and will be approaching Lotteries West to fund the construction once the concept has been agreed.

BHP will be approached to fund the cultural information and history content of the building.

Voting Requirement

Simple majority.

Officer Recommendation/Draft Motion

That Council retain the ownership Lots 95 and 96 Wotton Street in order to investigate the development of a Cultural Centre, shops and offices.

30/06 Council Decision

MOVED CR C Ellis

SECONDED CR A Geary

CARRIED 6/0

9.2 Manager Finance and Administration Officer Reports

9.2.1 Subject/Applicant:	Accounts paid by Authority
File:	Finance
Reporting Officer:	J Alagappan, Manager Finance & Admin
Date of Report:	10 th April 2006
Disclosure of Interest:	Nil

Summary

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

Background

The list of accounts for the period ended 31st March 2006.
(See Appendix A – Blue Pages)

Comment

Nil

Consultation

Nil

Statutory Environment

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

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirement

Simple majority.

Officer Recommendation/Draft Motion

That the accounts paid by authority for the period ended 31st March 2006 totalling \$414,281.78 be received, noted and incorporated in the Minutes of the meeting.

31/06 Council Decision

**MOVED CR J Kyanga SECONDED CR C Carton
CARRIED 6/0**

9.2.2 Subject/Applicant:	Financial Report
File:	Finance
Reporting Officer:	J Alagappan, Manager Finance & Admin
Date of Report:	10 th April 2006
Disclosure of Interest	Nil

Summary

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.

Background

The report for the period ended 31st March 2006.
(See Appendix B – Green Pages)

Comment

Nil

Consultation

Nil

Statutory Environment

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

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirement

Simple majority.

Officer Recommendation/Draft Motion

That the Financial Reports for the period ending 31st March 2006 be received, noted and incorporated in the Minutes of the Meeting.

32/06 Council Decision

**MOVED CR J Kyanga SECONDED CR C Carton
CARRIED 6/0**

9.2.3 Subject/Applicant:	Budget Review & Committee Meeting
File:	
Reporting Officer:	J Alagappan, Manager Finance & Admin
Date of Report:	7 th April 2006
Disclosure of Interest:	Nil

Summary

Local governments are now required to conduct a budget review between 1 January and 31 March each financial year under *the Local Government (Financial Management) 1996*.

Comment

Part of the requirements is to produce a Statement of Financial Activity to compare the Year-to-Date (YTD) Budget income and expenditure to the Year-to-Date Actual income and expenditure. We have conducted a budget review for YTD ending February 2006. A Statement of Financial Activity is also required which shows a comparison between the Annual Budget and the Projected Actual income and expenditure as at 30 June 2006.

The Audit Committee met on 7 April 2006 to assess material variances and to make recommendations to Council, if any. The Audit Committee voted that since we have a projected surplus at the end of the year, there is no need to make major amendments in the budget or make additional transfers from the Reserve accounts for spending until 30 June 2006. The Audit Committee minutes of the meeting is now presented to Council to accept and confirm. For Minutes of the Audit Committee meeting and the Statements of Financial Activity with accompanying notes. (See Appendix F – Mauve Pages)

Consultation

Tony Kirwan, CEO
Mandy Wynne, Haines Norton Support
David Tomasi, Auditor for Shire of Wiluna

Statutory Environment

Local Government Financial Management Regulations 33A

Voting Requirement

Simple majority.

Officer Recommendation/Draft Motion

That Council accept and confirm the Minutes of the Audit Committee meeting including the recommendations made.

33/06 Council Decision

**MOVED CR C Carton SECONDED CR A Geary
CARRIED 6/0**

9.3 Works & Services Supervisor Reports

No Report

9.4 Principal Environmental Health Officer Reports

No Report

9.5 Community Development Officer Reports

No Report

9.6 Youth Sports & Recreational Officer Reports

No Report

10 Elected Members Motion of Which Previous Notice Has Been Given

Nil

11 Urgent Business Approved by the Person Presiding or by Decision of Council

Nil

12 Matters Behind Closed Doors

12.1 Subject/Applicant:	Motion to Close the Meeting to Public
Reporting Officer:	A Kirwan, Chief Executive Officer
Date of Report:	20 th April 2006
Disclosure of Interest:	Nil

Presiding Member.....Date.....

Summary

This item proposes to close the meeting to the public to consider item 12.2

Statutory Environment

Item 12.2 deals with a matter (an employee) for which the meeting may be closed to the public.

Section 5.23 (2) (a) of the Local Government Act 1995 provides:
“.....the Council...may close to members of the public the....part of the meeting....(which) deals with.....A matter affecting an employee or employees.

Voting Requirement

Simple majority.

Officer Recommendation/Draft Motion

That the meeting be closed to the public.

34/06 Council Decision

MOVED CR S Geary

SECONDED CR C Ellis

CARRIED 6/0

*** CEO (A Kirwan) left the meeting at 10.55 ***

12.2 Subject/Applicant:	Performance Review-CEO
File:	Personal File
Reporting Councillor:	K Johnston, Shire Council President
Date of Report:	10 th April 2006
Disclosure of Interest:	CEO

Summary

Item deals with a matter for consideration for which the meeting was closed to the public, in accordance with Section 5.23 (2) (a) of the Local Government Act 1995. (See Appendix G – White Pages)

The review of Mr Tony Kirwan’s performance as the CEO of the Shire of Wiluna has been carried out in accordance with the Council’s statutory and contractual obligations. The review was conducted in accordance with the terms of Mr Kirwan’s contract with the Shire, in particular as it relates to Term 9 “Performance Review”.

Councillors conducted the Performance Review with Mr Kirwan at the Shire Office complex on 22nd March 2006. The meeting was facilitated by Ms Anne Lake.

Presiding Member.....Date.....

A report has been prepared by Ms Lake, previously circulated and discussed with Councillors and CEO and is here submitted to

Council. (Confidential attachment to be handed out to councillors by Mr Kirwan at the meeting).

Voting Requirement

Simple majority.

Recommendation/Draft Motion as per the Councillors Review

That

1. Overall we rate the Chief Executive Officer's performance as good:

Further we recommend the following changes:

2. The CEO Review and Performance Review be carried out in March of 2007.

3. The CEO superannuation be increased by 4% from the first pay period immediately following his anniversary date.

35/06 Council Decision

**MOVED CR A Geary SECONDED CR J Kyanga
CARRIED 6/0**

12.3 Subject/Applicant:	Motion to Re-open Meeting to Public
File:	
Reporting Officer:	A Kirwan, Chief Executive Officer
Date of Report:	20 th April 2006
Disclosure of Interest:	Nil

Summary

Having been closed to the public to consider the confidential report Item 12.2, the meeting is to be re-opened to the public.

Voting Requirement

Simple majority.

Officer Recommendation/Draft Motion

That the meeting be re-opened to the public

34/06 Council Decision

**MOVED CR J Kyanga SECONDED CR C Carton
CARRIED 6/0**

13 Closure

This meeting was declared closed at 11.05am.