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MINUTES

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

The meeting was opened at 7:15pm

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

John Kyanga	(President)
Kenny Farmer	(Councillor)
Graham Harris	(Councillor)
Annette Williams	(Councillor)

Jean Alagappan	(Acting CEO)
Glen Deocampo	(Manager Administration & Finance)

3 members of the public were in attendance

**Apologies**

Catherine Carton	(Councillor)
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**3. Response to Previous Public Question Taken on Notice**

Nil

**4. Public Question Time**

Nil

**5. Applications for Leave of Absence**

Nil

**6. Notations of Interest**

**6.1. Interest Affecting Impartiality Shire of Wiluna Code of Conduct**

Nil

**6.2. Financial Interest Local Government Act Section 5.60A**

Nil

**6.3. Proximity Interest Local Government Act Section 5.60B**

Nil

**7. Petitions and Deputations**

Nil

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

The Minutes of the Meeting held on 21 May 2009 be accepted as a true record of that meeting.

**Tabled – Due to the Councillors present not being a quorum who attended the May OCM, the minutes will lay on the table until August OCM to be adopted as a true record of that meeting.**

**105/09 Council Decision**

**MOVED**

**SECONDED  
CARRIED**

The Minutes of the Meeting held on 16 June 2009 be accepted as a true record of that meeting.

**Tabled – Due to the Councillors present not being a quorum who attended the July OCM, the minutes will lay on the table until August OCM to be adopted as a true record of that meeting.**

**106/09 Council Decision**

**MOVED**

**SECONDED  
CARRIED**

**9. Announcement Presiding Member without Discussion**

Nil

**10. Reports of Committees and Officers**

**10.1. Acting Chief Executive Officer Reports**

<b>10.1.1. Subject/Applicant:</b>	<b>Status Report</b>
File:	
Reporting Officer:	Jean Alagappan, Acting CEO
Date of Report:	17 July 2009
Disclosure of Interest:	Nil

**Purpose**

The purpose of this report is for the Council to receive an information report and endorse the Acting CEO's actions.

### Council Amalgamations

WALGA has recently released the results of an independent research which involved a random survey of West Australians across the State.

The release paper goes on to state that, "Of those surveyed 63% agreed that the State Government should not force Councils to amalgamate and they overwhelmingly (83%) wanted to have a vote on any amalgamation proposed for their Local Government."

The results are as follows:

	<b>Agree</b>	<b>Unsure</b>	<b>Disagree</b>
Interested in Local Government Reform Process	48%	31%	21%
I want to be consulted by my Council before any decision to amalgamate with another Council	75%	15%	10%
The community should get a vote on any proposed amalgamation of their Council	83%	12%	5%
The reform process should look at other ways to improve Local Government other than amalgamations	74%	20%	6%
My council should amalgamate with one of our neighbours	21%	36%	43%
The State government should not force Council to amalgamate	63%	24%	13%

Source: WALGA Media Release 20 June 2009

### New Server

An emergency order had to be made for a new server when the old one crashed last week. We are still finalising all access to networked software with the supplier for both accounting and library areas. The new server has a bigger storage capacity which will be able to cope with our increasing data storage needs.

### Officer Recommendation

That council receive the Acting CEO's report for information and endorse the Acting CEO's actions.

**107/09 Council Decision**  
**MOVED** Cr G Harris

**SECONDED** Cr A Williams  
**CARRIED** 4/0

<b>10.1.2. Subject/Applicant:</b>	<b>Ordinary Council Meeting Time</b>
File:	13.00.06
Reporting Officer:	Jean Alagappan, Acting CEO
Date of Report:	6 July 2009
Disclosure of Interest:	Nil

### **Purpose**

The purpose of this report is to seek Council's endorsement of the Ordinary Council Meeting (OCM) time.

### **Background**

In its November 2008 OCM, council voted to change the ordinary council meeting time from 10.00 am to 7.00 pm. The carried motion stated that council review this after 6 months.

### **Comment**

Council has, for many years held its ordinary council meeting at 10.00 am. This was changed, however, to 7.00 pm to enable attendance of the working members of the community. The nightly meetings has put a lot of strain on the council and staff members. Council members felt that it is not the best time for decision-making. After having tried 10.00 am and 7.00 pm, council members wish to trial the time of 3.00 pm for the next 6 months.

The dates remain the same, i.e., every third Thursday of the month.

LG Administration regulations provide that a local public notice is to be given of any change to the date, time and place of the council meeting.

### **Council Options**

The options available to council at the present are:

1. OCM time status quo remain at 7.00pm
2. OCM time to revert to 10.00 a.m.
3. OCM time to be held at 3.00 p.m.

### **Statutory Environment**

Local Government Act 1995, Division 2; Local Government (Administration) Regulations 12 (2)

### **Policy Implications**

The changing of the day or time will require Policy 1.2 to be changed to reflect this.

### Financial Implications

Working hours are between 8.00am to 4.30pm. Staff members have not been paid either ordinary pay or overtime for attending council meetings that were held at 7.00pm. Unless further directed by council, staff members are not likely to be paid if the council meeting prolongs beyond 4.30pm.

### Voting Requirement

Simple Majority

### Officer Recommendation

That Council resolves to change the Ordinary Council Meeting time to 3.00pm on the third Thursday of each month except January 2010. This time will be reviewed in the February 2010 OCM.

**108/09 Council Decision**

**MOVED** Cr K Farmer

**SECONDED** Cr G Harris  
**CARRIED** 4/0

## 10.2. RPA Coordinator Report

<b>10.2.1. Subject/Applicant:</b>	<b>Status Report</b>
File:	
Reporting Officer:	Alan Stewart – RPA Coordinator
Date of Report:	8 July 2009
Disclosure of Interest:	Nil

### Purpose

The purpose of this report is to report Council's operations in the RPA program and request Council receive this report as information.

### Activities for June/July 09

#### Aboriginal Community Engagement:

Meetings were held with community members on 15 and 23 June 2009. The following people were nominated as community representatives.

### Aboriginal Community Representative Group

Town	Beverley Anderson Vera Anderson	9981 7013 (school); 9981 7063 (NAHS)
Bondini	Glen Barnes Kerry O'Brien	0447 954 233



Windidda	Delvene Patch Victor Ashwin	0488 061 833
Kutkububba	Tracey Latu Kuli Kefu (Wongawol) and another tba	9981 7063 (NAHS)

Some of these people attended the RPA Management Committee meeting on 24 June 2009 and spoke strongly about:

1. Lack of response from government and agents to a request from Bondini community for CDEP assistance to do a community clean up.
2. The need for better communication with agencies responsible for developing pathways to employment, and more clarity and purpose in what they do (for both mining and non-mining jobs).
  - The Martu representatives signed a petition asking the State Manager, FaHCSIA to assist in finding a workable resolution to these matters.
3. The Martu community in the Shire of Wiluna needs support to be enabled to come to RPA meetings as an equal partner. People want a Wiluna focus – previous administrative assistance has been provided remotely from Pt Hedland and most services are still managed remotely (eg from Kalgoorlie or Geraldton). A Wiluna-based Martu administrative facility (a Martu resource centre) is wanted.

**RPA Response to matters raised by community:**

The RPA Coordinator, Alan Stewart, has commenced discussions with the following people about finding a systemic response to the matters raised by the Martu representative group:

- 26 June 2009 – met with Director General, DIA (Patrick Walker) and State Manager FaHCSIA (Roger Barson), and delivered the petition signed by Martu representatives.
- 29 June 2009 – met with a number of parties expert in community development (including Tim Muirhead, Kim Bridge and Ian Carter CEO Anglicare) to get advice about developing a proposal for FaHCSIA about a strategic approach to Martu community development, as requested in the points above.
- 6 July 2009 – met with Lt Gen John Sanderson, Chair Indigenous Implementation Committee, about getting that group's high level support to help Martu get the help they need to become a strong voice in the RPA.

The RPA Coordinator has arranged follow up meetings with these senior parties in Perth on 17 July 2009.

**Note for Council:**

As requested in the previous reports, it would be very useful and helpful to the RPA if the Aboriginal Councillors could accept a more prominent role in this work and assist the RPA Coordinator in his efforts to establish effective community engagement in Wiluna. Alan still needs your help.

**Key Meetings:**

Wiluna RPA Steering Group Meeting - next meeting in Wiluna on 5 August 2009. The membership of the Steering Committee was agreed 13 May 2009 (limited to 18 people) being key government and industry representatives and the 8 community reps named above. The purpose of the Steering Group is to agree RPA priorities with Aboriginal representatives and resolve RPA governance issues.

Wiluna RPA Management Committee meeting – held Wednesday 24 June 2009.

- 30 RPA partners attended the meeting from government, industry and community.
- There was good Martu representation – the best yet – as a result of the earlier community meetings.
- Reports were delivered on the following projects:

**Current Projects**

- Land Leases:
  - process in train to access various commercial, light industrial and residential lots for lease and sale.
  - Lot 17 (“Desert Gold”) – DPI lodged a forfeiture order on the WDPAC lease on 2 June 2009. The intended result is that the land will be re-leased to people with sound business propositions that demonstrate that the land will be returned to productive use.
- New Clinic
  - Commonwealth funds (\$4.3m) secure; state contribution (\$4.3m) has been committed to the WACHS budget; an undertaking has been given by Lotterywest to contribute to any shortfall due to the long delay (5 years) in progressing this matter, subject to the original design being reviewed and costs re-assessed – that work is under way.

- Future Fund
  - On hold. Requires active interest of potential donors to a creating a common fund. That interest is not apparent in the current economic climate.
- Skills Training Centre
  - Planning well advanced. Estimated opening date now March Quarter 2010.
- Driver Training
  - Advice from FaHCSIA is that an MOU regarding use of the dual-control vehicle is being created between the relevant parties, including training providers (ie NAHS, CWTAPE/Nooda Ngulegoo).
  - Business Development
  - The relevant agencies (IBA, DEEWR {Indigenous Small Business Fund} and Small Business Centre Mid West) have met several times and the next meeting is in Perth 10 July 2009. The aim is to have a regular and frequent small business development service available to Martu people in Wiluna.
- Child Care Facilities – Debbi Baker (FaHCSIA Kalgoorlie progressing)
- Shire Strategic Plan
  - Signed off at June 09 Council meeting
  - Currently being printed for launch in September/October 2009
- Collocation
  - Stage 1: Renovations to old Marruwayura building complete, fit-out progressing and tenants organized (Nooda (CDEP) and the Shire's Tourism Officer and Community Development Manager).
  - Stage 2: The interest expressed by other parties for stage 2 tenancies, including a shared office for mining companies' visiting officers and business development advisers to be further explored in consultation with community.
  - Stage 3: Finalize purpose and tenants; source funding and tender for site development.
- Justice issues - Aboriginal Justice Agreement development will be managed locally by Sgt McCutcheon.
- Child Protection
  - A local action group chaired by Delvene Patch and David Molloy (teacher) has developed a draft action plan to address paint

sniffing problem. The group meets at 3pm Wednesdays at the NAHS meeting room.

- Biofuels Trail (Albion Downs)
  - The research and development phase is completed and a report is being prepared by Nickel West.
  - Other miners are starting to become interested in the project.
  
- Bondini Redevelopment
  - RPA Coordinator met with the Aboriginal Lands Trust (ALT) on 3 July 09. The ALT will begin exploring governance options that will allow the creation of a “master plan” for the redevelopment to enable contributions from industry and government in partnership.
  
- Arts and Cultural Activity
  - The development of an arts and cultural centre is in early planning stage.
  - Shire Tourism development plan is being written.
  - Shire/NAHS partnership to contribute to a Martu oral history project (which is in turn related to the CDNTS led Land management/Land Care project).
  - Birriliburu Artists continue to participate in exhibitions, establishing a good reputation for their work and good sales through the Tjukurba Art Gallery
  - Artists recently participated in a 2 week road trip to other neighbouring Aboriginal art centres including Ngaanyatjarra Lands. A very successful networking and professional development opportunity.
  
- Telecommunications
  - MWDC (Mark Canny) advised that it was announced on 29/7/09 that Wiluna has been successful in its application for a grant to upgrade to ADSL2+ and will shortly receive confirmation from the Minister. The MWDC will advise further on how the upgrade will be rolled out.

#### **Projects for Priority Attention in September Quarter 2009**

- Land Management/Land Care
  - A new project has been established led by Lindsey Langford (Central Desert Native Title Service); its purpose is to develop non-mining social, cultural and economic development opportunities for Martu. The first stage will be to arrange back

to country visits, oral history collection and exploration of employment options in land and natural resource management. A first draft of the proposed activities is expected by the end of July 09.

- Pathways to Employment
  - The new Australian government CDEP and work preparation arrangements came into place on 1 July 09. An RPA project will be developed during July 09 around the whole area of pathways to employment.
  - RPA Coordinator to meet with DEEWR in Perth on Friday 10 July 09 to begin this process, that will involve CWTAPE, CDEP, Skill Hire, Max Employment and Centrelink.

### **Opal Fuel**

- Helen Walker (FaHCSIA, Central Australian Petrol Sniffing Strategy) visited to inform community about the Opal Fuel alternative. The Wiluna fuel retailer agreed to work with Helen to investigate the introduction of Opal into Wiluna.

### **Officer Recommendation**

That Council receive the RPA Coordinator's information report.

#### **109/09 Council Decision**

**MOVED** Cr G Harris

**SECONDED** Cr K Farmer  
**CARRIED** 4/0

### **10.3. Principal Environmental Health Officer Report**

<b>10.3.1 Subject/Applicant:</b>	<b>Status Report</b>
File:	Various
Reporting Officer:	Bill Atyeo – Environmental Health Officer
Date of Report:	7 July 2009
Disclosure of Interest:	Nil

### **Purpose**

The purpose of this report is to provide information to the Council in the Environmental Health and Building Surveyor's Department and request Council receive this report as information and endorse Officer's actions.

**Subject:** Unfinished work claimed – Demolition of House  
**File:** Lot 95  
**Location:** Lot 95 Lennon Street - Wiluna  
**Date:** 22 June 2009

I reported last month that I had spoken with the owners of this allotment, as in November 2005 the Shire was commissioned to demolish the burnt-out house on this Lot and the Shire has yet to receive payment for this service. The owners were not satisfied with the state the land was left in after the works had been completed and have refused to pay until their concerns were addressed.

It was noted at the time of the demolition that a significant amount of soil was actually removed, as it was considered that some of the soil could be contaminated following the fire. Not all of this was replaced at the time, and it has been a contentious issue since.

After speaking with the owners it was decided that the Shire would clean the block up a little and fill in a few holes and then they would be happy to pay the account which has been outstanding.

I have again this day inspected the works done by the Shire and report that I am satisfied that the Shire has carried out the works that were subsequently asked by the owners, and that the account should now be paid by the owners.



**Subject:** Dwelling Destroyed by Fire  
**File:** Lot 523  
**Location:** Lot 523 Scotia Street - Wiluna  
**Date:** 04 June 2009

While I was absent from the Shire I was contacted by Phil Moses in regard to obtaining a demolition license for the house that was destroyed by fire. I processed this immediately, and when the fees were paid I issued the demolition license DL02/09. All this was done via the phone and the internet.

**Subject:** Building License Issued  
**File:** Lot 1489  
**Location:** Lot 1489 Woodley Street - Wiluna  
**Date:** 22 June 2009

Over the last four weeks I have been in communication with Kate Fuller from the Central Desert Native Title Services Ltd as they wanted to build additions to their facilities in Wiluna. They did propose to extend the verandah that is present so that people could use the facilities as a meeting place.

In order to cater for more people I insisted that they also provide extra toilets (at least on to be for people with disabilities). This has now been arranged and they made application for a building license to carryout the works. As this is just an extension of what they currently do on the Lot, there is no extra "use" the land is being used for, so there is no need for Planning approval to be sought by them.

All paperwork has been lodged and I will be issuing the Building License (BL02/09) as soon as the fees are paid.

**Subject:** RPA MEETING  
**File:** RPA  
**Location:** Shire Training Room  
**Date:** 24 June 2009

I attended the RPA meeting at the Shire Training Room. Again I find this meeting both rewarding and stimulating. The positive feelings and energy that comes from attending this meeting is hard to put into words.

This meeting was especially productive in that the Community engagement was ever so noticeable by the input that came from the representatives of the Community consultation committee, which was recently formed.

Very worthwhile and productive.

**Subject:** Disposal of Dead Animals  
**File:** Refuse Site  
**Location:** Wiluna  
**Date:** 25 June 2009

The Community Development Manager raised concerns in regard to the disposal of dead animals in an abandoned mine shaft adjacent to the Pioneer Cemetery. This shaft was used during the visit of the Vets, and Tania was concerned as it would appear that this has been the practise for some time now.

This is not an acceptable practise and an inspection of the site was carried out. Fortunately this shaft is not anywhere close to the area that is used to draw water for the town reticulation system. However, the shaft is not

permitted to be used for disposal of any rubbish or animals, and I understand that it is illegal even to fill in such shafts.



The open shaft is dangerous, and people moving around it would be in danger of falling into it. This should be fenced off so that people cannot approach, and remain at a safe distance from the opening. I am unaware of the legal situation as to who is responsible, but this will need to be further investigated and appropriate action taken.

For the disposal of dead animals I will have discussions with the Works Manager in order to provide a trench at the Shire tip to be used for such. This can then be used by residents to dispose of roo carcasses, any "road kill", animals that die around town, and for programs such as the visiting vets and when the environmental health workers put dogs or other animals down.

**Subject:** Easement for Sewerage  
**File:**  
**Location:** Wiluna – Between Lennon and Wotton Streets  
**Date:** 25 June 2009

The Water Corporation wrote to the Shire asking for a letter of approval for the Water Corp to create easements over Reserves 23797 and 7361. These easements are necessary to protect the infrastructure of the sewerage/effluent drains in place over that land.

I inspected the sites and had reservations as to the drawing the Water Corp had sent us to endorse as it appeared that the easement adjacent to the swimming pool was incorrect. However, having spoken with the responsible person in Water Corp on the matter, he was able to confirm that the drawings were correct and that the easement adjacent to the pool followed the fenceline of the oval (Reserve 7361).

The other easement is diagonal over the North/West corner of Reserve 23797, which was the school reserve, which is the area adjacent to where the old sewerage ponds were.

I drafted a letter of approval from the Shire and sent to the CEO for checking and to sign on behalf of the Shire.



**Subject:** Town Planning Inquiry  
**File:** Town Planning  
**Location:** Corner of Wells and Wotton Street - Wiluna  
**Date:** 25 June 2009

I had an inquiry in regard to the Town Planning Scheme in relation to the use of land and what can and can't be carried out on Commercial land.

Currently the land has "Non Conforming Use Rights" in that it is a dwelling that was on the land before the adoption of the Town Planning Scheme. This use as a dwelling is permitted to remain while the land is used to contain a house for residential use. If this "use" is changed, then an application to Council is required, and the land must then comply with the current Town Planning provisions.

If the owner wishes to alter by extending the current house, then the owner must apply under the Town Planning Scheme for this, and the proposal must be advertised in accordance with the provisions of the Town Planning Scheme. After the advertising period, then Council will be able to make a determination on the application.

I sent the following Email:

Thanks for discussing your intentions in regard to the house you have purchased on the corner of Wells and Wotton Streets in Wiluna.

*"As I stated to you, the lot is Zoned Commercial under the Shire's Town Planning Scheme and housing is not generally permitted unless associated with a business on the same lot. However, you have what is called "non-conforming use rights" under the scheme. I have read the scheme text and inform you that you are able to apply to Council for the additions and renovations you described to me, and Council **MAY** approve them, after your proposal is advertised for a set period of time, in accordance with the scheme requirements.*

*Now this advertising will be at your expense, and there is a possibility that here will be fees associated with the application for a planning permit as well, as charges according to State regulations will soon be introduced.*

*Please supply me with scaled drawing of what you require, and a scaled drawing that shows the position of the house with all its renovations completed, and all distances from all boundaries, septic tanks, and any other buildings on the lot. Please get Lavenia to scan these, or get them scanned into a pdf file and email them to me so that I can look at them before I return back to Wiluna in July."*

**Subject:** Procedure – Building License Fees  
**File:**  
**Location:** Wiluna  
**Date:** 22 June 2009 – 26 June 2009

There has been some confusion in regard to the receipting and handling of monies received for applications for building licenses. In order to try and make the process easier Lavenia and I have worked on writing a procedure so that all staff handling monies from the building section can process the monies.

This has been complicated by the fact that there are three components in the application fees, and two of these are external to the Shire. These are the BCITF and the BRB for whom we collect fees.

I think we have achieved what we set out to do, and Lavenia has trialled it and made modifications that we feel will work for all staff.

**Subject:** Inclusion of Lot 79 into adjoining Lot 80 Lennon Street  
**File:** Lot 79 and 80  
**Location:** Lennon Street - Wiluna  
**Date:** 07 July 2009

The following letter was drafted and sent to the State Land Services following a letter from them that they have been requested by the owner of Lot 80 to include some of Lot 79 into Lot 80.

*“Thank you for your letter in regard to the above proposal of including Lot 79 into the adjoining Lot 80 Lennon Street in Wiluna.*

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

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

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

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

*If you have any questions in relation to the above matter, please contact the undersigned (040 998 1144)."*

**Subject:** Section 79 Lease – Monty’s Patch  
**File:** Lot 17 – DP 215396  
**Location:** Lot 17 – Desert Gold  
**Date:** 07 July 2009

Agenda item was written up for Council decision.

The State Land Services proposes to issue a 10 year lease for part of Lot 17 on DP 215396 for the purpose of a residence and small horticultural area.

My recommendation to Council was as follows:

*"That Council supports the State Land Service in granting a 10 year lease to Monty and Gail Allison for part of Lot 17 on DP 215396 for the purpose of a residence and small horticultural area, and*

*That Council determine that the remainder of Lot 17 on DP 215396 be offered first to Martu organisations, family groups, and individuals, that satisfy the requirements of the State Land Service, with proper and appropriate consultation with the Martu people prior to the issuing of any leases over the subject land. Any surplus land could then be offered to other interested individuals, groups or organisations.*

#### **Officer Recommendation**

That Council receive and endorses the Environmental Health and Building Surveyor’s action and information report.

#### **110/09 Council Decision**

That Council receive and endorse the Environmental Health and Building Surveyor’s action and information report except the report on Section 79 Lease – Monty’s Patch.

**Reason for change of recommendation:** It is Council’s wish to discuss that portion of the report when Item 10.3.3 is tabled. Until that discussion takes place, no endorsement will be made regarding the report on Section 79 – Monty’s Patch.

**MOVED** Cr G Harris

**SECONDED** Cr K Farmer  
**CARRIED** 4/0

<b>10.3.2. Subject/Applicant:</b>	<b>Town Planning Application – Lot 179 Wotton Street</b>
File:	Lot 179
Reporting Officer:	Bill Atyeo – Principal Environmental Health Officer
Date of Report:	7 July 2009
Disclosure of Interest:	Nil

### **Purpose**

The purpose of this report is to supply Council with enough information to allow a decision from them to allow the development to proceed with specific conditions placed on the permit.

Since January 2009 Council has been concerned in regard to the appearance of second-hand buildings on Lot 179 Wotton due to their state of disrepair. Many attempts were made to have the owners lodge formal application for their proposed development of a Cultural/Craft centre, as it was verbally proposed to be at that stage.

Council's concerns in regard to the state of the second-hand buildings were clearly stated to the owners, and there was an undertaking by TAFE to refurbish the buildings to an acceptable standard through the running of specific TAFE courses on the site.

In the meantime, the owners have purchased a much more structurally sound building, and have a commitment from CentreLink to have it fitted out with the required services (telephone, computers, etc) for a CentreLink office. The service provided is a contractual arrangement and thus only the infrastructure will be supplied by CentreLink.

Council now has an official application from Gail and Monty Allison to develop the land as a CentreLink Office, Craft/Cultural Centre with a toilet Block to service the buildings.

### **Summary:**

Proposed uses of the land are as a shop (CentreLink), and an educational establishment (Craft and Cultural).

Lot 179 Wotton Street in Wiluna is zoned as "Commercial" within the Wiluna Town Planning Scheme. As such a "shop" is a permitted use and does not require Town Planning approval. However, the use as an "educational establishment" requires Council to exercise its discretionary powers.

Given that the buildings are second-hand I feel Council needs to approve them with conditions.

The newer building will be positioned across the front of the Lot and 7 metres back from the front boundary, and two metres off the southern side

boundary. Please note that the required front setback is 0 metres. This front area will be landscaped in front of the proposed office, with the rest of the frontage for car-parks (approx 3 parking spaces).

The toilet block and the craft/cultural centre positioned as indicated by the layout plan. Beyond the western edge of the two buildings there is ample space for about a minimum of ten cars at the rear of the lot.

**Comments:**

My major concerns are with the renovations to the buildings to ensure they are to an acceptable standard that Council will be pleased with. TAFE have indicated that they will undertake this process and will ensure that I am satisfied with the structural integrity of the buildings. Access for people with disabilities will also be required under the Building License that the owners will be required to make application for.

I have verbally been informed that the remaining second-hand buildings will be removed from site and not used in the proposed development. Only the newer second-hand building, the toilet block, and two of the original buildings will be used. The others will be removed, and this should be one of the conditions placed on the planning permit if decided by Council.

I feel that Council can issue a planning permit for the development with conditions that must be complied with.

**Officer Recommendation**

That Council Approve the proposed development by Monty and Gail Allison to developed Lot 179 Wotton Street, Wiluna as an Office, and a Craft/Cultural Centre as depicted in the layout plans submitted to Council as part of the application for a Town Planning Permit, with the following conditions forming part of the approval:

1. All second-hand buildings not involved in the development or upgrading are to be removed immediately from the allotment.
2. The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the processes carried on, the materials, goods and machinery used and stored or by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.
3. The use of the premises as applied for shall not be changed or added to without the consent of Council.
4. No incinerator is to be provided or used on the site. All refuse shall be regularly removed to Council's tip and not stored on the Lot.
5. All stormwater emanating from the lot is to be discharged to a legal point of disposal so that it does not cross the boundaries of any adjacent lot or cause any detriment to the adjacent lots.
6. The footpaths adjoining the lot shall be maintained by the applicant to the satisfaction of Council's Works Manager.

7. The owner, the occupier and the manager of the premises shall at all times each make reasonable endeavours to ensure that the premises do not create a nuisance and annoyance to neighbours or otherwise disturbed the amenity of the area.
8. All parking of business vehicles, and staff vehicles, and customers/clients will at all times be within the boundaries of the allotment.
9. The storage of any goods outside the confines of the proposed building/s is not permitted under any circumstances.
10. The surface of the land to be utilised for car parking shall be treated so as to prevent loss of amenity to the neighbourhood by emission of dust and the discharge of drainage, and practical means shall be installed to prevent damage to the fences of adjoining properties.
11. All buildings and access to the buildings shall be modified to comply with Australian Standard 1428 for disabled persons.
12. This Planning Permit will become void if development has not commenced within six (6) months of the issue of permit.
13. The time for completion of the development work is eighteen (18) months from the date of issue of the permit. Council may grant an extension of time, only on receiving written application from the developer and received at least three (3) months prior to the expiration of the time limits.
14. The finish of the external cladding of all the proposed buildings which includes the colour of the paint applied shall be to the satisfaction of the Chief Executive Officer of the Shire of Wiluna.
15. All landscaping on the allotment is to be to the satisfaction of the Chief Executive Officer of the Shire of Wiluna and is to be fully maintained at all times.
16. The developers are required to apply for all relevant building licenses from the Shire and pay all required fees.

**111/09 Council Decision**

**MOVED** Cr A Williams

**SECONDED** Cr K Farmer  
**CARRIED** 4/0

<b>10.3.3. Subject/Applicant:</b>	<b>Section 79 Lease</b>
File:	Lot 17 DP215396
Reporting Officer:	Bill Atyeo – Principal Environmental Health Officer
Date of Report:	7 July 2009
Disclosure of Interest:	Nil

**Purpose**

The purpose of this report is for Council to provide comments to the State Land Services following their letter to Council regarding the situation proposed for the “Desert Gold” land (Lot 17 on DP 215396).

The State Land Services proposes to issue a 10 year lease for part of Lot 17 on DP 215396 for the purpose of a residence and small horticultural area.

A portion of Lot 17 of approx 55 Ha (known locally as Monty's patch is currently occupied and being used for the purposes of Horticulture by Mr and Mrs Allison without legal tenure. It is proposed by the State Land Services that a 10 year lease be issued under Section 79 of the Land Administration Act (LAA) to Mr and Mrs Allison for the portion of the land comprising their residence and the horticulture areas.

The State Land Service states that a two (2) year lease may be granted as an interim measure under Section 91 of the LAA until formal approvals are obtained and a section 79 lease has been negotiated. Currently they are in the process of obtaining a sketch to enable the issue of an interim license to the occupants.

The whole of Lot 17 was previously leased to Western Desert Puntukurnuparna Aboriginal Corporation (WDPAC), but this lease has now been forfeited for non-compliance with the conditions of the lease.

Council has indicated in the past that they are in favour of that which is stated in the letter from the State Land Service, but no formal decision has been made. The main area of discussion has always been what to do with the remaining area of the lease.

It has been suggested that the remaining area should be made available to Martu people, either as family groups, individuals or organisations. Any surplus land could then be offered to other individuals, groups and organisations where appropriate.

**Officer Recommendation:**

That Council supports the State Land Service in granting a 10 year lease to Monty and Gail Allison for part of Lot 17 on DP 215396 for the purpose of a residence and small horticultural area, and

That Council determine that the remainder of Lot 17 on DP 215396 be offered first to Martu organisations, family groups, and individuals, that satisfy the requirements of the State Land Service, with proper and appropriate consultation with the Martu people prior to the issuing of any leases over the subject land. Any surplus land could then be offered to other interested individuals, groups or organisations.

**Officer Recommendation**

That Council receive and endorses the Environmental Health and Building Surveyor's action and information report.

**112/09 Council Decision**

That council postpone endorsement of this item until the matter is discussed in a community meeting through the RPA.

**Reason for change of recommendation:**

Council wishes wider community consultation as to the community members' opinion regarding the State Land Service's grant of a 10 year lease to the Allisons, which makes up to approximately 55 ha (known locally as Monty's Patch) on "Dessert Gold" land.

**MOVED** Cr K Farmer

**SECONDED** Cr G Harris  
**CARRIED** 4/0

**10.4. Deputy CEO Reports**

<b>10.4.1 Subject/Applicant:</b>	<b>Status Report</b>
File:	13.00.04
Reporting Officer:	Jean Alagappan – Deputy CEO
Date of Report:	16 July 2009
Disclosure of Interest:	Nil

**Purpose**

The purpose of this report is to inform council that the Common Seal was stamped on to the following documents during the reporting period.

Date: 18 June 2009

Agreement between the Fire and Emergency Services Authority of Western Australia (FESA WA) and the Shire of Wiluna to changeover from Option A (quarterly Emergency Services Levy return) to Option B (annual Emergency Services Levy return). This is a 2-year term agreement effective 1 July 2009 to 30 June 2011.

Date: 29 June 2009

Variation to first Program Funding Agreement between the Indigenous Coordination Centre and the Shire of Wiluna to close on 30 June 2009 instead of 30 June 2008.

Date: 29 June 2009

Variation to second Program Funding Agreement between the Indigenous Coordination Centre and the Shire of Wiluna to close on 30 June 2009 instead of 30 June 2008.



**Consultation**

CEO

**Statutory Implications**

The Shire of Wiluna Local Law (Standing Orders) 1999

**Financial Implications**

Nil

**Voting Requirement**

Simple Majority

**Officer Recommendation**

For Council to endorse the use of the Common Seal being a signatory to the agreement between:

1. FESA WA
2. Indigenous Coordination Centre and the Shire of Wiluna Council.

**113/09 Council Decision**

**MOVED** Cr G Harris

**SECONDED** Cr K Farmer  
**CARRIED** 4/0

**10.5. Manager Finance & Administration Officer Reports**

<b>10.5.1 Subject/Applicant:</b>	<b>Setting of the Annual Council Rates</b>
File:	25.00.11
Reporting Officer:	Glenn Deocampo, Manager of Admin & Finance
Date of Report:	11 July 2009
Disclosure of Interest:	Nil

**Purpose**

The purpose of this report is for Council to adopt the annual rates-in-the-dollar and minimum rates for the 2009/10 financial year.

**Background**

Council receives income from various sources, of which the two major ones are government grants and revenue raised from ratepayers through the rating system.

The amount of revenue raised from rates depends upon three factors.

- Type of rate – Gross Rental Value or Unimproved
- Valuation of the Property
- The rate charged for each dollar of valuation
- GRV-Town/Resident
- UV-Mining

Gross Rental Values (GRV) are generally applied to properties within town sites and mining infrastructure; and Unimproved Values (UV) are generally rural farmland, pastoral and mining tenements, etc.

The valuation of the property is undertaken by the Valuer General's Office, in Perth. Council has no input to the process. GRV's are revalued every five years and UV's every year. Individual ratepayers do have the right of appeal if they disagree with the Valuer's determination, however, this process does not involve Council.

The rate in the dollar is Council's mechanism for determining the revenue to be raised. Council sets a rate based upon the valuation of the property and also determines a minimum rate for properties of small valuations.

Section 6.32 of the Local Government Act 1995 requires Council to set a rate sufficient to make up the budget discrepancy. This discrepancy is shown on the rate setting statement in the accompanying budget.

### **Rating**

Shire rates have been kept to minimum and adjustments were made in line with neighbouring Shires. Increased cost in fuel affects Council's fuel bill and also reflected in the increased cost of materials and contracts as well as freight charges. There has been no change to the GRV and UV – Mining minimum rates.

### **Discounts**

In addition to imposing rates on rateable land in the Shire, Council also provides for various incentives and penalties on Payment of Rates.

Council's current discount remains at 5 percent.

There is no increase proposed for this budget.

### **Penalties**

Regulation 70 of the Financial Management Regulations provide for a maximum amount of 11% that can be applied to overdue Rates and Service

charges. Rates are overdue thirty five days after service of the notice. Council's current penalty percentage is 10 percent.

There is no increase proposed for this budget.

### **Instalments Plans**

The Local Government Act 1995 requires Council to offer ratepayers the option of paying in full or quarterly instalments.

Instalment plans are offered for amounts above \$200.00. When choosing to pay by instalments, ratepayers incur an additional charge of:

- a) Administration Fees; and
- b) Interest charged on outstanding monies.

Regulations 68 of the Financial Management Regulations provide for a maximum interest amount of 6.5% that can be applied to outstanding instalments. There is no maximum administration charge.

Council's current Administration Charge is \$6.00 per instalment per reminder notice. There is no increase proposed for this budget.

Council does not currently charge an interest percentage. There is no increase proposed for this budget.

### **Financial Implications**

Budget 2009/10

### **Voting Requirement**

Absolute Majority required.

### **Officer Recommendation/Draft Motion**

That Council adopt the following:

1. That the new rates for the period 01 July 2009 to 30 June 2010 be adopted:
  - Gross Rental Value – General 6.9100 cents in the Dollar
  - Gross Rental Value – Mining 6.9100 cents in the Dollar
  - Unimproved Value – General 11.5200 cents in the Dollar
  - Unimproved Value – Mining 11.5200 cents in the Dollar
  - Minimum Rate – Gross Rental Value \$200.00 per assessment
  - Minimum Rate – Unimproved Value \$200.00 per assessment
2. That the following be adopted for the period 01 July 2009 to 30 June 2010:

- Council grant a 5% discount on rates paid on or before 4 September 2009 or 21 days after the date of service appearing in the rate notice, whichever is latter, in accordance with the Local Government Act 1995.
- Council charge a 10% penalty charge per annum calculated daily by simple interest on rates paid after the 35th day of service of the rate notice in accordance with the Local Government Act 1995.
- Council charge a \$6.00 Administration Fee per reminder notice per instalment for rates levied in the 2009-2010 financial year in accordance with the Local Government Act 1995.

**114/09 Council Decision**

**MOVED** Cr G Harris

**SECONDED** Cr A Williams

**CARRIED** 4/0

<b>10.5.2 Subject/Applicant:</b>	<b>Rates for Write Off</b>
File:	25.00.14
Reporting Officer:	Glenn Deocampo – Manager, Finance & Admin
Date of Report:	11 July 2009
Disclosure of Interest:	Nil

**Purpose**

The purpose of this report is to seek Council's approval to write-off outstanding rates and charges totalling \$46.92.

**Background**

During a financial year, there are rates and charges that are deemed to be unrecoverable and are recommended for write-off.

At the Shire of Wiluna, this generally relates to mining tenements, however, may extend to town lots and rural/pastoral leases. When a tenement dies, the Shire can still recover rates for the period when the tenement was alive.

All other avenues for collection of outstanding rates and charges, such as summonses or seizing of land and selling to recover rates and charges, are considered before rates and charges are recommended for write-off. In this instance, the methods of collection are not possible/viable because:

- The owners of the tenements at the time of their death cannot be located by the Shire. Limited information regarding the owner is available.
- The company that owned the tenement at the time of their death no longer exists. As the tenements no longer exist there is no one to recover the debt from.

- The debts were raised in error against non-rateable properties and therefore not payable.

The following Schedule "Rates and Charges for Write-Off June 2009" fully details each amount being sought for approval to write-off.

Upon considering all situations, write-off of these debts is considered the only option to finalise the outstanding rates and charges on these properties.

### **Comment**

Section 6.12 empowers the Council to write-off any debt owed to the Shire in respect of rates and related charges.

### **Consultation**

K Anderson

### **Statutory Environment**

Local Government Act 1995

### **Policy Implications**

Nil

### **Financial Implications**

A provision for Doubtful Debts has the balance of \$36,972.54 for the year 2008/09 i.e the loss of potential income by write-off has been allowed for.

### **Strategic Implications**

Nil

### **Voting Requirement**

Absolute Majority

### **Officer Recommendation/Draft Motion**

That rates and charges, as detailed on schedule entitled "Rates and Charges for write-off June 2009" totalling \$46.92 be approved for write-off.

**SCHEDULE OF RATES DEBTORS  
"RATES AND CHARGES FOR WRITE-OFF AS AT 30 JUNE 2009**

<b>Assessment</b>	<b>Owner Name</b>	<b>Reasons for Write off</b>	<b>Amount Owning</b>
18003	Avoca Resources Ltd	Dead Tenement- Cost to attempt recovery would exceed the debt.	\$0.01
18892	Quantum Resources Ltd	Dead Tenement- Cost to attempt recovery would exceed the debt.	\$0.03
19099	De Grey Mining	Dead Tenement- Cost to attempt recovery would exceed the debt.	\$0.26
19251	Hazel Wood Resources Ltd	Dead Tenement- Cost to attempt recovery would exceed the debt.	\$0.33
19423	Great Australian Resources Ltd	Dead Tenement- Cost to attempt recovery would exceed the debt.	\$1.02
19422	Great Australian Resources Ltd	Dead Tenement- Cost to attempt recovery would exceed the debt.	\$1.21
19447	Regalpoint Exploration Pty Ltd	Dead Tenement- Cost to attempt recovery would exceed the debt.	\$2.67
19405	Allarrow Pty Ltd	Dead Tenement- Cost to attempt recovery would exceed the debt.	\$2.92
19407	UCABS Pty Ltd	Dead Tenement- Cost to attempt recovery would exceed the debt.	\$2.96
19304	UCABS Pty Ltd	Dead Tenement- Cost to attempt recovery would exceed the debt.	\$2.98
19448	Regalpoint Exploration Pty Ltd	Dead Tenement- Cost to attempt recovery would exceed the debt.	\$4.08
19446	Montrose Resources Ltd	Dead Tenement- Cost to attempt recovery would exceed the debt.	\$4.74
19101	Falconbridge Australia Pty Ltd	Dead Tenement- Cost to attempt recovery would exceed the debt.	\$6.11
19445	Montrose Resources Ltd	Dead Tenement- Cost to attempt recovery would exceed the debt.	\$8.09
16531	Judicial Holdings Pty Ltd	Dead Tenement- Cost to attempt recovery would exceed the debt.	\$9.51

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

**115/09 Council Decision**

**MOVED** Cr G Harris

**SECONDED** Cr K Farmer  
**CARRIED** 4/0

**10.6. Manager Works & Services Officer Report**

Nil

**10.7. Community Development Manager**

<b>10.7.1. Subject/Applicant:</b>	<b>Status Report</b>
File:	05.00.07
Reporting Officer:	Tania Wiley – Community Development Manager
Date of Report:	15 July 2009
Disclosure of Interest:	Nil

**Wiluna NAIDOC Week Carnival**

Sports and Recreation staff were busy throughout NAIDOC week supporting the Wiluna NAIDOC Committee. Thank you to all staff for ensuring that the committee had what they needed to run a successful NAIDOC. Thank you to Chris Webb and NAHS staff for providing the ambulance, strapping shoulders and dealing with other ailments. Thank you to Joe, Dean, Dan and the rest of the Depot boys for picking up the rubbish bins, servicing the portable toilets and in general helping us throughout the week. We could not have done it without you all so thank you to all. Throughout the week, it was noticeable to all the leadership displayed by the NAIDOC Committee. I am extremely proud of the NAIDOC Committee for their hard work prior and during the week to make sure that the community and visitors had a fun filled exciting week.

**Officer Recommendation**

For Council to receive the Community Development Managers information report.

**116/09 Council Decision**

**MOVED** Cr K Farmer

**SECONDED** Cr A Williams  
**CARRIED** 4/0

**10.7.2 Tourism Officer Report**

Nil

**Art Gallery Manager**

<b>10.7.3. Subject/Applicant:</b>	<b>Status Report</b>
File:	26.00.11
Reporting Officer:	Heather Charlton – Art Gallery Manager
Date of Report:	9 July 2009
Disclosure of Interest:	Nil

**Purpose**

The purpose of this report is to inform Council of recent activities of the Tjukurba Art Gallery.

Approval has been granted by way of our submission to the Department of the Environment, Water, Heritage and the Arts for funding for financial year 2009/2010 for an amount of \$58,990. The funding will assist in maximising benefits to the artists by way of supporting the objectives detailed in the Tjukurba Development Plan.

A portable eftpos machine has been ordered for the Galley's use which will provide greater efficiency in effecting transactions when we take exhibitions off-site.

Art Gallery sales for the financial year ended 30 June 2009 amounted to \$165,040.00, returning \$114,208.00 to the community.

**Officer Recommendation**

For Council to receive the Art Gallery Officer's information report.

**117/09 Council Decision**

**MOVED** Cr G Harris

**SECONDED** Cr K Farmer

**CARRIED** 4/0

**10.7.4. Swimming Pool Manager Report**

Nil



**Sports & Recreational Officer Report**

<b>10.7.5. Subject/Applicant:</b>	<b>Status Report</b>
File:	
Reporting Officer:	Tania Wiley – Community Development Manager
Date of Report:	11 July 2009
Disclosure of Interest:	Nil

**Purpose**

The purpose of this report is to provide information to the Council the operations in the Sport and Recreation Department.

**Report**

ICV Volunteers at the Sports and Recreation Centre  
Three Indigenous Communities Volunteers David, Mike and Cecily arrived on June 24 for six weeks to support the sports and recreation programs and NAIDOC week. During their time in the Sports and recreation centre, the volunteers have been working with the sport and recreation staff, developing programs and writing up the sport and recreation centre procedures.

Wiluna NAIDOC Week Carnival  
NAIDOC week was held from 5 – 10 July 2009. The success of the Wiluna NAIDOC week was due to the Wiluna NAIDOC Committee's commitment and hard work to run a sensational week enjoyed by all. It is important that we thank the committee for running such a smooth event, who stood united by showing leadership and being proud of Wiluna. Many neighboring communities such as Warburton, Mt Magnet, Meekatharra, Mulga Queens attended the weeklong event. The sport and recreation centre provided the sporting equipment and supported the committee as was needed throughout the week. A big thank you to all the sport and recreation team for their hard work and efforts throughout the week. We must also thank Chris Webb and staff for manning the Ambulance throughout the week, it was greatly appreciated.

**Officer Recommendation**

That Council receive the Sport and Recreation information report.

**118/09 Council Decision**  
**MOVED** Cr G Harris

**SECONDED** Cr A Williams  
**CARRIED** 4/0

## Homemaker Officer Report

<b>10.7.6. Subject/Applicant:</b>	<b>Status Report</b>
File:	03.00.07
Reporting Officer:	Meleoni Nariro – Homemaker
Date of Report:	16 July 2009
Disclosure of Interest:	Nil

### Purpose

The purpose of this report is to provide information of the Council's operations in the Homemaker Department.

### Tenants Housing Issues

The Environmental Health Officer and Homemaker Officer looked at two houses that have been having maintenance issues. One house is located in Trenton Street and the other one is located Lennon.

### Cooking Classes

The Homemaker Officer ran two classes during June. A total of thirteen people (Two males and eleven women) participated in the classes.

### Environmental Health Certificate

On June 22, the Homemaker Officer went to Burugarra for the fourth part of her course for the year. There are two more courses to go before Meleoni receive her certificate in Environmental Health.

### Training Room

A total of fifty four people used the training room throughout the month of June. People use the training room for internet banking, phoning Department of Housing and other computer needs. If anyone in the community would like to get more help with using the computers, the Homemaker will be happy to help you out.

### Officer Recommendation

That Council receive the Homemaker information report.

**119/09 Council Decision**

**MOVED** Cr G Harris

**SECONDED** Cr K Farmer  
**CARRIED** 4/0

**10.8. Committee 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**

**Questions asked by David Betteridge**

Q1. After 6 months of the OCM being run at 3.00pm, could Council put it out to the public to get feedback?

A1. Cr J Kyanga agreed.

Q2. Is the Shire self-sufficient and able to sustain itself without funding from other agencies so that it does not go through amalgamation?  
D Betteridge does not agree that Wiluna should be amalgamated with other councils and if rates should be raised in order to avoid it, he will fully support it.

A2. The Shire of Wiluna has received an assessment from the Department of Local Government and stated that "the Shire of Wiluna was placed in Category Three: significant structural reform including amalgamation and formalization of regional groupings is required to ensure long term community and organizational benefit in order that the needs of the current and future generations are met."

Q3. Can council administration process write-off of rates when the amount is below \$200.00 as part of Finance operations without tabling it to the council meeting?

A3. Local Government Act 1995 provides that write-offs be decided by Council by Absolute Majority vote.

**Questions asked by Marilyn Betteridge**

Q1. Hasn't Council purchased an EFTPOS machine in the past?

A1. It was determined that the EFTPOS machine in question was the old manual credit card machine. This system of payment was slow, often had mining customers waiting long periods and required phoning banks

for card authentication with each purchase. The gallery obtained a new portable EFTPOS machine that can be used at the mines and speed up the process of customers payments in the future.

M Betteridge wanted to pass on comments by travelers. Some travelers who stopped by at the shop commented that they were very impressed with Ned's Creek Road.

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

Nil

**15. Closure**

Meeting Closed at 9.00pm