

TABLE OF CONTENTS

Minutes

Item	Page
1. DECLARATION OF OPENING AND ANOUNCEMENT OF VISITORS	4
2. RECORD OF ATTENDANCE / APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED	4
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	4
4. PUBLIC QUESTION TIME	4
5. APPLICATIONS FOR LEAVE OF ABSENCE	4
6. NOTATIONS OF INTEREST	4
7. PETITIONS AND DEPUTATIONS	5
8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING	5
9. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	5
10. REPORTS OF OFFICERS AND COMMITTEES	5
10.1. Chief Executive Officer Reports	5
10.1.1. Status Report	5
10.1.2. Adoption of Streetscape Designs	10
10.1.3. Equal Employment Opportunity claim Against the Shire of Wiluna	13
10.1.4. Proposed Amendment to the Local Government Act – WALGA feedback	16
10.1.5. Ranger Services	30
10.1.6. Agreement for the Goldfields Esperance Regional Collaborative Group	33

Item	Page
10.2. Principal Environmental Health Officer and Building Surveyor Report	37
10.2.1. Status Report - Nil	37
10.3. Deputy CEO Report	37
10.3.1. Status Report - Nil	37
10.4. Manager Finance & Administration Reports	37
10.4.1. Accounts paid in by Authority – November 10	37
10.4.2. Financial Report – November 10	38
10.4.3. Budget 2010/2011 Alteration	39
10.5. Manager of Works Report	41
10.5.1. Status Report	41
10.6. Committee Report	43
LEMC Meeting Minutes	
10.7. Project Manager	43
10.7.1. Shire of Wiluna Forward Capital Works Plan 1 July 2010 to 30 June 2015	43
10.7.2. Housing Tender	47
10.7.3. Shire of Coolgardie – SAT Decision on Planning Appeal Mining Accommodation Villages	50
10.8. Councillor Information Bulletin	52
10.8.1. Councillor Information Bulletin – Nil	52
11. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	52
12. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION OF COUNCIL	52
12.1.1. Change of Council Meeting Week	52
13. PUBLIC QUESTION TIME	54

14. MATTERS BEHIND CLOSED DOORS – CONFIDENTIAL ITEM	54
15. CLOSURE	54

APPENDIX A - Accounts Paid by Authority (November 2010)	– Blue Pages
APPENDIX B - Financial Report (November 2010)	– Green Pages
APPENDIX C - Layne Drilling Tender Document & Invoice	– Sand Pages
APPENDIX D - Draft Agreement between the State and the Goldfields Esperance Regional Collaborative Group	– Orange Pages
APPENDIX E - LEMC Minutes	– Pink Pages
APPENDIX F - Draft Forward Capital Works Plan	– Lilac Pages
APPENDIX G - Housing Tender Document	– Gold Pages
APPENDIX H - Shire of Coolgardie Letter and SAT Finding	– Yellow Pages
APPENDIX I - Streetscape Designs	– White Pages

MINUTES

Minutes of the Ordinary Council Meeting of the Shire of Wiluna held in the Council Chamber, Scotia Street, Wiluna on Wednesday, 15 December 2010.

1. Declaration of Opening and Announcement of Visitors

The meeting was opened at 10.10am.

The President welcomed the Councillors, Officers and public to the meeting and Mr. Bruce Walker, the new acting DCEO and Works Manager.

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

John Kyanga	(President)
Graham Harris	(Deputy President)
Jim Quadrio	(Councillor)
Stacey Petterson	(Councillor) (Left at 12:03pm)
Chris Webb	(Councillor) (Entered at 10.45am)

Samantha Tarling	(Chief Executive Officer)
Tony Doust	(Project Manager)
Glenn Deocampo	(Manager, Administration and Finance)
Bruce Walker	(Acting Deputy CEO/Works Manager)

Apology

Dave McCutcheon	(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

Chief Executive Officer declared a financial interest on item 10.1.4.

6.3. Proximity Interest Local Government Act Section 5.60B

Nil

7. Petitions and Deputations

Shane Power, Regional Manager, Main Roads (at noon)

8. Confirmation of Minutes of Previous Meeting

8.1. The Minutes of the Meeting held on 17 November 2010 be accepted as a true record of that meeting.

171/10 Council Decision

MOVED Cr G Harris

SECONDED Cr J Quadrio

CARRIED 4/0

9. Announcement Presiding Member without Discussion

Nil

10. Reports of Officers and Committees

10.1. Chief Executive Officer Reports

10.1.1. Subject/Applicant:	Status Report
File:	Various
Reporting Officer:	Samantha Tarling – Chief Executive Officer
Date of Report:	10 December 2010
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to provide information to Council of Shire operations and for Council to receive the report and endorse the Chief Executive Officer's recommendations and actions.

Water Bore Costs

At the September OCM Council asked for a breakdown of costs involved in the installation of the new water bore. The Manager of Works Status Report outlined the following in the October 2010 OCM Agenda:

Prior to September 2010 the Shire of Wiluna had a single bore pump located on Lennon Street that serviced the reticulation needs of the town. The bore fed into the main tank located behind the Shire office. The storage tank supplied water to all the Shire gardens, staff houses, Town Park, oval, Wotton Street median strip, the standpipe, swimming pool and the Wiluna Club Hotel. There are 100mm mains running along one side of Lennon Street, Scotia Street and Woodley Street.

Last year, the bore pump ceased several times due to various problems such as cable failure, electrical control failure, pump failure etc. Sometimes the problems were easily rectified and at other times, it took several days to rectify. On some instances, the bore had to be turned off completely for a day or two due to the drop in the water table and subsequent drawing.

Some of these problems occurred during peak summer months and over weekends, resulting in gardens not being watered for considerable periods of time. As there was no backup water supply, the Shire lost many trees and plants.

There was also concern that the future streetscape beautification plan when implemented will fail due to the unreliable water supply. Therefore, a proposal was put forward to sink another bore to supplement and take the pressure off the existing bore.

After several quotes were obtained, \$60,000 was approved by council for a new water bore. A drilling contractor doing work in the area was able to drill a 4" water bore for us at the cost of \$34,000. The bore is commissioned and is fully operational.

The Lennon Street bore now supplies water to the Oval, while the Scotia Street bore supplies the rest of the town's needs as outlined above. The plumbing system is interconnected enabling an interchange into either tank from either bores.

With two bores, there is a reliable water supply system. If one bore fails or needs repair or maintenance, water is drawn from the other.

Council requested a breakdown of the \$35000 spent on the 4" water bore be returned in an information report at the October OCM and then again at the November OCM. This was not forthcoming due to an over sight, hence this report. After the November OCM the CEO forwarded the information to councillors and answered any questions raised.

The questions raised were:

- How many days from start to finish?
- Record of hours spent on the bore?
- The diameter of drill hole and casing?
- Was the bore cased?
- Was the bore gravel packed?

The Manager of Works response was:

- Work commenced on the 13 July around 9 am-4:30 pm. Next day 14th by afternoon they had completed the hole but were waiting for Class 12 slotted casing to arrive from Kalgoorlie. Work completed on 15th July morning. Crew left for Kalgoorlie.
- The drill hole is 11 inches in diameter and the casing 150mm.
- The bore was cased using Class 12 PVC.
- Yes. The hole was gravel packed.

The invoice from Layne Drilling is attached at Appendix C (sand pages) showing the hours spent on the job.

OCM Resolutions Update

In accordance with the Shire of Wiluna Local Law Standing Orders 1999 the CEO is to report outstanding works to keep council informed of status.

September OCM resolutions update

Minute 145/10 regarding Dividing Fences Act is currently being actioned by WALGA officers and they have advised they will forward a letter to the Minister for Housing to raise the matter of reviewing a section of the Dividing Fences Act as requested in Minute 145/10. Cr Quadrio took part in a telephone linkup with the officer and is satisfied at this time with the action being taken to advance this matter.

May OCM resolutions update

At the May OCM council resolved that the following reports be brought back to the June OCM – ‘a review of Policy 1.12’.

Review of Policy 1.12 will be considered at the sustainability workshop to be held in the new year and a report will be presented thereafter.

Mid West Development Commission Investment Plan Workshop

The Shire President and CEO travelled to Meekatharra on Tuesday, 23 November 2010, for a workshop with other Shire Presidents and CEO's of Councils in the Murchison. The workshop was organized by the Mid West Development Commission to gain the Murchison Shire's feedback on the Mid West Investment Plan. The Plan will assist the Mid West Development

Commission and its Board in finalising recommendations to the State Government.

One of the key functions of the Mid West Development Commission is to identify infrastructure needs of the region and encourage the timely provision of that infrastructure. This is essentially the aim of the Mid West Investment Plan.

Through a variety of means including consultation, a preliminary draft list of suggested Mid West projects was developed, based around the Mid West's three sub regions (Murchison, North Midlands, and Batavia Coast).

The workshop saw the projects nominated by each individual Shire placed into categories as listed below and the draft was modified in accordance with the group's wishes for the Murchison sub region.

The following guide was used at the workshop:

- **High** Priority– projects that will provide significant economic and/or social benefit to the local community; demonstrate broader regional benefits; are substantially progressed or are able to be completed within the next 5 years.
- **Medium** Priority – projects that provide valuable social and/or economic benefits; have broad regional benefit and are important for regional development.
- **Low** Priority – provide some social and/or economic benefits to the region and local community.

A definition of *regional significance* is an important element in this process. The CLGF guidelines provide background in this regard. Other considerations which influenced the group's views on importance were:

- project readiness
- the level of contributory funding
- ability to be sustained by a business case
- breadth and depth of its impacts or benefits
- how essential for regional growth the priority is

The group identified all the High Priorities and was asked to list the top ten high priorities to be considered. The general consensus among the group was as follows with a few variations:

- Sealing of Goldfields Hwy
- MRVP Fence
- Revitalisation of Murchison towns
- TAFE centre with boarding facilities at Mt Magnet and Durack online
- Renewable Energy Projects
- Pastoral Diversification

- Airport upgrades
- Communication Upgrades
- Regional Tourism
- Health Services and hospital upgrades

Integrated Planning and Reporting Framework Workshop

The Department of Local Government (DLG) held a workshop at Mount Magnet on Thursday, 9 December 2010, on the Integrated Planning and Reporting Framework. The CEO and Project Manager attended.

The purpose of the recently launched Integrated Planning Framework is to facilitate good practice and continuous improvement in strategic planning across the entire local government sector in Western Australia. The framework also sets out the minimum requirements for planning and reporting which will be required by the *Local Government Act 1995* and its regulations.

The new framework is planned to be in place from 1 July 2012 and local governments are expected to show evidence of being into the process by June 2013.

No funding is being offered to local governments (that are not amalgamating) for this process to be developed and rolled out. Feedback of the burden that this new planning and reporting framework will put on staffing resources was given to the staff of the DLG and they will feed this back to the Minister.

It was acknowledged by all present that this was best business practice and embraced but the capacity of Shires to deliver with their current resources was in doubt.

The first step in the process is the development of the Strategic Plan. This will drive the Strategic Financial Management Plan that will be underpinned by a range of plans that provide information that converts to financial information, i.e. Forward Capital Works Plan, Asset Management Plan, Service Delivery Plan, Workforce Plan etc.

Staffing Levels

WALGA have been engaged through their Workplace Solutions team to assist the CEO in advertising and recruiting a DCEO, Works Manager, Manager Community Services and a Sports and Recreation Manager.

In the interim, Bruce Walker, ex-CEO of many years will join the Wiluna team on Monday, 6 December 2010 to act in the roles of Works Manager and DCEO. If the tasks are too many, another person will be engaged in the interim until the New Year when permanent officers are appointed.

Mr Gary Goldsworthy, consulting Environmental Health Officer/ Building Surveyor who met councillors last month has reviewed his workload after leaving Wiluna and advised he is unable to provide a monthly service to the Shire.

Mr Gary Agnew who presently is employed as the Director Development Services with the Midwest Regional Council will leave them in the new year and start his own consultancy in February 2011. He has offered his services to the Shire of Wiluna. The CEO is currently in negotiation with him to provide Environmental Health and Building Surveying on a monthly, drive in –drive out basis, providing the same level as service previously provided by Bill Atyeo. Mr Agnew comes with good references and reputation within the industry. He has had many years experience in the Midwest region including working at the Shire of Wiluna previous to Mr Bill Atyeo.

172/10 Council Decision and Officer Recommendation

MOVED Cr J Quadrio

SECONDED Cr S Petterson

CARRIED 4/0

For Council to receive the CEO's status report and endorse the CEO's actions.

10.1.2. Subject/Applicant:	Adoption of Streetscape Designs
File:	00089
Reporting Officer:	Samantha Tarling, CEO
Date of Report:	7 December 2010
Disclosure of Interest:	Nil

Purpose

The purpose of this report is for Council to adopt the streetscape designs for the Information Bay, Welcome to Wiluna sign, Town Park Shelter, Steel Cut-Outs, Canning Stock Route and Gunbarrel Highway Pylon Welcome Signs and Walk Trail Pedestal and Interpretative Sign Designs.

Background

In 2009 Councillors and staff worked together with the community to chart a vision for the future of Wiluna. Many spoke about the need to 'green' the streets and parks and make the town more attractive and appealing to tourists and visitors.

This feedback translated into a key priority area in the 2009-14 Strategic Plan which saw key strategies and actions detailed as follows:

- Work with the community to develop a concept plan for the Wiluna Streetscape project
- Engage local artists in street art projects
- Construct new shelters in consultation with the community
- Upgrade the Wiluna Information Bay
- Construct a self-guided walk trail promoting cultural and historical sites
- Actively market Wiluna, including Canning Stock Route and the Gunbarrel Highway

At the May 2010 OCM council resolved to 'Endorse the Wiluna Walk Trails and Interpretation Concept Plan'. The designs being presented to council are the results from the projects listed within this Plan.

Jesse Brampton was engaged to work with Councillors, staff and the community to gather the community's input into the design and placement of the projects.

Comment

The designs are as follows:

Information Bay	Plan 1.1 – 1.5	Appendix (white pages)
Town Welcome Sign	Plan 2	Appendix I (white pages)
Town Park Shelter	Plan 3.1 – 3.7	Appendix I (white pages)
Steel Cut-Outs	Plan 4.1 – 4.2	Appendix I (white pages)
Canning Stock Route and Gunbarrel Highway		
Pylon Welcome Signs	Plan 5.1 – 5.5	Appendix I (white pages)
Walk Trail Pedestal and Interpretative Sign	Plan 6	Appendix I (white pages)

All information panels were researched and signed off by the leading authority on information outlined in each panel. This included consultation with CDNTS on the information contained in the Wiluna Martu – Living in Two Worlds panel and the Beadell Family.

Consultation

Tourism WA
Northern Goldfields Tourism Group
CDNTS
Community of Wiluna

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Council has budgeted for this project from the R4R CLGF funding.

Strategic Implications

2009-14 Strategic Plan, Key Priority 'Green Wiluna' and 'Go-Ahead Wiluna' have identified the abovementioned projects as key outcomes. These are listed as the following actions:

- Construct new shelters in consultation with the community
- Upgrade the Wiluna Information Bay
- Construct a self-guided walk trail promoting cultural and historical sites
- Actively market Wiluna, including Canning Stock Route and the Gunbarrel Highway

Voting Requirements

Simple Majority

173/10 Council Decision and Officer Recommendation

MOVED Cr G Harris

SECONDED Cr S Petterson

CARRIED 4/0

That Council adopts the designs attached for the streetscape designs of the:

- Information Bay
- Welcome to Wiluna
- Town Park Shelter
- Steel Cut-Outs
- Canning Stock Route and Gunbarrel Highway Pylon Welcome Signs; and
- Walk Trail Pedestal and Interpretative Sign Designs.

10.1.3. Subject/Applicant:	Equal Employment Opportunity claim against the Shire
File:	00244
Reporting Officer:	Samantha Tarling, CEO
Date of Report:	10 December 2010
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to inform Council of an Equal Employment Opportunity complaint lodged with the Equal Opportunity Commission by a

member of staff against the Shire of Wiluna and for Council to receive the report for information and endorse the CEO's actions.

Background

On 5 August 2010 the Equal Opportunity Commission advised the Shire, in writing that a complaint was lodged under the Equal Opportunity Act 1984 by James Alagappan, at that time (now previous) Manager of Works, alleging unlawful discrimination on the ground of religious conviction discrimination in employment.

James Alagappan believes he was discriminated in two areas: religion and culture. This arose from an incident that the CEO had advised James Alagappan he had breached the Shire's policy of providing a secular environment for all employees. All staff had previously been advised on a number of occasions, including in a full staff training workshop on EEO issues that staff were not permitted to call James Alagappan, Pastor in the Shire workplace.

To obtain an impartial investigation of the matter, the CEO was required to return a written response of the complaint by 14 September 2010 to the Commission. Given the legal implications going forward in this matter, Allion Legal was engaged to advise the CEO and join her at the compulsory Conciliation Conference held in Perth in accordance with section 91(2) of the Equal Opportunity Act 1984 on 28 September 2010. James Alagappan and an officer appointed by the Commission were in attendance with the intent of resolving this matter.

After the Conciliation Conference, the Commission advised in writing, on 27 October 2010 that they were advised by James Alagappan that he did not consider his complaint of discrimination on the ground of religious conviction resolved at the Conciliation Conference held in Perth on 28 September 2010.

The Commission therefore referred the complaint to the State Administrative Tribunal (SAT) pursuant to section 93(1)(b) of the Act.

The SAT contacted the Shire to advise the Directions Hearing of the matter would be scheduled for 19 November 2010. At the meeting the Shire's legal representative submitted on the Shire's behalf, that to date, James Alagappan has been unable to identify proper legal grounds on which to base his claim of discrimination. Judge Sharp agreed that he 'shared Allion Legal's confusion' about the legal basis for the claim, however, he felt that a compulsory conference, held in front of the members of the SAT, would be beneficial to both parties. He did accept that a mediator may find it hard to mediate where they don't know what the legal basis of the claim is.

The Notice of Mediation with SAT has been listed for 24 January 2011 in Perth.

Comment

The matter of James Alagappan being called Pastor in the workplace was borne from the CEO interpreting the Equal Opportunity Act 1984 as requiring the Shire to provide a secular environment where all employees enjoy a workplace that is free of any religious practices or bound by the religious rule (secular), to provide a workplace that is equal to all employees. It is the CEO's interpretation that allowing a person to be called Pastor in the workplace where not all staff are religious and comfortable with this salutation it could possibly be to the detriment of the organisation. A complaint was lodged by an employee to the CEO in December 2009 on these grounds and the result was James Alagappan and another staff member being advised that they breached the CEO's directive and Shire Policy and were written up for this breach.

Consultation

The CEO, with independent witness Tony Doust, met with James and Jean Alagappan on 12 November 2010 at the Shire to advise that the Shire would be seeking legal expenses, if awarded, from the outset of the first SAT hearing and thereafter should the matter be referred to court.

On separate occasions, the CEO shared with James and Jean Alagappan that she was concerned pursuing this matter, may cause relationship problems with members of the Seventh Day Adventist community, especially staff members, if the intent of enforcing a secular environment by not allowing James Alagappan to be called Pastor during work hours by employees was misunderstood and asked James Alagappan to seriously consider any unintended consequences that may arise out of this claim. He advised he had and it was not his intent for this to happen but for a clarification or a determination of the law be made in regard to this matter. The CEO and James and Jean Alagappan were respectful of each other's interpretation of the current law and acknowledged it was a different world view that required an independent arbitrator to decide on, due to no precedence in law being available to guide the outcome at this time.

The CEO contacted the Seventh Day Adventist Church Conference President (Principal) recently and advised him that the Shire is not opposed to the principles and values of the Seventh Day Adventist beliefs or work in the community and have supported the religious convictions of its employees in other cases, however, in this case the Shire believes there was no grounds to allow James Alagappan to be called Pastor under the current legislation that requires the Shire to provide a secular workplace. The Principal thanked the CEO for her call and advised James Alagappan is taking this complaint as an employee and private citizen and not on behalf of the Church.

Statutory Environment

Local Government Act 1995, Section 5.40 and 5.103.

Equal Opportunity Act 1984

Policy Implications

Shire of Wiluna Code of Conduct
Equal Opportunity and Harassment Policy

Financial Implications

Legal costs of \$15,000 have been budgeted for in the 2010/11 budget. Costs have amounted to approximately \$10,000 to date.

Strategic Implications

Strategic Plan 2009-14, Key Priority – Leading Wiluna, Strong Leadership, Governance and Planning.

Voting Requirements

Simple majority

174/10 Council Decision and Officer Recommendation

MOVED Cr J Quadrio

SECONDED Cr S Petterson
CARRIED 5/0

That Council:

1. Receive the report for information; and
2. Endorse the CEO's action.

10.1.4. Subject/Applicant:	Proposed Amendment to the Local Government Act – WALGA feedback
File:	00075
Reporting Officer:	Samantha Tarling, CEO
Date of Report:	7 December 2010
Disclosure of Interest:	Financial Interest in items pertaining to CEO's

Purpose

The purpose of this report is to inform Council of the Minister for Local Government's proposed amendments to the Local Government Act 1995 and provide information back to WALGA for the purpose of them reaching an industry position on each matter listed.

Background

The Minister for Local Government has invited local governments to comment on a number of proposed amendments to the Local Government Act 1995. The latest amendments to the Act occurred with the introduction of

the Local Government (Official Conduct) Amendment Act 2007 and the proclamation of the Local Government Amendment Act 2009.

WALGA has advised they welcome this opportunity to provide comment prior to preparation of the drafting instructions and appreciates the influence this consultation process will have in developing amendments to the Local Government Act 1995.

WALGA have written to the Local Government sector looking for a string response to ensure comments and feedback are representative of the majority of Local Governments.

The Association requests Council gives formal consideration to the proposals outlined in this report and provide comment by way of a Council resolution, and inform WALGA by 7 January 2011.

Proposed Changes to Local Government Act 1995

1. Reducing Elected Members to between six and nine

Minister's Proposal:

As part of the reform process, local governments were asked by the Minister for Local Government to consider reducing the number of elected members to between six and nine. The rationale is that a smaller number of elected members will encourage greater competition for positions on Council and contribute to a more strategic decision-making focus by councils. Fifty one local governments have committed to reducing the number to the range requested. Sixty one local governments already have Councillor numbers in this range.

It is proposed that section 2.17 of the Act be amended to reduce the number of elected members to between six and nine. Despite the new permitted range, local governments may continue with existing elected member numbers for up to an eight year period from the October 2011 elections. This will be for two full electoral terms. If they have not made the changes by then, the Local Government Advisory Board would take the action as set out in Schedule 2.1, Clause 6.(3) to implement the necessary change for the 2019 elections.

WALGA Comment:

The Association has expressed to the Minister on a number of occasions, the continual opposition of this recommendation by the Local Government sector, most recently with the State Council resolving on 12 October 2010:

“That WALGA;

Oppose the Local Government Reform Steering Committee Report recommendation 8 concerning prescribing the number of Elected members to between 6 and 9”

The reduction in the numbers to this extent would require Elected Members in large metropolitan Councils to become full time Councillors. A significant number of Local Governments have provided the Association with reasoned arguments explaining the detrimental nature of this one size fits all approach.

It has been suggested the Minister engage the Department of Local Government in researching the benefits of this proposal in greater detail, and provide to the sector similarly reasoned arguments in support of this proposal.

Comment

Most regional Shires already have less than 9 elected members. Although rural local governments may already have less than 9 members, some caution needs to be exercised that numbers are not reduced too low and find the quorum being unrepresentative of the majority of the community’s views.

The Shire of Wiluna currently sits within this range and is not affected by the proposal.

Council’s options are to:

1. Support WALGA’s current position on the matter – Oppose the Local Government Reform Steering Committee Report recommendation 8 concerning prescribing the number of Elected members to between 6 and 9”;
2. Support the Minister’s proposed amendment - Reduce Elected Members to between six and nine;
3. suggest the Minister engage the Department of Local Government in researching the benefits of this proposal in greater detail, and provide to the sector similarly reasoned arguments in support of this proposal;
4. Provide a combination of these points as feedback to WALGA; or
5. Provide another view point or suggestion.

2. Salaries and Allowances Tribunal to set the fees for Elected Members

Minister’s Proposal:

Elected Members

At present, the head of power for the setting of elected member fees and allowances is provided under the Act and monetary values are prescribed in Regulations. The Governor approves the setting or amending of these fees and allowances on a recommendation by the Minister for Local Government. Elected member meeting fees have only been amended twice since 1996 and, in both cases, in line with changes to the Consumer Price Index.

It is proposed that the responsibility for the setting of the dollar values for elected member fees and allowances be transferred to the Salaries and Allowances Tribunal, through amendment to the Act and the Salaries and Allowances Tribunal Act 1975. The approach envisaged would be for the Tribunal to provide its advice to the Minister for Local Government, who will then have the final decision about whether the fees and allowances are adopted.

The 2006 Local Government Advisory Board's report into Structural and Electoral Reform, as well as the 2008 WALGA Sustainability Study, both recommended that the Salaries and Allowances Tribunal be responsible for the setting of elected member fees.

Providing for an independent body to set the value of fees and allowances for local government elected members will bring the approach into line with that already in place for State Members of Parliament. In addition, other States have independent tribunals established to set fees and allowances for local government members.

The Minister for Local Government will also retain responsibility for the types of fees, allowances and expenses that elected members can be paid or reimbursed and the circumstances in which they are made.

Chief Executive Officers (CEOs)

At present, the Tribunal has a statutory role in making recommendations as to the remuneration to be paid or provided to local government CEOs. These recommendations are to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.

It is proposed that the legislation be amended so that local governments are required to ensure the salaries of their CEOs are set within the salary bands recommended by the Tribunal. Similar to that for elected members, the approach envisaged would be for the Tribunal to provide its advice to the Minister for Local Government, who will then have the final decision about whether the salary bands are adopted.

WALGA Comment:

Elected Members – It is pleasing to note that the setting of remuneration levels for Elected Members by the Salaries and Allowances Tribunal has not been linked to the State Government's plan to reduce elected members.

The Association has advocated on this issue since 2004 and reaffirmed this advocacy when State Council considered this matter in light of the 2006 Local Government Advisory Board (LGAB) Report on Structural Reform, subsequently resolving:

That recommendation 1.35 of the Local Government Advisory Board report be supported and that the State Government be requested to amend the Local Government Act 1995 accordingly to achieve the following outcome:

“That the Western Australian Salaries and Allowances Tribunal be given the responsibility for establishing the range of fees and allowances for elected members, with each Local Government having the ability to set a fee within this range. The Tribunal also be required to update the fees and allowances on an annual basis.”

- (a) That the State Government be requested to amend the Local Government Act accordingly;
- (b) In the event the Local Government Act 1995 is amended as per the Association’s advocacy:
 - i. that the question of the quantum and extent of Councillor Fees and Allowances be sought from other states with a view of presenting this to the Western Australian Salaries and Allowances Tribunal to support any Association submission on this subject; and
 - ii. that targeted research be undertaken on Councillor responsibilities, level of control and work values, so that these can be extrapolated as industry averages and provided to the Tribunal in further support of any Association submission.

Chief Executive Officers (CEOs) – This is a recent addition by the Minister to the Local Government Act amendment proposals and did not feature in the Local Government Reform Steering Committee Report recommendations. WALGA takes a view that Local Governments should retain the general competence power to determine appropriate remuneration levels for their key executive.

Comment

In regards to the setting of remuneration levels for elected members, the proposal is sound in as much as it is an independent body setting the range from which individual local governments will be able to exercise its discretion within that range. However, the alternative argument is to be consistent with the view expressed below, whereby local governments be allowed the independence of considering whether to use the relevant band as a guide but make a decision that best suits the local government at the time.

The government has previously amended the Act to allow the Tribunal to set remuneration bands for CEO’s, which allows local governments the independence of considering the relevant band but make a decision that best suits the local government at the time. The main reason for this view is

that a council will not have the flexibility to offer a greater remuneration package than the relevant band when considering it necessary to attract high quality applicant in remote, isolated areas or other special circumstances. This will disadvantage those local governments especially in the economic times WA is experiencing with the mining boom and greater demands on skilled labour force. Further, it is argued that the Tribunal is unaware of the harshness of the environments and lack of support professionals face in small local authorities and do not factor that in sufficiently to make the banding attractive to candidates. This will be to the detriment of those local governments.

Council's options are to:

1. Support WALGA's current position on the matter as outlined above;
2. Support the Minister's proposed amendment as outlined above;
3. Provide a combination of these points as feedback to WALGA; or
4. Provide another view point or suggestion.

3. New mechanism for the temporary suspension of a Council

Minister's Proposal:

The Department delivers both proactive and reactive assistance and support to Councils to aid them in providing good governance to the people of its district. However, on occasion, division and conflict between Council members, and between Council Members and the administrative officers, arises leading to Councils becoming dysfunctional.

Section 8.19 of the Act provides for the suspension of a Council, however, this only applies where an Inquiry Panel is appointed by the Minister to inquire and report on a local government's operation or affairs within six months of the suspension. The operation of Inquiry Panels has been found to be effective in dealing with serious and systemic governance issues. However, because the Inquiry process can recommend dismissal of a council, it involves a process that is necessarily exhaustive, and correspondingly time consuming and costly. It is estimated that a Panel Inquiry would cost approximately \$1-1.5 million. It is not viewed as being an appropriate mechanism to deal with the type of situations outlined above.

Section 8.15(2) of the Act also provides for a council to be suspended in circumstances where the council has not complied with an order made with respect to the recommendations of an Authorised Inquiry that is conducted pursuant to section 8.3 of the Act. Although less costly and time consuming than a Panel Inquiry, an Authorised Inquiry still typically takes between 6 – 12 months from commencement to completion. As a consequence, an Authorised Inquiry does not provide an immediate response to issues that are detrimentally affecting the operation of the local government.

It is proposed that Part 8 of the Act be amended to provide an alternative mechanism for the Minister to utilise where the Minister becomes aware of significant issues that he or she believes may lead to a breakdown in the effective decision making process of an elected Council. This mechanism will allow for the suspension of a Council and the appointment of a Commissioner to act on behalf of the Council for a maximum period of six months. Prior to the end of this period, the Minister would decide whether to reinstate the Council or to keep it suspended and establish a Panel Inquiry, as required by section 8.19 of the Act.

This new approach is considered to provide a circuit breaker to allow the issues that have arisen to be quickly resolved by the Commissioner and for the Council to be reinstated. The addition of an alternative 'issue resolution' process will enable the Minister to choose the most practical 'suspension' mechanism for each specific circumstance.

Once the Minister becomes aware of a dysfunctional Council, the suspension powers would operate in the following manner. The Minister would request the Department of Local Government to carry out an assessment and provide a report on the issues about a local government that have been brought to his or her attention. Based on this information, the Minister would then decide whether to take any action and, if so, whether the new suspension power would be utilised, or a Panel Inquiry held.

If this new suspension power was used, the Council would be issued a 'notice of intent to suspend' by the Minister and be given a period of 21 days to respond to this notice. If the Minister chose to carry through with the intention to suspend, a Commissioner would be appointed and the elected members of council temporarily suspended for a period of no more than six months. Elected members would continue to receive their meeting allowance.

Prior to the end of the six month suspension, the Minister would either reinstate the Council, or appoint an Inquiry Panel in line with the current section 8.19 of the Act.

In summary, Part 8 would require amendment to incorporate the following steps:

- (a) The Minister issues the Council with a notice of intention to suspend due to issues arising that the Minister believes may lead to a breakdown in the effective decision making process of an elected Council;*
- (b) The Council will have a period of 21 days in which to respond to the Minister's notice detailing the Minister's reasons for providing a notice of intention to suspend;*
- (c) The Minister would give serious consideration to the reasons provided and determine whether the council should be suspended;*
- (d) If the Minister decides to suspend the Council, he or she has the option of suspending and appointing a Commissioner for a maximum*

- period of six months (new power) or if the identified issues are considered so significant that a Commissioner would not be able to resolve them within six months, to immediately appoint an Inquiry Panel (existing power) to investigate the issues; and*
- (e) *Prior to the end of the six month suspension period, the Minister is to reinstate the Council or appoint a Panel Inquiry.*

The Minister is to have the power to require council members to undertake remedial action, such as undergoing training or mediation, during the period of suspension.

WALGA Comment:

The proposed amendment appears to have its origin in situations the Minister and his Department have encountered where there was insufficient reason to conduct a Panel Inquiry yet the operations of a Council were affected by internal conflicts that could potential escalate. From this perspective, WALGA appreciates there may the need for extraordinary powers to immediately provide to a community, a cost-effective remedy that will lead to the resumption of good governance.

WALGA's policy position on this issue was considered in 2008 where there was support for a mechanism to suspend individual Elected Members rather than an entire Council.

Comment

Rarely do complex situations have simple solutions. If a council is sufficiently dysfunctional to require Ministerial intervention, it is unlikely that the problems are simple. The high cost and extended timeframe involved in a Panel Enquiry will mean that the Minister will make the decision to appoint a panel with careful consideration. Like a council, the panel is comprised of more than one person and a democratic process is followed.

Appointing a single individual, may be argued that that person, who is not a representative of the local government community, could not be relied upon to make decisions that reflect the best interest of the community. It could be argued that the Minister appoints an individual to act as a council, the Minister would be in a position to influence that person to make decisions that favour a position that the Minister supports rather than decisions that reflect genuine community views.

However, as identified by WALGA, the proposed amendment appears to have its origins in situations, that have insufficient reason to conduct a Panel Enquiry, yet the operations of the council are affected by internal conflicts that could potentially escalate and would be best suited to supporting a person or persons being appointed to act as a circuit breaker/mediator to the situation.

Shire of Wiluna having experienced these situations referred to above, in the past, would have possibly had different outcomes, had there been a system in place proposed here by the Minister, therefore, the proposal of the Minister is supported on the conditions that the Minister has the power to require councillors to undertake remedial action, such as undergoing training or mediation, during the period of suspension.

Council's options are to:

1. Support WALGA's current position on the matter as outlined above;
2. Support the Minister's proposed amendment as outlined above;
3. Provide a combination of these points as feedback to WALGA; or
4. Provide another view point or suggestion.

4. Require Elected Members to resign when they are elected to State or Commonwealth Parliament

Minister's Proposal:

The Act provides that if a local government elected member is elected as a Member of Parliament, his or her council position does not become vacant until the next ordinary election day. There is no requirement in the Act, or other legislation, for the local government elected member to resign and, as such, a person can be an elected member of a local government Council and the Western Australian Parliament.

Section 36(1)(b) of the Constitution Acts Amendment Act 1899 requires a member of the WA Parliament to immediately resign when elected to Commonwealth Parliament.

It is proposed to amend the Act to require elected members to immediately resign (or for their position to become automatically vacant) when elected to State or Commonwealth Parliament. This will contribute to appropriate separation of responsibilities and reduce potential conflicts of interest that might arise if representing at a State or Federal and Local level simultaneously.

This will also align with the eligibility requirements for nomination or membership into State and Commonwealth Parliament set by the State Electoral Act 1907 and Constitution Acts Amendment Act 1899.

In 2008, WALGA requested the Minister consider an amendment of this type.

WALGA Comment:

The proposal aligns with a State Council resolution of August 2007 –

That the Minister for Local Government be requested to consider amending the Local Government Act 1995 to require Elected Members to resign from Council immediately upon being declared elected to State or Federal Parliament.

Comment

This proposal is in keeping with the general community's expectation that you would not wear two hats in government that may be perceived as having a conflict of interest, therefore, the proposal is a sound one, hence supported by WALGA and the Minister.

Council's options are to:

1. Support the Minister's and WALGA's current position on the matter as outlined above;
 2. Support the status quo; or
 3. Provide another view point or suggestion.
- 5. Restricting the types of local government investments to low risk products such as those with the WA Treasury Corporation, major banks and government bonds.**

Minister's Proposal:

The investment options available to local governments were altered in 1997 when the prescribed list of investments in the Trustees Act 1962 was removed and replaced by the 'Prudent Person' rule. This rule is no longer viewed as providing sufficient clarity and guidance in relation to local government investment management policies.

In 2007, it was revealed that eight local governments and two regional local governments had invested in Collateralised Debt Obligations with Lehman Brothers (formerly Grange Securities). This has resulted in multi-million dollar losses by the affected local governments and concerns have been raised in the community about the performance of local governments in this area.

It is proposed to amend the Act to allow for regulations to prescribe the investments that can be made by local government. This will include Government guaranteed and other low risk investments. A requirement for local governments to only invest in these types of products is expected to minimise the investment exposure of local governments and the loss of ratepayer funds.

At this stage, the following forms of investment are being considered to be included in this regulation:

1. *a deposit with the Western Australian Treasury Corporation or an investment facility of the Western Australian Treasury Corporation;*

2. any public funds or securities issued by, or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory; and
3. interest bearing deposits with, and/or debentures or bonds issued by, an authorised deposit-taking institution (as defined in the Banking Act 1959 (Cwth)) where the Institution has a Standard & Poor's Rating of A-1+ (short-term) or AA (long term, but excluding subordinated obligations).

Further discussion is proposed to take place between the Department of Local Government, local governments and the WA Treasury Corporation to develop this regulation.

WALGA Comment:

There remains subjectivity in the definition of the term 'low risk' in the context of this proposal. The WA Local Government Association supports the sector's right to retain the principle of general competency powers as provided under the Local Government Act 1995, and that Local Governments be allowed to continue to decide for themselves how best to deal with investment opportunities.

Comment

Local governments are not private enterprises. They manage public funds and as such should not risk their funds in high risk investments. The term 'low risk' needs to be further examined so as not to hamper the opportunity to local governments to get best value from investments. It would be recommended investment opportunities be determined through clearly defined council investment policy that meet guidelines set by the Department and are subject to review by auditors.

Council's options are to:

1. Support WALGA's current position on the matter as outlined above;
2. Support the Minister's proposed amendment as outlined above;
3. Provide a combination of these points as feedback to WALGA; or
4. Provide another view point or suggestion.

6. Align criminal conviction criteria for Elected Members with that of Western Australian Members of Parliament

Minister's Proposal:

It is proposed to amend the Act to preclude a person who has been convicted of an offence with a statutory penalty of imprisonment for five years or more from standing for election to local government.

This will align the eligibility requirements for local government candidates with those that apply to State Members of Parliament. This requirement will

have a positive impact on the calibre of those standing and ultimately representing the community on Council.

These provisions need to be modelled on section 32(1)(b) of the Constitution Acts Amendment Act 1899 whereby a person is disqualified where he or she has been convicted on indictment of an offence for which the indictable penalty was or included

- (i) imprisonment for life, or*
- (ii) imprisonment for more than five years.*

Serving elected members with such records will be able to serve out their terms, however, would not be eligible for re-election once the legislation was amended.

WALGA Comment:

This proposal is consistent with the Associations policy position.

It is suggested that for true alignment of criteria, the proposal take a holistic approach incorporating all aspects of Candidates/Elected Member qualification and disqualification rather than one aspect of disqualification, namely criminal convictions.

One option would be for this proposal to be broadened to “Align the qualification and disqualification criteria for Local Government election candidates and Elected Members with that of Western Australian Members of State Parliament”.

Council’s options are to:

1. Support WALGA’s current position on the matter as outlined above;
2. Support the Minister’s proposed amendment as outlined above;
3. Provide a combination of these points as feedback to WALGA; or
4. Provide another view point or suggestion.

7. To limit employee termination payments to one year’s salary

Minister’s Proposal:

Recent consideration of the current provisions in the Act indicates that it is possible for employees of local governments, including CEOs, to receive up to two years’ salary on redundancy. This situation has arisen out of an anomaly in the Act not intended when the Act was developed.

It is proposed that an amendment to regulations to limit payouts to all such employees to a maximum of one year’s salary will bring local government provisions into line with Western Australian State and Commonwealth public sector arrangements and would be consistent with organisational practice in other jurisdictions.

This proposal will not effect the two year guarantee of employment as provided for in Clause 11 (4) of Schedule 2.1 of the Act.

WALGA Comment:

There is no current Association policy position on this proposal.

Comment

Given that this was an anomaly arising out of the development of the Act and not the original intent, it would seem reasonable to allow this anomaly to apply to existing employees and be changed for new employees.

Council's options are to:

1. Support the Minister's proposed amendment as outlined above;
2. Support the status quo; or
3. Provide another view point or suggestion.

Consultation

Project Manager
Murchison Shire CEO's
Shire of Leonora CEO

Voting Requirements

Simple majority

Officer Recommendation / Draft Motion

That Council advises WALGA, its position on the proposed amendments to the Local Government Act 1995 be as follows:

1. Support WALGA's current position on the matter – oppose the Local Government Reform Steering Committee Report recommendation 8 concerning prescribing the number of Elected members to between 6 and 9"
2. The government set remuneration bands for Elected Members and CEO's as guidelines, which allows local governments the independence of considering the relevant band but make a decision that best suits the local government at the time.
3. The Minister's proposal supported on the conditions that the Minister has the power to require councillors to undertake remedial action,

- such as undergoing training or mediation, during the period of suspension.
4. Support the Minister's and WALGA's position - elected members to immediately resign (or for their position to become automatically vacant) when elected to State or Commonwealth Parliament.
 5. Support WALGA's position - retain the principle of general competency powers as provided under the Local Government Act 1995, and that Local Governments be allowed to continue to decide for themselves how best to deal with investment opportunities.
 6. Support WALGA's position – support the Minister's proposal and take a wholistic approach incorporating all aspects of candidates / elected member qualification and disqualification.
 7. Support the Minister's position – amendment to regulations to limit payouts to all such employees to a maximum of one year's salary will bring local government provisions into line with Western Australian State and Commonwealth public sector arrangements and would be consistent with organisational practice in other jurisdictions.

175/10 Council Decision

MOVED Cr G Harris

SECONDED Cr C Webb

CARRIED 5/0

That Council advise WALGA, its position on the proposed amendments to the Local Government Act 1995 be as follows:

1. Support WALGA's current position on the matter – oppose the Local Government Reform Steering Committee Report recommendation 8 concerning prescribing the number of Elected members to between 6 and 9"
2. The government set remuneration bands for Elected Members and CEO's as guidelines, which allows local governments the independence of considering the relevant band but make a decision that best suits the local government at the time.
3. The Minister's proposal supported on the conditions that the Minister has the power to

- require councillors to undertake remedial action, such as undergoing training or mediation, during the period of suspension. Further, if a councillor resigns during this period (or at any other time) they are ineligible to renominate at the next election or to fill the vacancy.
4. Support the Minister's and WALGA's position - elected members to immediately resign (or for their position to become automatically vacant) when elected to State or Commonwealth Parliament.
 5. Support the Minister's position - amend the Act to allow for regulations to prescribe the investments that can be made by local government.
 6. Support the Minister's proposal to amend the Act to preclude a person who has been convicted of an offence with a statutory penalty of imprisonment for five years or more from standing for election to local government.
 7. Support the Minister's position – amendment the regulations to limit payouts to all such employees to a maximum of one year's salary will bring local government provisions into line with Western Australian State and Commonwealth public sector arrangements and would be consistent with organisational practice in other jurisdictions.

10.1.5. Subject/Applicant:	Ranger Services
File:	00032
Reporting Officer:	Samantha Tarling, CEO
Date of Report:	10 December 2010
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to gain an in-principle support from Council to budget for the ongoing engagement of Canine Control to supply Ranger services in the Shire of Wiluna on a contractual basis up to and including 30 June 2013.

Background

The appointment of Canine Control as a casual contract Ranger in July 2010 was made on a trial basis. The appointment was fixed after a 3 month trial and committed to the 30 June 2011 on the following agreement:

- Accommodation provided while in Wiluna;

- Canine Control supply own vehicle and equipment;
- The Shire of Wiluna will not incur separate costs for travel, meals or other incidentals after the initial setup has been established;
- The initial setup includes training for administration staff, establishment of office files, sourcing of registration tags and some initial administration and will be charged at a one off cost of \$800.00;
- \$2275.00 per visit not inclusive of GST. This fee per attendance will be increased annually by the March quarter CPI; and
- 140 litres of fuel supplied by the Shire per visit.

Comment

Canine Control Director – Peter Smith has approached the Shire looking for a guarantee for an ongoing contract to deliver services before he invests in a new vehicle to provide the service over the next 5 years. Peter Smith has advised that the unsealed Goldfields Highway causes a higher rate of wear and tear on his vehicle and this has been a factor in increased costs. He has minimised these by coordinating his visit to Meekatharra Shire with his visit with Wiluna. The increased cost of \$400 is based on \$1 per km to travel from Meekatharra to Wiluna and return.

The cost of the service to the Shire will be \$2650.00 per visit. This fee per visit will be increased annually by the March quarter CPI. Shire of Wiluna will provide 150 litres of fuel per visit. It is estimated the price of fuel is \$1.50 per litre. In total the cost per visit equals \$2875.00 excluding GST. The costs are all encompassing. The only other costs the Shire will incur will be accommodation. Council has its own accommodation.

The guaranteed 2 year contract for the 2011 – 2013 financial years will include a maximum of 20 visits at the contract price. This number includes 17 scheduled visits and the provision of three additional visits for urgent matters at the request of the CEO. This equates to one visit every three weeks. The visits consist of the following:

- 3.00pm arrival in Wiluna
- Attend Shire Offices to check complaints file
- Set trapping cages around town and surrounding areas
- Following morning remove visible traps
- Follow-up complaints and deal with any issues
- Reset traps and monitor through the night
- Following day deal with and collect traps
- Leave Wiluna approximately 8.00am

This equates to one full day, two nights and two mornings totalling approximately 14 hours work.

Canine Control will provide a service for ticks for the community of Wiluna on request at no extra cost.

Director Peter Smith is qualified in the areas of requirement to carry out the duties of a Ranger and has the applicable firearm and vehicle licences and experience to operate best practice procedures set by the Shire to carry out his duties.

Since Canine Control commenced with the Shire, the dog problem in town and at Bondini has greatly reduced and problems with certain dog owners have been curbed through an education and partnership approach which has resulted in a harmonious resolution to problems in the community on the whole.

Consultation

Peter Smith – Director, Canine Control

Statutory Environment

Including but not limited to:

Local Government Act 1995
Local Government (Miscellaneous Provisions) Act 1960
Animal Welfare Act 2002
Dog Act 1976

Policy Implications

Nil

Financial Implications

Council will budget for fees and charges associated with the provision of contract Ranger Services in the 2011/12 and 2012/13 budget.

Strategic Implications

In accordance with Key Priority 'Healthy Safe Fun Wiluna' of the Strategic Plan 2009-14, a key strategy for the Shire is to ensure effective canine management in accordance with the Dog Act 1976.

Voting Requirements

Simple Majority

176/10 Council Decision and Officer Recommendation

MOVED Cr C Webb

SECONDED Cr J Quadrio
CARRIED 5/0

That Council:

Give in-principle support to budget consideration of the contract services of Canine Control for Ranger Services in the 2011/12 and 2012/13 financial year budgets as per the costs outlined in this report.

12:03pm - Cr S Petterson left the meeting.

10.1.6. Subject/Applicant:	Agreement for the Goldfields Esperance Regional Collaborative Group
File:	CEO Safe
Reporting Officer:	Samantha Tarling, CEO
Date of Report:	10 December 2010
Disclosure of Interest:	Nil

Purpose

The purpose of this report is for Council to consider the draft Agreement for the Goldfields Esperance Regional Collaborative Group as amended and report Council's position for it to be included on the agenda for the Special Meeting of the GVROC Council to be held Monday, 20 December 2010.

Background

The matter of the GVROC forming a Regional Collaborative Grouping (RCG) has been under discussion for some time. The most recent discussion by the GVROC Council was at the meeting held Monday, 29 November 2010.

The following was resolved at that meeting:

*RESOLUTION: Moved: Mr Seale Seconded: Cr Cullen
That the GVROC Council endorse the draft agreement of the Goldfields Esperance Regional Collaborative Group as presented subject to the following amendments:*

*Clause 6.2 to read as follows:
"The contents of the Regional Business Plan may include but not limited to any of the services or activities described in Item 2 of the Schedule."*

*Item 2 (clause 6.2) to read as follows:
"The contents include but are not limited to the undermentioned*

- corporate services, including records, financial assets and liabilities, information technology, insurance, rating, human resources, payroll and workforce;*
- strategic planning, including local laws, town planning, asset and financial planning;*

- *environmental health, natural resource management, building and development approvals;*
- *economic development, including tourism and events;*
- *community planning , including libraries, recreation and services for aged care and children;*
- *community engagement;*
- *road infrastructure and transport;*
- *waste management; and*
- *infrastructure planning and asset management.”*

CARRIED

RESOLUTION:

Moved: Mr Seale Seconded: Cr Cullen

That the GVROC Council request each member Council to consider the draft agreement as amended and the matter be included on the agenda for the Special Meeting of the GVROC Council to be held on Monday 20 December 2010.

CARRIED

At the GVROC Council meeting held in Norseman on Friday, 1 October 2010, the following was resolved:

That:

1. *GVROC reaffirms the resolution from the Special Meeting held on Tuesday 2 March 2010 which states that:*
 1. *The GVROC Council encourages all member Councils to support becoming a pilot project for regional collaboration with the understanding and recognition that the extent of collaboration, such as shared services and the like, may not necessarily extend across the entire GVROC due to local needs and circumstances.*
 2. *The GVROC Council review no later than 31 August 2010 progress on the development of a model for regional collaboration, having regard to the requirements outlined in the Regional Collaborative Group Agreement prepared by the Department of Local Government.*
2. *The Executive Officer writes to both the Minister for Local Government and the Director General of the Department of Local Government advising them of the GVROC's position with respect to the establishment of a Regional Collaborative Grouping based around the current membership of the GVROC.*

At the Technical Officers Group Meeting on Wednesday 3 November 2010 the meeting received a presentation from Dr Chris Berry who confirmed that the Minister for Local Government had agreed to the GVROC's

proposal to form a Regional Collaborative Grouping (RCG) based on the GVROC membership.

Dr Berry also advised that \$370,000 would be made available to the RCG once established to assist in undertaking the various work/plans required.

The Technical Officers Group resolved as follows:

RESOLUTION: Moved: Mal Osborne Seconded: Samantha Tarling

That:

- 1. The Executive Officer review the Draft Agreement for the Goldfields Esperance Regional Collaborative Group provided by the Department of Local Government for consideration by the GVROC Council at its meeting on Friday 26 November 2010.*
- 2. That the Executive Officer prepare a schedule of work required by GVROC Council in establishing a Regional Collaborative Grouping for consideration by the GVROC Council at its meeting on Friday 26 November 2010.*

Comment

It is the policy of the State to seek structural reform in local government in order to secure sustainability, governance and service delivery systems that meet the needs of local committees, support social and economic changes and contribute to ongoing development across WA.

GVROC Council agree in principle to forming a Regional Collaborative Group with a view to adopting a regional approach to strategic and community planning and facilitating, where practical, the streamlining of core functions and services across the GVROC local governments for the benefit of our communities and the Goldfields Esperance Region.

The State and the Goldfields Esperance Regional Collaborative Group will enter into this agreement in order to set out the basis on which the Regional Collaborative Group will implement, where practical, a regional business plan to achieve common service arrangements.

Dr Berry advised the State would make available \$370,000 to the RCG once established to assist in undertaking the various work/plans required. The Agreement is finalised after the regional business plan is completed and no further legal requirements remain of the RCG and the State Agreement.

The Shire of Wiluna will benefit from this process which will highlight opportunities to share resources and plan for streamlining core functions and services across the GVROC local governments to enable us to work more collaboratively.

A copy of the draft Agreement between the State and the Goldfields Esperance Regional Collaborative Group is attached at Appendix D (orange pages).

Consultation

GVROC Councils

Statutory Environment

Sec 3.1 – The general function of a local government is to provide for the good government of persons in its district.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

2009-14 Strategic Plan, Go-Ahead Wiluna, Work with neighbouring shires, GVROC and MWDC to identify new initiatives for Wiluna and the region.

Voting Requirements

Simple majority

177/10 Council Decision and Officer Recommendation

MOVED Cr G Harris

SECONDED Cr J Quadrio

CARRIED 4/0

That Council *endorses the draft agreement of the Goldfields Esperance Regional Collaborative Group as presented subject to the following amendments:*

Clause 6.2 to read as follows:

“The contents of the Regional Business Plan may include but not limited to any of the services or activities described in Item 2 of the Schedule.”

Item 2 (clause 6.2) to read as follows:

“The contents include but are not limited to the undermentioned

- *corporate services, including records, financial assets and liabilities, information technology, insurance, rating, human resources, payroll and workforce;*
- *strategic planning, including local laws, town planning, asset and financial planning;*
- *environmental health, natural resource management, building and development approvals;*
- *economic development, including tourism and events;*
- *community planning , including libraries, recreation and services for aged care and children;*
- *community engagement;*
- *road infrastructure and transport;*
- *waste management; and*
- *infrastructure planning and asset management.”*

10.2. Principal Environmental Health Officer and Building Surveyor Report

Nil

10.3. Deputy CEO Report

Nil

10.4. Manager Finance & Administration Reports

10.4.1. Subject/Applicant:	Accounts Paid by Authority
File:	Finance
Reporting Officer:	Glenn Deocampo – Manager, Admin & Finance
Date of Report:	9 December 2010
Disclosure of Interest:	Nil

Purpose

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

Background

The list of accounts for the period ending 30 November 2010 are listed as Appendix A – Blue pages

Consultation

Nil

Statutory Environment

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

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirement

Simple majority

178/10 Council Decision and Officer Recommendation

MOVED Cr G Harris

SECONDED Cr C Webb

CARRIED 4/0

That the accounts paid by authority for the period ended 30 November 2010 totalling \$331,708.39 be received, endorsed and incorporated in the Minutes of the meeting.

10.4.2. Subject/Applicant:	Financial Report
File:	Finance
Reporting Officer:	Glenn Deocampo – Manager, Finance & Admin
Date of Report:	9 December 2010
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to seek Council’s adoption of the Financial Reports for the period ending 30 November 2010.

Background

Section 6.4 of the Local Government Act 1995 requires the CEO to prepare monthly/quarterly financial reports in accordance with the provisions of regulation 34 and 35 of the Local Government Act (Financial Management) Regulations 1996.

The reports for the period ending 30 November 2010 are listed as Appendix B (green pages).

Comment

Nil

Consultation

Nil

Statutory Environment

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

Voting Requirement

Simple majority

179/10 Council Decision and Officer Recommendation

MOVED Cr G Harris

SECONDED Cr C Webb

CARRIED 4/0

That Council adopt the Financial Reports for the period ending 30 November 2010 as presented.

The President welcomed Shane Power at 12.30pm. He discussed issues and answered questions related to Mainroads policy and procedures pertaining to the upgrade and maintenance of Goldfields Highway.

The meeting broke for lunch at 1.25pm and resumed at 1.45pm.

10.4.3. Subject/Applicant:	Budget 2010/2011 Alteration
File:	Various
Reporting Officer:	Glenn Deocampo, Manager of Finance and Administration
Date of Report:	26 November 2010
Disclosure of Interest:	Nil

Purpose

The purpose of this report is for Council to approve an alteration of Budget 2010/2011 for the reallocation of funds to Wiluna Heritage Inventory from Information Bay and Community Bulletin Board budgets.

Background

Heritage of Western Australia Act 1990 – Sec 45 requires that “Local Government shall compile and maintain an inventory of buildings within its district which in its opinion are, or may become, of cultural heritage significance”.

The act also includes the following provisions:

1. The inventory required by subsection (1) shall be compiled no later than 4 years from the commencement of this Act and shall be —
 - (a) updated annually; and
 - (b) reviewed every 4 years after compilation.
2. A local government shall provide the Council with a copy of the inventory compiled pursuant to this section.
3. A local government shall ensure that the inventory required by this section is compiled with proper public consultation.

Comment

Wiluna Municipal Heritage Inventory would include the review and update of the existing documentation, the historical information and physical description.

The process will also identify gaps in the inventory. This would include new primary research for new places and heritage areas needed to be added to the inventory.

Consultation

Chief Executive Officer; Tourism Officer

Statutory Environment

Heritage of Western Australia Act 1990 S. 45

Policy Implications

Nil

Financial Implications

Since the Information Bay project can qualify under the Streetscape Beautification Program (Country Local Government Funding), the budget of \$40,000 will not be spent at the end of the financial year and also the \$5000 budget for Community Bulletin Board. Council is requested to reallocate a total of \$45,000 to the Wiluna Municipal Inventory project.

Strategic Implications

Strategic Plan 2009-14, Green Wiluna, Review and update Shire of Wiluna Municipal Heritage Inventory.

Voting Requirement

Absolute Majority

180/10 Council Decision

MOVED Cr G Harris

SECONDED Cr C Webb

CARRIED 4/0

by Absolute Majority

That Council approves the reallocation of \$40,000 Information Bay and \$5,000 Community Bulletin Board budgets to Wiluna Municipal Inventory project.

10.5. Manager of Works Report

10.5.1. Subject/Applicant:	Status Report
File:	Various
Reporting Officer:	Manager of Works
Date of Report:	7 December 2010
Disclosure of Interest:	Nil

Purpose

The purpose of this report is for Council to receive the Manager of Works report and endorse the officer's recommendations and actions.

Acting Works Manager

Mr. Bruce Walker, formally a CEO with various Shires has been employed to act as Deputy CEO and acting Works Manager. Bruce was one of the old Shire Clerk supervisors and started at Sandstone back in 1979. He has a working knowledge of road works and plant and will work with the leading hand to keep things in order until new staff are employed.

Roads

As reported last meeting the recent downpour resulted in several roads having to be closed briefly. Ned's Creek Road was closed for a day while Jundee Road was closed for a few hours. Ned's Creek Road required attention as it was quite guttered and the Shire maintenance grader was sent out for this purpose. The grader broke down requiring Mr John Quadrio to complete the work. Drivers need to be aware of potholes on the road and

take due care, however the potholes and gutters are not bad enough to require signage.

Bores

All shire bores are now operating well though flow rates, however, the new bore remains low. An approach has been made to the state general manager of Layne Drilling to try and get some movement toward resolution of the low flow rates of the new bore.

For council information it is noted that demand is now coming on the Shire water standpipe from one of the adjacent pastoral properties as a small number of their own bores are beginning to fail. It is also believed that there are other pastoral properties having similar problems. Comment has been made that the water table throughout the district is dropping. It is only anecdotal evidence at this stage and may simply be due at least in part to low rainfalls. The effect of the mining industry demand for water could also be contributing. It may need to be watched and action taken to have the situation reviewed by the relevant government department at some stage in the future. While there are pastoral properties with water agreements with mining companies, the pastoral industry may need some support in the future if their bores start to dry up for whatever reason.

Vehicles

As noted above, the Shire grader requires repair. As the Shire plant mechanic is on leave, Nathan Smith, a mobile mechanic from Geraldton, who also does work for the Shire of Murchison has been engaged to carry out the repairs. He will also attend to other plant.

Mosquito Fogging

The fogging machine has become unusable as the old chemical tank has developed holes. The tank originally operated with a pump, however as the tank became empty as the fluid was drained during use, the bearing was not receiving enough lubrication and kept running dry. The plant mechanic therefore rigged the old tank to an air pressure pump doing away with the bearing set up. This was working effectively until the pressure caused the old tank to leak.

A new steel tank able to withstand pressure is being sourced.

Town Weed Control

Over the Christmas period, weeds around the town will be slashed to control the grasses and reduce snake risk.

181/10 Council Decision

MOVED Cr G Harris

SECONDED Cr C Webb
CARRIED 4/0

For Council to receive the Manager of Works information report and endorse the Officer's actions.

10.6. Committee Report

LEMC Meeting Minutes (Appendix E) (pink pages).

182/10 Council Decision and Officer Recommendation

MOVED Cr C Webb

SECONDED Cr G Harris
CARRIED 4/0

For Council to receive the LEMC Meeting Minutes and endorse the LEMC actions and decisions.

10.7. Project Manager's Reports

10.7.1. Subject/Applicant:	Shire of Wiluna Forward Capital Works Plan 1 July 2010 to 30 June 2015
File:	00355
Reporting Officer:	Tony Doust Project Manager
Date of Report:	4 December 2010
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to present to Council a draft Forward Capital Works Plan for the period 1 July 2010 to 30 June 2015, for consideration and adoption.

Background

The Minister for Regional Development in February 2010 advised of the need for all local governments to develop strategic plans, asset management plans and forward capital works plans. The preparation and approval by the Department of Regional Development and Lands (RDL) of a forward capital works plan is a pre-requisite to access the Shire's 65% portion of the Country Local Government Funding allocated to the Shire of Wiluna.

To assist local governments with the cost of preparing forward capital works plans the RDL provided \$35,000 to each local government from the 2009/10 Country Local Government Fund for this purpose. An application was made by the Shire CEO in April 2010 for the funding allocated. Approval was granted and the funds were received in the year 2009/10. This amount has

been carried forward as an unspent grant for expenditure in the 2010/11 year.

The guidelines established and provided by the RDL include the following:

Forward Capital Works Plans

RDL is responsible for the delivery of funding and approval process. It is acknowledged that the strategic and asset management planning being undertaken by DLG will take place over a longer timeframe than that around this exercise. Ideally, these plans should be important inputs into the preparation of a forward capital works plan. For 2009-10 some country local governments may not have prepared strategic and asset management plans which are suitable for the preparation of a forward capital works plan. This is acknowledged by RDL. However, one of the primary intentions of the CLGF in 2009-10 is to improve the quality of planning in country local governments over time.

Guide

- 1. The plan is to address infrastructure items only, not plant and equipment.*
- 2. The infrastructure should be owned by Council. If not, reasons should be provided for Council wishing to spend funds on assets which it does not own.*
- 3. The plan will cover expenditure for 5 years, commencing in 2010-11.*
- 4. The plan must be approved by Council and written evidence of this must be provided.*
- 5. Information on capital works expenditure by Council in 2009-10 should be provided.*

Components of the Plan

- 1. Opening Statement on what the plan covers and confirms Council approval for it. It should include a commitment to review the plan each year. The signature of the Shire President and Chief Executive Officer should be included as part of the statement.*
- 2. Table which provides an overview of the Forward Capital Works Plan by grouping of projects (e.g. Roads and Bridges, Footpaths, Drainage, Open Space, Buildings, Commercial Activities, Foreshores and Marine Safety, Waste, Recreation, Other). The table should also include a total expenditure figure for each year to identify whether capital works expenditure is either for, Renewal, New Assets or Asset Expansion or Upgrade.*
- 3. For each individual sub-project in the plan provide the following information:*
 - Purpose of the project, including information on whole-of-life costing, whether the project involves recurrent expenditure, expenditure for maintenance or renewal of infrastructure or expenditure on new infrastructure.*
 - Background on the project.*

- *Explain how the project meets the intent of the Council's strategic plan. Expenditure (actual and budgeted) on the project in 2009-10.*
- *Breakdown of funding sources and amount of funding from each source for each out year, including where Council has identified the Country Local Government Fund as a funding source.*
- *A risk management assessment of each project, including an analysis which addresses scenarios where one or more funding source for a project is reduced, not available or delayed.*
- *An indication of whether a project involves expenditure for renewal, new assets, or asset expansion or upgrade.*
- *Any other issues relating to the project.*

4. *Identification of projects which have funding gaps.*

5. *Prioritisation of projects for 2010-11.*

6. *Each country local government is to provide a contact person should RDL or an independent assessor need to discuss the plan in detail.*

Local Governments are required to submit their FWCP to the RDL by 31 December 2010.

Comment

The Shire of Wiluna application for the funding provided by RDL included a proposal to use a consultant to prepare the Forward Capital Works Plan (FWCP). Following the appointment of a Project Manager the CEO decided to review this and prepare the FWCP "in house". Approval was sought from the RDL for this change and it was subsequently granted.

To assist with the preparation of the FCWP a template was purchased from UHY Haines Norton and this has been used for the completion of the Shire of Wiluna plan.

The draft FWCP prepared and attached as Appendix F (lilac pages) includes all of the requirements outlined in the RDL guidelines. The FWCP has been compiled taking into consideration the Infrastructure Capital Works items included in the Shire of Wiluna Strategic Plan 2009-2014 and the need to upgrade existing or provide new facilities for staff to deliver the programs outline in this Strategic Plan. The existing (5) Road Renewal program has also been used to include the road works that fall within the capital works criteria of the FWCP. As an overview the following items have been included:

- **Buildings**
 - Construction of (4) Housing Units for Staff
 - Interpretive Shelter Wiluna Townsite
 - Upgrade of existing Shire Administration Building
 - Heritage & Cultural Visitors Centre
- **Roads**
 - Wiluna Town Street Lighting upgrade
 - Wongawol Road gravel sheeting & renewal work
 - Wiluna North Road gravel sheeting & renewal work
 - Sandstone Wiluna Road gravel sheeting

- Wiluna town Footpaths resurfacing
- Wiluna Town Streets resurfacing
- Granite Peak Lake Violet Road gravel sheeting & renewal work
- Parks & Gardens Wiluna improved water supply and storage facilities
Provision of Shelters & Barbeque at Wiluna Oval
Skateboard & Water Park Facility Wiluna Townsite
- Footpaths Reseal of existing bitumen surfaces
- Airport Renewal works to existing runway, taxiway & apron
Upgrade buildings, extension & improvements to runways
- Other
Infrastructure Wiluna Streetscape renewal
Upgrade Wiluna Information bay

Please refer to the attached FCWP for full details of the timing and funding of the above items. It is also important to consider the Shire of Wiluna Strategic Plan as this document sets out the community's expectations and requirements for the future.

When preparing the FWCP consideration has been given to the financial capacity of the Shire to deliver the outcomes within the existing and future annual budget process and also the availability and approval of grant funding. It must be noted that prior approval for some grants will be required to allow proposals to proceed. Several projects will also require significant funding from external bodies if they are to proceed. The Wiluna Airport buildings upgrade and lengthening of runways is a project that falls within this requirement.

Page (1) of "Part 2" of the FCWP provides a summary of the financial implications including the additional operating costs proposed for any projects that are additional to the existing structure that do not fall within the renewal category.

Finally it must be remembered that this is a living plan and it will be reviewed annually and can be changed to meet any unforeseen future needs that may arise. A major review will also be conducted following the adoption of a revised or new Strategic Plan for the Shire of Wiluna.

Consultation

Chief Executive Officer
Deputy CEO
Finance and Administration Manager
Works Manager
UHY Haines Norton

Statutory Environment

Royalties for Regions program requires each Local Government to prepare a Forward Capital Works Plan for approval by the Department of Regional

Development and Lands prior to being eligible to receive funds for projects under the Country Local Government Fund (CLGF).

Policy Implications

Nil

Financial Implications

The financial implications are set out in this report and detailed in the Forward Capital Works Plan.

Strategic Implications

The Forward Capital Works Plan embraces the Capital Infrastructure requirements and implications of the service delivery included in the Shire of Wiluna Strategic Plan 2009-2014

Voting Requirements

Simple Majority

183/10 Council Decision and Officer Recommendation

MOVED Cr G Harris

SECONDED Cr C Webb

CARRIED 4/0

1. That the Council adopts the draft Shire of Wiluna Forward Capital Works Plan 2010 - 2015 without amendment.
2. The Chief Executive Officer submits the Plan to the Department of Regional Development and Lands for approval.

10.7.2	Subject/Applicant:	Housing Tender 1/2010
	File:	00356
	Reporting Officer:	Tony Doust Project Manager
	Date of Report:	5 December 2010
	Disclosure of Interest:	Nil

Purpose

The purpose of this report is to provide Council with the results of the tender called to provide additional Staff Housing in the Townsite of Wiluna and obtain approval to proceed with the project.

Background

Given the level of services determined by the Council in the Annual Budget and Strategic Plan, and the Staff required to implement these, it is essential

that good quality and adequate housing is provided to accommodate the number of employees required. Without housing it is difficult to recruit quality staff to undertake the significant range of services provided and maintain the facilities/assets that we currently have and propose in the future. At the present time the Shire has a number of vacant houses however these will be required to fill four positions that have recently being advertised. There will still be a number of positions in the works area to be filled and it is becoming very difficult to fill these positions without housing.

Council when adopting the Annual Budget for the year 2010/11 recognised this need and included funding to provide additional housing. It is intended to apply to Department of Regional Development and Lands to use the Shire's portion of the Country Local Government Fund to meet part of the cost. The remaining funding will be provided from reserve and general revenue.

Comment

It is intended to provide (4) residential units, one three bedroom two bathroom and three two bedroom one bathroom. It is proposed that the three bedroom unit will be constructed on the housing reserve at the rear of the Shire administration complex, immediately behind the residence occupied by the CEO and the other three units on a freehold lot 963, cnr Jones & Trenton Streets, Wiluna, that the Shire owns. Lot 963 is adjacent to existing overhead power and has access from an unsealed (gravel) Street. It is proposed to dispose of the effluent onsite with either septic tank/drains or Bio- max system. The Water Authority will be approached to provide scheme water to the site. It is also important to note that this land is immediately adjacent to the site to be use for the new medical complex and that the AMS have already received planning approval from the Shire to develop a residential complex on the site. The upgrading of the portion of Jones and Trenton streets adjoining the new medical facility site is a matter that Council will need to consider in the future. Should there be any problem with the use of lot 963 that can't be resolved in time for the placement of the new units, and then the other alternative will be to use the same reserve as that is too used for the three bedroom unit.

Tenders for the design, construct and delivery of (1) three bedroom/two bathroom and (3) two bedroom/one bathroom units, either transportable or built on site, were invited. A notice was placed in the Shire Office Notice Board and on other boards in the Wiluna Townsite and an advertisement was placed in the "West Australian" newspaper on Saturday 14th August 2010. Tenders closed on 8th September 2010 at 4.00pm. Six companies have tendered and the proposals submitted have now been assessed against the specification and selection criteria included in the tender documentation provided to all prospective providers.

Details of the assessment of each tender received against the selection criteria as attached as Appendix G (gold pages).

Based on the selection criteria assessment it is recommended that the proposals submitted by McGrath Homes Wangarra, to provide one Leinster three bedroom two bathroom residence for \$213,680 and three two bedroom one bathroom residential units at \$166,253 for each unit, be accepted. As their proposal did not include several requirements included in the

specification an allowance has been made for these costs. The total cost of the McGarth proposal for the four units, including the additional allowance for specification items not included, is \$741,039. The combined selection criteria rating for McGarth Homes is 169 points. The nearest alternative was Pinelock, Albany with a total cost of \$757,850 and combined selection criteria rating of 158 points.

The tender specification did not include site works, electrical connection to switchboard, water connection from main to units, effluent disposal system, concrete driveway, fencing or landscaping. Any head works/reticulation charges for services to either site will also need to be met by the Shire.

It is estimated that these additional costs will be approximately \$160,000 in total for the four units.

Funding for the construction and delivery of the new units to be provided in the following manner:

1. Country Local Government Fund	\$474,848
2. Shire of Wiluna Reserve fund	<u>237,591</u>
Sub total	\$712,439
3. Shire of Wiluna general revenue (items omitted from tender)	28,600
4. Shire of Wiluna general revenue (site and other costs)	<u>160,000</u>
Total	<u>\$901,039</u>

Consultation

Chief Executive Officer
Companies that have tendered.

Statutory Environment

Local Government Act 1995, Local Government (Functions & General) Regulations 1976 – Tender requirements. Department of Regional Development and Lands, Country Local Government Funding requirements.

Policy Implications

Nil

Financial Implications

As outlined in the background and comment section of the report.
Funding has been provided in the 2010/11 budget for this expense.

Strategic Implications

Shire of Wiluna Strategic Plan 2009 – 2014, Green Wiluna and Leading Wiluna, Well Managed and maintained buildings and facilities.

Voting Requirements

Simple majority

184/10 Council Decision and Officer Recommendation

MOVED Cr G Harris

SECONDED Cr J Quadrio

CARRIED 4/0

1. That the Council approves of the proposal to construct (4) residential units for staff on the land as outlined in the report.
2. The funding for the proposal be as outlined in the report and an application be made to the Department of Regional Development and Lands to utilize \$474,848 from the Country Local Government Fund allocated to the Shire of Wiluna, for the purpose of providing (4) residential units for staff.
3. That the tender submitted by McGarth Homes, Wangarra, for the construction and placement on site in Wiluna, of (4) residential units as outlined in the report, at a total cost of \$712,439, be accepted, subject to prior approval being obtained from the Department of Regional Development and Lands for the Shire to utilize Country Local Government Funding for this purpose.
4. On completion approval/completion of items 2 and 3 of this decision the Chief Executive be authorized to proceed with the project.

10.7.3. Subject/Applicant:	Shire of Coolgardie – SAT decision on planning appeal Mining Accommodation Villages
File:	00354
Reporting Officer:	Tony Doust Project Manager
Date of Report:	6 December 2010
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to advise Council of a recent decision by the State Administrative Tribunal (SAT) when reviewing a decision by the Shire of Coolgardie to refuse planning approval for the development of a mining accommodation village. The Shire of Coolgardie when advising of this decision is asking that this Council consider the ramifications and the future impact it could have on development in this Shire and other local governments that have mining operations.

Background

In April 2010 the Shire of Coolgardie refused a planning application from Panoramic Resources Ltd to develop an accommodation village on their Lanfranchie Nickel Mine Site, on the basis that the Shire of Coolgardie's Town Planning Scheme No 4 restricted such development to townsites within the district. The company subsequently appealed to the SAT on the basis that accommodation villages were part of the Mining operation and therefore

exempt from the provisions of the Planning and Development Act 2005, which includes the Shire's Town Planning Scheme.

The SAT found in favour of Panoramic Resources Ltd and made the following orders:

1. *Planning consent under the Shire of Coolgardie Town Planning Scheme No4 (District Scheme) for the construction of a mining accommodation village is not required by virtue of the operation of section 120 (1) of the Mining Act 1`978 (WA).*
2. *The decision of the Shire of Coolgardie made on the 7th April 2010 under the Shire of Coolgardie Town Planning Scheme No 4 (District Scheme) is put aside.*

As a result the Shire is considering an appeal to the Supreme Court based on the question of Law. This action will be expensive and there is no guarantee of success.

The Council is very disappointed and whilst the decision directly affects the Shire of Coolgardie there are ramifications for other local governments.

A copy of the Shire of Coolgardie letter and SAT finding are attached as Appendix H (yellow pages).

Comment

Whilst the decision is of concern it is important to recognise that the decisions of all local governments are subject to scrutiny and on most occasions the appeal process. Whilst various powers maybe included in legislation or other statutory documents such as Town Planning Schemes, the requirements of other legislation should not be overlooked or ignored. Various legislation takes precedence when considering any matter.

The argument that mining accommodation villages are not a part of mining operations is one that will be very difficult to substantiate given the significant number of existing operations of this nature throughout Western Australia. This is a matter that should be referred to the Western Australian Local Government Association to determine if there is a majority support within local government to have the Mining Act 1978 changed to ensure that the requirements of Local Government Town Planning Schemes are not overridden. The development process required for a Town Planning Scheme is very comprehensive and includes extensive requirements for public consultation as well as controls/overview by the State Planning Commission of WA.

Consultation

Chief Executive Officer

Statutory Environment

Whilst Mining operations in this Shire are expanding the Shire of Wiluna existing Town Planning Scheme No 2 (District) includes the provision that

“mining including ancillary uses” in the Pastoral & Mining Zone do not require planning approval.

Policy Implications

No specific Council policy

Financial Implications

Nil

Strategic Implications

The impact of any decision to control the establishment of mining accommodation villages would need to be assessed and the likely impact on future expansion in mining activities impact on the Townsite of Wiluna infrastructure.

Voting Requirements

Simple Majority

185/10 Council Decision and Officer Recommendation

MOVED Cr J Quadrio

SECONDED Cr C Webb

CARRIED 4/0

That the Shire of Coolgardie be advised that the Shire of Wiluna will support a request to have the Mining Act 1978 changed to require Mining Operations to comply with Local Government Town Planning Schemes.

10.8. Council Information Bulletin

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

Tony Doust declared an impartiality interest.

12.1.1. Subject/Applicant:	Change of Council Meeting Week
File:	00215
Reporting Officer:	Samantha Tarling, CEO
Date of Report:	10 December 2010
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to seek Council's endorsement of the Ordinary Council Meeting (OCM) week change from 3rd Wednesday of every month to 4th Wednesday of every month.

Background

From time to time Council considers the meeting day, time and week of its Ordinary Council Meeting. A situation has arisen whereby the CEO requests council consider changing the OCM week from the 3rd Wednesday of every month to 4th Wednesday of every month.

Comment

Tony Doust joined the Shire in August 2010 as a Project Manager. Tony Doust works part time for the Shire on a FIFO arrangement to allow him to meet his family and personal commitments. Tony is a councillor with the Shire of Boyup Brook and recently resigned as Deputy President to allow him the flexibility required to continue working with the Shire of Wiluna. He currently attends the Boyup Brook council meeting which is held in the 3rd week of the month. This prevents him from attending the Shire of Wiluna OCM. Tony presents high level reports to Council and it would be in council's best interest if he is present to answer questions that may be posed that he needs to answer, therefore, it is requested that Council consider changing the meeting date to the 4th Wednesday of the month commencing February 2011.

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.

Consultation

Shire President
Cr Quadrio
Staff

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

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority

186/10 Council Decision and Officer Recommendation

MOVED Cr G Harris

SECONDED Cr C Webb

CARRIED 4/0

That Council change the meeting week of OCM commencing February 2011 to the 4th week of the month and OCM meetings to be held on the fourth Wednesday of each month starting at 10.00am.

13. Public Question Time

Nil

14. Matters Behind Closed Doors – Confidential Item

Nil

15. Closure

The meeting was closed at 3.20pm.