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MINUTES

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

1. Declaration of Opening and Announcement of Visitors

The meeting was opened at 10.00am.

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

Graham Harris	(Deputy President)
Jim Quadrio	(Councillor)
Chris Webb	(Councillor)
Stacey Petterson	(Councillor)
David McCutcheon	(Councillor)

Samantha Tarling	(Chief Executive Officer)
Glenn Deocampo	(Manager, Finance & Administration)

Apologies

John Kyanga	(President)
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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

Cr Jim Quadrio declared an interest in Item 11. Notice of Motion - Dividing Fences Act.

Cr Chris Webb declared an interest in 12.1.2 – Wiluna Health Clinic.

6.2. Financial Interest Local Government Act Section 5.60A

Nil

6.3. Proximity Interest Local Government Act Section 5.60B

Nil

7. Petitions and Deputations

Nil

8. Confirmation of Minutes of Previous Meeting

8.1. The Minutes of the Meeting held on 25 August 2010 be accepted as a true record of that meeting.

134/10 Council Decision

MOVED CR WEBB

**SECONDED CR PETTERSON
CARRIED 5/0**

9. Announcement Presiding Member without Discussion

Nil

10. Reports of Committees and Officers

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:	8 September 2010
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to provide information to Council of its operations and seek endorsement of the Chief Executive Officer's actions.

Meeting with Premier and Minister's in Kalgoorlie

The CEO travelled to Kalgoorlie with Shire President, Deputy Shire President and Cr J Quadrio to attend a Sundowner at the Kalgoorlie Town Hall in honour of the Premier and Cabinet meeting in Kalgoorlie. We had the opportunity to talk with Premier Colin Barnett, Hon Norman Moore, Liz Constable, Simon O'Brien and John Castrilli to reinforce our messages of the

need to have the Goldfields Hwy sealed, conditions placed on new mines starting up in Wiluna to foster an increase in population in the town, the need to support remote community schools in different ways to ensure greater learning benchmarks achieved by the students, support of the sealing of the 'Meeka Rd' versus the alternative routes from Wiluna to Great Northern Hwy and further endorsement and support for the Wiluna Development Project funding to continue over the next five (5) years, respectively.

In the CEO's twenty minute chat with the Premier, an invitation to visit Wiluna was extended. The Premier didn't dismiss this as out of the question.

At a luncheon the following day the Premier addressed the audience of approx 250 people and announced the sealing of a road from Wiluna to Great Northern Hwy would be in the State budget in the next 3-4 years.

Minister for Transport, Hon. Simon O'Brien Visit

The Minister along with his wife Joy O'Brien, Acting Chief of Staff, MRWA policy advisor and Ken Bastion, MP visited Wiluna at the beginning of the month to inspect the Goldfields Hwy, Wiluna – Meeka section. Cr Norm Trenfield – Meekatharra Shire joined Wiluna Shire Councillors in a road trip out past Magellan mine and back to town, and then out to Emu Farm to compare the two road standards. The party returned to the Shire for lunch and to discuss the condition of the road and the 'Closing the Gap and making Connections: win/win for communities in the central desert' report and the key messages in that.

Councillors felt the visit was positive and the Minister advised he would take back his findings to the Premier and Cabinet.

Minister for Local Government, Hon. John Castrilli Visit

The Minister, his Chief of Staff and policy advisor met with CEO, A/DCEO and Councillors to discuss the endorsement of continuing the Wiluna Development Project (WDP) over the next 5 years to the value of \$2.7M. Minister Castrilli was impressed by the achievements to date under the existing WDP funding arrangement and said he would discuss further with Minister Brendin Grylls, Minister Regional Development.

RPA coordinator, Alan Stewart and co-coordinator, Tracey Keli Lefu joined the meeting and spoke briefly of the RPA objectives before Tracey presented the Minister with a personal painting from her collection to thank him for coming to Wiluna and listening and hearing what the community wants and needs. It was a moving presentation and the Minister was clearly moved by the heartfelt presentation.

May OCM resolutions update

At the May OCM council resolved that the following reports be brought back to the June OCM – 1. options available to council in making a decision on the future of the old school site, 2. information provided allowing Council to make an informed decision in establishing their official position on uranium and 3. a review of Policy 1.12.

Due to staffing levels being compromised since the May OCM, the reports were unable to be presented at the June meeting. The future of the old school site report will form part of the Local Area Planning Strategy report that council will receive later in the year. The official position on uranium mining in the Shire is presented in this month's agenda. Review of Policy 1.12 will be presented in the near future.

135/10 Council Decision and Officer Recommendation

MOVED CR MCCUTCHEON

SECONDED CR WEBB

CARRIED 5/0

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

10.1.2. Subject/Applicant:	Official Position on Uranium Mining in the Shire of Wiluna
File:	00085
Reporting Officer:	Samantha Tarling, Chief Executive Officer
Date of Report:	8 September 2010
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to provide information which will assist Council to adopt an official position on uranium mining proposed for the Shire, given that:

- a) the Shire of Wiluna has been identified as being potentially rich in uranium resources;
- b) Several companies are known to be carrying out pre-feasibility studies with a view to making a Financial Investment Decision on proposed uranium mines to be based in the Shire; and
- c) Uranium mining has been recognised worldwide as a deeply contentious matter.

Background

Council resolved the following at the May Ordinary Council Meeting:

That the CEO brings a report back to council that will prompt discussion of points of relevance on council's official position in regard to mining uranium. Council to take an official position on uranium mining at or by the September OCM.

Comment

According to an industry report provided by the Australian Uranium Association (AUA):

- Australian uranium is used exclusively for peaceful purposes, for the generation of electricity in civil nuclear power stations overseas and for the conduct of scientific research and the production of medical radioisotopes for diagnosis and treatment.
- Australia exports around 10,000 tonnes per annum of uranium oxide, the raw material for the manufacture of uranium-based fuel for civil nuclear reactors.
- These exports earn around \$A1billion in sales.
- When used to generate electricity, Australia's uranium exports offset approximately 400 million tonnes per year of carbon dioxide emissions that would otherwise be emitted by fossil-fuelled power stations.

Some of these statements are accepted by anti-nuclear campaigners (i.e. those opposed to uranium mining), some are not. What is clear is that it is highly unlikely these two sides will ever find a common ground.

The basis for protest against uranium mining is very broad. It ranges from the threat to health, e.g. "there are no safe levels of exposure to uranium", to the nuclear threat, "any uranium, once mined, has the potential to be directed towards non-peaceful activities," to the threat to the environment, "uranium waste, from power stations, medical equipment etc, is highly radioactive and remains so for millions of years."

Essentially, for Council to come to a policy position in terms of uranium mining, information from both sides of the argument needs to be considered impartially against the social, economic and environmental factors currently impacting on the Shire. This is particularly important in view of the fact that there are several uranium mining proposals currently under consideration, with the possibility of more to come.

Social factors

Residents of the Shire of Wiluna, the majority of whom are Indigenous, suffer a high level of socio-economic disadvantage when compared to other areas of Australia. The community commonly have poorer health, poorer housing, poorer transport links, poorer access to essential services and limited employment and training opportunities. Given a clear and genuine

commitment by mining companies to work in partnership with the Shire, encouraging development should have a positive impact on general health and wellbeing in terms of community investment and improved services.

Economic factors

The Shire of Wiluna has been identified as having significant deposits of uranium and several companies have moved to examine the feasibility of mining Wiluna's ore. Three of these projects, Toro's Lake Way / Centipede; Mega Uranium Ltd's Lake Maitland and BHP Billiton's Yeelirrie Project, could be operational by 2014. A fourth, Blaze International Ltd announced in July that it was embarking on a major exploration program at its Yeelirrie Valley uranium tenements. Blaze's exploration leases cover more than 1000sqkm directly surrounding BHP's Yeelirrie deposit. A fifth potential miner is believed to be looking to sell its deposits or partner with another company to keep costs down.

BHP Billiton's Yeelirrie Project has the longest estimated life at 30 or more years with the other two projects in pre-feasibility predicting a short life-span of 10-12 years. If given the go-ahead, workforce numbers following construction for all three mines are yet to be fully determined. The AUA report states it is not possible at this stage to provide the Shire of Wiluna with firm commitments about likely levels of investment, expenditure, employment or general commercial activity connected with the projects, but does hint that up to 600 jobs could become available, many of them for local people. Whatever the final number, what is certain that if the mines go ahead, there will be employment opportunities for all local people. Even allowing for the relatively short lifespan of these mines, there will be ample opportunity for many low-skilled community members to increase their skill-base and thus their readiness for work.

The biggest downside with mining is sustainability – once the resource is gone the mine is closed - but this is a problem faced by towns which rely on any form of mining for support. The Shire of Wiluna recognises that it will have a limited time of economic growth in which to create the foundations for a better lifestyle and a sustainable future.

Environmental Factors:

The AUA report states that uranium companies observe a Code of Practice and other measures that encourage application of the world's highest safety and environmental standards in exploration and mining.

It claims the Western Australian regulatory framework for uranium mining is among the most stringent in the world. The WA system is founded on many decades of experience in overseeing mineral sands and tantalum mining, both of which involve the safe management of radioactive materials.

The Department of Minerals and Petroleum and the Environmental Protection Authority of Western Australia both have prominent roles in coordinating the introduction and subsequent continuing regulation of uranium mining in the State and in reviewing and assessing proposals.

However, the anti-nuclear voice disputes the AUA claim that uranium mining has been conducted safely and responsibly for many decades in South Australia and the Northern Territory. It warns that there have been several recorded incidents relating to mismanagement of water, sometimes leading to unauthorised releases to adjacent creeks, significant risks to mine/mill workers, waste rock leaching, and ongoing seepage impacts from tailings. They name the now-closed Nabarlek mine and the operating Ranger, Olympic Dam and Beverley projects as examples where incidents have occurred.

The one area of commonality here relates to the acknowledged aging infrastructure of these mines and past practices which have since been discontinued.

The AUA report makes a sound point that lessons have been learned from the past and Western Australia can apply those learning to new developments in this State.

In addition to which, it reminds us that the issues involved with mining uranium are not new. The WA regulatory system has for decades supervised extraction of commodities that present very similar issues to uranium.

For approximately 40 years regulators of the minerals sector in Western Australia have supervised the safe mining of resources which include radioactive materials. Mineral sands materials usually contain thorium, a radioactive element, and extraction of tantalum often involves dealing with uranium.

Consultation

Information for this report was sought and collated from pro and anti-uranium mining organisations. Various articles and reports were considered on behalf of pro and anti uranium organisations, including:

Pro-uranium mining

The Australian Uranium Association (AUA) – *Industry Briefing Paper*
Deloitte Economics – *Prospects for Australia's Uranium Industry – Implications for Western Australia*

Anti-Uranium mining

Friends of the Earth – *Impacts on Water Resources, Australian uranium: Feedstock for Proliferation*
Conservation Council of Western Australia/National anti-nuclear campaign – *Uranium Mining: Australia and Globally- Dr Gavin Mudd Sustainable Mining*

in Australia: Pgs- 29-34 specific to uranium – Dr Gavin Mudd (Monash University/ Mineral Policy Institute)
Energy Science Organisation – *Radiation and Health, Nuclear Power and Climate Change*
Medical Association for the Prevention of War, International Campaign for the Abolition of Nuclear Weapons and Australian Radiation Protection and Nuclear Safety Agency – *Nuclear Power and Health*
The Beyond Nuclear Initiative – *Yellowcake country – Australia’s Uranium Industry*

Statutory Environment

The previous State Labor Government allowed exploration for uranium but imposed an administrative ban on uranium mining. During the 2008 WA election campaign, Labor announced if it was re-elected to Government, it would introduce legislation to make all aspects of uranium exploration and mining unlawful. Labor was defeated and a Liberal Government came to power, but to date, the ALP in WA still maintains this policy. It is understood it has since stated that, if it regains government, while it will not force the closure of any uranium mines which may be set up under the existing administration, any new applications for mines, or to expand the operations of existing mines would be considered in accordance with the Labor Government Policy at that time.

When the Liberal Government decided to permit uranium mining in 2008, it restructured the State’s minerals assessment, approval and regulatory structure with the creation of a new Department of Mines and Petroleum. DMP was given the task of streamlining and speeding assessment processes and of improving standards of safety regulation. The Government also ordered an inter-departmental review to assess the existing regulatory framework to determine its adequacy for the regulation of uranium mining.

Even without these additional reviews and safeguards, uranium mining is subject to intense scrutiny and stringent statutory requirements.

The Environmental Protection Authority of WA is coordinating assessments and approvals for all uranium projects, which are covered by:

- Environmental Protection Act 1986, administered by the Environmental Protection Authority (EPA) and the Department of Environment and Conservation (DEC);
- Mining Act 1978, administered by DMP;
- Radiation Safety Act 1975, administered by the Radiological Council; and
- Mines Safety and Inspection Act 1994, administered by DMP.

The AUA report states that, at the State level, uranium companies must comply with separate sets of radiation safety regulations related to general

site safety, transport, training of workers dealing with radiation and specific rules concerning the use, storage and disposal of radioactive substances.

The Federal Government is ultimately responsible for setting environmental standards for uranium mines under the Environment Protection and Biodiversity Conservation Act, administered by the Commonwealth Department of Environment, Water, Heritage and the Arts (DEWHA).

Any exports of uranium from Western Australian mines will be subject to strict safeguards administered through licenses issued under the Nuclear Non-Proliferation (Safeguards) Act administered by the Australian Safeguards and Non-Proliferation Office (ASNO); and the Development of uranium mining Customs Act, administered by the Commonwealth Department of Resources, Energy and Tourism (DRET).

Transport of uranium oxide is covered by international, national and state laws and regulations which have ensured decades of safe, incident-free practice in the transporting uranium product by road, rail and sea. The relevant national guidelines are administered by the Australian Radiation Protection and Nuclear Safety Agency, (ARPANSA), modelled on rules set by the International Atomic Energy Agency.

Policy Implications

Nil

Financial Implications

Without accurate investment figures and clear commitments to construction and operation, it is not possible to predict the likely rates revenue the Shire could attract from uranium mining. However, it is true to say that any form of mining in the Shire would be expected to benefit the Shire through increased rates revenue, community investment, partnership programs, infrastructure development, economic and employment growth.

Strategic Implications

Strategically, the Shire of Wiluna needs development if it is to attract investment in infrastructure and good services for the community. To date the Shire has found it difficult to attract much-needed government funding. A prime example of this is the failure of subsequent State Governments to seal the last stretch of the Goldfields Highway to enable Wiluna to access key services in Meekatharra and beyond. Pressure on the Government to supply essential infrastructure from mining companies seeking good transport links and essential services for its workforce and operations can only be of benefit to the Shire.

However, it is worth re-emphasising that uranium mining – like any mining activity – has a limited lifespan and it is essential to make sure sustainable social impact assessments are carried out by these companies, in

partnership with the Shire, to enable the Shire to absorb the growth and to survive subsequent shrinkage post mining production.

The need for excellent transport links has already been identified, but there is a further requirement for initial and ongoing social impact assessments to identify and support sustainable industry for the area post any mining boom. It is also essential to ensure stringent environmental controls are in place to reclaim land after mining so that the environmental and the heritage values of the region remain unsullied.

To secure the best outcome for the community, Council must make sure it remains vigilant and constantly monitors the activities of any mining company which seeks to operate in the Shire.

Voting Requirements

Simple Majority

136/10 Council Decision and Officer Recommendation

MOVED CR QUADRIO

SECONDED CR WEBB

CARRIED 5/0

That Council adopts the following official position on uranium mining:

“The Shire of Wiluna supports continuing exploration for uranium in the Shire and will consider giving its approval to applications to mine uranium on the understanding that any company proposing to mine uranium will:

- comply fully with all statutory requirements
- give a clear undertaking that it will strive to attain best practice and zero harm in its operations at all times
- work with the Council to assess the likely social, economic and environmental impacts on the Shire
- include Council in all community investment and development planning and social impact assessments it may undertake
- work with Council to develop and implement a Community Development Plan over the projected life of the mine so as to create a sustainable environment for the community now and into the future.

10.1.3. Subject/Applicant:	Wiluna Strategic Positioning – Sealing Goldfields Hwy, Wiluna – Meekatharra Section Report
File:	00181
Reporting Officer:	Samantha Tarling, CEO
Date of Report:	9 September 2010
Disclosure of Interest:	Nil

Purpose

The purpose of this report is for Council to adopt the 'Closing the Gap and making Connections: win/win for communities in the central desert' Urbis report, endorse the proposed communication plan and key messages attached.

Background

Council resolved at the February 2010 OCM to allocate funds from the Canning Stock Route Reserve to fund the writing of a paper that would highlight the Shire of Wiluna's recommendation to the State government on the State road / rail corridor and the need for the Meekatharra Road to be sealed. Council engaged Urbis to write the paper.

Council resolved at the May 2010 OCM that Council:

1. Receive the attached report 'Closing the gap and making Connections' for information.
2. Approve Urbis approach to the report as authorized and recommended in the attached letter –focus on the Wiluna to Meekatharra link even though there are broader strategic directions that need to be pursued under another paper.
3. Councillors feedback to the Chief Executive Officer additional reference points and information for the Chief Executive Officer to forward the Urbis before the report is finalized; and
4. Final draft be brought back to Council for sign-off.

Comment

The paper titled 'Closing the Gap and making Connections: win/win for communities in the central desert' has been developed for council's consideration and adoption - see Appendix C – White Pages. The paper was initially scoped to include strategic rail corridor recommendations; however, through the evolution of the paper it became obvious that this was better suited under a separate document to prevent diluting the message to readers of the justification to seal the Goldfields Hwy.

The proposed Communication Plan and Key Messages are attached. See Appendix D – Gold Pages

At the May OCM Council approved *Urbis' approach to the report as authorized and recommended in the attached letter – focus on the Wiluna to Meekatharra link even though there are broader strategic directions that need to be pursued under another paper. See Appendix E – Red Pages*

Council may wish to consider the need for another paper to be written that will include strategic State and National road/rail links and cover a broader strategic direction. Council needs to be clear what the objective and scope of the paper will be before engaging Urbis. It is the CEO's recommendation that this be discussed in depth and if the paper will serve as a reference point for lobbying and qualify the Shire's official position on the State and National road/rail strategy which Wiluna forms part of locally and in broader terms, then it be given serious consideration and a quote sought.

Council's options are to:

1. adopt the report, communication plan and key messages as presented;
 2. Amend the report, communication plan and key messages as presented;
 3. Discard the report, communication plan and key messages as presented;
- or
4. Adopt, amend or discard each or all presented.

Council's adoption of the report and key messages will gain greater support from State and Federal Government if it is supported by GVROC, therefore, it is recommended that Council seek GVROC's endorsement of the 'Closing the Gap and making Connections: win/win for communities in the central desert' report and key messages and support this being forwarded to WALGA State Council for endorsement.

Consultation

Cr Jim Quadrio
Cr Graham Harris
Chief of Staff, Minister for Transport Office
Main Roads WA

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

The successful lobbying of both tiers of government will result in the Shire's goal of the revitalisation and renewal of Wiluna being achieved.

Voting Requirements

Simple Majority

Officer Recommendation/Draft Motion

That Council

1. Adopt the 'Closing the Gap and making Connections: win/win for communities in the central desert' report.
2. Endorse the attached Communication Plan;
3. Endorse the attached Key Messages;
4. Seek GVROC's endorsement of the 'Closing the Gap and making Connections: win/win for communities in the central desert' report and key messages; and
5. Seek GVROC's endorsement to forward this to WALGA State Council for endorsement.

137/10 Council Decision

MOVED CR WEBB

**SECONDED CR MCCUTCHEON
CARRIED 5/0**

That Council

1. Adopt the 'Closing the Gap and making Connections: win/win for communities in the central desert' report.
2. Endorse the attached Communication Plan;
3. Endorse the attached Key Messages;
4. Seek GVROC's endorsement of the 'Closing the Gap and making Connections: win/win for communities in the central desert' report and key messages; and
5. Seek GVROC's endorsement to forward this to WALGA State Council for endorsement.
6. Endorse interested Councillors in attending IAP2 – Community Engagement workshop – uranium hypothetical.

Council's reason for amending the Officer's recommendation was to include point 6. This point refers to a workshop run by IAP2 on Community Engagement on contentious issues. The forum will be do a uranium hypothetical as the topic of conversation and council believed this hypothetical would attract an audience of uranium mining supporters and objectors from all quarters of the community. Council saw this being an opportune time to attend lobby for the sealing of the Goldfields Highway with stakeholders and

politicians and be present to present their official position on uranium and why they adopted that position.

10.2. Principal Environmental Health Officer Report

10.2.1. Subject/Applicant:	Status Report
File:	Various
Reporting Officer:	Bill Atyeo – Environmental Health Officer
Date of Report:	8 September 2010
Disclosure of Interest:	Nil

Purpose

The purpose of this report is for Council to receive the Environmental Health Officer/Building Surveyor status report and endorse the officer's actions.

Trading in Old Sports Complex, Lot 1552 Wotton St, Wiluna

I spoke with Mr Richard de la Rie in regards to him conducting a business in the sporting complex located on Wotton Street. As well as this he is living in the building for approximately 8 days at a time, even though there is no water or power to the building.

Mr Rie has been coming to Wiluna for a number of years, and selling his wares to the local people. He has operated from in front of the Community Store (was Maruwayura owned), on the land that was the Woman's Centre, and also what was the CDEP shed in Wiluna.

Mr Rie would therefore be classed a regular business operator within the town of Wiluna as he comes every month on a regular basis and operates for up to 8 days at a time.

The Land is zoned "Local Scheme Reserves – Recreation".

Clause 2 of the Town Planning Scheme states:

2.1 RESERVES

The land shown as Local Reserves on the Scheme Map, herein called "Local Reserves" are lands reserved under the Scheme for the purposes shown on the Scheme Map.

2.2 USE AND DEVELOPMENT OF LOCAL RESERVES

2.2.1 A person must not -

- (a) use a Local Reserve; or
- (b) commence or carry out development on a Local Reserve, without first having obtained planning approval under Part 7 of the Scheme.

2.2.2 In determining an application for planning approval the local government is to have due regard to -

- (a) the matters set out in clause 7.8; and
- (b) the ultimate purpose intended for the Reserve.

2.2.3 In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for planning approval.

The Shed is not designed or fitted out internally to be used for habitation, and Section 144 of the Health Act 1911 states:

144. Building not erected as dwelling not to be converted into one

No person shall convert into or adapt or use as a dwelling any building not originally constructed or erected as a dwelling-house, and no person shall let, or lease, or sublet, or sublease, or otherwise permit, whether for any consideration or gratuitously, the use of, the building as a dwelling, without having first obtained the consent of the local government of the district in which the building is situated, and complied (in case a conditional consent is given) with such conditions as the local government has seen fit to impose.

I will write to Mr Rie that he cannot continue to operate his business from the Sporting Complex until such time as he has a development permission to do so from Council and that the premises are not to be used for habitation unless he has the permission of Council also.

I will also provide him with options that are available to him. See Appendix F – Pink Pages.

Oil Contaminated Land and Rubbish over two Lots, Lot 28 Wotton Street, Wiluna WA 6646

I inspected the premises since the mechanic has vacated, and there is still a number of vehicles still on the property and there are areas of contamination with oil. The old cars and oil actually spreads across two lots and there is a requirement for the owners to clean up the lots and handle the contaminated sections of the land.

I wrote a letter to the owners stating the areas that need cleaning up and oil spilt removed from the land. See Appendix G – Peach Pages.

Caravan Park Ablution Block, Lot 1524 Wotton Street, Wiluna WA 6646

I was informed that people were using the Caravan Park Ablution block without the lifting of the Health Notice placed on it declaring it unfit for human habitation until such time as it is brought into compliance with the Health Act.

I spoke with the owner in regard to the matter and stated clearly that it had to be locked to all people residing in the Caravan Park until such time as the Notice is lifted under the hand of the Chief Executive Officer.

If people are found to be using it without the Notice being lifted then the owner is in breach of the Act, and I have stated this in a letter to the owners.

The owners have been directed to secure the facilities until such time as the Notice is lifted.

The CEO and President inspected the amenity and it did not meet the requirements. The owner has been advised of the two remaining requirements and it is agreed he will advise the Shire when this has been completed and an inspection will take place and the Notice removed. At the time of submitting this report this had not occurred. See Appendix H – Purple Pages.

138/10 Council Decision and Officer Recommendation

MOVED CR MCCUTCHEON

SECONDED CR WEBB

CARRIED 5/0

For Council to receive the Environmental Health Officer/Building Surveyor status report and endorse the Officer's actions.

10.3. Deputy CEO Reports

Nil

10.4. Manager Finance & Administration Officer Reports

10.4.1. Subject/Applicant:	Accounts Paid by Authority
File:	Finance
Reporting Officer:	Glenn Deocampo – Manager, Admin & Finance
Date of Report:	8 September 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 31 August 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

139/10 Council Decision and Officer Recommendation

MOVED CR WEBB

**SECONDED CR MCCUTCHEON
CARRIED 5/0**

That the accounts paid by authority for the period ended 31 August 2010 totalling \$376,910.90 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:	8 September 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 31 August 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 31 August 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

140/10 Council Decision and Officer Recommendation

MOVED CR WEBB

SECONDED CR QUADRIO
CARRIED 5/0

That Council adopt the Financial Reports for the period ending 31 August 2010 as presented.

10.4.3. Subject/Applicant:	Amendment on Fees and Charges 2010/2011
File:	Finance
Reporting Officer:	Glenn Deocampo
Date of Report:	8 September 2010
Disclosure of Interest:	Nil

Purpose

The purpose of this report is for Council to adopt the amended Dog Registration and Dog Control Fees and Charges for the Year 2010/11.

Background

As the Shire intends to utilize the pound on a regular basis, it will be necessary to have fees to cover the costs. Any dogs impounded need to be retained for a maximum of 72 hours if not claimed prior to this time.

Comment

The Dog Control fees were not considered in the list of adopted fees and charges for financial year 2010/2011, and the dog registration fee as adopted should be GST free in accordance with the Dog Act 1976.

Consultation

Tony Doust – Acting Deputy CEO

Statutory Environment

Dog Act 1976

Policy Implications

Nil

Financial Implications

Dog Control Fees and Charges 2010/11

	Fees Exclusive of GST	GST	Fees Inclusive of GST
Pound Fees	\$70.00	\$7.00	\$77.00
Sustenance per day	\$15.00	\$1.50	\$16.50

Dog Registration Fees and Charges 2010/2011

	Fees
Unsterilized-Male/Female – 1 year	\$30.00
Sterilized 1 year	\$10.00
Unsterilized-Male/Female – 1 year Pension Concession	\$15.00
Sterilized-Male/Female – 1 year Pension Concession	\$ 5.00
Unsterilized-Male/Female – 3 year	\$75.00
Sterilized 3 year	\$18.00
Unsterilized-Male/Female – 3 year Pension Concession	\$37.50
Sterilized-Male/Female – 3 year Pension Concession	\$ 9.00

Strategic Implications

Nil

Voting Requirement

Absolute majority

141/10 Council Decision and Officer Recommendation

MOVED CR PETTERSON

**SECONDED CR MCCUTCHEON
CARRIED 5/0**

For Council to adopt the amended Dog Registration Fees and Dog Control Fee and charges as stated above for the year 2010/11.

10.5. Manager Works Report

10.5.1. Subject/Applicant:	Status Report
File:	Various
Reporting Officer:	James Alagappan - Manager Works
Date of Report:	8 September 2010
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to receive the Works Managers report and endorse the Works Managers actions.

Roads

Due to the recent downpour several roads had to be closed briefly. Ned's creek road was closed for a day while Jundee road was closed only for a few hours.

Pest

A staff house was recently treated for cockroach infestation. Pest control spraying is conducted at 6 monthly intervals.

Water Tank

A water tank with an effective holding capacity of 220kl was installed by Rhino Water tanks at the tank farm location. This will serve the water requirements of the Oval. The tank will be filled using the Lennon Street bore, while the new bore behind the Shire Office will supply water to the remaining areas.

The 6 holding tanks will be removed and placed in storage for future use elsewhere.

Maintenance schedule

Through the Quality Management System, few new procedures have been implemented to ensure the plant and vehicles are being regularly checked and serviced. This involves weekly, monthly and 6 monthly checks of certain plant and vehicles.

Vehicles

We took delivery of a new Land Cruiser Ute to replace the other that was involved in a rollover and written off by insurance. The Land Cruiser Ute was used to tow the 3000kg fuel trailer. In the absence of the Ute, the Mitsubishi Canter 3.5 ton truck towed the trailer.

The sports and Recreation vehicle that was involved in a roll over is now the property of the Shire of Wiluna. This may be advertised for sale in the future with a reserve price on it.

Aerodrome

New cigarette butt bins have been installed to safely dispose of cigarette butts and a rabbit proof fence installed to prevent rabbits from eating all the flowers recently planted.

142/10 Council Decision and Officer Recommendation

MOVED CR WEBB

**SECONDED CR QUADRIO
CARRIED 5/0**

That Council receives the Works Manager's information report and endorses the Manager's actions.

10.6.1. Community Development Manager

Nil

10.6.2 Tourism Officer Report

Nil

10.6.3 Art Gallery Manager Report

10.6.3. Subject/Applicant:	Status Report
File:	26.00.11
Reporting Officer:	Heather Charlton – Art Gallery Manager
Date of Report:	9 August 2010
Disclosure of Interest:	Nil

Purpose

The purpose of this report is for council to receive the Art Gallery Manager report and endorse the Art Gallery Manager's actions.

Wiluna Shire Council Strategic Plan 2009-14

PROUD WILUNA

Develop and provide an annual program of arts & cultural events

Geraldton Exhibition 2011

Discussions have commenced with Yamaji Art to collaborate in a mixed exhibition in June next year at the Geraldton Art Gallery.

Alice Springs Beanie Festival

From our workshop, twelve artists Beanies were completed and delivered to the Alice Springs Beanie Festival, of which eleven sold. Winning their

sections were Birriliburu Artists Kitty Richards and Stacey Petterson both receiving a presentation and cash prize.

Desert Mob

To mark the 20th Anniversary of the Desert Mob Exhibition, a senior artist from each Desert member Art Centre has been selected to cut a woodblock to form part of the Basil Hall Editions Print Project, designed to commemorate the event. Nyapurla Morgan was our contributing artist, being one of forty who make up the panel.

*Wiluna Shire Council Strategic Plan 2009-14
GO-AHEAD WILUNA
Support the development of Creative Industries in Wiluna*

Headsox

In collaboration with graphic designers, an advertising banner has been produced to promote our artists achievements in the development of Headsox designs. The banner is portable, and will be used for promotional purposes at various venues.

Aboriginal Art Centre Hub of Western Australia

Membership of AACHWA is proving beneficial with their provision of support for training and development. The Art Centre Manager attended a funded workshop in the use and upgrading of the AMS system. A session was also included from Copyright Agency Limited, providing information on the Resale Royalty Scheme.

AACHWA have produced a brochure promoting their charter and member Art Centres.

Artstart

The after-school children's painting group is gaining popularity with regular weekly attendances exceeding twenty. The children's work is popular with visitors to the gallery.

Officer Recommendation

That Council receives the Art Gallery Manager information report and endorses the Manager's actions.

143/10 Council Decision and Officer Recommendation

MOVED CR MCCUTCHEON

**SECONDED CR QUADRIO
CARRIED 5/0**

That Council receives the Art Gallery Manager information report and endorses the Manager's actions.

The Council commends and acknowledges the Art Manager's input and efforts in coordinating all the various art programs for the community.

10.6.4. Swimming Pool Manager Report

Nil

10.6.5. Sports & Recreational Officer Report

10.6.5. Subject/Applicant:	Status Report
File:	
Reporting Officer:	Sports & Recreational Manager – Anton Knezevich
Date of Report:	8 September 2010
Disclosure of Interest:	Nil

Purpose

The purpose of this report is for council to receive the Sports & Recreational Manager's report and endorse the Manager's actions.

Healthy Safe Fun Wiluna

September 14th School sports carnival
September 22nd Rec hire from the MEGA Company from 11am – 2.30pm
September 25th the Rec/ Centre will be hosting ladies only pampering evening with the help of female Shire staff, Police, School, DCP and AMS
September 28th Shamrock Gym services will repair and service gym equipment.

Facilitate participation in State level games for Wiluna sports teams and players.

August 18th Mt Keith v Wiluna Touch Rugby
October 12th Mt Keith v Wiluna AFL
October 26th Newmont v Wiluna AFL
November 2nd Newmont v Wiluna AFL

Organise visits by elite athletes to Wiluna to mentor local players

September 14th, 15th Peter Matera and Rikki Ryder will visit Wiluna and talk to the children and discuss leadership, team work, nutrition and preparation

Leading Wiluna

Facilitate accredited and professional development training opportunities for staff

August 18th Sports recreation staff completed First Aid course

September 7th Sports recreation staff completed a development day of Sports in Meekatharra – Learning the skills and fundamentals of training drills

Officer Recommendation

That Council receives the Sports & Recreational Manager's information report and endorses the Manager's actions.

144/10 Council Decision

MOVED CR PETTERSON

**SECONDED CR QUADRIO
CARRIED 5/0**

That Council receives the Sports & Recreational Manager's information report and endorses the Manager's actions.

The Council expresses appreciation to Sport and Recreational Manager's efforts in coordinating and providing lots of activities for the community.

10.6.6. Homemaker Officer

Nil

10.6.7. Ranger

Nil

10.7. Committee Report

Nil

11. Elected Members Motion of Which Previous Notice Has Been Given

Cr J Quadrio has given the following Notice of Motion

"Further to the report presented to Council at the August Ordinary Council meeting 'Stock on Roads WALGA Discussion Paper' when council resolved the following:

1. That the Chief Executive Officer advises WALGA accordingly:
 - Whilst the Statistics provided include the number of crashes, injuries and deaths for crashes involving animals it is not clear as to where these may have occurred. i.e. in areas where existing fences are or in areas where there are no fences.
 - Any accident causing injury or death is of concern however the level of accidents attributed to livestock must be compared with other causes of accidents when determining the need for action. The statistics that have been provided are not conclusive that this is a

significant problem. How do the accident statistics provided for the 10 year periods compare with other causes of accidents for the same periods?

- The level of accidents caused by wildlife in Western Australia would be far more significant than livestock. If the safety issue relating to animals both livestock and wildlife is of concern then it is important that all government held lands adjoining constructed roads also be fence. Selecting livestock and not doing anything about wildlife control would seem to be losing sight of the safety issue.
- The suggestion that Pastoralists meet any of the costs for fencing (materials erection and maintenance) is totally unreasonable given the tenure of the land they occupy. Many Pastoralists are finding it difficult to survive and this additional burden will impact on their viability.
- Council is opposed to any changes that make it compulsory for Land owners to fence Pastoral Leases.

I would like Council to support the following motion in addition to the motion outlined above to further clarify the current inconsistency in the responsibility of landowners under the present Act.

The motion is:

That WALGA lobby the State Govt to review the Dividing Fences Act to reflect public responsibility for fencing of Crown Land and Road Reserves and that relevant government agencies (eg. DEC, Main Roads etc) fully fund such fencing which is deemed to be in the public interest, for example safety and conservation.”

145/10 Council Decision and Officer Recommendation

MOVED CR QUADRIO

**SECONDED CR MCCUTCHEON
CARRIED 5/0**

That GVROC support and WALGA lobby the State Govt to review the Dividing Fences Act to reflect public responsibility for fencing of Crown Land and Road Reserves and those relevant government agencies (eg. DEC, Main Roads etc) fully fund such fencing which is deemed to be in the public interest, for example safety and conservation.

12. Urgent Business Approved by the Person Presiding or by Decision of Council

12.1.1. Subject/Applicant:	Extraordinary Election
File:	00024
Reporting Officer:	Samantha Tarling, CEO
Date of Report:	14 September 2010
Disclosure of Interest:	Nil

Purpose

The purpose of this report is for Council to decide whether to hold an extraordinary election recently created.

Background

Cr Ken Farmer was an elected member of council serving a four year term between 2007-2011. He passed away on 29 July 2010. This creates a vacancy on council.

Comment

Any poll needed for an extraordinary election is to be held on a day decided on and fixed by the president, in writing, if a day has not been fixed by council at a meeting held within one month after a vacancy occurs. This was not acted on out of respect for Cr Farmer. It is a Shire of Wiluna goal in the Strategic Plan 2009-14 to be sensitive to Martu culture and tradition when appropriate and this was considered one of those times.

If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to fix a day and advise the CEO of the day fixed.

The Electoral Commissioner's office has been advised of the abovementioned and will fix a date if council determines it wishes to hold an extraordinary election. This date needs to be fixed within four months of the vacancy occurring. It is anticipated, if council elects to hold an extraordinary election, the date would be set for late November 2010 to meet election statutory dates.

Under section 4.17(3) Local Government Act, if a councillor's office becomes vacant in a district that has no wards and at least 80% of councillor seats remain filled, the council may, with the approval of the Electoral Commission, allow (by Absolute Majority) the vacancy to remain unfilled until the next Ordinary election.

The Shire of Wiluna qualifies under section 4.17(3) due to having no wards and 6/7 councillors sitting, equate to 86% of seats filled. The Electoral Commissioner has given his in-principle approval if council wish the seat to remain vacant until the Ordinary election in 2011.

In speaking with councillors out of session, there appears to be a sense of wanting to honour Cr Farmer's commitment to the community in a culturally sensitive manner and this would be to hold the position vacant until the Ordinary election in October 2011.

The administrative process involved in organising an Extraordinary election is time consuming and given the council is a united council and progressing business in a harmonious manner, it is the CEO's opinion that little is to be gained in holding an Extraordinary election when the person who wins the seat will be up for re-election in October 2011. Coupled with these reasons and the gesture of respect to Cr Farmer (also a community leader and Elder) in the CEO's opinion holding the position vacant until the 2011 Ordinary election would enhance the Shire's reputation in the community. Council's options are:

1. Hold an Extraordinary election in November 2010 to fill a vacancy that will be up for re-election in October 2011; or
2. Resolve to, with the approval of the Electoral Commissioner, allow the seat to remain unfilled until the Ordinary election in October 2011.

Consultation

Phil Richards – WA Electoral Commission

Statutory Environments

Local Government Act, section 2.32 – How extraordinary vacancies occur in offices elected by electors, 4.8 – 4.10 Extraordinary elections, section 4.17 – Cases in which vacant offices can remain unfilled.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Absolute Majority

146/10 Council Decision and Officer Recommendation

MOVED CR WEBB

SECONDED CR MCCUTCHEON

CARRIED 5/0

By Absolute Majority

That Council:

Approve by Absolute Majority, with the approval of the Electoral Commissioner, for the vacant seat of council to remain unfilled until the Ordinary election in October 2011.

12.1.2. Subject/Applicant:	Wiluna Health Clinic
File:	
Reporting Officer:	Samantha Tarling, CEO
Date of Report:	14 September 2010
Disclosure of Interest:	Nil

Purpose

The purpose of this report is for Council to decide whether to enter a process to agree and formalise the transfer of the existing Wiluna Health Clinic to the Shire of Wiluna.

Background

In April 2009 the WA Health Department wrote to the Shire (see attached) to ascertain the Shire's willingness to commence a process to agree and formalise the potential transfer of the existing health Clinic building to the Shire. If agreed this would be arranged to coincide with the opening of the new facility.

At the May OCM the CEO reported:

AMS Building Offered to Shire

The Health Department of WA has written to Council offering the AMS Building on Lot 1467 Thompson Street (Reserve 30708) to the Shire when the AMS move into their new facility. They require a business plan outlining what the Shire propose to use it for should council resolve to take up the offer.

Currently, Bill Atyeo, Principal Building and Health Surveyor is liaising with the Regional Director of WA Country Health Service – Midwest to develop a comprehensive report on the state of the building and works to be carried out to meet a compliant standard required for a facility council is most likely to want to use it for.

The investigation includes identifying the extent of the use of asbestos building materials utilised in construction of the buildings, and the state or condition of such material.

The next step is for the Principal Building and Health Surveyor to gain permission to conduct an inspection of all the buildings in order to submit a report to Council on the matter. Once all the required information is provided and inspections completed, it is proposed that it is presented to

council at the Councillors Quarterly Workshop to be held Thursday, 4 June 2009 and further referred to Council at the June Ordinary Meeting for a decision.

Council moved that Council receives the CEO's report for information and endorse the CEO's actions.

This matter was discussed at the June 2009 Councillors Quarterly Workshop and it was resolved that it be recommended to Council that the Shire not take on this building due to the high costs associated with getting the run down building up to speed to be used for any purpose. This was not reported back to council for adoption, hence, the report being submitted at this time for endorsement or rethinking council's options.

Comment

In consultation with the CEO of the Wiluna Medical Centre today he reiterated his comments from May 2009 that the building hides many evils that would be costly to repair and renovates to meet the BCA standards. The building is not functional as office space or accommodation due to its floor plan and lack of ablutions for accommodation units.

Consultation

Richard Whittington – CEO – Wiluna Medical Centre

Voting Requirements

Simple Majority

147/10 Council Decision and Officer Recommendation

MOVED CR QUADRIO

**SECONDED CR MCCUTCHEON
CARRIED 5/0**

That Council

Advise the WA Health Dept that it declines the offer to enter into the process to agree and formalise the transfer of the existing Wiluna Health Clinic building to the Shire of Wiluna.

12.3 Acknowledgement

The council would like to acknowledge the passing of Mr Henry Ward who made contributions to the history and community of Wiluna.

13. Public Question Time

Nil

14. Matters behind Closed Doors

Nil

15. Closure

The meeting was closed at 1:15pm.