



SHIRE OF MENZIES

MINUTES

**OF THE ORDINARY MEETING OF COUNCIL
HELD**

Thursday 28 April 2016

Shire of Menzies

at 10:00am

**Unconfirmed Minutes
Ordinary Council Meeting 28 April, 2016**

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Menzies for any act or omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.

**FINANCIAL INTEREST
(EFFECTIVE 1 JULY 1996)**

A financial interest occurs where a Councillor, or person with whom the Councillor is closely associated, has direct or indirect financial interest in the matter. That is, the person stands to make a financial gain or loss from the decision, either now or at some time in the future.

An indirect financial interest includes a reference to a financial relationship between that person and another person who requires a Local Government decision in relation to the matter.

Councillors should declare an interest:

- a) In a written notice given to the CEO before the meeting: or**
- b) At the meeting immediately before the matter is discussed**

A member who has declared an interest must not:

Preside at the part of the meeting relating to the matter: or
Participate in, or be present during any discussion or decision making procedure relating to the matter.

Unless the member is allowed to do so under Section 5.68 or 5.69, Local Government Act 1995

Ref: Local Government Act 1995 Division 6 – Disclosure of Financial Interest.
Specifically Sections 5.60, 5.61, 5.65 and 5.67

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MINUTES OF THE ORDINARY MEETING OF COUNCIL

1. DECLARATION OF OPENING

10AM - The Shire President, declared the meeting open, welcomed the attendees, visitors and guests and proceeded with the Agenda as planned.

2. ANNOUNCEMENT OF VISITORS

1. Mr Dennis Kennedy – Principal Menzies Community School
 - Gave an update on the school improvement project and school activities.
2. Deb Miles – Goldfields Cyclclassic Co-ordinator
 - Gave an update on arrangements for the 2016 Cyclclassic.

Mr Kennedy and Ms Miles left the meeting at 10.45AM

3. RECORD OF ATTENDANCE

3.1 PRESENT:

Councillors:	Cr J Dwyer	Shire President
	Cr I Baird	Deputy President
	Cr J Mazza	
	Cr K Mader	
	Cr I Tucker	
Staff:	P Durtanovich	Chief Executive Officer
	J Taylor	Manager Finance and Admin
	Rhonda Evans	Chief Executive Officer Elect

Observers:

3.2 APOLOGIES

Cr D Hansen
Cr J Lee

3.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. DECLARATIONS OF INTEREST

Cr Dwyer – Impartiality Interest – Item 12.3.1

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12. REPORTS OF COMMITTEES AND OFFICERS

12.1 HEALTH, BUILDING & TOWN PLANNING BUSINESS

12.1.1 CONTAMINATED SITE- LOT 8 SHENTON STREET MENZIES

SUBMISSION TO:	Ordinary Meeting of Council, 28 April, 2016
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	16 th February 2016
AUTHOR:	Dave Hadden, Environmental Health Officer/Building Surveyor
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	P. Durtanovich - Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	
PREVIOUS MEETING REFERENCE:	Nil

ATTACHMENTS:

None.

SUMMARY:

Staff have requested quotes from three consultant environmental companies to carry out assessment of contamination on Lot 8 Shenton Street in accordance with the Department of Environmental Regulation protocols.

BACKGROUND:

This site was listed as possibly contaminated- investigation required on the 11th May 2016 by the Contaminated Sites Branch of the Department of Environmental Regulation.

COMMENT:

Council will need to engage an authorised assessor to investigate the level of contamination on site and provide a recommendation (report) regarding required remediation of the site for submission to the Department of Environmental Regulation prior to Council undertaking any remediation action with the site. The environmental assessment will determine if remediation is required or not depending on the final proposed use while also allowing for calling of quotes to determine remediation costs. Two quotes for the environmental assessment have been received up to agenda submission, one for \$17,195 and one for \$55,000.

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

Environmental Protection Act.

POLICY IMPLICATIONS:

There are no policy implications resulting from the recommendation of this report.

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FINANCIAL IMPLICATIONS:

Engagement of a consultant to undertake environmental assessment and possible remediation works will create a financial implication.

STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION AND COUNCIL DECISION:

Moved Cr Tucker

Seconded Cr Mader

That Council consider a budget allocation of \$20,000.00 in the 2016/2017 budget to allow SERS Environmental Consultants to be engaged to undertake an environmental assessment of Lot 8 Shenton Street Menzies to determine the level of remediation required to receive approval from the Department of Environmental Regulation to undertake development on the site.

Resolution 0971

Carried 5/0

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12.2 FINANCE AND ADMINISTRATION BUSINESS

12.2.1 MONTHLY FINANCIAL REPORTS – MARCH 2016

SUBMISSION TO:	Ordinary Meeting of Council, 28 April 2016
LOCATION:	N/A
APPLICANT:	N/A
FILE REF:	ADM052
DISCLOSURE OF INTEREST:	None
DATE:	8 April 2016
AUTHOR:	Pascoe Durtanovich, A/Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

12.2.1 Attachment #1 Monthly Statement of Financial Activity and associated reports for March 2016

SUMMARY:

Statutory Financial Reports are submitted to Council for receipt as a record of financial activity during the reporting months.

BACKGROUND:

As per the Financial Management Regulation 34 each Local Government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under Regulation 22(1)(d), for that month with the following detail:-

- The annual budget estimates,
- The operating revenue, operating income, and all other income and expenses,
- Any significant variations between year to date income and expenditure and the relevant budget provisions to the end of the relevant reporting period,
- Identify any significant areas where activities are not in accordance with budget estimates for the relevant reporting period,
- Provide likely financial projections to 30 June for those highlighted significant variations and their effect on the end of year result,
- Include an operating statement, and
- Any other required supporting notes.

COMMENT:

This report contains annual budget estimates, actual amounts of expenditure and income to the end of the month. It shows the material differences between the budget and actual amounts where they are not associated to timing differences for the purpose of keeping Council abreast of the current financial position

CONSULTATION:

Not applicable

STATUTORY ENVIRONMENT:

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Section 6.4 of the Local Government Act, 1995 and Regulation 34 of the Local Government (Financial Management) Regulations, 1996 requires that financial activity statement reports are provided each month reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for the month.

This report is to be presented at either the next ordinary meeting after the end of the month, or if not prepared in time to the next ordinary meeting after that meeting.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATION:

As detailed within the attachments.

STRATEGIC IMPLICATIONS:

Shire of Menzies Strategic Community Plan 2013-2023.

14.3.5 Sustainable Resource Management

Ensure resources are managed effectively

Prepare timely accurate reports on the Shire's activities, budgets, plans and performance

VOTING REQUIREMENTS:

Simple majority

OFFICER'S RECOMMENDATION AND COUNCIL DECISION:

Moved Cr Tucker

Seconded Cr Mazza

That Council receive the Financial Reports, Statement of Financial Activity and associated reports for the period to 31 March 2016.

Resolution 0972

Carried 5/0

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12.2.2 LISTING OF PAYMENTS MADE IN MARCH 2016

SUBMISSION TO:	Ordinary Meeting of Council, 28 April 2016
LOCATION	N/A
APPLICANT:	N/A
FILE REF:	ADM017
DISCLOSURE OF INTEREST:	None
DATE:	8 April 2016
AUTHOR:	Pascoe Durtanovich, A/Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

12.2.2 Attachment #1 List of payments made to Creditors in March 2016

SUMMARY:

The list of payments made are being submitted to the Ordinary Council Meeting of Council.

BACKGROUND:

Payments have been made by both cheque payment and electronic funds transfer from Council's Municipal bank account and duly authorised as required by Council Policy. These payments have been made under authority delegated to the CEO and are now reported to Council for noting.

COMMENT:

Payments made in March 2016 include cheques numbered 10398 to 10406 and direct transactions totalling \$207,151.68. The list of payments is submitted to each member of the Council on Thursday 28 April 2016.

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

Local Government Act 1995

- Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine local government policies; and
- Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.
- Local Government (Financial Management) Regulation 13

POLICY IMPLICATIONS:

Policy 4.7 – Creditors – Preparation for payment

FINANCIAL IMPLICATIONS:

Nil

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STRATEGIC IMPLICATIONS:

14.3.5 Sustainable Resource Management

Ensure resources are managed effectively

Prepare timely accurate reports on the Shire's activities, budgets, plans and performance

VOTING REQUIREMENTS:

Simple majority

OFFICER'S RECOMMENDATION AND COUNCIL DECISION:

Moved Cr Mazza

Seconded Cr Baird

That pursuant to Regulation 13 of the Local Government (Financial Management) Regulations, 1996 the payment of accounts for the month of March 2016, be noted.

Resolution 0973

Carried 5/0

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12.2.3 SPONSORSHIP REQUEST – LEONORA ART PRIZE

SUBMISSION TO:	Ordinary Meeting of Council, 28 April 2016
LOCATION	N/A
APPLICANT:	Leonora Air Prize Inc.
FILE REF:	ADM007
DISCLOSURE OF INTEREST:	None
DATE:	18 April 2016
AUTHOR:	Pascoe Durtanovich, A/Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

None

SUMMARY:

Council to consider making a donation to the 2016 Leonora Art Prize.

BACKGROUND:

Leonora Art Prize Inc has distributed sponsorship proposals offering organisations and individuals the opportunity to be part of the 2016 Leonora Art Prize, which will be held 3-6 June, 2016.

Sponsorship amounts are as follows:-

<i>Gold Sponsorship</i>	\$5000
<i>Silver Sponsorship</i>	\$2500
<i>Bronze Sponsorship</i>	\$1500
<i>Kindness of my heart</i>	\$500
<i>Arts Friend</i>	\$250

COMMENT:

Last year Council contributed \$1,500.

A sponsors board has been prepared, showing the corporate and business sponsors and is prominently displayed in the Food Van Café, Tower Street, Leonora.

Whilst Council has a donations budget the funds have already been over extended by some \$8,000.

CONSULTATION:

Not applicable.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Policy 4.4 Donations, Sponsorships and Contributions

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Clause 6 of the Policy offers some guidance with the following statement –

6. *Contributions to regional organisations, shall take into account, amongst other things, the relevant populations and revenues of the Shires participating.*

FINANCIAL IMPLICATIONS:

See “Comment” section.

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple majority

OFFICER’S RECOMMENDATION AND COUNCIL DECISION:

Moved Cr Tucker

Seconded Cr Mazza

That Council donate \$1,500.00 to the 2016 Leonora Art Prize.

Resolution 0974

Carried 5/0

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12.2.4 OUTSTANDING RATES – WRITE OFF

SUBMISSION TO:	Ordinary Meeting of Council, 28 April 2016
LOCATION	N/A
APPLICANT:	N/A.
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	19 April 2016
AUTHOR:	Pascoe Durtanovich, A/Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Schedule of rates recommended for write off.

SUMMARY:

The purpose of this item is for Council to consider writing off various rates owing on old, dead tenements.

BACKGROUND:

As part of the debt collection process Shire staff have been following up on long outstanding rates. This action has resulted in staff identifying a number of assessments that are not collectable and hence should be written off.

There are a number of factors that have led to this outcome, including:-

- Old tenements either surrendered or dead
- Tenement holders going into liquidation
- Unknown whereabouts of tenement holders
- Passing of tenement owners

COMMENT:

A schedule of recommended write offs is attached. This process is ongoing and further reports will be included on the May/June Council meeting agendas for additional write offs.

This process will ensure that Council will be dealing with accurate rate revenue figures when considering the 2016/2017 budget.

CONSULTATION:

Department of Minerals and Petroleum
Valuer General
A.S.I.C. (ACN)

STATUTORY ENVIRONMENT:

Local Government Act, 1995 – Section 612 allows Council to write off the rates.

POLICY IMPLICATIONS:

Council does not have a policy on this matter.

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FINANCIAL IMPLICATIONS:

The total recommended for write off is \$24,989.26. This will have a direct impact on the Shire budget by reducing revenue.

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Absolute majority

OFFICER'S RECOMMENDATION AND COUNCIL DECISION:

Moved Cr Tucker

Seconded Cr Baird

That outstanding rates, as listed in the attached schedule, identified as Attachment 12.2.4, totalling \$24,989.26, be written off.

Resolution 0975

Carried by Absolute Majority 5/0

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12.3 WORKS AND SERVICES BUSINESS

Prior to consideration of Item 12.3.1 Cr Dwyer declared an impartiality interest as the mentioned community member is her husband and as a consequence there may be a perception that her impartiality on this matter may be affected. Cr Dwyer declared that she will consider this matter on its merits and vote accordingly.

12.3.1 NIAGARA DAM – STRUCTURAL INSPECTION

SUBMISSION TO:	Ordinary Meeting of Council, 28 April 2016
LOCATION	N/A
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	18 April 2016
AUTHOR:	Pascoe Durtanovich, A/Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	Unknown

ATTACHMENTS:

- 12.3.1 Attachment #1 Extract from the Shire of Menzies Municipal Inventory
- 12.3.1 Attachment #2 Consultants report

SUMMARY:

The Consultants report on remedial works on the Niagara Dam has been received. This report recommends that a Working Group be established to progress planning for the remedial work and the required funding.

BACKGROUND:

It is understood that previous reports on the condition of the Niagara dam wall have been considered by Council however it is not clear if any remedial works as such has been undertaken.

COMMENT:

In Order to review the scope of works proposed by the consultant and to pursue funding for the project it is recommended that a Working Group be established to liaise directly with the consultant and make recommendations to Council on progressing the remedial works required.

A working group consisting of two councillors and one local resident would be appropriate, for the latter it is recommended that Mr Greg Dwyer be invited to participate. Mr Dwyer has considerable knowledge of the area and the dam.

CONSULTATION:

Not applicable at this stage

STATUTORY ENVIRONMENT:

None

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POLICY IMPLICATIONS:

Council has no policies on this matter

FINANCIAL IMPLICATIONS:

None at this stage.

Depending on the recommendation from the Working Group Council may have to consider a financial contribution for the remedial works required.

STRATEGIC IMPLICATIONS:

12.3.1 Shire of Menzies Strategic Community Plan Priority 14.1.7 Tourism Growth.
The Niagara Dam and the associated camping area is a popular tourist destination.

VOTING REQUIREMENTS:

Simple majority

OFFICER'S RECOMMENDATION AND COUNCIL DECISION: (1)

Moved Cr Baird Seconded Cr Mader

That a Working Group consisting of Cr Dwyer, Cr Mazza and one non Council member be established to progress the Niagara Dam remedial works project.

Resolution 0976

Carried 5/0

OFFICER'S RECOMMENDATION AND COUNCIL DECISION: (2)

Moved Cr Tucker Seconded Cr Baird

That Mr Greg Dwyer be invited to fill the community member position on the Working Group.

Resolution 0977

Carried 5/0

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12.4 COMMUNITY DEVELOPMENT BUSINESS

Nil

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12.5 MANAGEMENT AND POLICY BUSINESS

12.5.1 COUNCIL MEETING DATES – JULY 2016 TO JUNE 2017

SUBMISSION TO:	Ordinary Meeting of Council, 28 April 2016
LOCATION:	N/A
APPLICANT:	N/A
FILE REF:	ADM073
DISCLOSURE OF INTEREST:	None
DATE:	6 April 2016
AUTHOR:	P. Durtanovich, Acting CEO
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	Item 12.5.4 Ordinary Meeting of Council 21 May 2015

ATTACHMENTS:

None

SUMMARY:

For Council to consider setting the dates for Ordinary Meetings of Council from July 2016 until June 2017 and to grant permission for attendance at Meetings by electronic means.

BACKGROUND:

Council currently holds their Ordinary Meetings on the last Thursday of each month with a few exceptions. At the Ordinary Meeting of Council held Thursday, 21 May 2015 Council set Ordinary Meeting dates up until 30 June 2016.

The date set down for the May 2016 Ordinary Council Meeting was 19 May to allow sufficient time for Members to commute to and from Tjuntjuntjara where the meeting is scheduled to be held and still attend the 2016 Cyclclassic over on 4-5 June 2016. At the Agenda Forum held on 17 March 2016 Councillors discussed the merits of holding Ordinary Council Meetings as Tjuntjuntjara against holding community workshops. It was agreed that the community and Councillors would benefit more by holding strategic community workshops.

COMMENT:

Local Government (Administration) Regulations 1996 requires the local government to give local public notice of the dates, times and place at which meetings are to be held. The regulations also detail the conditions under which a local government may allow the attendance at meetings by electronic means.

Unless there are compelling reasons for changing the day of the Meetings, it will be recommended that they remain on the last Thursday of each month except where noted. It is considered that there are compelling reasons to change the time and date of the May 2016 meeting from Thursday 19 May at Tjuntjuntjara to Thursday 26 May at the Shire of Menzies.

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Local Government Act 1995

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- Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and,
- Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

Local Government (Administration) Regulations 1996

- Regulation 12(1)(a) – Requires the local government to give local public notice of the dates, times and places at which meetings are to be held
- Regulation 14A – Provides conditions by which a Member may attend a meeting by instantaneous communications

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter.

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Recommendation 1, 2 and 3 - Simple Majority Decision required

Recommendation 4 - Absolute Majority Decision required

OFFICER'S RECOMMENDATION AND COUNCIL DECISION(1):

Moved Cr Mazza

Seconded Cr Tucker

That :

- 1. The last Thursday in each month be designated as the day of the Ordinary Council Meeting except as where noted;**
- 2. The date and venue of the May 2016 Ordinary Council Meeting be changed to 26 May 2016 at the Shire of Menzies; and**
- 3. The following dates, times and locations be appointed as the Ordinary Council Meeting dates:**

Thursday 28 July 2016	10.00 am	Teleconference
Thursday 25 August 2016	10.00 am	Menzies
Thursday 29 September 2016	10.00 am	Menzies
Thursday 27 October 2016	10.00 am	Teleconference
Thursday 24 November 2016	10.00 am	Menzies
Thursday 15 December 2016	10.00 am	Menzies
Thursday 24 February 2017	10.00 am	Teleconference
Thursday 30 March 2017	10.00 am	Menzies
Thursday 27 April 2017	10.00 am	Teleconference
Thursday 25 May 2017	10.00 am	Menzies
Thursday 29 June 2017	10.00 am	Teleconference

Resolution 0978

Carried 5/0

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OFFICER'S RECOMMENDATION AND COUNCIL DECISION (2):

Moved Cr Mazza Seconded Cr Tucker

That:

- 1. That Councillors Ian Baird and Debbie Hansen be granted approval to attend the following Ordinary Meetings of Council by means of instantaneous communications:**

**Thursday 28 July 2016
Thursday 27 October 2016
Thursday 24 February 2017
Thursday 27 April 2017
Thursday 29 June 2017**

Resolution 0979

Carried by Absolute Majority 5/0

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12.5.2 LAKE BALLARD MANAGEMENT ADVISORY COMMITTEE

SUBMISSION TO:	Ordinary Meeting of Council, 28 April 2016
LOCATION:	N/A
APPLICANT:	N/A
FILE REF:	ADM166
DISCLOSURE OF INTEREST:	None
DATE:	18 April 2016
AUTHOR:	P. Durtanovich, Acting CEO
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING	Ordinary Meeting of Council 28/2/13, 27/2/14, 25/9/14, 24/9/15, 26/11/15 and 31/3/16
REFERENCE:	

ATTACHMENTS:

None

SUMMARY:

The purpose of this item is for Council to determine voting rights on the Shire of Menzies Lake Ballard Management Advisory Committee.

BACKGROUND:

At the meeting of Council held 24 September 2015 it was resolved as follows:

That in accordance with Section 5.9 of the Local Government Act, 1995 the following Committee be established:

1. Name

Shire of Menzies Lake Ballard Management Advisory Committee

2. Governing Legislation

The Committee is established under Section 5.9 of the Local Government Act, 1995.

3. Membership

- *Four members to be determined by the Traditional Owners*
- *Four current serving Members of the Shire of Menzies*
- *One representative from the Goldfields Esperance Development Commission*
- *One representative from Tourism Australia*
- *One representative from the Art Gallery of Western Australia*

4. Objective

The objective is to maintain the sculptures and the landscape "canvas: in an environmentally, culturally, socially and economically sustainable manner.

5. Terms of Reference

To advise the Shire of Menzies on the management of Reserve 49153 and the assets thereon, in accordance with the Lake Ballard Management Plan.

6. Meetings

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- **Committee Meetings**

The Committee shall meet as often as its Chairperson and/or the Council decides, but no less than two times per year, once in May and once in October.

- **Quorum**

The Quorum at any meeting shall be six members of the Committee.

- **Voting**

Shall be in accordance with the Local Government Act, 1995 Section 5.21.

Section 5.21 states:-

(1) Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.

(2) Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote.

Note: The Shire of Menzies Lake Ballard Management Advisory Committee does not have delegation of a Local government power or duty therefore Section 5.21(2) does not apply.

(3) If the votes of members present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote.

(4) If a member of a council or a committee specifically requests that there be recorded

–

(a) his or her vote; or

(b) the vote of all members present,

on a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.

(5) A person who fails to comply with subsection (2) or (3) commits an offence

- **Minutes**

Shall be in accordance with the Local Government Act, 1995 Section 5.22.

- **Meetings**

Shall be generally open to the public.

- **Member's interest to be Disclosed**

Members of the Committee are bound by the provisions of the Local Government Act, 1995 Section 5.65 with respect to disclosure of interests.

- **Secretariat**

A Shire staff officer appointed by the Chief Executive Officer will fulfil the role of non-voting Secretary who will also be responsible for preparation and distribution of Agenda and Minutes.

- **Chairperson**

The Chairperson and Deputy Chairperson are to be elected by the Committee. The tenure for both positions will be two years.

- **Ex Officio Members**

The Committee is authorised to co-opt standing ex=officio members as non-voting members.

- **Meeting Attendance Fees**

Nil

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- **Delegated Authority**

Nil

Note: *The tenure of Committee Members will be determined by the individual represented organisations.*

On 26 November 2015, following receipt of the following email:

*Thank you for your time today. As discussed the Traditional Owners (TO) would prefer that the Lake Ballard Management committee voting rights only apply to the 4 Council representatives as well as 4 Native Title (TO) representatives, the other 3 committee members can be there in an advisory capacity only. It is also proposed that the Management order to Council over the Reserve (49153) will be for a term of 10 years and thereafter management of that reserve can then be reviewed at that time. Can you please confirm in writing that these proposals are acceptable to Council.
Chris Ziatas, Manager, Case Management – Goldfields Esperance and Wheatbelt, Department of Lands*

Council resolved as follows:

That membership of the Shire of Menzies Lake Ballard Management Advisory Committee be reduced from eleven to eight. Members be four Councillors and four representatives approved by the Menzies Aboriginal Corporation. Representatives from Goldfields Esperance Development Commission, Tourism WA and the Art Gallery of Western Australia be invited to attend meetings as advisers.

On the 31 March, 2016 following receipt of a letter from the Director of the Art Gallery WA, Council considered extending voting rights on the Advisory Committee to the Art Gallery WA representative and resolved as follows:

That Item 12.5.2 be deferred to the April 2016 Ordinary Council Meeting pending consultation with Goldfields Land & Sea Council on the composition and voting entitlements of the Shire of Menzies Lake Ballard Management Advisory Committee.

COMMENT:

There are two aspects to the *Inside Australia* work. There is the land reserve itself, particularly the facilities outside of the lake area and there are the sculptures which are owned by the State of Western Australia through a Deed of Transfer between Anthony Gormley and the State of Western Australia. The Art Gallery of Western Australia is responsible, on behalf of the State Government, for the care of *Inside Australia*.

Given the above facts it is essential that Art Gallery WA have voting rights on the Advisory Committee and further more, when considering recommendations from the Advisory Committee, Council should not make decisions on the sculptures unless such decisions are supported by the Art Gallery of Western Australia.

Following the Council decision of 31 March, 2016 contact was made with the Chief Executive Officer of the Goldfields Land and Sea Council who has indicated that the board members of the Land and Sea Council would be prepared to consider support for voting rights to be given to the Art Gallery of WA representative, or anyone else for that matter, on the Advisory Committee if the Land and Sea Council had 50% of the voting capacity.

Under the circumstances a logical resolution is to reduce the Councillor representation by one and grant voting rights to the Art Gallery of Western Australia. If Council is supportive of this

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option the matter will be formally considered by the Board of the Goldfields Land and Sea Council at their next meeting on 10 May, 2016.

CONSULTATION:

Goldfields Land and Sea Council
Department of Lands
Art Gallery of Western Australia

STATUTORY ENVIRONMENT:

In respect to the establishment of Committees the *Local Government Act, 1995* states:

Section 5.8. Establishment of committees

A local government may establish committees of 3 or more Persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

**Absolute majority required.*

5.9. Committees, types of

- (1) *In this section –
other person means a person who is not a council member or an employee.*
- (2) *A committee is to comprise –
(a) council members only; or
(b) council members and employees; or
(c) council members, employees and other persons; or
(d) council members and other persons; or
(e) employees and other persons; or
(f) other persons only.*

5.17. Limits on delegation of powers and duties to certain Committees

- (1) *A local government can delegate –
(a) to a committee comprising council members only, any of the council's powers or duties under this Act
except –
(i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and
(ii) any other power or duty that is prescribed;
and
(b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under*

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12.5.3 CONTRACT DOCUMENTS – CRC AND MENZIES CARAVAN PARK

This item was withdrawn as the contract documents were not available in time for the meeting.

SUBMISSION TO:	Ordinary Meeting of Council, 28 April 2016
LOCATION:	N/A
APPLICANT:	N/A
FILE REF:	Local Documents
DISCLOSURE OF INTEREST:	None by Officers
DATE:	19 April 2016
AUTHOR:	P. Durtanovich, Acting CEO
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	Ordinary Meeting of Council 25/2/2016

ATTACHMENTS:

A confidential copy of the final draft contracts has been provided to Councillors under separate cover.

SUMMARY:

The purpose of this report is for Council to approve the final contracts for the operation of the Menzies CRC and the Menzies Caravan Park, following amendments to the documents.

BACKGROUND:

Council last considered this matter at the 25 February, 2016 Council meeting wherein it was resolved as follows:-

That:

- 1. The draft agreement for the management of the Menzies Caravan Park, identified as 12.5.9 Attachment #1, the draft contract for the management of the Menzies Visitor Centre and Community Resource Centre, identified as 12.5.9 Attachment #2 and the draft commercial tenancy agreement, identified as 12.5.9 Attachment #3, be adopted; and***
- 2. The Chief Executive Officer be authorised to make minor amendments to the contract documents.***

COMMENT:

A number of minor amendments have been made to the contract documents.

The only amendment of any consequence is that in Clause which provides the opportunity to the contractor to discuss with Council the opportunity to continue the visitor centre, post office and café operation if the CRC funding was discontinued and the café lease and caravan park management contracts had not expired.

Whilst it could be argued that the amendments could be approved by the Chief Executive under the authority granted it is appropriate that the final contracts be approved by Council so that both the contractor and the Council are fully aware of what is in place.

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CONSULTATION:

Not applicable

STATUTORY ENVIRONMENT:

Contract documents

POLICY IMPLICATIONS:

Council does not have a policy in relation to this matter.

FINANCIAL IMPLICATIONS:

As per Tender 06/15 in respect to payment for services, lease income etc.
There is no material impact on the current budget.

STRATEGIC IMPLICATIONS:

Strategic Community Plan 2013-2023
Priority 14.2 Maintain a Strong Sense of Community.
14.2.4 Connected Community

VOTING REQUIREMENTS:

Simple Majority

WITHDRAWN

OFFICER'S RECOMMENDATION:

That the draft contract/agreements for the management of the Menzies Caravan Park, identified as Attachment #1, the draft contract for the management of the Menzies Visitor Centre and community Resource Centre, identified as Attachment #2 and the draft commercial tenancy agreement, identified as Attachment #3, be adopted.

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12.5.4 COUNCILLOR'S INFORMATION BULLETIN 03/16

SUBMISSION TO:	Ordinary Meeting of Council, 28 April 2016
LOCATION:	N/A
APPLICANT:	N/A
FILE REF:	ADM029
DISCLOSURE OF INTEREST:	None
DATE:	8 April 2016
AUTHOR:	Pascoe Durtanovich, A/Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	Item 12.5.4 OCM 31 March 2016

ATTACHMENTS:

Councillors Information Bulletin provided to Councillors under separate cover.

SUMMARY:

For Council to receive the Information Bulletin and discuss any issues arising there from.

BACKGROUND:

Nil

COMMENT:

The intent of the Information Bulletin is to keep Council updated with the latest information relevant to the role of elected members.

Due to some confidential documents contained therein, the Information Bulletin is not for the general public's viewing and should be kept secure at all times.

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

Local Government Act 1995

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine local government policies; and

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple majority

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OFFICER'S RECOMMENDATION AND COUNCIL DECISION:

Moved Cr Mazza Seconded Cr Tucker

That the Information Bulletin 03/16 be received.

Resolution 0983

Carried 5/0

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13. **ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
Nil
14. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**
Nil
15. **ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS**
Nil
16. **NEXT MEETING**
The next Ordinary Meeting of Council will be held on Thursday 26 May 2016.
17. **CLOSURE OF MEETING – 11.40AM**

At the conclusion of the meeting Cr Ian Tucker expressed his appreciation to the Shire President and Councillors for the finalization and placement of the James “Jim” Brennan OAM bust in the Menzies war memorial site. Cr Tucker also thanked Mr Greg Dwyer, past President, for initially undertaking the research on Jim Brennan and his war service.

I, _____ hereby certify that the Minutes of the Ordinary Meeting of Council held 31 March 2016 are confirmed as a true and correct record, as per the Council Resolution of the Ordinary Meeting of Council held on 28 April 2016.

Signed _____ **Dated:** _____ **2016**