



SHIRE OF MENZIES

MINUTES

**OF THE SPECIAL MEETING OF COUNCIL
HELD**

Tuesday 6 September 2016

Shire of Menzies

Commencing at 1.13pm

SHIRE OF MENZIES

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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1 DECLARATION OF OPENING

The Shire President declared the meeting re-opened at 1.13 pm from the meeting which adjourned at 1.09pm on Friday 12 August 2016 due to lack of quorum.

COUNCIL RESOLUTION:

No 1030

Moved: Cr Mazza

Seconded: Cr Tucker

That the Special Meeting of Council adjourned at 1.09pm on Friday 12 August 2016 be re-opened at 1.00pm on Tuesday 6 September 2016.

Carried 5/0

2 ANNOUNCEMENT OF VISITORS

There were no visitors present at this meeting.

3 RECORD OF ATTENDANCE

Present

Councillors:	Cr J Dwyer	Shire President
	Cr J Mazza	
	Cr J Lee	
	Cr K Mader	
	Cr I Tucker	

Staff	Mrs R Evans	Chief Executive Officer
	Mrs D Whitehead	Executive Assistant

Apologies:	Cr I Baird	Deputy Shire President
	Cr D Hansen	

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

There was no response to previous public questions taken on notice.

5 PUBLIC QUESTION TIME

There was no public question time.

6 APPLICATIONS FOR LEAVE OF ABSENCE

There were no applications for leave.

7 DECLARATIONS OF INTEREST

Cr Tucker declared an Impartiality Interest in Item 12.1.1

Cr Lee declared an Impartiality Interest in Item 12.1.1

Cr Tucker declared an Impartiality Interest in Item 12.1.2

Cr Dwyer declared a Financial Interest and Impartiality Interest in Item 12.1.3

Cr Lee declared a Financial Interest and Proximity Interest in Item 12.1.3

8 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Item 12.1.3 will be discussed behind closed doors as it contains legal advice.

9 CONFIRMATION / RECEIVAL OF MINUTES

There were no minutes to be confirmed.

10 PETITIONS / DEPUTATIONS / PRESENTATIONS

There were no Petitions / Deputations / Presentations at this meeting.

11 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

There were no Announcements by Presiding Member without Discussion.

12 OFFICER'S REPORTS

12.1 FINANCE & ADMINISTRATION

12.1.1 DIFFERENTIAL RATING

Cr Tucker declared an Impartiality Interest in Item 12.1.1

Cr Lee declared an Impartiality Interest in Item 12.1.1

LOCATION:	N/A
APPLICANT:	N/A
DOCUMENT REF:	3070
DISCLOSURE OF INTEREST:	The author has no interest to disclose
DATE:	1 September 2016
AUTHOR:	Rhonda Evans, Chief Executive Officer
PREVIOUS MEETING REFERENCE:	Resolution Number 1002 June 2016 Special Meeting of Council 12 August 2016 (adjourned)
ATTACHMENTS:	Attachment 1 – Application Form–Rating Policy Minimum Payments Attachment 2 – Objection from Kevin Pusey Attachment 3 – Objection from Adelong Station Attachment 4 – Objection from Edjudina Station Attachment 5 – Objection from Bulga Downs Station Attachment 6 – Objection from Gindalbie Station Attachment 7 – Objection from Perrinvale Station Attachment 8 – Corporate Plan adopted July 2015 Attachment 9 – Changes to Rate in Dollar Attachment 10 – Changes to Rate Revenue by Category Attachment 11 – Comparative Rate in \$ with other Councils

SUMMARY:

To consider objections received following the advertising of proposed differential rates on 14 July 2016, and to confirm that Council has reviewed its expenditure and considered efficiency measures as a part of its budget deliberations.

BACKGROUND:

In June 2016, Council considered the level of proposed rating for the 2016/2017 Financial Year. It reviewed the Local Government Cost Index, and needs of the Shire, and the aims of the Community Strategic Plan. In November 2015, the Chief Executive Officer together with Council reduced the workforce by one Manager, and has commenced a review of all service levels.

COMMENT:

Objections to Advertised Differential Rates.

The proposal to increase the rate in the dollar for both Pastoral Unimproved, and Other Unimproved categories has been made with a view of fairness for all ratepayers within the Shire of Menzies. The current rates levied for mining activities are lower than that levied by our neighbours, but is felt by Council to be a fair contribution by the sector to the costs of providing Local Government Services within the Shire.

For a number of years, the levies for Pastoral and Other categories have been maintained at an extremely low level. The historical reasons for this are not at issue. This levy has been set with a view to ensuring that all ratepayers are contributing in a fair and equitable manner. It is not believed that the total value of the rates being levied is at issue. All objections have been made on the basis of the differential between previous year's levies and that proposed to be levied for the 2016/2017 financial year.

All ratepayers within the categories of Pastoral Unimproved and Other Unimproved were advised of the proposed changes by letter. Letters were sent to the owners of the 151 properties affected. Of these, objections have been received from the owners of 10 of these properties.

Kevin Pusey (Attachment 2)

Mr Pusey owns eight properties in the Kookynie Townsite. Of the eight properties only one of the properties will attract the minimum rate, the remainder will result in increases.

It should be noted that while these properties are in Kookynie, the proposed individual rates on each of the properties does not exceed \$632.00. This is a charge of no more than \$12.16 per week.

Whilst acknowledging that there have been substantial increases in rates for this category, it is believed that the contribution to the provision of services to the community is fair and equitable.

Adelong Station (Attachment 3)

The Menzies Aboriginal Corporation is objecting to the increase of 250% from \$1,469.38 to \$3,740.00.

As for the previous objection, the imposition of a levy of \$82.00 per week for a property with the potential to earn income from pastoral activities is seen to be fair when compared with rates levied for other rating categories with the potential to earn income from the property.

Edjudina Station (Attachment 4)

Kate Griffiths of Edjudina Station is objecting to the substantial increase to the rate in the dollar from 3.474 cents in the dollar to 10 cents in the dollar.

This is a substantial land holding with the potential to earn income.

Bulga Downs Station (Attachment 5)

Bulga Downs Station is objecting to an increase in rates from \$572.16 to \$1,345.50. Mr McQuie cited the average rate in the area as 5.7 cents in the dollar, and asks that the increase be reconsidered.

Gindalbie Station (Attachment 6)

Stephen Tonkin of Gindalbie Station is objecting to the increase proposed due to the ongoing need to diversify and restructure their business, and the expectation that within the next three to four years, the property will be revalued. He is also concerned that the products (such as sandalwood) harvested from the property are subject to market fluctuations.

Perrinvale Station (Attachment 7)

Ian Ridley of Perrinvale Station has voiced a strong objection to the increase in rates (from \$3,743.06 to \$9,808) on his property which has a valuation of \$98,080.

Whilst acknowledging the new opportunities available to pastoralists, Mr Ridley also expresses concern with the increase in regulatory requirements.

Many of the concerns expressed relate to state government departments, not to local government. The lack of the rubbish removal service, and the state of the roads are the areas of local government control that are referred to.

Proposed Levy of Minimum Rates for Gross Rental Value (GRV) - Vacant Land

No objection has been received with regard to minimum rating. The minimum rate proposed for properties within the category of GRV Vacant land will capture 98% of the properties in this category. It is believed that the minimum rate of \$306 is a fair contribution from ratepayers for land within the Townsite of Menzies.

Consideration by Council of its Expenditure and Budgetary Efficiency

Council conducted a budget workshop following the April 2016 ordinary meeting of Council at which time it considered the expenditure for the forthcoming financial year. At this meeting it was concluded, that measures taken throughout the year which included an organisational restructure reducing the number of Managers by one, and providing for as-needs consultancies to cover areas where special skills were required should be allowed to be trialled prior to further changes.

A review of all expenditure for the 2016/2017 Budget would be undertaken prior to the adoption of the Budget. The low working base, and increased expectations of the Community together with compliance needs mean that it is unlikely that major reductions in expenditure are possible.

The Corporate Business Plan reviewed in July 2015, and scheduled for review in August 2016 has been used as the basis for the 2016/2017 Budget.

Additional Information as attachments

Information in the form of table and graphs demonstrate the disparity between the various categories used for rating and both their rate in the dollar, and revenue returned to the Shire. The Local Government Act requires that where the highest rate in the dollar is more than double the lowest rate in the dollar, Ministerial approval must be sought to levy the rates. Council is required to justify the reason for the differential. With the downturn in the mining industry, and the changes to the conditions on pastoral leases, this is becoming increasingly difficult. The services provided are the same to all sectors, and Council must seriously consider the earning potential of the properties.

The increasing variance reliance on revenue from the mining sector places the Shire at a strategic risk. This concern will be a subject considered when the Community Strategic Plan is reviewed, and a Rating Strategy introduced in the coming year.

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

Local Government Act 1995 Section 6.35

POLICY IMPLICATIONS:

Department of Local Government and Communities Rating Policy Minimum Payments.

FINANCIAL IMPLICATIONS:

The level of rating must reflect the expenditure adopted in the proposed Budget for the year ending 30 June 2017. The basis for this proposal is the Corporate Plan

STRATEGIC IMPLICATIONS:

Active Civic Leadership

VOTING REQUIREMENTS:

Absolute majority

OFFICER'S RECOMMENDATION:

That Council

- 1. Confirm that it has undertaken a review of expenditure for the proposed budget for the year ending 30 June 2017, and endorses the aims and aspirations of the Corporate Plan as adopted by Council in July 2015 and the Objects and Reasons for the Rating Strategy as adopted by Council in August 2016.**
- 2. Receive the objections to the proposed differential rates as published on 14 July 2016, and advise the applicants listed below that their objection have been considered**
 - Mr Kevin Pusey**

- **Adelong Station**
- **Edjudina Station**
- **Bulga Downs Station**
- **Gindalbie Station**
- **Perrinvale Station**

3. **Resolve to apply to the Minister for Local Government for permission to rate more than half of those properties in the category of Gross Rental Value Vacant land a minimum rate of \$306.00.**

COUNCIL RESOLUTION:	No 1031
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Moved: Cr Mazza

Seconded: Cr Dwyer

Motion to be put.

COUNCIL RESOLUTION:	No 1032
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Moved: Cr Tucker

Seconded Cr Lee

That the meeting be adjourned at 1.50pm to allow the Chief Executive Officer to obtain additional information regarding the differential rating.

Carried: 5/0

COUNCIL RESOLUTION:	No 1033
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Moved: Cr Tucker

Seconded Cr Lee

That the meeting be re-opened at 2.05pm.

Carried: 5/0

COUNCIL RESOLUTION:	No 1034
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Moved: Cr Lee

Seconded Cr Mazza

That Council:

1. *Confirm that it has undertaken a review of expenditure for the proposed budget for the year ending 30 June 2017, and endorses the aims and aspirations of the Corporate Plan as adopted by Council in July 2015 and the Objects and Reasons for the Rating Strategy as adopted by Council in August 2016.*
2. *Receive the objections to the proposed differential rates as published on 14 July 2016, and advise the applicants listed below that their objection have been considered*

*Agenda for the Special Meeting of Council held in the Shire of Menzies Council
Chambers on Tuesday 6 September 2016*

- *Mr Kevin Pusey*
- *Adelong Station*
- *Edjudina Station*
- *Bulga Downs Station*
- *Gindalbie Station*
- *Perrinvale Station*

3. *Resolve to apply to the Minister for Local Government for permission to rate more than half of those properties in the category of Gross Rental Value Vacant land a minimum rate of \$306.00.*

Carried: 5/0

COUNCIL RESOLUTION:

No 1035

Moved: Cr Lee

Seconded Cr Mader

4. *Resolve that Pastoral Unimproved Values will be rated at \$0.08 in the dollar rather than \$0.10 cents in the dollar.*

Carried 5/0

12.1.2 MENZIES HERITAGE PRECINCT

Cr Tucker declared an Impartiality Interest in item 12.1.2

LOCATION:	Heritage Precinct
APPLICANT:	Goldfields Esperance Development Commission
DOCUMENT REF:	3560
DISCLOSURE OF INTEREST:	None
DATE:	1 September 2016
AUTHOR:	Rhonda Evans, Chief Executive Officer
ATTACHMENTS	Nil

SUMMARY:

To consider a review of the scope for the Menzies Heritage Precinct project.

The aim of this change is to further increase the benefits of the project to the Menzies community.

BACKGROUND:

In March 2016 the Shire applied for the following funding for the Menzies Heritage Precinct Project:

- Goldfields Esperance Revitalisation Fund (Expression of interest): \$ 526,000
- National Stronger Regions Scheme \$ 526,000
- Regional Grants Scheme \$ 300,000

On 30 June 2016 Council was advised that the project had been selected to proceed to stage 2 'Business Case Development' of the Goldfields Esperance Revitalisation Fund.

Unfortunately, due to the highly competitive nature of the funds and the quantity of applications far exceeding the funding available, Council was not successful in achieving either National Stronger Regions Scheme or Regional Grants Scheme funding.

COMMENT:

At each phase of a facility development it is important to review the scope in order to maximise the benefit to the community and ensure value for money.

As part of development of the business case a technical/ officer review was completed by the Chief Executive Officer in August 2016.

The results of the review are as follows.

Previous/ current scope:

The following scope was included in funding applications:

“A joint project between the Shire and Menzies Aboriginal Corporation (MAC) to restore and redevelop the ‘Tea Rooms/ Butchers Shop’ and ‘Old Pioneer Store’ to create the ‘Menzies Art Centre and Community Hub’ [short form: Menzies Hub]. This facility will incorporate a recognised ‘Aboriginal Art Centre’.

Facilities incorporated will include:

- i) An Art Gallery;*
- ii) A Visitor and Community Hub;*
- iii) A Pop-up Shop/ Retail Space; and*
- iv) Artist’s workshop and community activity space.”*

Proposed new scope:

Sub project 1:

Refurbishment of the Old Pioneer Store and adaptive re-use as an Art Gallery and artists working space, incorporating a recognised Aboriginal Art Gallery. Project management responsibilities will involve:

- i) Preparation of funding applications and project management of refurbishment will be undertaken by the Shire;
- ii) Operational management of the Art Gallery will be undertaken by the MAC as the asset owner;

Sub project 2:

Refurbishment of the Old Tea Rooms and Butcher Shop and adaptive re-use as a ‘pop-up’ medical clinic, a community gym and ‘pop-up shops’. Project management responsibilities will involve:

- i) Preparation of funding applications and project management of refurbishment will be undertaken by the Shire;
- ii) Operational management will be undertaken by the Shire;

Sub project 3:

Refurbishment of the Old Post Office. This facility will remain a residence unless or until another use is found. Project management responsibilities will involve:

- i) Preparation of funding applications and project management of refurbishment will be undertaken by the Shire;
- ii) Operational management will be undertaken by the Shire;

Sub project 4:

Refurbishment of the Old Railway Cottages and adaptive re-use as tourism accommodation. Project management responsibilities will involve:

- i) Preparation of funding applications and project management of refurbishment will be undertaken by the Shire;
- ii) Operational management of the Old Railway Cottages will be undertaken by the MAC as the asset owner

Description of changes:

The proposed changes to scope and the reasons for these changes are as follows:

- The Art Gallery and artists workshop will be incorporated into one building only, the Old Pioneer Store. The reason for this change is that placing all Art facilities in one building allows for the 'Aboriginal Art Centre' to be run by the MAC (instead of jointly with Council). This gives more operational autonomy to the MAC;
- The Visitor and community hub elements will be removed. This will free up space for other, more needed activity, as the Visitors Centre/ CRC already provides 'Community hub' type facilities;
- Inclusion of a 'pop-up' medical clinic, a community gym and retention of 'pop-up shops'. This will provide new facilities to meet current community need/ demand. This will also likely contribute to attraction and retention of population;
- Clarification that Council will be the Project Manager for refurbishment of all facilities as this will increase the chance of successfully receiving and acquitting funding;
- Inclusion of preparation of funding applications for a joint project with MAC for the refurbishment of the Old Railway Cottages. This project will not proceed until additional funding applications are successful.

CONSULTATION:

The changes were discussed informally with the MAC and with Council at the briefing session of 25 August 2016.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

The capital cost of refurbishment of the Old Pioneer Store, Old Tea Rooms/ Butcher Shop and Old Post Office is estimated at \$1,096,000 Ex GST with Council's contribution being \$200,000 Ex GST. \$526,000 will be sought from the Goldfields Esperance revitalisation scheme and council will apply for lotteries, heritage and other grants for the remaining \$370,000. Additional funding will be sought for the refurbishment of the Old Railway Cottages.

The final ongoing operational cost of business units proposed to be operated by Council within the old Tea Rooms and Butcher shop is currently unknown. It is intended that the Chief Executive Officer prepares a brief business plan and provides this to Council for consideration at a later date. A key feature of this plan will be demonstration of net income streams that can be generated by the health and fitness and retail component to offset costs of provision of facilities for medical services.

It is proposed that the MAC will be responsible for all aspects of ongoing operation of the Old Pioneer Store and the Old Railway Cottages when funding applications for this project are successful.

STRATEGIC IMPLICATIONS:

Objective 13 of Community Strategic Plan

- Sustainable local economy encouraged
- Heritage and Natural Assets conserved

VOTING REQUIREMENTS:

Simple majority

OFFICER'S RECOMMENDATION:

That Council

- 1) **Approve change to the scope of 'Stage 1' of the Menzies Heritage Precinct Project to now include:**

Sub project 1:

Refurbishment of the Old Pioneer Store and adaptive re-use as an Art Gallery and artists working space, incorporating a recognised Aboriginal Art Gallery. Project management responsibilities will involve:

- i) **Preparation of funding applications and project management of refurbishment will be undertaken by the Shire;**
- ii) **Operational management of the Art Gallery will be undertaken by the MAC as the asset owner;**

Sub project 2:

Refurbishment of the Old Tea Rooms and Butcher Shop and adaptive re-use as a 'pop-up' medical clinic, a community gym and 'pop-up shops'. Project management responsibilities will involve:

- i) **Preparation of funding applications and project management of refurbishment will be undertaken by the Shire;**
- ii) **Operational management will be undertaken by the Shire;**

Sub project 3:

Refurbishment of the Old Post Office. This facility will remain a residence unless, or until another use is found. Project management responsibilities will involve:

- i) **Preparation of funding applications and project management of refurbishment will be undertaken by the Shire;**
- ii) **Operational management will be undertaken by the Shire;**

Sub project 4:

Refurbishment of the Old Railway Cottages and adaptive re-use as tourism accommodation, subject to successful funding application. Project management responsibilities will involve:

- i) Preparation of funding applications and project management of refurbishment will be undertaken by the Shire;**
- ii) Operational management of the Old Railway Cottages will be undertaken by the MAC as the asset owner.**

COUNCIL RESOLUTION:	No 1036
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Moved: Cr Lee

Seconded: Cr Mazza

That Council:

- 1) Approve change to the scope of 'Stage 1' of the Menzies Heritage Precinct Project to now include:*

Sub project 1:

Refurbishment of the Old Pioneer Store and adaptive re-use as an Art Gallery and artists working space, incorporating a recognised Aboriginal Art Gallery. Project management responsibilities will involve:

- i) Preparation of funding applications and project management of refurbishment will be undertaken by the Shire;*
- ii) Operational management of the Art Gallery will be undertaken by the MAC as the asset owner;*

Sub project 2:

Refurbishment of the Old Tea Rooms and Butcher Shop and adaptive re-use as a 'pop-up' medical clinic, a community gym and 'pop-up shops'. Project management responsibilities will involve:

- i) Preparation of funding applications and project management of refurbishment will be undertaken by the Shire;*
- ii) Operational management will be undertaken by the Shire;*

Sub project 3:

Refurbishment of the Old Post Office. This facility will remain a residence unless, or until another use is found. Project management responsibilities will involve:

- i) Preparation of funding applications and project management of refurbishment will be undertaken by the Shire;*
- ii) Operational management will be undertaken by the Shire;*

Sub project 4:

Refurbishment of the Old Railway Cottages and adaptive re-use as tourism accommodation, subject to successful funding application. Project management responsibilities will involve:

- i) Preparation of funding applications and project management of refurbishment will be undertaken by the Shire;*
- ii) Operational management of the Old Railway Cottages will be undertaken by the MAC as the asset owner.*

Carried 5/0

COUNCIL RESOLUTION

No 1037

Moved: Cr Lee

Seconded: Cr Mazza

That Council in accordance with Section 5.23(2) of the Act resolve that the meeting be closed to the public under point 5.23(2)(d) at 2.18pm to consider Item 12.1.3.

Carried 5/0

Cr Dwyer declared a Financial Interest and Impartiality Interest in Item 12.1.3 and left the meeting at 2.19pm.

Cr Lee declared a Financial Interest and Proximity Interest in Item 12.1.3 and left the meeting at 2.19pm.

12.1.3 LEASE OF LADY SHENTON BUILDING

LOCATION:	Lady Shenton Building
APPLICANT:	Smith's Tearooms
DOCUMENT REF:	3561
DISCLOSURE OF INTEREST:	None
DATE:	1 September 2016
AUTHOR:	Rhonda Evans, Chief Executive Officer
ATTACHMENTS	Attachment 1 – Menzies Caravan Park (Draft) Attachment 2 – Menzies Caravan Park (Draft with markups) Attachment 3 – Visitors Centre and CRC (Draft) Attachment 4 – Visitors Centre and CRC (Draft with markups) Attachment 5 – Lease of Café (Draft) Attachment 6 – Plan of Shared Use

This item is Confidential and provided to Council under Separate Cover

Due to lack of quorum for Item 12.1.2 this matter must lay on the table.

Cr Mader left the meeting at 2.20pm

Cr Dwyer returned to the meeting at 2.22pm.

Cr Lee and Cr Mader returned to the meeting at 2.23pm.

COUNCIL RESOLUTION:

No 1038

Moved: Cr Mazza

Seconded: Cr Tucker

That Council resolve that the meeting be reopened to the public at 2.24pm.

Carried 5/0

The public were advised that due to lack of quorum agenda item 12.1.3 was laid on the table.

13 ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

There were no elected member's motions of which previous notice had been given.

14 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

There was no new business of an urgent nature introduced by Decision of the Meeting.

15 ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS

There were no items for consideration behinds closed doors.

16 NEXT MEETING

The next Ordinary Council Meeting for the Shire of Menzies will be held on Thursday 29 September 2016 commencing at 1pm.

17 CLOSURE OF MEETING

There being no further business the Shire President closed the meeting at 2.26 pm.

I, _____ hereby certify that the Minutes of the Special Meeting of Council held 6 September 2016 are confirmed as a true and correct record, as per the Council Resolution of the Ordinary Meeting of Council held on 29 September 2016.

Signed: _____ Dated: 29 September 2016