

# Shire of Wiluna

## MINUTES



**Special Meeting of Council**

**Held**

**Wednesday 11 January 2012**

**TABLE OF CONTENTS**

**Confirmed Minutes**

---

<b>Item</b>		<b>Page</b>
<b>1.</b>	<b>DECLARATION OF OPENING AND ANOUNCEMENT OF VISITORS</b>	<b>3</b>
<b>2.</b>	<b>RECORD OF ATTENDANCE / APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED</b>	<b>3</b>
<b>3.</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b>	<b>3</b>
<b>4.</b>	<b>NOTATIONS OF INTEREST</b>	<b>3</b>
<b>5.</b>	<b>PUBLIC QUESTION TIME</b>	<b>3</b>
<b>6.</b>	<b>PURPOSE OF MEETING</b>	<b>3</b>
6.1.	Draft Tjukurba Art Gallery Business Plan 2012-2015	4
6.2.	Development Application – MEEDAC	8
6.3.	Adoption of Annual Report 2010/2011	9
6.4.	EOC – Della Booker – Confidential discussion behind closed doors	12
<b>7.</b>	<b>CLOSURE</b>	<b>12</b>

---

<b>APPENDIX A - Tjukurba Gallery Business Plan 2012-2015</b>	<b>Pink Pages</b>
<b>APPENDIX B - Application for Planning Approval from MEEDAC Pty Ltd</b>	<b>Yellow Pages</b>
<b>APPENDIX C - Annual Report 30 June 2011</b>	<b>White Pages</b>

**AGENDA**

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

The Meeting was opened at 10.10 am.

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

Graham Harris	(Councillor)
John Kyanga	(Councillor)
Tracey Wongawol	(Councillor)
Chris Webb	(Councillor)
Bernie Weller	(Councillor)

Samantha Tarling	(Chief Executive Officer)
------------------	---------------------------

Apologies

Jim Quadrio	(Councillor)
Stacey Petterson	(Councillor)

**3. Applications for Leave of Absence**

Nil

**4. Notations of Interest**

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

Nil

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

Cr T Wongawol declared her interest on Financial on item 6.2

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

Nil

**5. Public Question Time**

Nil

**6. Purpose of Meeting**

- 6.1.** Draft Tjukurba Art Gallery Business Plan 2012-2015
- 6.2.** Development Application - MEEDAC
- 6.3.** Adoption of Annual Report 2010/2011

6.4. EOC – Della Booker – Confidential discussion behind closed doors

6.1.	<b>Subject/Applicant:</b>	<b>Draft Tjukurba Art Gallery Business Plan 2012-2015</b>
	File:	00616
	Reporting Officer:	Samantha Tarling, Chief Executive Officer
	Date of Report:	2 December 2011
	Disclosure of Interest:	Nil

### Purpose

The purpose of this report is to inform council of the position of the Tjukurba Art Gallery is in at present through the information contained in the recently commissioned business plan assessment carried out by Tim Aker and for council to determine the future business structure Tjukurba Art Gallery will operate under and the location the service will be delivered from.

### Background

In mid 2011, in recognition of the changes at, and challenges for, Tjukurba Art Gallery, a review and planning process commenced. A draft Business Plan has been completed and recommends significant change. The draft Tjukurba Art Gallery Business Plan 2012-2015 is attached. See Appendix A (pink pages).

Many of these recommendations involve a transformation of the way Tjukurba Art Gallery works and of the relationship between the artists and the Shire of Wiluna.

This draft Plan builds on an earlier Development Plan; many of the recommendations of this initial plan remain incomplete.

### Comment

Over the last three years there has been a steady (and at times, rapid) decline in all of Tjukurba Art Gallery's performance indicators: participation, production and sales. These reductions come despite the increased profile of Tjukurba Art Gallery and continuing investment by various funding and industry bodies. The Shire of Wiluna has also maintained a sizeable investment (both cash and in-kind) in the Gallery.

Tjukurba Art Gallery has also initiated a series of professional development opportunities for artists, which, while creating some good quality works of art, have not created the anticipated interest or outcomes.

While there is genuine and widespread goodwill about the value of Tjukurba Art Gallery to Wiluna, both for individual artists and for the community generally, this is not translating to the levels of artists' participation necessary for a dynamic and growing art centre. There is a combination of

reasons for this decline, but it is clear that without urgent attention and substantial change, the future for an 'art centre' is limited. At its simplest, the current business model is exhausted.

The theme of much of the feedback from artists throughout the consultation process was the lack of ownership and the limitations, real or perceived, of the current model – the recommendations in the draft Business Plan build on the need for independence as a condition for any future 'art centre'. While 'Tjukurba Art Gallery' has been a prominent identity for art and artists in Wiluna, a potential means for independent operations was identified some years previously: Birriburu Artists.

There is now an urgent need to address the challenges of creating an 'art centre' in Wiluna. A crucial annual funding round closes in early February; without this support, it is almost certain Tjukurba Art Gallery will be unable to operate. The current Manager has resigned and the low levels of artists participation is likely to worsen. There is a small, and shrinking, window of time in which to address the future of Tjukurba Art Gallery.

Tjukurba Art Gallery is not the right means to establish a stable, long term enterprise. The necessary participation by artists, combined with the commercial and entrepreneurial requirements of the arts industry, cannot be sustained through the Gallery, and the restrictions that come with being fully within the Shire system. However, the Gallery provides a valuable service, and its strengths – location, profile, Shire partnership and facilities – can be retained and re-focussed, to ensure effective delivery of a retail gallery.

However, there are also significant risks – and no certainty of succeeding – with implementing the Business Plan's recommendations. While the Plan recommends a staged approach, built on a partnership with the Shire, there are no guarantees. Participation by artists, which is at the heart of creating a viable art centre, may still be too limited to create the necessary critical mass.

### Options

Council has a number of options to consider as outlined in and outside of the Plan:

1. Accept the recommendation of the report shown on page 10, recast the current Tjukurba Gallery business model;
2. Not accept the recommendation referred to in point 1 and accept that the current business model the Art Gallery operates under is exhausted and is not the right means to establish a stable long-term enterprise, however, in spite of that, continue with this model for the minor social and economic benefits to the community;
3. Decommission the Gallery as an 'Art Centre' under the current model and support the artists to be independent of a formalised structure to work within and review the recommendation in the Plan at a future date due to

declining participating and producing artists. This will allow for Birriliburu Artists Steering Committee to meet and be the drivers of resurrecting the Art Centre based on proven desire by the Artists to participate and produce on a regular basis and not an aspiration expected of the Artists.

4. Recast a business model not considered in the Plan.

Option 1 will see the current users of the Marruwayura Office being advised of the change in arrangements in early 2012. The current users are: Job Service Providers - Max Employment and Skill Hire and Jundee Mine. Max Employment use the office up to four (4) days a month, Skill Hire – one (1) day a month and Jundee – up to six (6) days a month. All users have the need for this space to be able to provide employment opportunity services to the local community.

The users have not been contacted at the time this report was prepared, to discuss any issues that may arise from them not having this highly sought after and only piece of office real estate in town available to them.

There are urgent financial and community imperatives in providing clarity about Tjukurba Art Gallery and what, if any, future development will be. It is recommended that council immediately consider the options and recommendations within the Tjukurba Art Gallery Business Plan, 2012-2015.

### **Consultation**

Tim Aker – Tracker Consulting – Author of the attached Tjukurba Art Gallery Business Plan 2012 – 2015.

The Business Plan itself undertook consultations with a wide variety of stakeholders, including some councillors and artists.

### **Statutory Environment**

Local Government Act 1995, Section 1.3(3) – In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

### **Policy Implications**

Nil

### **Financial Implications**

This matter presents significant financial implications. The Shire of Wiluna provides sizeable, direct cash support to Tjukurba Art Gallery's operational costs, as well as important in-kind assistance, Art Gallery Manager housing and utilities, Art Gallery dedicated space.

If Council elects to support the development of Tjukurba Art Centre/Birriliburu Artists, this financial and in-kind commitment will continue

and possibly expand. Costs over and above the existing are not expected to be major but are unknown at this time, due to any costs that are unforeseen.

Tjukurba Gallery has been a feature of the Shire of Wiluna since 2005/06, and is included in the Shire's budget.

### **Strategic Implications**

Strategic Plan 2009-14, Proud Wiluna, Provide arts and cultural activities  
Go-Ahead Wiluna, Support the development of creative industries in Wiluna

### **Voting Requirements**

Absolute Majority

<b><i>SCM 01/12 Officer Recommendation</i></b>
--

**MOVED**

**SECONDED**

**That council:**

- 1. Adopt the recommendation in the Tjukurba Gallery Business Plan 2012 – 15 prepared by Tim Aker – Recast the current Tjukurba Art Gallery business model: the 'gallery' and the 'art centre' roles separated and given the tools that enable each to work. The Shire of Wiluna retains Tjukurba Art Gallery as a retail and display/exhibition outlet, complementing its tourism and heritage roles. In a staged approach, Birriliburu Artists are given the independence and commercial footing necessary for its development and long term viability.**
- 2. Adopt the processes outlined in the Plan as the strategic and operational future framework that the Shire of Wiluna and Birriliburu Artists will work within to achieve the outcomes set out.**
- 3. Work cooperatively with Birriliburu Artists to develop their profile, activities and incorporation over an 18-24 month period commencing February 2012.**

<b><i>SCM 01/12 Officer Decision</i></b>
--

**MOVED CR WEBB**

**SECONDED CR KYANGA**

**That council defer the decision to February Ordinary council meeting subject to meeting the Birriliburu artists on 24 January 2012 to discuss their aspirations.**

**CARRIED 5 /0**

<b>6.2.</b>	<b>Subject/Applicant:</b>	<b>Development Application - MEEDAC</b>
	File:	Lots 38, 39 & 40 Wotton Sts, Wiluna
	Reporting Officer:	Principal Environmental Health Officer and Building Surveyor Report
	Date of Report:	20 December 2011
	Disclosure of Interest:	Nil

### Summary

Determination of Application for Planning Approval from MEEDAC Pty Ltd to further develop the new Post Office Building in Wotton Street Wiluna.

### Comment

Council is in receipt of an Application for Planning Approval from MEEDAC Pty Ltd C/o Andrew Greaves of 2/23 Dixon Road Rockingham to develop a food business (take-away food and groceries), a white goods outlet and fuel supply at the new Post Office building on the corner of Wotton and Thompson Street Wiluna – see Appendix B – (yellow pages).

Lots 38, 39 and 40 Wotton Street are zoned “Commercial” under the Shire of Wiluna Town Planning Scheme No.1 and the existing building has and is being used for that purpose.

“Commercial” means – *The objective is to provide for shopping, office, administrative, social, recreation, entertainment, and community facilities commensurate with the role of Wiluna in the region.*

It is the opinion of the writer that this application is generally to renew previous a Planning Approval that became void following an extended cessation of the original commercial operation.

It is therefore suggested that Planning Approval be again granted subject to the following conditions –

1. That no building work is to commence on the development of the food premise area until a building application is submitted and a Building Licence is issued by the Shire; and
2. A concrete vehicle hard standing pad is placed around the fuel dispensing bowsers and beneath the fuel bowser canopy.

### Statutory Implications

Local Government Act 1995 S3.1 – the general Function of Local Government is to provide for the good government of people in its district.

Shire of Wiluna Town Planning Scheme No.1

Food Act 2008  
Health Act 1922

Building Act 2011

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Nil

**Voting Requirement**

Simple Majority

---

***OCM 02/12 Officer Recommendation and Council Decision***

---

**MOVED CR KYANGA**

**SECONDED CR WEBB**

**That:**

**Planning Approval is granted to MEEDAC Pty Ltd for the development of a take-a-way food business, groceries, white goods and fuel supply at the Post Office building lots 38, 39 and 40 Wotton Street Wiluna; conditional upon:**

- 1. no building work being commenced on the development of the food premise area until a building application has been submitted and a Building Licence issued by the Shire; and**
- 2. a concrete vehicle hard standing pad is placed around the fuel dispensing bowsers and beneath the fuel bowser canopy.**

**CARRIED 5/0**

<b>6.3.</b>	<b>Subject/Applicant:</b>	<b>Annual Report 2010/2011</b>
	File:	00107
	Reporting Officer:	Glenn Deocampo – Manager, Finance & Admin
	Date of Report:	13 December 2011
	Disclosure of Interest:	Nil

**Purpose**

The purpose of this report is for Council to adopt the Annual Report for the year ended 30 June 2011. Appendix C (white pages).

## **Background**

Section 5.54 of the Local Government Act 1995 requires that the annual report for the financial year be accepted by the Local Government no later than 31 December after that financial year subject to the availability of the Auditor's report.

If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

Section 5.54 also sets out the requirement for the preparation of Annual Reports and information to be included:

- a report from the mayor or president
- a report from the CEO
- an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;
- the financial report for the financial year;
- such information as may be prescribed in relation to the payments made to employees;
- the auditor's report for the financial year;
- a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and
- such other information as may be prescribed.

## **Comment**

The report presented has been prepared in accordance with past format and in compliance with the local government requirement as stated in the background section of this report.

The Auditor's Report was received on the 13 December 2011 and is attached at the back of the Annual Report – white pages.

Council must agree on a date to hold the Annual General Meeting of the Electors which should not be more than 56 days after the acceptance of the annual report, and at least 14 days' local public notice.

## **Consultation**

Shire President, Chief Executive Officer, Deputy Chief Executive Officer,  
Project Manager, IRIS Consulting Group Pty Ltd

### **Statutory Environment**

Local Government Act 1995 Sections 5.53 & 5.54 Annual Report, Sections 5.27 & 5.29 Elector's Meeting

### **Policy Implications**

No specific policy in relation the Annual Report and or Annual Electors Meeting

### **Strategic Implications**

The report provides information about the Shire for 2010/2011 and the plan for the future.

### **Voting Requirement**

Absolute Majority item 1  
Simple Majority item 2

#### ***SCM 03/12 Officer Recommendation***

**MOVED**

**SECONDED**

**That Council:**

- 1. Accepts the Annual Report as presented for the year ended 30 June 2011.**
- 2. Resolves that the Annual Meeting of Electors for the year 2010/2011 is held at Wiluna Sports and Recreation Centre on Wednesday, 1 February 2012 commencing at 7:00pm.**

#### ***SCM 03/12 Council Decision***

**MOVED CR WELLER**

**SECONDED CR WEBB**

**That Council:**

- 1. Accepts the Annual Report as presented for the year ended 30 June 2011.**
- 2. Resolves that the Annual Meeting of Electors for the year 2010/2011 is held at Wiluna Sports and Recreation Centre on Tuesday, 7 February 2012 commencing at 7:00pm.**

**CARRIED 5 /0**

#### ***SCM 4/12 Council Decision***

**MOVED CR KYANGA**

**SECONDED CR WEBB**

That the meeting to adjourn behind closed door to discuss confidential item.

**CARRIED 5 /0**

<b>6.4.</b>	<b>Subject/Applicant:</b>	<b>EOC – Della Booker</b>
	File:	0598
	Reporting Officer:	Samantha Tarling, Chief Executive Officer
	Date of Report:	11 January 2012
	Disclosure of Interest:	Nil

Report to be tabled at the meeting. The President to brief the CEO on the conversations that have taken place with Della Booker and EOC officer to date. This will enable a briefing to be tabled to commence discussions with council to formulate a report to be presented to the February OCM in accordance with council resolution 195/11 at the December OCM.

***SCM 05/12 Officer Decision***

**MOVED CR WELLER**

**SECONDED CR KYANGA**

A written report to come back to council to decide on the proposal to finalise this matter.

**CARRIED 5/0**

***SCM 6/12 Council Decision***

**MOVED CR KYANGA**

**SECONDED CR WEBB**

That the meeting adjourn from behind closed door and invite the public back to the meeting.

**CARRIED 5/0**

**7. Closure**

The meeting was closed at 11.45 am.