



MINUTES

Annual General Meeting of Electors

6 February 2024

LEGISLATIVE ENVIRONMENT

In accordance with Section 5.27 of the Local Government Act 1995 (the Act), an Annual Meeting of Electors is to be held once in each financial year to consider the contents of the Shire's Annual Report for the previous year, and to consider other general business.

ACKNOWLEDGEMENT OF COUNTRY



The Shire of Gingin would like to acknowledge the Yued people who are the traditional custodians of this land. The Shire would like to pay respect to the Elders past, present and emerging of the Yued Nation and extend this respect to all Aboriginal people. The Shire also recognises the living culture of the Yued people and the unique contribution they have made to the Gingin region.

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ORDER OF BUSINESS

1 DECLARATION OF OPENING

The Shire President declared the meeting open at 5:10pm and welcomed all in attendance.

2 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

2.1 ATTENDANCE

Councillors – C W Fewster (President), L Balcombe (Deputy President), F Johnson, R Kestel, F Peczka, E Sorensen, L Stewart, J Weeks and N Woods.

Staff – A Cook (CEO), L Crichton (Executive Manager Corporate and Community Services), R Kelly (Executive Manager Regulatory and Development Services), V Crispe (Executive Manager Operations and Assets) and L Burt (Coordinator Governance/Minute Officer).

There were 6 other members of staff assisting with proceedings.

Gallery – There were 40 members of the public present in the Gallery.

2.2 APOLOGIES

Nil

2.3 LEAVE OF ABSENCE

Nil

3 PUBLIC NOTICE OF AGM AND ANNUAL REPORT

Section 5.29 of the Act requires that members of the public must be notified of a forthcoming Annual Meeting of Electors, and of the availability of the Annual Report, by way of a notice appearing in a newspaper circulating throughout the district. Public notice must be given at least 14 days prior to the date of the meeting.

In accordance with this requirement, the Shire of Gingin gave public notice of the forthcoming Annual Meeting of Electors and the availability of the Annual Report in The West Australian newspaper on 20 January 2023.

The notice was also published on the Shire's website and Facebook page on 19 January 2024. The notice was also included in the Council to Community electronic newsletter emailed to subscribers on 1 February 2024, and displayed on official notice boards at the Shire's Gingin Administration Centre and Lancelin Office, and the Gingin Public Library.

Read aloud to the meeting by the President.

4 CONSIDERATION OF THE ANNUAL REPORT

The Annual Financial Statements for 2022/23 were received by Council at an Ordinary Council Meeting on 19 December 2023 (Item 12.3), with the 2022/23 Annual Report being received at an Ordinary Council Meeting on 16 January 2024 (Item 11.1).

Consistent with Section 5.27 of the Act and Regulation 15 of the *Local Government (Administration) Regulations 1996* (the Regulations), electors present at the Annual General Meeting of Electors are invited to raise for discussion any matters concerning the content of the Annual Report and Financial Statements.

No matters were raised for discussion in relation to the content of the Annual Report and Financial Statements.

5 GENERAL BUSINESS

5.1 QUESTIONS SUBMITTED IN WRITING PRIOR TO THE MEETING

There were no questions submitted in writing prior to the meeting. The President invited those members of the public with pre-prepared motions to come forward at this point.

5.1.1 Production of Explanatory Booklet - Planning and Building Requirements for Rural Living Areas Doug Gerloff – Seaview Park

MOTION

MOVED: Doug Gerloff

SECONDED: Helen Gerloff

That the Gingin Shire Council review the planning and building policies, regulations and procedures for properties zoned 'Rural Living Areas' within the Shire and produce and distribute to all ratepayers a simplified explanatory booklet clearly detailing what is now acceptable or not.

CARRIED
20/0

5.1.2 Multi-Use Pathway from Lancelin Townsite to Lancelin Community Sporting Complex
Tina Broughton – Lancelin

MOTION

MOVED: Tina Broughton **SECONDED:** Jacqui Lobb

That the Gingin Shire Council place the design and installation of a multi-use pathway connecting the Lancelin community with the Lancelin Community Sporting Complex into the Shire budget with the project to be completed within 2 years or the earliest time after that.

CARRIED
29/0

5.2 OTHER MATTERS

In accordance with Section 5.27 of the Act and Regulation 15 of the Regulations, electors present at the Annual General Meeting of Electors are invited to raise any items of general business for discussion.

5.2.1 Bidaminna Mining Project – Orange Springs Road
David Wilkie – Red Gully

MOTION

MOVED: David Wilkie **SECONDED:** Peter Enright

That the Shire be instructed to object to the Bidaminna mining project because it's situated in a State Forest which is a wildlife habitat and is too close to the Moore River and offers no benefit to our community at large.

CARRIED
34/0

**5.2.2 Change to Method of Electing the Shire President
David Wilkie – Red Gully**

MOTION

MOVED: David Wilkie SECONDED: Kate Lane

That the Council vote that the Shire President be elected by the community rather than by Council.

**CARRIED
26/4**

**5.2.3 Designation of Certain Staff Positions as Important Positions
David Wilkie – Red Gully**

MOTION

MOVED: David Wilkie SECONDED: Karen Rowe

That Department heads including the Fire Chief are designated as important positions that are ratified by Council rather than employed by the CEO.

**CARRIED
20/5**

**5.2.4 Publication of CEO's KPIs and Performance Review in the Annual Report
David Wilkie – Red Gully**

MOTION

MOVED: David Wilkie SECONDED: Karen Rowe

That Council consider publishing the CEO's KPIs and Performance Review in the Annual Report.

**CARRIED
24/1**

**5.2.5 Purchase of Equipment Located at Moore River Café and General Store
Kate Lane – Neergabby**

Ms Lane read out to the meeting a statement in relation to the above, expressing her dissatisfaction with the way in which this matter had been dealt with by the Shire and the information provided in response to her previous questions.

She stated that she had lost faith that Council is acting properly and that ratepayers need to pay more attention to the way the Shire is being run.

**5.2.6 Urgent Repairs Required to Bridges
Ed Hartman – Neergabby**

The Shire has advised that the bridge on Cowalla Road requires urgent repairs, with 6 piers being heavily rotted, and a further 4 bridges in need of unbudgeted repairs. Severe rotting does not occur over night. Why were these faults not picked up in the yearly maintenance and asset inspections and why didn't the State Government contribute to these costs?

Response by President

We do make regular inspections. Lennards Road Bridge was inspected last year, and Cowalla Bridge was last inspected 2 years ago, before the 2022 floods which are the cause of the current problems identified in this year's inspections.

The Weld Street Bridge in Gingin was scheduled by Main Roads WA to be replaced 3 years ago and we're still waiting for the funding to come through. With regards to Cowalla because it's such a heavily used bridge we will try to negotiate some funding from the State Government through the Regional Road Group to assist with rebuilding of the bridge.

**5.2.7 Review of ACROD Parking Bays – Gingin CRC/Medical Centre
Mary Cameron – Gingin**

MOTION

MOVED: Mary Cameron SECONDED: Ed Fletcher

That Council review the ACROD parking bays at the base of the steps from the carpark to the building housing the Gingin Medical Centre, the Gingin CRC and the Gingin Library.

**CARRIED
26/0**

5.2.8 Construction of Northern Access Road to Lancelin Townsite
Malcolm Lobb – Lancelin

MOTION

MOVED: Malcolm Lobb SECONDED: Karen Rowe

To push forward with the help of the Council through the Wheatbelt Development Commission to construct a road on the northern access from Lancelin to Indian Ocean Drive.

CARRIED
28/0

5.2.9 Provision of Formal Emergency Muster Area - Lancelin
Malcolm Lobb – Lancelin

MOTION

MOVED: Malcolm Lobb SECONDED: Jacqui Lobb

That the Council provide assistance to have a proper muster area that people can retreat to if so asked by the authorities.

CARRIED
29/0

5.2.10 Construction of Footpath – Atkinson Way, Lancelin
Malcolm Lobb – Lancelin

MOTION

MOVED: Malcolm Lobb SECONDED: David Wilkie

That Council budget for a footpath down Atkinson Way from the primary school through to Wangaree Park.

CARRIED
28/0

5.2.11 Moore River Café and General Store
Samantha Smith – Red Gully

MOTION

MOVED: Samantha Smith SECONDED: Kate Lane

That Council employ an independent auditor about the Belgravia deal and release the results to the community.

CARRIED
24/0

5.2.12 Review of Local Planning Scheme No. 9
Samantha Smith – Red Gully

MOTION

MOVED: Samantha Smith SECONDED: David Wilkie

That LPS 9 be reviewed and updated with a focus on tourism with a Steering Committee including at least 5 members of the community.

CARRIED
25/0

5.2.13 Quarterly Meetings with Community Group Representatives
Samantha Smith – Red Gully

MOTION

MOVED: Samantha Smith SECONDED: Karen Rowe

That Council has quarterly meetings with a member of each community group to discuss ongoing issues.

CARRIED
24/0

**5.2.14 Freeze on Rates Increase and Reduction of Penalty for Late Payment of Rates
Karen Rowe – Muckenburra**

MOTION

MOVED: Karen Rowe **SECONDED:** David Wilkie

That the Council not increase rates for at least 1 year, and also reduce the 7% penalty for late payment of rates.

**CARRIED
16/7**

**5.2.15 Final Costing for Urgent Works to CU@Park
Kate Lane – Neergabby**

In March last year Council voted to spend \$300,000 from the reserve fund for unexpected and unforeseen repairs to the CU@Park Café. I was told this was a ‘maximum’ amount. As this work is now underway, how much is the quote for it and does it include the compensation paid to the owner for loss of profit and wages?

Response by President

The negotiations with the lessee are confidential and we’re not going to disclose that information.

Response by Executive Manager Operations and Assets

Taken on notice and a response will be provided by the Executive Manager Operations and Assets for inclusion in the Minutes.

Response to Question Taken on Notice

The project is not yet completed. However, costs to date (not including any agreements reached with the lessee) are:

Materials (aggregate, sand, gravel drainage)	\$5,000
Plumber - works not complete	\$5,000
Electrician - work not complete	\$5,000
Contractor (Builder) – works not complete	\$105,666
Contractor (Asphalting) – works not complete	\$86,923
Incidentals – not complete	\$2,500
Salaries and Wages (Shire staff)	\$13,000
Plant Operating Costs	\$2,500
Total To Date	\$220,589

5.2.16 Upgrade of Guilderton Caravan Park Septic System
Kate Lane – Neergabby

In May Council voted to borrow \$300,000 to upgrade the septic system for the Caravan Park at Guilderton. Why was this foreseeable expense not budgeted for?

Response by Shire President

We weren't sure of what the exact cost would be. When we investigated the matter it was decided that the work needed to be done with some urgency.

5.2.17 Maintenance of Shire Assets
Kate Lane – Neergabby

Does Council have a comprehensive detailed inventory of all Shire assets with a quantified and costed future maintenance schedule. If yes, does the public have access to this schedule? If no, why not? It is a mandatory requirement to keep assets in good order.

Response by CEO

A consultant has been engaged to assess all Shire buildings. This will enable a detailed asset management plan to be prepared will be progressed through to Council in coming months.

Response by President

We do have a management plan for certain buildings, however we haven't got an endless bucket of money to do these things. It would be fair to say that every building in the Shire requires some work. Once we get the asset management plan Council will be able to make a better informed decision as to priorities.

Further Response by CEO

We do have yearly maintenance plans that are carried out. The current process is compiling a detailed inventory of the standard of all of our buildings over and above general maintenance.

5.2.18 Maintenance of Shire Assets
Terri Mowle – Gingin

The termite damage at the Craft Rooms was really extensive and was there for a long time before it was picked up. If maintenance was scheduled, why wasn't it picked up then?

Response by President

I can't give you an answer to that. I don't know why it wasn't picked up.

5.2.19 Coastal Management
Michael Cramb – Lancelin

MOTION

MOVED: Michael Cramb SECONDED: Malcolm Lobb

1. That the implementation of the Coastal Management Strategy be suspended in its entirety.
2. To the extent that the CEO still has some form of authority to close beaches that was granted in relation to Edward Island, that delegation be revoked.

CARRIED
19/4

5.2.20 Installation of Sandbags in Front of Grace Darling Park
Malcolm Lobb – Lancelin

Why can't we proceed with the installation of sandbags in front of Grace Darling Park as recommended by MP Rogers?

Response by President

We did actually budget for this project a couple of years ago, however the Department of Planning made it very clear to us that if we proceeded then the Shire of Gingin would be fully responsible for any ramifications that might arise up and down the cost as a result. Council wasn't prepared to take that risk. If the current Council wants to revisit the matter then it can. It's not on the budget at this point.

5.2.21 Reclaiming of Moore River Foreshore for Public Open Space
Wil Cuperus – Guilderton

- Q1. For Guilderton to grow, for the tourism industry to grow in the region, for more visitors and more money for the region and for the Shire's obligation as a business investor to add value for all stakeholders, and in light of the coastal management report stating the need to relocate the caravan park, what is the Shire doing towards these objectives in regard to relinquishing the foreshore land used as a caravan park back to public open space?

Response by President

Nothing.

Q2. How will the Shire overcome the conflict of interest?

Response by President

The Shire has an interest in the caravan park but there's no commercial interest. We operate the park on behalf of the community. The caravan park brings a lot of funds back into the community.

Q3. How do you respond to the recommendations of the coastal management report that says that "over time some of the caravan park assets may need to be relocated and this should be undertaken in such a way as to progressively return portions of the lease to provide a public foreshore reserve"?

Response by President

The coastal management strategy hasn't been adopted by Council at this point. The CHRMAP and the Inundation Report will be dealt with by Council in the very near future, and if there are any implications in relation to the caravan park we'll deal with those when we have to.

We agree that we need to find another location to plan for potential relocation in the long term.

Q4. So why won't you relinquish that location back to the people?

Response from Shire President

I can't speak on behalf of Council. Council has not considered relocating the caravan park in Guilderton at this stage.

5.2.22 Maintenance of Gingin Railway Station Mary Cameron – Gingin

Now that the Trackside Café has closed, where does the Railway Station fit in with Council's regular maintenance program?

Response by President

The Railway Station is owned by the National Trust which has a lot of say in what goes on with the building. We've been negotiating our lease from the National Trust – it's very difficult as they don't seem to want to contribute anything to maintaining the building.

Further Response by Executive Manager Corporate and Community Services

Council has leased the property from the National Trust for 5 years. We commenced discussions about reviewing the lease about 18 months ago and as part of those discussions the National Trust advised that it intended to increase the rent paid by the Shire quite significantly. At that point we raised concerns about structural issues identified by Shire staff which are typically the responsibility of the lessor. The National Trust's Building Manager and Heritage Officer conducted an inspection in April 2023 and they were going to provide us with a scope of works required and details of how they proposed to deal with some of the structural work.

Unfortunately the Trust has been slow in responding, and I wrote to them again on Friday when I learned about the current sublessee's decision to vacate the premises. The reasons that the sublessee gave for relinquishing her lease were partly associated with the fact that because the Shire currently has a periodic tenancy and therefore, as a consequence, that's all we can offer to any sublessee. The other issue was the location of the building in relation to passing traffic.

As it stands at the moment, we are in discussions with the National Trust with a view to the Trust committing to repairing some major structural issues. The Shire undertakes standard maintenance where it can, but there are bigger issues that need attention by the Trust.

5.2.23 Aged Housing and Care Services Provision Working Group
Mary Cameron – Gingin

Q1. Is the Aged Housing and Care Services Provision Working Group still a functioning group?

Response by President

Yes, although it hasn't met for some time.

Q2. Has the Council been in discussion with the Gingin Care Group in relation to its recent survey and will it follow through on the results?

Response by President

We haven't had any input into the content of the survey, but we are assisting the Group in distributing it via the Shire's website and where we can.

Q3. Has Council been in discussion with the local resident about his proposal to underwrite a residential development in the town based on information gained from the survey, and what is Council's position on this?

Response by President

Yes, discussions have been entered into with the developer. A formal market valuation is currently being obtained for the land (the old tennis courts site in Constable Street), and once that's received Council can give formal consideration to potentially advertising the land for disposition as required by legislation. The developer in question will be able to make an offer if he's interested.

5.2.24 Mooliabeenee Road Eco Village Development
Mary Cameron – Gingin

Is Council going to offer the 2 homes that it previously agreed to purchase in this development as subsidised housing for senior citizens, or are they going to be leased out to anyone over 45 in the public service who can't find accommodation in town?

Response by President

Council hasn't made a decision at this point. However, whatever the eventual decision is, it will be governed by the terms and conditions of the village.

5.2.25 Prior Notice of Questions to be Asked at Electors' Meetings
Ron Pollard – Gingin

I haven't been able to understand the preamble to motions raised at the meeting because of the acoustics in the Civic Centre. Perhaps ratepayers could prepare their questions prior to the meeting so that Council had more time to provide an educated answer at the meeting?

Response by Shire President

I agree that the acoustics in this building aren't the best, and perhaps we can look at an alternative venue.

5.2.26 Budget Requirements
Ron Pollard – Gingin

Mr Pollard stated that he had heard motions carried at the meeting calling for infrastructure improvements, together with a further motion requesting that rates not be raised over the next 12 months, and he believed that made the task of Councillors even more difficult. He also noted that he had had to abstain from voting on several items due to a potential conflict of interest.

**5.2.27 Tiny Houses
Samantha Smith – Red Gully**

What is the Shire’s current policy on Tiny Houses? Recently the Shire of Esperance has agreed to allow Tiny Houses in that Shire.

Response by President

Councillor Johnson has recently raised the matter of Tiny Houses with Council, and arrangements have been made for a presentation to Council in this regard.

Further Response by Cr Johnson

I have met with a gentleman in Seabird who is involved in real estate and a company that produces Tiny Houses. I asked today whether Council would be interested in receiving a presentation from him and this was wholeheartedly agreed to, so arrangements will be made for this.

MOTION

MOVED: Samantha Smith SECONDED: Kate Lane

That the Shire of Gingin support tiny housing in this Shire.

**CARRIED
9/0**

**5.2.28 Shire of Gingin ABN
David Wilkie – Red Gully**

Currently the Gingin Shire Council is operating as the Gingin Medical Centre. When we google Gingin Medical Centre it is a private entity owned by Jeremy Edwards. Why is that?

Response by Executive Manager Corporate and Community Services

The Shire like any entity has an ABN and can run all sorts of businesses. Whether an entity runs a business or not, it can have a business in any name it so chooses. Historically, as part of its entity the Shire had a subentity that was the Gingin Medical Centre. This doesn’t mean that the Shire runs the Medical Centre – it just means that the Shire has the Medical Centre as an entity name under its structure. The Gingin Medical Centre is actually run privately by a separate company.

MOTION

MOVED: David Wilkie **SECONDED:** Karen Rowe

That the Shire of Gingin ABN be identified and if it's still associated with the Gingin Medical Centre that it be independently audited.

**CARRIED
8/5**

**5.2.29 Request for Assistance for a Friend in Paying Rates
Marilyn Brown – Wanerie**

I am assisting a friend who is having difficulty in paying his rates. Is there any way that leniency can be granted with respect to the 7% per day penalty for overdue rates?

Response by CEO

Ask him to send an email to me and I'll review the situation for him.

6 CLOSURE

There being no further business, the Shire President declared the meeting closed at 7:36pm.