



MINUTES

ANNUAL MEETING OF ELECTORS OF THE SHIRE OF GINGIN

19 FEBRUARY 2019



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HELD ON
19 FEBRUARY 2019

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SHIRE OF GINGIN

I have pleasure in advising that, in accordance with Section 5.27 of the *Local Government Act 1995*, the 2017/18 Annual Meeting of Electors will take place at the Shire of Gingin Administration Centre, 7 Brockman Street, Gingin on **Tuesday, 19 February 2019** commencing at 5.01pm.

AARON COOK
CHIEF EXECUTIVE OFFICER

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.

ORDER OF BUSINESS

1. OFFICIAL OPENING – WELCOME BY PRESIDENT

The Shire President declared the meeting open at 5.01pm and welcomed all those in attendance.

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCE

Councillors – I B Collard (Shire President), J W Elgin (Deputy Shire President), C W Fewster, F Johnson, J C Lobb, J Court, J K Rule, J E Morton and F J Peczka.

Staff – A Cook (Chief Executive Officer), Z Edwards (Acting Executive Manager Corporate and Community Services), A Butcher (Executive Manager Operations), K Bacon (Acting Executive Manager Planning and Development), J Bayliss (Acting Manager Statutory Planning), K Okely (PA Chief Executive Officer), M Taylor (Corporate Communications & Marketing Officer), B Kelly (Principal Health Officer), A Brown (Senior Ranger) and O Edwards (Governance/Minute Officer).

Public – There were 45 members of the public recorded in the attendance register.

2.2 APOLOGIES

Dianne Millar

Anthony Millar

Greg Murray

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 in the Council to Community published in The Northern Valley News for January 2019. A notice advising of the availability of the Annual Report was published in The West Australian newspaper on 30 January 2019.

Both notices were also published on the Shire's website and Facebook page.

In addition, the notices also appeared on official notice boards at the Shire's Gingin Administration Centre and Lancelin Office, and the Gingin Public Library.

4. CONSIDERATION OF THE 2017/18 ANNUAL REPORT

The Annual Financial Statements for 2017/18 were adopted by Council at its meeting on 18 December 2018 (Item 11.2.1), with the 2017/18 Annual Report being received at the Council meeting on 22 January 2019 (Item 11.1.2).

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 concerning the content of the Annual Report and Financial Statements were raised from the floor.

5. OTHER GENERAL BUSINESS

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.

Note: In the case of open and free-flowing debate discussions have been summarised and condensed to set down the chief points addressed. For other items, individual speakers have been identified where possible and practical.

5.1 POLICY ON FRACKING JENNIFER WALKER AND JILL BROWN - WOODRIDGE

The speakers presented information on fracking within the Shire of Gingin and surrounding areas and urged Council to adopt a position opposing this activity in the Shire.

Dave Robinson presented information in support of fracking.

MOTION

MOVED: JENNIFER WALKER SECONDED: JILL BROWN

That Council have a policy to not support unconventional gas/fracking within the Shire of Gingin.

**CARRIED
43-2**

Response by the Chief Executive Officer

At the present time Council doesn't have any policy in relation to fracking. The matter was raised at the Annual Electors Meeting on 22 December 2016 and, at its meeting 17 May 2017, Council resolved as follows:

RESOLUTION

Moved Councillor Ammon, seconded Councillor Aspinall that:

- 1. Council not formulate a policy position with respect to fracking in the Shire of Gingin at this point in time.*
- 2. Council's view is that this is not a matter for Council to decide on as it has no control over fracking, which is governed by the State government (through the Department of Mines and Petroleum).*

CARRIED UNANIMOUSLY

5.2 GUILDERTON ROADHOUSE (MURFETT GROUP) ERIC CORKE - GUILDERTON

Question 1:

As you may be aware the owners (Murfett Group) of the Roadhouse here in Guilderton will be applying for another extension on developing the site here in April. Have the shire still got in place the stipulations pertaining to temporary measures to keep the Post Office, Fuel for emergency services etc operational whilst the imaginary development takes place. From my investigations I believe not. These measures should be kept in place for the protection of your local constituents and rate payers.

Response by the Shire President

The Applicant has a valid planning approval until 18 April 2019. I am not aware of any discussion with the owners in relation to an extension.

The continuation of Post Office services and fuel supplies is outside the Shire's jurisdiction. The Shire has no control over whether private businesses stay open and cannot force a business stay open. If the Shire felt it was important for the community to keep these services operating, in the absence of interest from the private sector, then further investigation would be required.

Question 2:

Are the shire still investigating the ongoing issues pertaining to the Guilderton country club trading as a commercial venture and paying a peppercorn lease, making a very uneven trading ground. Whilst we factor \$5000 pcm rent into our costings the club does not have to consider this. They are still selling takeaway alcohol and food to all and sundry (not just club members).

Response by Chief Executive Officer

Council is aware that the commercial businesses in Guilderton and other communities pay a commercial rent and of the impact that the issuing of a Tavern licence to the Guilderton Country Club (GCC) has had. There are current restrictions placed on the GCC that the Club has assured Council are being met. The GCC lease is nearing expiration and is currently under review in conjunction with the lease between the Shire and the Ledge Point Country Club, with the aim of ensuring that the conditions imposed by both leases are consistent and binding.

5.3 FUTURE TOWN PLAN FOR GUILDERTON - TOURISM AND PARKING KERRY ENRIGHT - GABBADAH

Question 1:

Is there a future town plan for Guilderton regarding its commercial future?

Response by Shire President

The only potential plan for Guilderton's commercial future is outlined in the Shire of Gingin's Local Planning Strategy. Development Applications are assessed in accordance with the Strategy but no further studies have been commissioned with respect to the Strategy's policy position.

Question 2:

Do you have a plan on how to increase tourism in Guilderton that will benefit the commercial businesses already established?

Response by Shire President

The plan is all outlined within the Shire's Local Planning Strategy. Clause 3.3.5 deals specifically with Guilderton.

Question 3:

Now we have the parking meters in Guilderton and we are contributing to our expenses on the foreshore, we need extra free alternative car parking for those that don't want to pay or have to leave the caravan park but want to stay in Guilderton for the day. I know we have talked about it with the Shire and the Shire are trying to find a solution but we need a solution quicker than what is happening.

Response by Shire President

As there is already adequate free car parking alternatives offered in Guilderton there are currently no plans to develop any additional free car parking areas. The following areas currently offer free parking in Guilderton:

1. The overflow carpark at the lookout off Gordon Street;
2. Street parking – unless sign posted as 'no parking' or 'no standing' is free. Cars just need to have all four wheels parked on the road – not on private property (unless they have owner's consent) and not on a footpath;
3. Silver Creek carpark off Stephens Crescent, Guilderton; and
4. Mortimer Road has a parking area providing beach front access to the groyne and dog off lead area.

However, as with the works undertaken by the Shire's overflow car park area, there is potential to improve the existing free parking areas to make them more productive and accessible.

5.4 COMPLAINT - FOOD VANS NICOLE CORKE - WOODRIDGE

Question 1:

Why have I not received any feed back from complaint sent in on the 27th January, and letter posted in on the 31st January?

Response by Shire President

The Shire's Environmental Health administration received two customer service enquiries in this regard from you dated 28 January 2019 and received on 29 January 2019, and correspondence dated 29 January 2019 and received on 4 February 2019.

I am advised an officer spoke to you by phone on 5 February 2019 and confirmed that the van was operating legitimately and met all Shire requirements. The officer also advised that you concerns regarding mobile food vans would be addressed at Executive level or with Council. In accordance with this advice a report on mobile food vendors has been prepared for discussion at a forthcoming Council concept forum.

Question 2:

When is the Shire going to implement some sort of regulations on mobile food vans? All other businesses have to apply to the Shire to operate. They have to pay rates and rent, and most employ local staff and offer all year round service? When mobile vans seem to have no limitations? Can operate when they want and where they want?

Response by Shire President

There are three pieces of current legislation that must be complied with, generally no different to normal food premises.

Food Vans are currently regulated under the *Shire of Gingin Activities in Thoroughfare and Public Places and Trading Local Law 2004*, the *Food Act 2008* and Regulations made thereunder as well as the Australian New Zealand Food Standards Code (Temporary and mobile food premises). Fees and charges are determined annually, and dependent on the duration, location and food sold are classified as, low, medium or high risk. The same process applies to all food premises. Limitations are placed on food vendors with respect to where and what time they can operate. All mobile food vendors are required to have completed a Food Certificate under the, I'm Alert Food Safety Programme unlike some food premises staff who do not have such certification.

It should also be noted that, under the National Competition policy, local government local laws cannot contain any requirements that restrict competition.

5.5 GUILDERTON COUNTRY CLUB ALLAN MCLEAY - GUILDERTON

Question 1:

Allan McLeay asks of the Shire are they aware why he is not permitted to set foot on any part of the reserve leased area of the GCC which incorporates a public tavern, public golf course, Guilderton Bowling Club, public car park etc etc bounded by Mortimer St. Mullins St. Wedge St, Brockman St and Guilderton Rd.

Response by Chief Executive Officer

Yes the Shire is aware of the current ban on Mr McLeay and restrictions that the Guilderton Country Club (GCC) has placed on his admittance.

Question 2:

It is now quite apparent that the GCC is run by a dictatorship which has now ruined a great community asset.

Response by Chief Executive Officer

Taken as a statement.

Question 3:

Why is this permitted by the Lessors?

Response by Chief Executive Officer

The area in question is covered by a current lease arrangement that expires in several years. The CEO is coordinating a legal opinion on this matter currently that it is hoped will apply to all community based leases.

5.6 GUILDERTON PARKING JULIE POLETTE - REDFIELD PARK

Question 1:

Why has the parking fees on Guilderton foreshore doubled and why no notice has been given?

Response by Chief Executive Officer

Mr Cook's statement in the meeting was incorrect and the correct response as provided in writing to Mrs Julie Polotte is that:

The parking fees have not increased but the modified penalties for parking infringements have increased following a review of the Shire's Parking and Parking Facilities Local Law.

5.7 GUILDERTON FORESHORE – SAFETY LINDA JOHNSON - GUILDERTON

Question 1:

The sandbar at Moore River Estuary remains poorly signed. I again request (as last year) the installation of this sign (as shown) at the northern side of the sandbar entrance from the top carpark.

Response by Senior Ranger

Ranger Alan Brown viewed the picture of the sign. Advised would review the situation.

Question 2:

Presently there is no device to throw to anyone struggling in the river. Would the Shire please install life rings (with rope attached) along the boardwalk and foreshore (at least 6) so there is something to throw or take to a person in difficulty at the estuary.

Response by Shire President

The question was taken on notice.

5.8 RUBBISH BINS – LANCELIN TOWN BEVAN HENDERSON – LANCELIN

Mr Henderson congratulated the Shire on the work undertaken at the Lancelin Lookout in conjunction with a local community group. The comments have been wonderful from the public.

Question 1:

When will the rubbish bins at the Lancelin Plaza be improved, including the installation of bin lids or covers.

Response by Shire President

The question was taken on notice.

**5.9 BENNIES ROAD
CECIL CAMPBELL – WANERIE**

Mr Campbell provided general comment in relation to Bennies Road being used as a through road when Indian Ocean Drive is blocked due to an accident and moved the following motion:

MOTION

MOVED: Cecil Campbell SECONDED:

Request the Shire to investigate road maintenance and bitumen Bennies Road

LAPSED FOR WANT OF A SECONDER

**5.10 MOORE RIVER ESTUARY
DAVE STROUD – WOODRIDGE**

Mr Stroud made suggestions as to what the Shire could do in relation to making the pontoon area safe by possibly installing two lines of ropes and floats.

Question 1:

Can the Shire make a marked swimming area in the Estuary?

Response by Shire President

The question was taken on notice.

**5.11 AGED CARE
KERRY ENRIGHT – GABBADAH**

Mrs Enright made general comments in relation to aged care facilities and how people are moving elsewhere to be closer to aged care homes.

Question 1:

What is the Aged Care Facility program and has planning or development occurred?

Response by Shire President

Unfortunately at the present time the Shire does not have a resident population large enough to secure funding for the provision of aged care facilities. That being the case, there is currently no program in place in this regard. A private developer will be commencing construction of an eco-lifestyle village in Gingin by the end of 2019.

Response by Councillor Court

At the moment the Shire is seeking feedback from Ministers. In relation to aged care, there is a publication *Aged Friendly Community Plan*, available from the Administration Office.

Councillor Court left the Council Chamber at 5.45pm and returned to the meeting at 5.46pm.

Question 2:

Can the Shire provide adult swimming lessons or information for immigrants who visit the Moore River Estuary?

Response by Shire President

This is not a service that the Shire can provide.

5.12 UNDEVELOPED LAND IN LANCELIN COLIN WEDGE – LANCELIN

Mr Wedge made general comments and suggestions in relation to undeveloped land on the Cunliffe Street foreshore Lancelin. He discussed where money could be spent/ sourced and stated that the Shire isn't following the Asset protection zone along the dunes/foreshore which is a fire hazard.

Response by Shire President

Taken as a statement.

5.13 TRAILS MASTER PLAN BOB JOHNSON – GUILDERTON

In March 2018, I was involved in community consultation with Mike Maher of Transplan regarding Trails. Is the report available as we would like to incorporate the Guilderton lighthouse park into the Trails Plan and grant application?

Response by Shire President

I don't believe that the plan was completed. However, if it is available than a copy can be supplied.

Response by Executive Manger Operations

The plan was only received in draft form.

**5.14 AGED CARE IN THE SHIRE
CECIL CAMPBELL – WANERIE**

Following Kerry Enright's comments can the Shire investigate Age Care Facility in the Shire?

Response by Shire President

The comment is noted. However currently medical facilities in the Shire are not adequate to support an aged care facility.

**5.15 NACC FUNDING
NORMA WEDGE – LANCELIN**

Once received what does the Shire do with the NACC money?

Response by Shire President

The Shire President advised that it was his understanding that NACC are under budget and also looking for funding. At the Shire President's request, Linda Johnson in the Gallery explained the programs available and mentioned very little funding has been allocated to the Gingin region.

**5.16 AGED CARE FACILITY
DAVE STROUD – WOODRIDGE**

Mr Stroud made suggestions following previous discussions on an aged care facility. He suggested that Council subdivide a large 10 acre block to allow small retirement homes to be built.

Response by Shire President

Taken as a statement. However this would not be possible due to the land of a deep sewer system in this area which is required as a high land use intensification.

**5.17 MEDICAL CENTRE – DOCTORS
JENNIFER WALKER – WOODRIDGE**

Doctors in the Shire of Gingin, are they available to visit the smaller communities?

Response by Shire President

At the Council meeting held immediately prior to the Electors' Meeting, Council resolved to call for expressions of interest for the provision of medical services in the Shire of Gingin.

**5.18 MEDICAL CENTRE – DOCTORS
JOHN JANSEN – ORANGE SPRINGS ROAD**

Mr Jansen made comments in relation to how there are no medical services between Christmas and New Year.

Response by Shire President

Referred to previous response.

6. CLOSURE

There being no further business, the Shire President declared the meeting closed at 6.12pm and invited all those in attendance to join Councillors and staff for refreshments.

FOOTNOTES:

The following footnotes provide an overview of the legislative provisions governing the format and procedure for the Annual Meeting of Electors.

Prepare Annual Report

The Act requires that the Local Government is to prepare an Annual Report (Section 5.53), accept the Annual Report (Section 5.54), advertise its availability to the public (Section 5.55) and hold an Annual Meeting of Electors within 56 days of accepting the Annual Report (Section 5.27).

Matters for discussion at the Annual Meeting of Electors

In accordance with Section 5.27 (3) of the Act and Regulation 15 of the Regulations, the matters to be discussed at the Annual Meeting of Electors are firstly the contents of the Annual Report for the previous Financial Year and then any other general business.

President to preside at the Annual Meeting of Electors

Section 5.30 of the Act stipulates that the President (or if not available, the Deputy President) is to preside at an Electors' Meeting.

Voting at the Annual Meeting of Electors

Regulation 17 of the Regulations outlines the voting provisions at an Electors' Meeting as follows:

Each elector at the Meeting is entitled to one vote on each matter to be decided, but does not have to vote;

All decisions are to be made by a "Simple Majority" vote; and

Voting is to be conducted so that no voter's vote is secret.

Procedure at the Annual Meeting of Electors

Regulation 18 of the Regulations states that the procedure at an Annual Meeting of Electors is to be determined by the person presiding (President or Deputy President) at the meeting.

Decisions made at an Annual Meeting of Electors

In accordance with Section 5.33 of the Act, all decisions made at an Annual Meeting of Electors are to be considered at the next Ordinary Meeting of Council or, if that is not practicable –

At the first Ordinary Meeting of Council after that meeting or

At a Special Meeting called for that purpose.

If at a Meeting of the Council a Local Government makes a decision in response to a decision made at an Annual Meeting of Electors, the reasons for the decision are to be recorded in the Minutes of the Council Meeting.

Definition of Elector

An Elector is defined under the Act as a person who is eligible to vote in an election of the Shire of Gingin.

Speaking at Electors' Meetings

When addressing the Meeting, please step up to the lectern and state your name and address for minute taking purposes.