



# MINUTES

**Annual General Meeting of Electors**

6 September 2022

## **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.

## TABLE OF CONTENTS

<b>1 DECLARATION OF OPENING .....</b>	<b>5</b>
<b>2 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE.....</b>	<b>5</b>
2.1 ATTENDANCE.....	5
2.2 APOLOGIES.....	5
2.3 LEAVE OF ABSENCE .....	5
<b>3 PUBLIC NOTICE OF AGM AND ANNUAL REPORT .....</b>	<b>5</b>
<b>4 CONSIDERATION OF THE ANNUAL REPORT.....</b>	<b>6</b>
<b>5 OTHER GENERAL BUSINESS .....</b>	<b>6</b>
5.1 QUESTIONS SUBMITTED IN WRITING PRIOR TO THE MEETING .....	6
5.2 QUESTIONS ASKED AT THE MEETING .....	6
5.2.1 CONTROL OF AIR BNBS AND SHORT-TERM RENTALS .....	6
5.2.2 CLOSURE OF ACCESS TO EDWARD ISLAND POINT .....	7
5.2.3 METHOD OF CONDUCTING COMMUNITY CONSULTATION SESSIONS .....	7
5.2.4 GRACE DARLING PARK.....	8
5.2.5 UPGRADE OF SCHOOL BUS SHELTER .....	9
5.2.6 TIDY UP OF LANCELIN COMMERCIAL CENTRE .....	9
5.2.7 NORTH END PARKING AREA TOILETS .....	9
5.2.8 ROAD ACCESS/PARKING AREA AT REAR OF SHOPPING COMPLEX.....	10
5.2.9 FOOT/BIKE PATH FROM TOWN TO SPORTING COMPLEX.....	10
5.2.10 LEDGE POINT TO LANCELIN ROAD .....	11
5.2.11 LEDGE POINT MARINA.....	11
5.2.12 PROMOTION OF LANCELIN.....	11
5.2.13 IMPROVING COMMUNICATION BETWEEN THE SHIRE AND THE COMMUNITY	12
5.2.14 CONTROL OF SEA CONTAINERS IN SEAVIEW PARK .....	12
5.2.15 NOTICE OF ANNUAL MEETING OF ELECTORS.....	12
5.2.16 LANCELIN COMMERCIAL CENTRE .....	13
5.2.17 MOWING OF TOWNSITE ENTRANCE.....	13
5.2.18 COASTAL EROSION MITIGATION - GRACE DARLING PARK .....	13
5.2.19 GINGIN COASTAL INUNDATION STUDY.....	14
5.2.20 GINGIN COASTAL INUNDATION STUDY.....	15
5.2.21 GINGIN COASTAL INUNDATION STUDY.....	15
5.2.22 SEALING OF GUILDERTON ROAD.....	16
5.2.23 PROPOSED WIND FARM - COPENHAGEN ENERGY .....	16
5.2.24 HOUSEHOLD COMPOSTING BINS.....	16
5.2.25 REPAIRS TO THE GUILDERTON GROUYNE .....	17
5.2.26 OUR JOURNEY OUR COAST PROJECT .....	17
<b>6 CLOSURE .....</b>	<b>17</b>

## ORDER OF BUSINESS

### 1 DECLARATION OF OPENING

The Shire President declared the meeting open at 5:02pm and welcomed all in attendance.

### 2 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

#### 2.1 ATTENDANCE

Councillors – C W Fewster (Shire President), J K Rule (Deputy Shire President), F J Johnson (via Teams), E Sorensen, R Kestel, F J Peczka and A R Vis

Staff – A Cook (Chief Executive Officer), L Crichton (Executive Manager Corporate and Community Services), V Crispe (Executive Manager Operations and Assets) and L Burt (Coordinator Governance/Minute Officer)

Public – There were 45 members of the public present.

#### 2.2 APOLOGIES

Councillor L Balcombe  
Mrs R Peczka  
Mrs K Sorensen

#### 2.3 LEAVE OF ABSENCE

Nil

### 3 PUBLIC NOTICE OF AGM AND ANNUAL REPORT

Section 5.29 of the *Local Government Act 1995* (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 August 2022.

The notice was also published on the Shire's website and Facebook page and displayed on official notice boards at the Shire's Gingin Administration Centre and Lancelin Office, and the Gingin Public Library.



#### **4 CONSIDERATION OF THE ANNUAL REPORT**

The Annual Financial Statements and Annual Report for 2020/2021 were received by Council at its Ordinary Meeting on 19 July 2022 (Items 11.5 and 11.6 respectively).

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.

*The Shire President noted the delay in holding this meeting following the close of the 2020/21 financial year and explained that this was predominantly due to the 2020/21 Audit being the first carried out by auditors acting for the Office of the Auditor General. Changes in legislation now require the annual financial audit for all local governments in Western Australia to be conducted by the Office of the Auditor General.*

*On 5 September 2022 Councillors participated in an Entrance Meeting with auditors who will be undertaking the 2021/22 financial audit, and it was indicated that this audit should be completed within the usual time frame.*

#### **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.

##### **5.1 QUESTIONS SUBMITTED IN WRITING PRIOR TO THE MEETING**

Nil

##### **5.2 QUESTIONS ASKED AT THE MEETING**

###### **5.2.1 CONTROL OF AIR BNBS AND SHORT-TERM RENTALS RAY WATSON**

*Does the Gingin Shire have any policy regarding Air B&Bs and short-term rentals? There doesn't appear to be any restrictions on the amount of people or cars parked on the property.*

*Many coastal shires, Busselton and Margaret River for example, have brought in new rules for property owners that lease their second homes out to short term rentals, restricting the number of people and cars on the property. The owner must display a sign with their contact number which is visible from the street. The City of Busselton has the power to deregister holiday homes for rental.*

*The Police recommend calling them if these holiday makers are making excess noise, but if it happens too many times it is a Shire matter.*

*As the Gingin Shire has been listed in the top 20 shires to have vacant homes, 47% are vacant, that is 1827 homes.*

*Will the Shire be addressing this problem?*

**Response by CEO**

Our Planning and Building Departments are looking in to this. Properties available for holiday rental in the Shire are supposed to be registered with the Shire - some are, but most are not and this is something that will take a lot of work to address. It is likely that this is something that will come to Council for consideration over the next 12 months.

**Response by Shire President**

For the first time Council has included an allocation for a Compliance Officer in its 2022/23 Budget. Once a policy on holiday accommodation and short-term rentals is in place then this will be something that the Compliance Officer, once appointed, will police.

**5.2.2 CLOSURE OF ACCESS TO EDWARD ISLAND POINT**  
**COLIN WEDGE**

*Within the Annual Report, the CEO's Report under the Coastal Erosion heading states that "The Old Access Track is now permanently closed and vehicle access is from the beach." However there are signs preventing vehicular traffic on the beach.*

**Response by Shire President**

The closure of vehicle access to Edward Island Point is scheduled to be reviewed in April 2023. The intention is that, commencing in October, the access will be re-opened for the summer period as long as the CEO determines that conditions are suitable.

**5.2.3 METHOD OF CONDUCTING COMMUNITY CONSULTATION SESSIONS**  
**COLIN WEDGE**

*The manner in which community consultation sessions are undertaken is unsatisfactory. About two years ago a consultation session was held at the Lancelin Sporting Centre in relation to the upper coastal sporting facilities. The basic outcome of the consultation process was that Lancelin and Ledge Point both wanted to keep the facilities they have, with the exception of the Gun Club which was to be relocated to Ledge Point. However, when the results came out they were almost exactly the opposite of this position. The system is wrong if the Council wants to take notice of what people are saying.*

### **Response by Shire President**

The question relates to the Upper Coastal Sporting Facilities Master Plan. A master plan was prepared as part of a process to determine rationalisation of sporting facilities and getting value for money. Cr Vis and I have recently met with representatives from the Lancelin Bowling Club, and we will be bringing forward for Council's consideration a reworking of the Terms of Reference for the Upper Coastal Sporting Facilities Working Group, with a view to revisiting the master plan and the prioritisation of facilities. Hopefully we will be in a position to arrange a meeting of the Working Group in about mid-October. We understand the community's concerns, but Council also has a responsibility to ensure value for money. We will receive new recommendations from the Working Group for further consideration by Council.

#### **5.2.4 GRACE DARLING PARK MALCOLM LOBB (LANCELIN CHAMBER OF COMMERCE)**

*We know there was a \$250,000 grant from the government to do the coastal face lift. What is the status of that?*

### **Response by Shire President**

The Cunliffe Street project is included in the 2022/23 budget.

### **Response by CEO**

We've gone out to tender, with the works as presented to the community forming the scope of works. Unsurprisingly, the responses we received were considerably more than the budget so we now have two options being to either downscale the works or find more funding.

#### **5.2.5 UPGRADE OF SCHOOL BUS SHELTER MALCOLM LOBB (LANCELIN CHAMBER OF COMMERCE)**

*The school bus shelter just out of town is in a poor state. Kids are crossing the road to catch the bus when it's dark, and there is an accident waiting to happen. Can something be included in the budget to upgrade this shelter?*

### **Response by Shire President**

We normally rely on the schools to let us know about problems with bus shelters and I don't believe we've heard anything about this one. Now that we've been advised, we're happy to look at it.

**5.2.6 TIDY UP OF LANCELIN COMMERCIAL CENTRE**  
**MALCOLM LOBB (LANCELIN CHAMBER OF COMMERCE)**

*The commercial centre gets pretty horrible looking with sand blowing. Can the Shire look at it more regularly to keep it looking a bit tidier?*

**Response by Shire President**

We do the best we can and we'll look into it again. I know there is an issue with the drainage, but that is an ongoing problem in Lancelin due to the high water table and flat terrain.

**5.2.7 NORTH END PARKING AREA TOILETS**  
**MALCOLM LOBB (LANCELIN CHAMBER OF COMMERCE)**

*Is there anything in the future about development of toilets at the North End parking area?*

**Response by Shire President**

The community was telling us that the priority was toilets at the Lancelin Off-Road Vehicle Area (ORVA) so that was the project we were pursuing. However, the State has refused to provide the Shire with a Management Order over the ORVA, and so we need to be cautious about what we spend in an area that we have no management control over. We have written to the Minister about this.

We're also dealing with the Minister for Lands and the Minister for Energy in relation to the two mines operating in the area. At this stage it looks as though these mines will continue to operate. We urge the public to get involved and lobby MPs about the mining tenements to assist the Shire in getting a Management Order issued over the ORVA.

**Further Comments by Mr Lobb**

I spoke to the CEO about this several weeks ago when he advised that the Shire was seeking to surrender the ORVA. It is mind boggling that the water catchment for the town will also be mined. We need to combine with the community and the Shire to oppose the mining leases over the water catchment and the ORVA, as that will cripple Lancelin and we can't let it happen.

The CEO has stated that the community will have the full support of Council in fighting mining of the water supply and the ORVA.

**Further Response by Shire President**

Yes, the community will definitely have the Council's support. We are also bewildered about mining over the water supply. They assure us that it can be managed, but I'm not convinced.



**5.2.8 ROAD ACCESS/PARKING AREA AT REAR OF SHOPPING COMPLEX  
MALCOLM LOBB (LANCELIN CHAMBER OF COMMERCE)**

*The road access at the rear of the shopping complex is in a really bad state – water puddles, uneven ground. Is there any way that the Shire can tidy that up and seal it?*

**Response by Shire President**

There is money in this year's budget to upgrade the area (not sealing), although as previously mentioned drainage in Lancelin is difficult.

**5.2.9 FOOT/BIKE PATH FROM TOWN TO SPORTING COMPLEX  
MALCOLM LOBB (LANCELIN CHAMBER OF COMMERCE)**

1. *What is happening with construction of the foot/bike path from town to the sporting complex?*

**Response by Shire President**

My understanding is that the trigger point hasn't yet been reached for the developer to start contributing funds to this project.

2. *Can I suggest that the Shire include staged development in future budgets?*

**Response by Shire President**

That's a fair point. However we've spent \$200,000 in the last year on footpaths and we have to distribute funds across the whole Shire. We've been focussing on footpaths near schools, but if that's not a priority for Lancelin then we can look at it. However, the danger is that if we go ahead and put the footpath in it may negate the contribution from the developer.

**5.2.10 LEDGE POINT TO LANCELIN ROAD  
MALCOLM LOBB (LANCELIN CHAMBER OF COMMERCE)**

*Is there any progress on the proposed road linking Ledge Point and Lancelin?*

**Response by Shire President**

Council is very keen to see the road constructed one day. There was a business case done, but certainly there has been no progress. It was initially linked to the proposed boat launching facility/marina at Ledge Point, but that has not progressed either.

### **Response by CEO**

We're at about 85% technical design. Once the design is completed and costed we can apply for funding. This is not a project that the Shire can fund.

#### **5.2.11 LEDGE POINT MARINA MALCOLM LOBB (LANCELIN CHAMBER OF COMMERCE)**

*I've heard that this is pretty much canned?*

### **Response from CEO**

Unfortunately this has never been imminent and it's still in the future. Meetings with the Department for Transport make it evident that they are on a different page to the Council and community. They don't want another marina. We have expressed the importance of having another marina on the coast, but they are more excited about the road linking Lancelin and Ledge Point and the scale of the Lancelin South development.

#### **5.2.12 PROMOTION OF LANCELIN MALCOLM LOBB (LANCELIN CHAMBER OF COMMERCE)**

*Lancelin is a beachside tourist destination. We need to promote ourselves as the Jewel in the Crown along Indian Ocean Drive.*

### **Response by Shire President**

I think we do a reasonable job, but if the Chamber thinks differently then we're more than happy to meet to discuss it. Council is very excited to see that the community has re-established the Ledge Point to Lancelin windsurfing event. We think this is very important for both communities, but particularly for Lancelin and the Shire is certainly happy to be involved again.

#### **5.2.13 IMPROVING COMMUNICATION BETWEEN THE SHIRE AND THE COMMUNITY MIKE CARDY**

*What steps are being taken to improve communications between the Shire and the general public? There seems to be an emphasis on using Facebook which is not a great medium. I really hope that you're not going to rely on Facebook as the primary means in the future.*

### **Response by Shire President**

I would have thought that our Council to Community is the primary source of community information, not Facebook. We believe that we've improved over the years, and this is evidenced by the results from our community satisfaction surveys. We're open to suggestions if there's a better way of communicating.

### **Further Comments by Mr Cardy**

*Email is a better way as long as the email address list is up to date.*

**Response by CEO**

We aren't allowed to do that. People can subscribe to our email list, but we can't just start taking people's email addresses.

**5.2.14 CONTROL OF SEA CONTAINERS IN SEAVIEW PARK  
MIKE CARDY**

*What steps are being taken to ensure that sea containers in Seaview Park comply with the regulations?*

**Response by Shire President**

This is a planning issue and unfortunately we don't have any of our planners here this evening to provide advice. However, it is a concern all over the Shire and will probably be one of the first issues to be tackled by our Compliance Officer once someone is appointed to the position.

**5.2.15 NOTICE OF ANNUAL MEETING OF ELECTORS  
BEVAN HENDERSON**

*Further to your comment when opening the meeting that the notice of this meeting was available from the Shire's website, it wasn't on the website as I was unable to find it.*

**Response by CEO**

The notice of meeting was published on the Shire's website under the Public Notices section on 17 August 2022. The Agenda for the meeting was uploaded to the website on 2 September 2022.

**5.2.16 LANCELIN COMMERCIAL CENTRE  
BEVAN HENDERSON**

*I think you would be ashamed if your business was surrounded by water and in a mess in this town. It really is a disgrace in this area. Shire staff were out filling in potholes with a ute and a dingo last week, but they're all full of water again now. Can't we get some loads of gravel brought in? Lancelin is a tourist town and there needs to be something done about it.*

### **Response by Shire President**

The point is taken, however drainage has always been a problem in Lancelin because of the high water table and the fact that the town is flat with nowhere to drain the water to. It has been a very wet year and at the moment the Operations and Assets staff are struggling to attend to pot holes and other water damage across the Shire. It's also very difficult to get contractors and materials at this point.

Nevertheless, a commitment is given that we will look at it.

### **5.2.17 MOWING OF TOWNSITE ENTRANCE** **BEVAN HENDERSON**

*The entrance to town looks very nice, the boys have done a great job. I have also spoken to Vanessa about weeds and her plan is a great idea. However, the mowing carried out at the entrance the other week was terrible. It's a mess, the grass hasn't been trimmed around the poles, can we have something done about it?*

### **Response by Shire President**

I guarantee that we will look at it.

### **5.2.18 COASTAL EROSION MITIGATION – GRACE DARLING PARK** **BEVAN HENDERSON**

*Some years ago we had a meeting looking at inundation and erosion. We were told that we couldn't do anything and that the Shire's hands were tied. However after the storms last year Geraldton put in sandbags. We can't we do the same thing for Grace Darling Park?*

### **Response by Shire President**

We actually had money on budget some years ago for this work, but we've been advised repeatedly by the State that if we do any work of this nature and it causes a problem in terms of erosion elsewhere then the Shire will be held fully responsible for that. Geraldton is a very large local government with significant resources available to undertake in-depth studies, and they have obviously concluded that the risk is justifiable in that particular location.

At this stage we're getting funding to renourish sand on an annual basis and it looks like that will be ongoing. We are still looking at other options as the Shire is keen to protect its asset, but we won't do anything until we can get some commitment and support from the State. The Department of Fire and Emergency Services has absolutely no interest in protecting its asset.



**5.2.19 GINGIN COASTAL INUNDATION STUDY**  
**VIN O'SULLIVAN**

*Q1. Has there been a peer review undertaken of this study?*

**Response by Shire President**

Yes. Consultants are working now on combining the Coastal Inundation Study with the Coastal Hazard Risk Management and Adaptation Plan (CHRMAP).

*Q2. Did the review make recommendations to Council on how to mitigate water inundation?*

**Response by Shire President**

No. We are guided by the State, and at the moment their preferred course of action is retreat. Council isn't keen on that, but it's what we have to deal with.

*Q3. If the report indicates where the inundation would occur from initially, and I believe this is Grace Darling Park, then wouldn't a rock wall there help to protect the town?*

**Response by CEO**

Not really, because once the wall is overtopped then the water tends to be trapped behind it. You would probably end up having to construct a wall along the whole bay, with the risk of water being trapped along the whole length.

*Q4. My background is as an engineer, and I don't accept that position. Can we go to a third opinion?*

**Response by CEO**

We are following advice received from coastal engineers that is peer reviewed by the Department of Planning, Lands and Heritage. The State doesn't support the construction of any hard wall structure in Lancelin, and also will not support the replacement of the existing rock wall in Seabird. The pre-requisite for getting any form of infrastructure out of the State is to do a benefit distribution analysis, and their position is that anyone who benefits has to pay.

*Q5. So are we telling people in Lancelin that in 30 years they are going to be swimming?*

**Response by CEO**

The State is protecting the State's interests, and they have told Council that they are not prepared to fund or construct sea walls in this area.

**Response by Shire President**

I don't disagree with anything you've said, but it's certainly an issue that is too big for the Shire of Gingin to deal with on its own. We're certainly not alone, and similar issues are being experienced all along the coast. Insurance is probably going to drive change, because insurance is certainly going to be hard to get.

**5.2.20 GINGIN COASTAL INUNDATION STUDY**  
**JUDITH SKOGLUND**

*This community would, I think, passionately take this matter on. I understand that the Shire can't go any further, but the community can. Would you support the community in such an endeavour?*

**Response by Shire President**

Definitely. It's a state issue, and I can't emphasise enough that the community should be contacting their State MPs.

**5.2.21 GINGIN COASTAL INUNDATION STUDY**  
**KERRY ENRIGHT**

*Q1. Geraldton recently got a \$750,000 grant. Is that the one that the Shire got?*

**Response by CEO**

Yes.

*Q2. Would it be wise for the people of Lancelin to petition Rita Saffioti?*

**Response by CEO**

The issue is that you can't get that money unless you've done all the planning. A city like Geraldton has a lot of ratepayers and a lot of revenue to get these studies done. They probably even have a coastal engineer on staff. That project isn't a \$750,000 project, it's probably a \$4 million project. The sandbag project at Grace Darling Park was costed as a \$4 million project. If you don't have the necessary resources behind you, you won't get funding.

The State didn't support the inclusion of hard walls as an outcome in our CHRMAP, and therefore we won't get funding for these. We keep putting in applications every year – we just put in another one for groynes at Seabird and we've been told categorically no, that this will not be considered until the wall reaches the end of its life.

**Response by Shire President**

Speaking of the Seabird seawall, that's an example of what people power can do. It was the community that got the funding for that project. The Shire can only do so much, and I encourage everyone to start contacting their State members.

**5.2.22 SEALING OF GUILDERTON ROAD**  
**KERRY ENRIGHT**

*Is the road into Guilderton going to be properly sealed?*

**Response by Shire President**

It's in the maintenance budget.

**5.2.23 PROPOSED WIND FARM – COPENHAGEN ENERGY**  
**KERRY ENRIGHT**

*The Guilderton Community Association has been contacted by Copenhagen Energy in relation to a proposed offshore wind farm. Has the Shire also been contacted?*

**Response by Shire President**

Yes, the CEO and I had a Teams meeting with Copenhagen Energy on 1 September 2022. They have significant plans for the development of wind farms in Western Australia. Stage 3 of the project, which is probably some 9-10 years away, is the construction of 300 wind turbines ranging in distance from 10-40km off the Shire of Gingin coast. We are assured that there will be an extensive public consultation process involved.

**5.2.24 HOUSEHOLD COMPOSTING BINS**  
**KERRY ENRIGHT**

*There was a program on TV about the City of Canning, where they provide households with composting bins. The waste is then collected by the City, processed and sold back to the community as compost. Would the Shire of Gingin be interested in investigating that process?*

**Response by Shire President**

We've certainly looked at FOGO bins, but unfortunately at this stage the cost makes it unviable for the Shire of Gingin.

**5.2.25 REPAIRS TO THE GUILDERTON GROUYNE  
KERRY ENRIGHT**

*Does the Shire know if the groyne in Guilderton will be repaired?*

**Response by CEO**

The Shire has applied for a grant to undertake a full engineering design for a rebuild, but we don't know the outcome of that application as yet.

**Response by Shire President**

As you would be aware, the Shire isn't allowed to touch the groyne, so ultimately it's up to the Department of Transport.

**5.2.26 OUR JOURNEY OUR COAST PROJECT  
RUSSELL KERNAHAN**

*The Our Journey Our Coast Project – how long will that take?*

**Response by CEO**

That's the integration of the CHRMAP and the Coastal Inundation Study, which is close to being completed.

**Response by Shire President**

There will be further community consultation once the final document is received, and I urge everyone to contact the Shire or individual Councillors with any questions, comments or suggestions.

**6 CLOSURE**

There being no further business, the Shire President declared the meeting closed at 6:25pm and invited all members of the public to join Council for refreshments.