



MINUTES

Annual General Meeting of Electors

21 January 2025

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.

PROCEDURE FOR ANNUAL GENERAL MEETING OF ELECTORS

In accordance with Reg. 15 of the *Local Government (Administration) Regulations 1996* (the Regulations), the matters to be discussed at an annual general meeting of electors are firstly the contents of the Annual Report for the previous financial year, and then any other general business.

Reg. 18 of the Regulations states that the procedure to be followed at a general or special meeting of electors is to be determined by the person presiding at the meeting. In accordance with s. 5.30 of the *Local Government Act 1995* (the Act), the President is to preside at electors' meetings.

The President has determined that the following procedure will apply to this meeting.

Attendance and Participation in the Meeting

1. Any member of the public may attend an electors' meeting as an observer.
2. **Only electors of the Shire of Gingin can ask questions and participate in discussion unless a motion is passed by those present at the meeting to allow a person who is not an elector to do so.**
3. **Only electors of the Shire of Gingin can move, second or vote on any motion.**
4. For the purposes of an electors' meeting, an elector is:
 - a person whose name is recorded on the State Residents' Roll for the Shire of Gingin;
or
 - a person whose name is recorded on the Shire of Gingin Owners and Occupiers Roll;
or
 - a ratepayer of the Shire of Gingin.
5. On entry, all attendees will be checked by Shire of Gingin staff against the Residents' Roll, the Owners and Occupiers Roll and/or the Rate Record to verify their status. All verified electors will be issued with a 'Elector' card.
6. All attendees must:
 - a. enter their name, address and signature on the Attendance Register when entering the meeting venue. Information contained in the Attendance Register is for internal records purposes only and will not be published or distributed;
 - b. remain seated at all times during the meeting, unless invited by the President to address the meeting at the lectern;
 - c. not cause any disturbance or disrupt the meeting in any way; and
 - d. comply with this Procedure and the direction of the President at all times.

7. Attendees who do not adhere to the Procedure may be requested by the President to leave the meeting and/or the premises, and that person/s will be required to comply with the direction of the President.

Recording of the Meeting

8. An audio recording will be made of the meeting solely for the purpose of producing the Minutes. This recording will not be made publicly available.
9. No other audio or visual recording is to be undertaken without the permission of the President.

Order of Proceedings

10. The order of proceedings will be as set out in the Agenda for the meeting.
11. During General Business statements may only relate to matters that affect the local government, and will be accepted at the discretion of the President.

Speaking at the Meeting

12. Submission of questions and/or motions in writing by 12.00 noon on the day before the meeting is encouraged. Questions submitted before the meeting will be addressed as a priority before further questions and motions are taken from the floor.
13. **In order for questions submitted prior to the meeting to be dealt with at the meeting, the questioner must attend the meeting and ask their question/s in person.** If the questioner does not attend the meeting then they will receive a written reply to their question/s, but the questions and responses provided will not be referenced during the meeting and will not appear in the Minutes.
14. When speaking at the meeting, a speaker must:
 - a. rise and move to the lectern unless unable to do so by reason of sickness or disability;
 - b. use the microphone provided;
 - c. state their name and address for the Minutes;
 - d. direct their question, motion or statement to the President only;
 - e. limit statements to fact, not opinion or supposition;
 - f. not reflect adversely on Councillors or Shire employees; and
 - g. refrain from making repetitive comments on matters that have already been discussed, to ensure that the meeting can progress effectively.

15. The President will manage the time allocated for speakers to a motion to ensure that all verified electors are given a fair and equal opportunity to speak.
16. If the President determines that sufficient and fair debate has occurred on a motion then the President, after inviting the mover to exercise the right of reply, will put the motion to the vote.

Voting at the Meeting

17. Each verified elector is entitled to 1 vote on any motion moved and seconded at the meeting, but electors do not have to vote on any matter if they choose not to.
18. The vote will be determined by verified electors raising their 'Elector' card either for or against the motion when asked to do so by the President.
19. Voting at an electors' meeting is to be conducted so that no vote is made in secret.
20. All decisions at an electors' meeting are to be made by a simple majority of votes.

Other Matters

21. The President will determine questions of order or process not stated in this procedure.
22. The Minutes of electors' meetings will be made available to the public as soon as is practicable after the meeting, and before the Council meeting at which decisions made at the electors' meeting are to be considered.
23. As far as is practicable, all decisions made at an electors' meeting will be considered at the next Ordinary Council Meeting.
24. The decisions made at an electors' meeting are not binding on the Council. However the Act requires that the reasons for any Council decision made in response to a decision made at an electors' meeting must be recorded in the Minutes of the Council meeting.

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ORDER OF BUSINESS

1 DECLARATION OF OPENING

The President declared the meeting open at 6:00pm and welcomed all in attendance.

2 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

2.1 ATTENDANCE

Councillors – L Balcombe (President), R Kestel (Deputy President), F Johnson, F Peczka, E Sorensen, L Stewart, A Vis, J Weeks and N Woods

Staff – S Wildgoose (Chief Executive Officer), L Crichton (Executive Manager Corporate and Community Services), J Bayliss (Executive Manager Regulatory and Development Services), R March (Executive Manager Operations and Assets), T Rush-Harvey (Governance Support Officer), B Mosher (IT Officer) and L Burt (Coordinator Governance/Minute Officer)

Gallery – There were 35 members of the public present in the Gallery.

2.2 APOLOGIES

P Elliot, H Elliot, N Skoglund, J Skoglund, G Grant and S Grant

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 4 January 2025.

The notice was also published on the Shire's website and Facebook page on 2 January 2025 and displayed on official notice boards at the Shire's Gingin Administration Centre and Lancelin Office, and the Gingin Public Library.

Information was read aloud to the meeting by the President.

4 CONSIDERATION OF THE ANNUAL REPORT

The Annual Financial Statements for 2023/24 were received by Council at an Ordinary Council Meeting on 17 December 2024 (Item 12.1), with the 2023/24 Annual Report being received at an Ordinary Council meeting on 17 December 2024 (Item 12.1).

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.

The President advised that she would take any questions in relation to the Annual Report during General Business.

5 GENERAL BUSINESS

5.1 QUESTIONS SUBMITTED IN WRITING PRIOR TO THE MEETING

The President advised that a number of questions had been received prior to the meeting and invited those questioners who were present at the meeting to ask their questions.

5.1.1 Guilderton Foreshore CCTV Cameras

Linda Johnson - Guilderton

- a. Now that 4 CCTV cameras have been installed in the foreshore carpark, please tell us who is monitoring them and what is any information collected being used for?

President's Response

The CCTV cameras on the foreshore were installed for community and property safety purposes and act as a deterrent to potential criminal activity.

- b. How long is information stored for and do the cameras operate 24 hours a day?

President's Response

The footage is stored in accordance with WA Police CCTV guidelines which recommend a storage period of 30 days however footage is not actively monitored.

- c. Who is allowed to access the information from the cameras?

President's Response

The footage is only accessible to the CEO, the Executive Manager Corporate and Community Services, and the WA Police on request.

5.1.2 Paid Parking Guilderton Foreshore
Linda Johnson - Guilderton

- a. Paid parking was installed at Guilderton foreshore and has been operational since April 2018, 7am to 7pm 365 days a year (except for a short time during Covid and a brief winter hoarding 2 years ago). How much total revenue has been collected and where is that money now?

President's Response

- i. Total collected from the meters \$530,700; and
\$363,400 Guilderton Foreshore Reserve
\$38,200 Guilderton Trailer Parking Reserve
\$110,900 parking maintenance
\$18,200 foreshore survey and design work
- ii. Total collected from fines associated with foreshore parking infringements
\$117,670
Applied to Guilderton foreshore maintenance (\$423,800) over the same period.
- b. What are the Shire's intentions for the promised 'foreshore upgrades and what timeframe is current'?
- c. Will the community be involved in Shire plans for any changes to Guilderton foreshore and its facilities?

President's Response (Q. 5.1.2b. and Q. 5.1.2c.)

The community is involved in planning for the foreshore development through the Guilderton Foreshore Development Working Group which includes up to five community representatives. This group has met four times over the last financial year including review of a number of design options provided by the consultant and will continue this work over the coming months.

5.1.3 Guilderton Foreshore Development
Linda Johnson - Guilderton

The last meeting of the Guilderton Foreshore Development Working Group was held in March 2024 and no further information has been forthcoming. Will the matter be coming back to the community?

President's Response

Question taken on notice, but there will be more to come back as these are working designs.

5.1.4 Jet Boat Racing – Moore River **Linda Johnson - Guilderton**

On 8 December 2024 the first jet boat races were held on the estuary, with permits from the Dept of Transport and the agreement of the Shire. I understand that DoT has jurisdiction for behaviour on the estuary waters and the Shire has responsibility for the foreshore from the high water line.

- a. Is the Shire intending to support future speed events on the estuary?

President's Response

The Shire has made no commitment to supporting future speed events on the estuary and will consider any request on its merits.

- b. What actions do you propose to take to ameliorate the environmental damage to the estuary's unique fauna and riparian zone from speeding boats?

President's Response

While the most significant impact on the estuary's fauna and riparian zone remains the impact of nutrient run off from agricultural activity adjacent to the river, discussions have commenced with the Department of Transport, Department of Water and Environmental Regulation and the Department of Biodiversity, Conservation and Attractions on the future application and approval processes associated with events of this type.

- c. Who is the Shire environmental officer?

President's Response

The Shire has no designated Environmental Officer. However environmental sustainability and preservation is recognised under the Shire's Strategic Community Plan. This drives decisions around understanding climate change and identifying actions to adapt/mitigate and developing policy and actions that support preservation activities.

5.1.5 Closure of Estuary to Swimming
Linda Johnson - Guilderton

Last February the Shire advised that the estuary was unsafe for swimming and ‘closed the river.’

- a. I understand that water testing of estuary waters for bacteria is conducted by the Shire for the Dept of Health?

President’s Response

The Shire undertakes weekly water sampling between November and April each year as part of the Department of Health’s Recreational Waters Monitoring Program. This has been ongoing for approximately 10 years and test results are reviewed by the Department of Health and the Shire’s Environmental Health Officer. In the event that elevated bacterial levels are identified by qualified environmental health practitioners, the Shire notifies water users via social media and signs placed along the foreshore to alert water users to elevated risks associated with submerging while swimming.

- b. How often is this done and where are the samples taken?

President’s Response

Water samples are taken from the Moore River at Caraban Rocks (rope swing), Moore River Bridge and three sites along the foreshore area.

- c. How can we know the results of this testing so that we can see the trends and decide if we should avoid swimming?

President’s Response

Water sample results are not currently available to the public, however the Shire will open discussions with the Department of Health as to whether this data can be released publicly.

5.1.6 Rubbish Collection – Guilderton
Wil Cuperus - Guilderton

Guilderton’s permanent population is around 160. This swells to 3,000 over peak holiday season. The amount of rubbish produced during the peak seasons is far greater than the low holiday season. Ratepayers are forced to take the extra summer rubbish and recyclables to the tip, while simultaneously the Shire provides extra rubbish bins to its foreshore commercial enterprises.

Please can you tell me and the people of Guilderton:

- a. Why the rubbish collection remains weekly, when rubbish is nearly twenty fold greater over summer?

President's Response

Putrescible rubbish services (general waste bins) are required to be collected weekly under waste management legislation. The current service provided is designed to meet the needs of most households within the Shire of Gingin, however it is understood that this may not suit all households and therefore there is an ability to purchase additional bin services.

The Shire will investigate providing an additional bin rate to enable those residents who find that they can't operate within the current structure to purchase either a general waste bin or a recycling bin rather than having to purchase an additional full service.

Those who run businesses from their homes such as Airbnb can consider topping up their residential service by approaching commercial services such as Avon Waste. This is in line with the Waste Authority best practice for a two-bin service.

- b. Why were the previously provided commercial bins no longer provided over summer?

President's Response

Commercial skip bins were previously provided to assist in managing waste at Guilderton during peak season. This has been discontinued as a result of community feedback regarding aesthetics of the bins and issues with vermin, litter, and smell. The Shire's experience was that this service was misused.

- c. Why are extra bins provided to the businesses on the foreshore area during peak holiday season, when ratepayers are not provided extra rubbish collection services?

President's Response

The Shire does not provide commercial bin services, this is an arrangement between the individual business operators and Avon Waste.

The Shire does place additional park bins (blue and red bins) along the foreshore area and in other high tourist areas through the coastal towns to cater for the additional population. These additional bins are serviced by a contractor on a regular basis and any additional servicing needs are actioned by Shire staff.

- d. Why does the Shire favour its own commercial enterprises on the foreshore, by providing more rubbish collections for its customers at the expense of ratepayers?

President's Response

This is not the case. Please refer to my response to the previous question.

5.1.7 Gingin Railway Station
Mary Cameron - Gingin

Where is the Council at in relation to the leasing out of the Gingin Railway Station as a tea rooms/café?

President's Response

Currently the Shire is in negotiations with the National Trust on the Head Lease for this building, particularly in relation to a proposed increase in rent.

Work to upgrade the verandah flooring and toilet access have been completed and expressions of interest for the sublease of part or all of the Railway Station have been received. These will be presented to Council for consideration at its February 2025 meeting and will inform head lease discussions with the National Trust.

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 Limitation on Free Visits to Landfill Sites
Sally Gifford - Gingin

26 free visits to the rubbish tip is not sufficient (for properties without kerbside bin collection). Is it possible for the Shire to issue 2 passes per property, each valid for 26 free visits? Also it would be really good if we could start recycling again.

President's Response

Your points are taken. This matter has been under discussion today, and there will be further discussion by Council in relation to this. This is a new system and aspects of it will need some further attention.

5.2.2 Public Question Time and Public Statement Time

Ed Hartman - Neergabby

- a. Our President late last year indicated that Council had voted to restrict the above to matters only relating to the monthly agenda. Having recently reviewed the Shire's website on this matter there seems to be no mention of this change?

CEO's Response

There is no restriction on the nature of questions that can be asked during Public Question Time at Ordinary Council Meetings. The restriction only applies to Public Statement Time.

Public Statement Time isn't a common practice and Council has decided that, whilst it will allow statements to be made, they should be restricted to matters listed on the agenda for the meeting at which the statements are being made.

- b. Can Council review this restrictive decision and align the Shire with the more progressive Councils that allow open Question Time and open Statement Time? For example, an initial Question Time and Statement Time only on matters pertaining to the agenda, and once completed a second Question Time and Statement Time without restrictions?

President's Response

Your comments are noted and will be looked into.

5.2.3 Restrictions on Camping on General Rural Property

Jenni Kenworthy - Coonabidgee

The Shire of Gingin has advised various ratepayers/property owners who live in General Rural zoned land usage areas that if they can have camping on their property that is classified "other than at a caravan park or campground" that camping is restricted to 3 nights in a period of 28 consecutive days.

Does the Shire interpret this as camping being allowed for 3 days out of every 28 days on rural zoned land?

President's Response

The question is taken on notice.

5.2.4 Alternative Venues for Council Meetings
Bevan Henderson - Lancelin

MOTION

MOVED: Bevan Henderson

SECONDED: Kate Lane

That Council consider holding one or more Council meetings on the western side of the Shire.

CARRIED

5.2.5 Fish Cleaning Facility in Lancelin
Bevan Henderson - Lancelin

Can the Shire please consider a fish cleaning facility in Lancelin?

President's Response

The question is taken on notice for future discussion.

5.2.6 Proposed Chinese Wind Farm
Doug Gerloff – Seaview Park

What policies has the Shire established with regard to wind farms? If we don't have policies established, what is being done to do something about it?

President's Response

Policies relating to wind farms are forming part of Council's discussions at the moment. Your comments have been noted and will be considered during discussions.

5.2.7 Road Verges in Seaview Park
Doug Gerloff – Seaview Park

Does the Shire have any responsibility in relation to verges and, if not, why not?

President's Response

I'll take the question on notice. Have you put a complaint through the Shire's customer request system? This is an operational matter and if a complaint is submitted it will be sent to the Operations Department for attention. If after doing that you feel that the matter isn't being resolved satisfactorily then you can approach a Councillor and we can take it to the CEO.

5.2.8 Upgrading of Lancelin Road
Doug Gerloff – Seaview Park

MOTION

MOVED: Doug Gerloff SECONDED: Bevan Henderson

That Council consider the design and construction of a safer and better quality road from Indian Ocean Drive to Lancelin.

CARRIED

5.2.9 Release of Agendas for Ordinary Council Meetings
Kate Lane - Neergabby

MOTION

MOVED: Kate Lane SECONDED: Brendan Leahy

That agendas are provided 14 days prior to Ordinary Council meetings allowing members of the public to attend and to contact Councillors about any matters that concern them. Many ratepayers have jobs and need to agree to leave in advance (to attend meetings during the day) and Councillors themselves should have time to assimilate what is on the agenda.

CARRIED

5.2.10 Opening of Council Briefing Sessions to Public
Kate Lane - Neergabby

MOTION

MOVED: Kate Lane SECONDED: Brendan Leahy

That Council briefing sessions are open to the public and only closed if confidential items are to be discussed, as per Ordinary Council Meetings.

CARRIED

5.2.11 Method of Electing President
Kate Lane - Neergabby

MOTION

MOVED: Kate Lane SECONDED: Lindsay Leahy

That the President is chosen by the electorate.

CARRIED

5.2.12 Motions Passed at Electors' Meetings
Kate Lane - Neergabby

MOTION

MOVED: Kate Lane SECONDED: Lindsay Leahy

That Motions passed at these meetings are dealt with at the subsequent Ordinary Council Meeting individually, allowing them to be fully considered and not lumped together and voted on as one item, which happened to the majority of Motions passed at the 2024 Electors' Meeting.

CARRIED

5.2.13 Change of Commencement Time for Council Meetings
Kate Lane - Neergabby

MOTION

MOVED: Kate Lane SECONDED: Jenny Kenworthy

That Council meetings are moved to evening/late afternoon sessions to allow a wider range of the community to offer their services as Councillors. Currently only those ratepayers who are retired or can set their own work hours are able to stand for election, which effectively bars a large proportion of the population both from acting as Councillors or attending meetings.

CARRIED

**5.2.14 Stable Fly Inspector
Kate Lane - Neergabby**

MOTION

MOVED: Kate Lane

SECONDED: Ed Hartman

That our Stable Fly Inspector is retained full time and not just in the summer to offer training and education to the public, agricultural and horticultural bodies and other affected LGAs.

CARRIED

**5.2.15 2023/24 Annual Report
Steve Beckwith – Beermullah**

- a. On the balance sheet there is a significant change in depreciation without a corresponding change in assets. What is the reason for this?

President's Response

Question taken on notice.

- b. Is 10 FOI requests normal for a small to medium Council and what would be the staff costs associated with processing these?

President's Response

Question taken on notice.

**5.2.16 Current Legal Action by the Shire of Gingin
Ryan Kenworthy – Coonabidgee**

Mr Kenworthy wished to move a motion in relation to a legal matter.

President's Response

The President advised that she would not allow the motion to proceed.

6 CLOSURE

There being no further business, the President declared the meeting closed at 6:56pm.