

WAGAIT SHIRE COUNCIL

MONTHLY MEETING – TUESDAY, 17 FEBRUARY 2009

MINUTES

Present:	Peter Clee	- President
	Karen Duncan	- Deputy President
	Rocco Magnoli	- Councillor
	Jane Carrigan	- Councillor
	Trish McIntyre	- Councillor
	Vera Lamont	- Councillor
	Darryl Withnall	- Councillor
	Wally Lenyszyn	- Chief Executive Officer

Apologies:

1. MEETING OPENING

President Clee opened the meeting at 7.02pm.

1(a) DECLARATION OF INTERESTS

Nil

2. MINUTES FROM PREVIOUS MEETINGS

Monthly Council Meeting – 20 January 2009

Cr Carrigan raised the following matters from the meeting:

- Item 3.1 Suggested that the CEO did not make the quoted comments.
The Chief Executive Officer advised that he did.
- Item 3.10 Advised that the minutes do not reflect the content of the discussion that took place.
- Item 3.12 Questioned the meaning of “No further action taken on Cr Carrigan’s notation.”
The Chief Executive Officer advised that there would be no further action taken by the Council in respect of the matter raised.
- Item 3.14 Suggested that there was a Council resolution on meeting with the Larrakia Land and Sea Rangers.
The President advised that there was no resolution.
- Item 11 Suggested that the minutes should reflect that there were items discussed “In Camera”.
The President advised that Cr Carrigan’s comments were noted.

Resolution No. 08/172

That the Minutes of the Monthly Meeting of 20 January 2009 be accepted.

Moved: President Cleo
Seconded: Vice President Duncan
Vote: Carried 6-1, Cr Carrigan against

2.1 Matters Arising from the Minutes:

2.1.1 Cr Carrigan raised the matter of employees having to wear high visibility clothing whilst on duty.

The Chief Executive Officer advised that employees were instructed to do so and only purchase high visibility clothing.

It was suggested that new clothing purchased should have the Shire Emblem and employee name included.

3. INWARDS CORRESPONDENCE

3.1 Minister for Justice

Responding to the Council's representations for the reintroduction of the Correctional Services Work Party (CSP) to assist the elderly with garden maintenance.

"Each block in the Mandorah area covers one or more acres and the logistics of providing the service was considerable. The round trip is 300km and takes three work parties and equipment away from the immediate Darwin and Palmerston areas for the whole day.

Although the CSP has in the past been in a position to provide gardening and general household clean-ups to Wagait Beach, this service cannot be sustained. This is due to competing priorities and increasing demands on the CSP resulting in the necessity to review the service delivered. It was with regret the Executive Director, Northern Territory Correctional Services had to make the decision to withdraw services from Wagait Beach.

Nevertheless, Government is considering the feasibility of regional work parties and should they be established this may assist in the future"(C 7)

Cr Carrigan again asked that letters from the Minister be part of the papers rather than current arrangement of partial quotes being submitted by CEO.

The Chief Executive Officer advised that lengthy letters are normally copied in full. Where it is possible to summarise correspondence to save paper this procedure is adopted on the basis that Councillors know that they are able to obtain a full copy of the letter any time prior to the Council meeting.

Resolution No. 08/173

That the Local Member be asked to arrange an urgent deputation to the Minister for Justice for the purpose of having the Government understand its obligation to look after senior residents throughout the Territory and not just focus upon the provincial centres of Darwin and Palmerston and

that the Government intervene for the reinstatement of the Community Support Party program to Wagait Beach

Moved: Cr Carrigan
Seconded: Cr Lamont
Vote: Carried 7-0

3.2 Department of Planning and Infrastructure

Responding to Council's request for an Officer to address the Council on drainage issues at Wagait Beach. (Ref Attachment Pg No 1)

All registered drainage easements within the Wagait Beach subdivision are in favour of the Northern Territory of Australia.

With regard to who is responsible for approval works, as previously advised, there is a general exemption under the water Act for the construction of culverts across a waterway and for urban drainage in general. This means that any interference with flows in a waterway, including that associated with roads and the culvert currently at issue, is exempt as long as the drainage works are "designed and constructed to engineering standards accepted by the relevant public authority. In the case of the culvert currently at issue the relevant public authority is the Northern Territory Government., as the owner of the easement, and approval for the culvert has already been issues."

There is no reference to the request for an officer to address the Council. (R 4)

It was agreed that Council should follow-up again the request for a Departmental Officer to address the Council.

3.3 Department of Local Government and Housing

Forwarding a reminder about the means of access to the Natural Disaster Relief Recovery Arrangements.

The information contains details of all natural disasters that qualify for funding from fund. (C 14.5)

Tabled and Noted

3.4 Northern Territory Grants Commission

Advising that the Minister for Local Government and the responsible Commonwealth Minister have accepted the Northern Territory Grants Commission's recommendations for the allocation of the 2008/2009 financial assistance grants.

The Council will receive the following grants:

FAA Federal Assistance	\$12,172.00
Roads	\$47,984.00

This compares with previous years FAA allocations of:

2006	\$27,587
2007	\$28,385
2008	\$27,207

The 2008/09 allocation equates to a funding reduction of 55%.

Despite Council's representations to the Grants Commission and Minister for Local Government, all we have said has obviously fallen upon deaf ears. Our argument that the formula was heavily biased towards Aboriginal Communities has proven to be correct, much to our detriment. Our argument that we should be treated separately from the larger Shires has also not received any support. All along, all that we have wanted is to receive no less in funding than what we received in the previous year.

The one fear that remains is if the Grants Commission's new formula is to apply to the NT Operating Grant. Should this be the case and the same scenario apply, there is potential for the Council to lose an additional \$70,000 in income. If we were to lose this amount of income in 2009/10, to sustain the same level of service delivery, rates may have to increase. (G 1.6)

Resolution No. 08/174

That the actual impact of the NT Grants Commission's new funding formula be brought to the attention of the Minister for Local Government and that he be asked not to use the formula in the calculation of the Council's 2009/10 NT Operating Grant.

Moved: Vice President Duncan
Seconded: Magnoli
Vote: Carried 7-0

3.5 Department of Health and Families

Advising that the Territory Government is offering grants of up to \$2,000 to help subsidise community based events and activities for Seniors Month – August 2009. (C 18.2)

Resolution No. 08/175

That Council agree to conduct a Seniors Dinner Dance in August 2009 and that a grant application be submitted to the Department of Health and Families to offset costs associated with staging the event.

Moved: Vice President Duncan
Seconded: Cr Lamont
Vote: Carried 7-0

4. REPORTS:

4.1 CEO's Report

4.1.1 Monthly Status Report

Please find attached (Attachment. Pg 2) the current Status Report detailing action taken by Council staff on decisions made by the Council.

The report is open for any questions from Councillors.

Received and Noted

4.1.2 Future Directions Meeting

The date set for the Future Directions Meeting is the 24 March commencing at 7.00pm.

I have previously circulated Councillors with project suggestions to date. A small number of others have since been received. An updated copy is attached at Appendix Pg No. 3

It is proposed to publish all of the suggestions in the next Wagaitear to stimulate interest for attendance at the meeting. We will have a representative from LGANT to talk on refuse management.

Following discussion, the President requested that any Councillor wanting to elaborate on any issue should provide the information to the Chief Executive Officer.

Received and Noted

4.1.3 Policy Development

The Council at its last meeting requested that Cr Carrigan and myself proceed to develop policy documents for Council's consideration.

During the past few weeks we have met on one occasion and established an implementation strategy. What we are proposing is:

1. Initially develop a **Policy Framework** Policy that will provide the guidelines and directives for the development of policy.

This document has been prepared (Refer Attachment Pg No. 5) and is submitted for Council's consideration

2. Develop a **Governance Charter** that will form the basis of all policies. The Governance charter is part of the Shire Plan and included as Appendix Two in the current Plan. The Charter included such things as:

- Meeting Procedure
- Complaints against Council & Employees

- Work Practices
- Meeting Procedure
- Code of Conduct
- Protocol for Visitors
- Gifts declaration
- Councillor attendance at meetings & conferences

The Governance Charter will be the next document we will work on.

3. Statutory Policies required by the Local Government Act and

Regulations are currently being worked on by LGANT. We propose to wait for the outcome of the LGANT work prior to introducing any new policy.

4. Local policies will be developed and extracted from policies adopted by previous Councils.

Policies in this category include:

- Waste Management
- Roads & Drainage
- Planning Property

5. An Operations Manual will be developed for those policies that are directive in nature and are more of an operational directive rather than policy. These matters include:

- Use of Council Firearms
- Use of Sportsground

Resolution No. 08/176

That Council adopt Wagait Shire Council Policy No. 1 as amended – Policy Framework Policy.

Moved: Cr Carrigan

Seconded: Cr Withnall

Vote: Carried 7-0

4.1.4 Issues from Last Council Meeting

4.1.4.1 Shop Notice Board

The Council has sought the estimated cost for the placement of a notice board at the Wagait Beach Supermarket.

I am able to report that the cost of the board will be approximately \$500.00.

In the interim, I wish to seek clarification on who shall have access to the notice board. Will it be a Council only Notice Board or Community Notice Board. Who will be responsible for approving what literature is

placed on the Notice Board and who will allocate priorities as to what material should be removed if the Board becomes full.

It was agreed that this matter be deferred to the next meeting with the President to consult with the Shop owner and terms of usage established.

4.1.5 Federal Government Stimulus Package

From information available, it would appear that local government will benefit from the Federal Government's Stimulus Package. The following is a summary of the various correspondence we have received:

- There will be \$90 million for an extra 350 accident black spots
- There will be \$150 million for upgrading level crossings
- There will be \$500 million for community infrastructure such as libraries, town halls, community centres and sport centres.
- There will be \$3.9 billion to provide free insulation for 2.7million homes and to fund an increased rebate for solar hot water.

The \$500 million builds on the \$300 million allocated last year.
The \$500 million will be allocated over a period of two years.

Although we are still to receive official notification, Council needs to be mindful that there will be time constraints imposed with the additional allocation and we therefore need to be ready to go once the announcement is made that funds are available.

The Future Directions Community meeting to be held on the 24 March will be critical as the Council will need to determine its priorities very soon after the meeting.

Received and Noted

4.1.6 Kenbi Land Claim

Publicity was recently given to an agreement that had been brokered in relation to the Kenbi Land Claim.

The only information the Council has is included at (Attachment Pg 14)

It has not been possible to gather any further information, as I am told that it is still in the process of being prepared. I have been informed by Rob Knight's office that he does not have the information. Once it is available, he proposes to hold a public meeting. A tentative date is the 21 February providing the information is available. I have advocated that the meeting be at Wagait Beach.

I will keep the Council advised as information comes to hand.

The Meeting was advised that the Member of Daly has arranged for a public meeting to be held at the Wagait Beach Community Centre on Saturday 21 February 2009 commencing at 10.00am.

4.1.7 Youth Week Grant – Wagait Beach Fishing Club

The Council at its last meeting agreed to sponsor the Wagait Beach Fishing Club and assist in the preparation of a grant application for a Youth Week Fishing Workshop/Competition.

Advice has been received that the application has been successful and the activity will now take place on the 5 April 2009

Received and Noted

4.1.8 Wagait Beach Community Centre

The Department of Planning and Infrastructure (DOPI) recently undertook an inspection of the Wagait Beach Community Centre for the purpose of ensuring compliance with the original Building and Planning Permits. The Department's certification is required allow a Certificate Of Occupancy to be issued. This certificate becomes the conduit that enables the Builder to receive his final payment for the building.

The building passed DOPI's inspection with the exception of there not being a Disabled Persons Car Parking Bay in place and parking bays not being delineated on the Carpark surface.

It was agreed that it may not be practicable to mark the parking nays on the surface. DOPI indicated that they would see if the Planning Permit could be varied so as not to require for the works to be undertaken.

The Disable Parking area sign has been put in place.

In addition, the Project Architect, Brian McCullum and builder have undertaken an inspection of the building. The Project Architect has reported to the Council;

“As there are no outstanding building issues relating to BJ Contractors, I feel they should now be paid the outstanding retention.”

Mr McCallum has provided the Council with the necessary certifications to allow the retention sum to be paid to the builder.

The Council is asked to consider payment of the retention sum of \$33,897.50 without having possession of a Certificate of Occupancy.

Concern was expressed that after 2 years our cyclone shelter and medical centre remains without certification.

The Chief Executive Officer advised that he had been in constant communication with the Department and Council's architect in relation to this matter and it was the Department that had caused the delays.

The President requested that the Chief Executive Officer investigate Council's insurance vulnerability by not having a Certificate.

Resolution No. 08/177

That Council agree to make payment of \$33,897.50 to BJ Contractors & Builders being the retention sum held on the construction of the Wagait Beach Community Centre.

**Moved: Cr Magnoli
Seconded: Cr McIntyre
Vote: Carried 7-0**

Works Report:

5.1.1 General Matters

5.2.0 Works Supervisor's Report

Mr Zikan has submitted the following report: for January/February 2009:

5.2.1 Dump

Pests (Human and Canine), are contributing to the excessive amount of time spent tidying the Dump. Because of irresponsible dumping practices the local Contractor must spend more time pushing the waste then compacting it. If people could deposit their rubbish at the unfenced section instead of throwing it over the fence, the cost to the community in keeping the state of the dump in order would be considerably less.

Raking of the disposal area continues to be undertaken three times per week and burning of the hole is undertaken three days per week, when weather permits.

We will shortly need to clear another area at the back of the dump for building waste. This is becoming a matter of urgency.

Cr Carrigan requested what was being done to address this urgency.

The President advised that the report is self explanatory.

5.2.2 Water

The Overhead Tank closest to the Standpipe has sprung a leak and has therefore been isolated. Powerwater have been notified.

Hand Chlorination of the water supply is continuing as has been explained.

5.2.3 Jetty

Regular washing down and removal of litter undertaken

There continues to be an increase in the amount of litter in the carpark, particularly under the large tree.

A rubbish bin has been placed under this tree, once again.

We need to put in a greater effort in the removal of barnacles.

5.2.4 Mowing

Mowing of the estate is continuing as is the poisoning program, although continuing rain is hampering the progress of the latter.

Our mowing obligations in regard to the Jetty and PowerWater contract have also taken up a considerable amount of the Works Department's time.

5.2.5 Wildlife

Two sick and tired looking Dingo crossbreeds have been destroyed at the Dump.

5.2.6 Estate

Three Give Way signs have been placed at Council's desired locations. Also, a Handicapped Parking Sign has been placed at an appropriate site in front of the Community Centre.

Disturbingly, two used Syringes were discovered by members of this community on February 2nd. One was found on the beach in the immediate vicinity of the Old Boatramp and the other in the vinegar bottle holder at the same location. An immediate search of the area was conducted without any more being found.

Another Concrete Table has been placed at the Sportsground in the corner created by the Playground and the end of the Tennis Court.

Tabled and Noted

Sport & Recreation Report:

6.3.1 General Matters

6.3.2 Recreation Officer's Report

Mr Joshua Chaplin has presented the following report:

As we move into the New Year the sport and recreation program moves forward with purchase of new sporting equipment, another movie night, annual Australia Day cricket match and other sporting celebrations.

With school back on the agenda for the kids there was an increase to the sporting program during the week meaning that there can be better structured.

With the Facilities Development grant I' am looking to redo the cricket pitch at the sports grounds. I have received a quote form Darwin Cricket and Football shop about getting a 9mm synthetic grass to lie over a concrete slab, I' am still waiting for a quote for the concrete. So I can submit it to the Facilities Development grant by the 27th of February.

I have been in contacted with Tanya from smile-a-mile and we have organised a date to set up an arts and craft day in the first school holiday brake. It will be suitable for kids from pre-school to middle and high school. There will be more information leading up to the date; it looks to be Tuesday the 7th of April.

Over the past month Stuart Watt has been helping me put a grant for anti smoking table tennis championship. If I receive the grant it will run over four months starting in March till June and be played on the second Sunday of each month their will be a BBQ and anti-smoking information there for the youth on Wagait Beach it will be held indoors at the community centre.

As the school term gets under way I' am going to intend to complete Cert III in sport and recreation at Charles Darwin University thought a VET program, I have sent away my enrollment forms and should be receiving information about the course soon. Also I' am going to attend to a bronzes medallion thought the NTIS to expand my qualifications, that will be held during the first school holiday brake in April.

Attendance

Date	Place	Number present
Monday 19 th	Sports grounds	8
Sunday 25 th	Beach	6
Monday 26 th	Sports grounds	20+
Thursday 29 th	Sports grounds	13
Sunday 1 st Feb	Beach	12
Monday 2 nd	Sports grounds	17
Tuesday 3 rd	Community centre	4
Thursday 5 th	Sports grounds	17
Friday 6 th	Community centre	27

OFFICERS REPORTS

Resolution No. 08/178

That the Officer's reports be received and accepted.

Moved: Cr Withnall
Seconded: Cr McIntyre
Vote: Carried 7-0

7. OTHER OR LATE CORRESPONDENCE:

Monthly Mail List – Inward Correspondence: (Refer Att. Pg 15)

Monthly Mail List – Outward Correspondence: (Refer Att. Pg 17)

Late Correspondence:

Resolution No. 08/179

That the Inwards Correspondence be received and the Outwards correspondence be confirmed.

Moved: President Clee
Seconded: Vice President Duncan
Vote: Carried 6-1, Cr Carrigan against for the following reasons:

The inwards correspondence list and the outwards correspondence list did not accurately reflect the correspondence coming/going from Council.

Cr Clee adjourned the meeting at 8.20pm

The Meeting resumed at 8.26pm

8. FINANCIAL MATTERS

8.1 Financial Report:

- 8.1.1 Program Report by Account S 13 LG (Acc) Regs: (Ref Att, Pg 23)
- 8.1.2 Bank Reconciliation Statements (Refer Attachment Pg 43)
- 8.1.3 Invoices Paid January (Refer Attachment Pg 46)
- 8.1.4 Outstanding Rates (Tabled)

Council's rate collection has been on track with app. 90% of rates, current/arrears, having been paid. There have been five bad debtors referred to the Debt Collection Agency for failing to respond to Council's requests for payment.

Resolution No 08/180

That the January Monthly Financial Reports be accepted.

Moved: Cr Lamont
Seconded: Vice President Duncan
Vote: Carried 7-0

8.2 Conditionally Rateable Land

I recently attended a forum hosted by the Department of Local Government that focused on various aspects associated with rates under the new Local Government Act.

It was interesting to note that with the Act and Department favouring rating by valuation, the Valuer General's Office does not have the time or resources to provide valuations for Councils this coming year. It could be at least two years before valuations will be available to all shires.

The one matter that the Council is required to address is the matter of Conditionally Rateable Land.

The Local Government Act requires the Council to put forward to the Minister any proposals for the rating of conditionally rateable land. The advice to the Minister must be at least four months prior to the relevant financial year.

Conditionally rateable land is land held under a pastoral lease, land occupied under a mining tenement or other land classified by the Government.

At this time there is no land within the Shire that can be classified as Conditionally Rateable Land.

Resolution No 08/181

That Council advise the Minister for Local Government that it has no Conditionally Rateable Land within the Shire for the 2009/10 financial year.

Moved: Vice President Duncan

Seconded: Cr Lamont

Vote: Carried 7-0

8.3 2009/10 Budget

I have commenced preliminary work on the 2009/10 Budget.

I am seeking the Council's views, comments etc on any matters that should be taken into consideration in the drafting stages.

The Council may wish to make comment on:

- the inclusion of any capital works
- whether there should be a rate increase
- the introduction of special rates or charges
- differential rates for commercial properties
- any new services to be introduced
- any new staff to be employed

Comments:

Received and Noted

8.4 PowerWater Contract

Due to an oversight on behalf of Powerwater, the PowerWater Contract did not come up for renewal. Following a reminder, PowerWater have extended the existing contract until the 5 July 2009.

The Council has put in a bid with an increase of 5% above the existing rate.

Received and Noted

9. AGENDA ITEMS

Use of Council Plant and Equipment

The Council at its last meeting was addressed by Ms Debbie Wolstenholme and her mother Ms Jean Jelly on the problems associated with the Department of Correctional Service withdrawing their property cleaning and maintenance service from Wagait Beach.

In the absence of the service they requested that the Council undertake some mowing and rubbish removal from the property.

Resolution No 08/182

That Council Policy is that:

- 1. The Council is continuing to make representations for the reinstatement of the Correctional Services Work Gangs.**
- 2. The Council has a policy whereby it will not compete with local contractors in undertaking work on behalf of residents.**

Moved: Vice President Duncan

Seconded: Cr Magnoli

Vote: Carried 7-0

10. GENERAL BUSINESS

Vice President Duncan:

10.1.1 Reminded Councillors of the need for matters regarding staff or Council not to be brought up unless they are in writing.

10.1.2 Congratulated all concerned with the conduct of Australia Day and in particular Ms Jill Mumme who was responsible for bringing it all together at the end.

10.1.3 Raised the matter of the condition of the Sportsground carpark, particularly during the wet, and suggested that gravel be placed on the surface.

The Chief Executive Officer advised that he would have the matter looked in to.

10.4 Due to work commitments Vice President Duncan will be an apology for the next meeting.

Cr Carrigan

- 10.5 Agreed with Vice President Duncan in relation to raising matters in writing where a resolution was required, but where not then those matters could be raised without them being in writing.
- 10.6 Suggested that the proposed bicycle path design should be looked at closely to avoid flooding problems.
- 10.7 Indicated that there had been no reference to the Council Business Plan in her four months on Council.
- 10.8 Requested that the President and Vice President inform all Councillors when they are absent on a trip.
- 10.9 Expressed disappointment that there was no press release from the Council in relation to the Kenbi Land Claim decision and the growing the Territory Statement issued by the Chief Minister.

Cr Lamont

- 10.10 Raised the matter of access to the Jetty Carpark due to uneven surfaces.

The Chief Executive Officer advised that he would bring the matter up with the responsible Department.

Cr Withnall

- 10.11 Agreed that there should have been a media release in relation to the Kenbi Land Claim decision.

Cr Clee

- 10.12 Advised of a meeting with the Larrakia Land and Sea Rangers who indicated that they would be available to the community in attending to conservational matters. They have had previous experience in developing walkways in Darwin. The Group will be writing to the Council outlining what support they are able to offer.
- 10.13 Advised that a meeting has been arranged for next week for the development of the Council Web Page.

- 10.13.1 **Resolution No. 08/183
That our local Member Mr Rob Knight be invited to meet with the Council one hour prior to his Kenbi Land Claim Public Meeting.**

**Moved: President Clee
Seconded: Vice President Duncan
Vote: Carried 7-0**

11. IN-CAMERA ITEMS

12. MEETING CLOSE AND DATE OF NEXT MEETING

President Clee closed the meeting at 9.04pm.

The next monthly Council Meeting is to be held on 17 March 2009 at 7.00pm.

PRESIDENT: _____

DATE: _____

CEO: _____

DATE: _____