

WAGAIT SHIRE COUNCIL

MONTHLY MEETING – THURSDAY, 13 NOVEMBER 2008

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

The Chief Executive Officer Wally Lenyszyn opened the meeting at 7.00pm.

1(a) DECLARATION OF INTERESTS

Cr Carrigan expressed a personal interest in Item 8.7 – Philip Parker

2. ELECTION OF PRINCIPAL MEMBER

The Chief Executive Officer called for nominations for the position of Principal Member.
(President)

Cr McIntyre was nominated by Cr Carrigan

Cr McIntyre declined the nomination.

Cr Clee was nominated by Cr Duncan

There being no further nominations the Chief Executive Officer declared Cr Clee elected as Principal Member.

Cr Clee thanked fellow Councillors and advised that he would undertake his duties to the best of his ability.

3. ELECTION OF DEPUTY PRINCIPAL MEMBER

The Chief Executive Officer called for nominations for the position of Deputy Principal Member (Deputy President)

Cr Duncan was nominated by Cr Magnoli

There being no further nominations the Chief Executive Officer declared Cr Duncan elected as Deputy Principal Member.

The President Cr Clee resumed the Chair.

4. **CASTING VOTE OF CHAIR**

The Local Government Act provides that a policy to allow the Chair to exercise a casting vote may only be established by resolution of the Council passed at the first meeting following a general election.

The decision which the Council makes cannot be altered or revoked during the term of the Council and lapses at the conclusion of the next general election.

Resolution No. 08/98

That in the event of an equality of votes at any meeting of the Council the Chair of the meeting shall be entitled to have a casting vote.

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

5. **MEETING TIMES**

The previous Council met at 7.00pm on the third Tuesday of each month. Should the Council desire, an opportunity exists to change the meeting day / time to the most convenient for all members.

Resolution No. 08/99

That the Ordinary Meetings of the Wagait Shire Council be held on the third Tuesday of each month commencing at 7.00pm.

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

6. **APPOINTMENT OF DELEGATES**

The Council is entitled to be represented on a number of committees. The following organisations require Councillor representation:

(a) Local Government Association of the Northern Territory (LGANT)

Resolution No. 08/100

That the following Councillors represent the Council as delegates to LGANT meetings, Cr Clee and Cr Carrigan with Cr Duncan as a proxy.

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

(b) Tidy Towns Committee

Resolution No. 08/101

That Cr Lamont be the Council's delegate to the Wagait Beach Tidy Towns Committee.

Moved: Cr Withnall
Seconded: Deputy President Duncan
Vote: Carried 7-0

(c) Restricted Use Area (RUA) Committee

Resolution No. 08/102
That Crs Magnoli and Withnall be the Councils nomination to the Wagait Beach RUA Committee.

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

(d) Top End Regional Organisation of Councils (TOPROC) Committee

Resolution No. 08/103
That Councillor Clee and Councillor Carrigan be nominated as Council's representatives to the TOPROC Committee.

Moved: Deputy President Duncan
Seconded: Cr McIntyre
Vote: Carried 7-0

(e) Regional Management Plan Committee

Resolution No. 08/104
That Councillor McIntyre and Councillor Withnall be nominated as Council's representatives to the Regional Management Plan Committee.

Moved: Deputy President Duncan
Seconded: Cr Magnoli
Vote: Carried 7-0

(f) Wagait Beach Emergency Services

Resolution No. 08/105
That Councillor Duncan be nominated as Council's representatives to the Wagait Beach Emergency Services Committee with Cr McIntyre as proxy.

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

7. MINUTES FROM PREVIOUS MEETINGS

Monthly Council Meeting - 21 October 2008

Resolution No. 08/106
That the minutes of the Monthly Meeting of 21 October 2008 be accepted subject to inclusion of the meeting closing time of 8.50pm.

Moved: President Clee
Seconded: Cr Magnoli
Vote: Carried 7-0

7.1 Matters Arising from the Minutes:

Cr Magnoli referred to Resolution No. 08/93 of the last meeting and advised that he felt that the motion should be rescinded.

Resolution No. 08/107

That the following resolution adopted by the Council at its meeting on the 21 October be rescinded:

“That Council purchase additional tiered seating for the Sportsground and that a plaque acknowledging the donation be placed on the seating.”

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

8. INWARDS CORRESPONDENCE

8.1 Ministerial Assistant, Minister for Planning & Lands

Acknowledging receipt of the Council’s correspondence regarding the possible acquisition of section 45 and 103 Wagait Beach.

“Your correspondence will be drawn to the Minister’s attention at the earliest opportunity.” (C 14.7)

Received and Noted

8.2 Department of Health and Ageing

Acknowledging receipt of Council’s grant application for a doctor’s house.

Your application is currently being assessed. It is anticipated that the assessment process will be completed in early 2009, at which time you will be notified of the outcome in writing.” (C 14.3)

Received and Noted

8.3 Minister for Infrastructure and Transport

Responding to Council’s correspondence in relation to potential risks attached to the operation of the Mandorah/Cullen Bay ferry service during adverse weather conditions.

“In relation to passenger safety while getting on and off the ferry, I am advised that the ultimate responsibility for the safe operation of the ferry service rests solely with the Master of the vessel. Assessment of the degree of risk attached and interpretation of the prevailing weather conditions are matters for his/her decision.

Additionally, the operator of the service has a duty to implement a stringent safety regime for the protection of both the vessel and its passengers, irrespective of their age or mobility.

Whilst occasional disturbance to the normal ferry schedule may be experienced in adverse weather, I am advised that an early suspension of services is the most suitable solution to minimise the risk of an accident on poor weather conditions, and I trust that the community will support the ferry Master and operator to make the appropriate decision.” (N 4.7)

Resolution No. 08/108

That Council correspond with the Chief Minister bring to his attention the Council’s concerns of the ferry operating in adverse weather and express our disappointment that the Minister for Infrastructure and Transport failed to respond to our concerns.

Moved: President Cleo
Seconded: Cr Withnall
Vote: Carried 7-0

8.4 Connell Wagner

Responding to Council’s concerns relating to the proposed Optus Tower at Wagait Beach. (Refer Attachment Pg. 1) Issues addressed include;

- i. Currency of the photograph
- ii. Notification process
- iii. Electromagnetic emissions
- iv. Setbacks
- v. Sealing of the road
- vi. Site selection

A large volume of data (two copies) has been provided on electromagnetic energy public health issues and is available upon request.

The proposal is now due to be considered by the Development Consent Authority at a meeting to be held at Wagait Beach at a time yet to be determined. (N 4.6)

It was agreed that a copy of the correspondence be made available at the Wagait Beach Supermarket.

Received and Noted

8.5 LGANT

Advising that the LGANT Conference and General Meeting will be held in Darwin on the 4th and 5th December 2008.

Council will be represented at the meeting by Council’s delegates and the Chief Executive Officer. (L 1)

Received and Noted

8.6 LGANT

Advising that there are four casual vacancies on the Association Executive. Persons nominating for the Executive will hold office until the 25 March 2009.

Former Councillor Vic Stow has previously represented the Council on the Executive.

The Association is seeking nominations from Councils.

Received and Noted

8.7 Phillip Parker

Cr Carrigan expressed an interest in the matter and left the Chamber at 8.00pm.

Referring to the correspondence of Jane Carrigan dated 15 October 2008. (Refer Attachment Page No 9)

My principal concern arising from the referenced letter is the threat of legal action against the Council, myself and others.

Given the inevitability of flooding above levels experienced by Ms Carrigan;

- *That a considerable proportion of the inflow to Lot 135 is the natural drainage of Erickson Crescent, and;*
- *Ms Carrigan's history of litigious behaviour;*

I believe that it is incumbent upon Wagait Shire Council to act on Ms Carrigan's threats. (R 3)

Received and Noted

Resolution No. 08/109

That Council extend an invitation to a representative of Crown Lands Management to meet with the Council for the purpose of discussing drainage matters within the Wagait Beach subdivision.

Moved: Deputy President Duncan

Seconded: Cr Magnoli

Vote: Carried 6-0

Cr Carrigan returned to the meeting at 8.13pm.

9. REPORTS:

9.1 CEO's Report

9.1.1 Monthly Status Report

Please find attached (Attachment. Pg 13) 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

9.1.2 Elected Member Training

Councillor training is currently being provided by LGANT at no cost to Councils.

Training at Wagait Beach is available on either the 22 or 29 November. The Council is asked to choose the most suitable date. The training session would possibly run from 9.30am to 3.00pm.

Attached hereto at Appendix Page No.14 is a copy of a proposed training schedule.

Resolution No. 08/110

That Council accept the offer of LGANT to provide Councillor training on the 22 November 2008.

Moved: Deputy President Duncan
Seconded: Cr McIntyre
Vote: Carried 7-0

9.1.3 Policy Development

The Local Government Act provides for the Council to have policies on various matters. Council's own policies can also be adopted by the Council from time to time as required.

Enclosed with the Agenda is the commencement of the Council's Policy Manual in draft form containing a number of policies requiring the Council's endorsement. Note that there are two examples of Meeting Procedures. All policies are subject to review and change at any time.

Councillors are asked to review the documents for consideration at the next meeting.

Cr Carrigan stated pursuant to the Local Government Act we also require policies for:

- **Borrowing Policy**
- **Investment of Funds Policy**
- **Audio Appearance at meeting Policy**
- **Fraud Protection Plan**

Resolution No. 08/111

That Council reviews all draft policies at the next meeting of the Council.

Moved: Deputy President Duncan
Seconded: Cr Carrigan
Vote: Carried 7-0

9.1.4 Christmas Function

The Council traditionally has a small Christmas party following its last Council meeting.

Feedback is sought on the type of function to be held, if any:

? Do nothing

? Change meeting day to a Sunday. Time & Day required.

? Have the function immediately after the next Council meeting.

? BBQ or cold meats/seafood

? Party for current Councillors, staff and partners / past Councillors, current Councillors, staff and partners / 2008 Councillors, current Councillors staff and partners / include local organisation reps / include Government Department reps, lands, police, local government, planning, powerwater, health, local members.

Resolution No. 08/112

That Council holds a Christmas function on Tuesday 16 December 2008 commencing at 8.00pm and that invitations be extended to existing Councillors and partners and existing staff and partners.

Moved: Deputy President Duncan

Seconded: Cr Carrigan

Vote: Carried 7-0

It was agreed that the next council meeting commence at 6.00pm.

9.1.5 Tidy Towns Awards

Cr Duncan, Vic Stow and myself recently attended the 2008 Territory Tidy Town Awards.

The community of Wagait Beach shared the glory in two awards being Runner-Up in the Medium sized towns tidy town award and Lorraine and Dean Gardner winning the Best Tourist Facility Award.

Resolution No. 08/113

That Council thank the Chairman of the Wagait Beach Tidy Town Committee and community for their efforts in winning the Award and that Lorraine and Dean Gardner be congratulated on achieving their Award.

Moved: Deputy President Duncan

Seconded: Cr Withnall

Vote: Carried 7-0

9.1.6 Wagait Beach Water Supply

Council last meeting asked if the Wagait Beach tank water supply contained fluoride.

The answer is no.

Received and Noted

Resolution No. 08/114

That Council seek the views of the community on the fluoridation of the town water supply.

Moved: President Clee
Seconded: Cr Carrigan
Vote: Carried 7-0

Works Report:

10.1.1 General Matters

10.1.1.1 Roadmarking

Councillors will observe that linemarking within the subdivision has been undertaken. There has been a significant improvement in the outlook of the roads.

10.2.2 Works Supervisor's Report

Mr Zikan has submitted the following report: for October / November

10.2.1.1 Dogs and Wildlife

We have received a few reports of cross- bred dingoes with recently born litters. However, they have proved elusive. The Works Dept. will continue to be vigilant in the monitoring and controlling of this problem.

10.2.1.2 Dump

We will, over the next couple of weeks, be constructing a small waste oil station at the dump.

Raking of the disposal area continues to be undertaken three times per week and burning of the hole is undertaken four days per week.

We will shortly need to clear another area at the back of the dump for building waste.

On the list of upcoming duties is the maintenance of the tip entrance road before the onset of any rains.

Cr Carrigan requested the CEO investigate Plans that were recent winners in Tidy Town Award so we could get some idea of what other small areas are doing (and how) these Plans be submitted to Council.

10.2.1.3 Water

The bores are still being operated manually due to a malfunction somewhere in the system. As has been previously reported by the Works Dept., we have notified PowerWater and they have indicated

their desire to rectify the problem and bring things back to normal as soon as possible.

The repair job on Tank no. 2 seems to have been a success as no leaks have been detected over the past couple of weeks. The tank is being used in it's normal fashion and no problems have arisen.

We continue to receive a number of callouts during the period for which Powerwater have been billed.

10.2.1.4 Jetty

Graffiti was again painted over.

Removed barnacles from 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.

It was suggested that a rubbish receptacle be placed in the jetty carpark adjacent to the large tree.

Resolution No. 08/115

That Council investigate the possibility of installing a public toilet in the area of the jetty carpark.

Moved: President Clee
Seconded: Cr Magnoli
Vote: Carried 7-0

10.2.1.5 Estate

Uhr Rd now stands in our way of completing the painting of the Roadside barriers. This will be completed in the very near future.

10.2.1.6 Equipment

Community Centre and Council Buildings

Community Centre Genset continues to be started on a Fortnightly basis and run for 1.5hrs. We are currently looking for a back-up power supply for the battery. In the process of fitting an exhaust to stop gasses from entering the complex.

We have extended the Council carpark fence and with the purchase of a further 60 metres of chain this job will be completed within a fortnight.

Soil has been spread and trees planted in regard to the . extension of the Community Centre Garden.

Sportsground

Two concrete slabs have been laid at the Sportsground. One for a Concrete Table and one for the new 25,000 litre water tank which is now in position

Nil reports of vandalism

10.2.1.7 Works Program

Other specific works/projects to be undertaken when time permits include as follows. Please note that these projects are additional to routine works undertaken on a daily basis.

JOB	EST START	EST COMP	COMPLETED
Landscaping at rear of Community Centre	May 08	Subject to finance	yes
Genset protective cage	April 08	July 08	
Concrete tables & chairs	May 08	Aug.08	
Paint Road Barriers	June 08	September 08	
Gravel Dump Entrance Road	June 08	July 08	
Carpark chain	November 08	November	
Repair Pressure Cleaner			yes
Waste oil collection at dump	November 08	December	

Tabled and Noted
Sport & Recreation Report:

11.3.1 General Matters

The CEO reported that the Sport and Recreation officer will be commencing duties on the 27 November 2008.

It was agreed that the Council provide an alcohol free Sausage Sizzle at the Sportsground to welcome the Sport and Recreation Officer.

11.3.2 Recreation Officer's Report

No Report submitted

OFFICERS REPORTS

**Resolution No. 08/116
That the Officer's reports be received and accepted.**

**Moved: President Clew
Seconded: Deputy President Duncan
Vote: Carried 7-0**

12. 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. 08/117

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

Moved: President Cleo
Seconded: Cr Magnoli
Vote: Carried 7-0

The President adjourned the meeting at 9.04pm.

The meeting resumed at 9.11pm

13. FINANCIAL MATTERS

13.1 Financial Report:

13.1.1 Program Report by Account S 13 LG (Acc) Regs: (Ref Att, Pg 18)

13.1.2 Bank Reconciliation Statements (Refer Attachment Pg 43)

13.1.3 Invoices Paid May (Refer Attachment Pg 46)

13.1.4 Outstanding Rates (Tabled)

Resolution No. 08/118

That the October Monthly Financial Reports be accepted.

Moved: Deputy President Duncan
Seconded: Cr McIntyre
Vote: Carried 7-0

13.2 Appointment of Auditor

The following quotations have been received in response to the Council's call for the conduct of audit services for the Council for the next three years.

Five accountancy practices were contacted and asked to submit a quotation.

Lowrys Accountants \$11,000 per each year plus any travel and accommodation expenses.

Merit Partners	2009	\$7,150
	2010	\$7,480
	2011	\$7,865

Barry Hansen \$5,720

Resolution No. 08/119

That the Council accept the quotation of Barry Hansen for the undertaking of the audit of Council's accounts for the next three years.

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

14. AGENDA ITEMS

15. GENERAL BUSINESS

Cr Duncan

1. Raised the matter of more entertainment for children.

It was agreed to discuss the matter of providing childrens entertainment, Blue Light Discos, film nights etc with the Sport and Recreation Officer.

2. Asked if the Council would be pursuing its objection to the proposed Optus Tower.

The CEO advised that the council will be preparing a submission to be presented to the Development Consent Authority.

3. Suggested that the Council should have a policy that any new subdivisions within the area should not contain any allotments smaller than one acre.

Resolution No. 08/120

That arrangements be made for a community meeting to be held in February or March next year for the purpose of developing a "Future Directions Plan" for the community and that suggestions be sought from the community prior to the meeting.

**Moved: President Cleo
Seconded: Deputy President Duncan
Vote: Carried 7-0**

4. Suggested that the Council should be looking at establishing a formal household rubbish collection.

It was agreed that the matter be listed on the Future Directions list.

Cr Carrigan

1. Suggested that a Council Notice board be provided at the shop.

Resolution No. 08/121

That Council investigate the possibility of having a notice board at the Wagait Beach Supermarket.

**Moved: President Cleo
Seconded: Cr Magnoli
Vote: Carried 7-0**

2. Asked if the Gyrocopter was using the Sportsground.

The CEO advised that to his knowledge no.

3. Sought information on the position of Cyclone Shelter Manager and Deputy Cyclone Shelter Manager.

Cr Carrigan was asked to have the Emergency Services put the request to council in writing.

The CEO advised that he would provide information to the next Council meeting.

4. Referred to the forthcoming Workforce Training Workshop and suggested that it would be appropriate for Councillors to attend.

Resolution No. 08/122

That Council authorise Cr Carrigan and Cr Duncan to attend the Workforce Training Workshop.

Moved: President Cleo

Seconded: Cr Lamont

Vote: Carried 7-0

5. Suggested that the Council should purchase a package providing information on skills for Board and Council Meetings.

It was suggested that the matter be deferred until after the Councillor Training session.

6. Expressed concern over the manner in which the Council was dealing with drainage issues within the community and suggested that Council extend an invitation to a representative from the Crown Lands Department and LGANT, preferably a hydrologist, to discuss drainage issues with the Council.

It was agreed that the Council should initially discuss the matter with the representative from Crown Lands Management as proposed.

Cr Withnall

1. Suggested that the matters of reticulated water, jetty and carpark be included on the Future Directions list.

Cr Clee

1. Suggested that Council meetings should be recorded.

Resolution No. 08/123

That Council purchase recording equipment for the purpose of recording Council Meetings.

Moved: President Clee
Seconded: Cr Withnall
Vote: Carried 7-0

16. IN-CAMERA ITEMS

CEO's Performance Review

(Deferred to next meeting)

17. MEETING CLOSE AND DATE OF NEXT MEETING

President Clee closed the meeting at 10.03pm.

The next monthly Council Meeting is to be held on 16 December 2008 at 6.00pm.

PRESIDENT: _____

DATE: _____

CEO: _____

DATE: _____