

WAGAIT SHIRE COUNCIL
DRAFT MINUTES
ORDINARY COUNCIL MEETING
20 OCTOBER 2009

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

Apologies: Nil

1. MEETING OPENING

President Clee opened the meeting at 7.00pm.

2. DECLARATION OF INTERESTS

Nil

2A Suspension of Standing Orders

Resolution No. 09/59
That Standing Orders be suspended.

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

Guest Presentation

The President introduced Ms Shenagh Gamble, Sustainability Programs Coordinator, LGANT, who has been invited to address the Council on a new project that will involve the Council. The Project is titled "Climate Change Risk Assessment Project"

The project has received Government funding for an assessment to be undertaken in the Wagait Beach, Coomalie and Belyuen Shires. (Refer Attachment Page 1)

Ms Gamble made the following comments;

- Confirmed that LGANT is looking at doing a climate change risk assessment for Wagait Beach, Coomalie and Belyuen Shires.
- Will be looking at how the impact of climate change will affect the communities.
- Will be engaging consultants to identify and evaluate the risks.
- The consultants will be conducting workshops within communities.
- Will be identifying what triggers there are to determine strategies to overcome them.
- There are a lot of unknowns when dealing with climate change.
- Expressions of interest and have been sought from consultants. One will be selected and then community workshops will commence.
- The information gained would be good data to include in Council publications.
- It is proposed that the project be completed by the end of this financial year.

The President thanked Ms Gamble for her address and looks forward to the projects commencing.

Petition

Mrs Lorna Manning has requested permission to table a petition signed by 48 residents and to address the Council on the matter of vicious dogs within the community.

Mrs Manning presented the Petition:

*"This petition is from concerned residents of Wagait Beach to the
Wagait Shire Council.*

*We would like the Council to control dangerous dogs on the estate.
Perhaps by-laws similar to Darwin and Palmerston can be
introduced to allow council to destroy or take away dangerous
animals.*

*Several incidents have occurred recently - must we wait for a child
to be the next victim of attack before something is done?"*

Mrs Manning advised that there are 48 signatures to the petition, she added;

- My problem has gone, but I am concerned about the lives of children.
- The majority of pet owners are responsible, but there are those who are not.
- We are looking at Council implementing Part 13.2 of the Local Government Act so that Council can deal with dangerous dogs.

The President thanked Mrs Manning for her presentation and advised that the matter would be dealt with later in the meeting.

Resumption of Standing Orders

Resolution No. 09/60
That Standing Orders be resumed.

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

3. CONFIRMATION OF MINUTES

Resolution No. 09/61
That the minutes of the Monthly Meeting of 15 September 2009 be accepted.

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

3.1 Matters Arising from the Minutes:

President Clee advised that he had received a quotation of \$1,500 for the replacement of the Office telephone network.

As this amount is within Council's Budget, arrangements will be made to purchase the equipment.

3A PETITION

(Mrs Manning wrote to the Council at the last meeting drawing to our attention the problems being caused by some dogs. Ref CM 15/09/09 Item 4.2.)

In response to the correspondence, the police were contacted on the matter of specific dog attacks to ascertain what action they propose to take against the offenders. We were advised that they were not allowed to discuss the cases until such time as the cases had been dealt with.

In dealing with the matter further and in particular the petition, the Council considered the various options available including by-laws, regulatory orders, authorised officers etc.

The Council agreed that there is concern over the potential danger from some dogs, and agreed that the best way to deal with the matter is to consider the various options following the receipt of Police comment and a report to the Council.

Resolution No. 09/62

That an invitation be extended to the Police Superintendent at Palmerston to discuss current investigation and proposed actions in relation to dog complaints from Wagait Beach.

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

Resolution No. 09/63

That an options paper be formulated and a set of policies be developed on how to deal with dangerous animals within the Wagait Shire.

**Moved: President Clee
Seconded: Cr Magnoli
Vote: Carried 6 – 1 , Vice President Duncan against.**

4. INWARDS CORRESPONDENCE

4.1 Department of Planning and Infrastructure

Seeking Councils views on proposed changes to Mandorah Hotel precinct development application.

The proponents have advised that following concerns expressed by NRETA in relation to the original proposal, it has been necessary to amend the plans to take into consideration their concerns over water availability.

As a consequence, the following changes have been made to the original proposal;

The number of visitor accommodation units will be reduced from 39 to 21. this will reduce the maximum number of guests that can be accommodated at the resort from 156 to 84.

The maximum number of patrons of the restaurant and bar has been reduced from 250 to 150 persons. The restaurant and bar building will be reduced from a 2-story building to a ground level building.

Although the complex has been reduced considerably in size, the number of car parking spaces will remain at (71)

Changes to water storage requirements. (N 4.6)

Resolution No. 09/64

That Council offer no objection to the amended Development Application submitted by June D'Rozario & Associates for the development of the Mandorah Hotel precinct.

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

4.2 Department of Health and Families

Forwarding a Memorandum of Understanding between the Department of Health and Wagait Shire Council for the provision of pensioner rate concessions. (R 5)

Resolution No. 09/65

That Council sign the Memorandum of Understanding with the Department of Health and Families for the provision of pensioner rate concessions to ratepayers within the Wagait Shire.

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

5. CHIEF EXECUTIVE OFFICER'S REPORT

5.1 Policy

(Refer CEO's Report Item 2.3)

Resolution No. 09/66

That Council having considered draft policies P10, P15 and P19 adopts the said policies.

Moved: Vice President Duncan

Seconded: Cr Withnall

Vote: Carried 7-0

5.2 Outstanding Matters – Member for Daly

(Refer CEO's Report Item 2.7)

Resolution No. 09/67

That an invitation be extended to Mr Rob Knight, Member for Daly for the purpose of discussing outstanding issues affecting the Council.

Moved: Cr Magnoli

Seconded: Cr Withnall

Vote: Carried 7-0

5.3 Council Web Page

(Refer CEO's Report Item 2.9)

Resolution No. 09/68

That Council advise Mr V Diola that with the exception of four matters still to be provided to him by the Council the Council is pleased with the manner in which he has developed the Wagait Shire Council Web Site.

Moved: Cr McIntyre

Seconded: Vice President Duncan

Vote: Carried 7-0

5.4 Unincorporated Land Amalgamation Study

(Refer CEO's Report Item 2.5)

The Chief Executive Officer tabled a Report received today from the consultants undertaking the unincorporated land study.

There was some concern that the report did not accurately portray the views of the Wagait Beach community.

With the Report the consultant indicated that that there would be meetings to deal with the report

Resolution No. 09/69

That Council express concern over the contents of the Local Government Options for the Unincorporated Areas of the Top End report and suggest to the consultant that:

- **Council the proposed community meeting be held on the 10th November**
- **The next committee meeting be held via teleconference**

Moved: President Clee

Seconded: Cr Magnoli

Vote: Carried 7-0

6. WORKS SUPERVISOR'S REPORT

- 6.1 Council stressed the need to clean blocked drains and suggested that the Fire Brigade or Mick Keim be approached for use of water blasters.
- 6.2 It was suggested that rubbish bags be supplied to the person stacking rubbish on roadways.
- 6.3 The Council requested more information on the shooting of the dog.

7. SPORT & RECREATION OFFICER'S REPORT

No Action Required

8. OFFICERS REPORTS

Resolution No. 09/70

That subject to the request for additional information on weapons usage the Officers' reports be received and accepted.

Moved: President Clee

Seconded: Vice President Duncan

Vote: Carried 7-0

9. FINANCIAL REPORTS

9.1 Financial Reports

(Refer Agenda Finance Report Item 1.1)

Resolution No 09/71

That the September Monthly Financial Reports be accepted.

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

9.4 Preparation of Annual Accounts

(Refer Agenda Finance Report Item 2.1.2)

Resolution No 09/72

That Council accept the quotation of Merit and Partners in the amount of \$4,900 for the preparation of Council's 2008-09 Annual Accounts.

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

10. AGENDA ITEMS

10.1 Pre Cyclone Season Clean Up

The President has requested that this matter be included on the Agenda for discussion.

Resolution No 09/73

That Council remind the community of the Cyclone Season suggesting that it is timely to start storing items and rubbish that could become a projectile in the event of a cyclone.

**Moved: President Clee
Seconded: Cr Lamont
Vote: Carried 7-0**

President Clee also suggested that there should be a meeting of all interested parties if a cyclone was to form.

10.3 Shire Plan

The Council needs to agree to the way forward in the preparation of the Shire Plan.

President Clee thanked Jack Ellis and Chris Tyzak for their assistance and invited them to assist in the finalisation of the Shire Plan..

It was agreed to hold a further workshop on Monday 26 October at 7.00pm.

11. GENERAL BUSINESS

- 11.1 Cr Magnoli referred to the road shoulder works being undertaken along the Charles Point Road and Cox Peninsula Road and expressed concern that the works supported vehicles cutting corners.

Resolution No 09/74
That Council draw to the attention of the DOPI its concerns over the road shoulder works undertaken at intersections.

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

- 11.2 Cr Withnall suggested that the Council should write to the appropriate Minister expressing concern over the proposed closure of the Radio Australia site.

Resolution No 09/75
That Council write to the appropriate Minister and seek information as to what is proposed for the Radio Australia site.

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

12. IN-CAMERA ITEMS

12.1 Admin Officer Position

The Chief Executive Officer advised that applications for the position close on the 26 November with interviews being conducted on Thursday 29 October from 3.30pm.

13. MEETING CLOSE AND DATE OF NEXT MEETING

President Clee closed the meeting at 9.40 pm.

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

PRESIDENT: _____

DATE: _____

CEO: _____

DATE: _____

WAGAIT SHIRE COUNCIL
CHIEF EXECUTIVE OFFICER'S REPORT
ORDINARY COUNCIL MEETING
20 OCTOBER 2009

1. GENERAL CORRESPONDENCE

(Not requiring response from Council)

1.1 Minister for Transport

Responding to the Council's correspondence in relation to the Jetty and Ferry Service. (N 4.7)

"I am advised that the Wagait Shire Council has a period maintenance contract with the Department of Planning and Infrastructure for general maintenance of the jetty. I understand this necessitates regular dialogue between relevant officers of the Council and Department. I encourage you to use this forum to obtain more detailed technical information relating to the jetty.

Regarding consultation on any future tender for ferry services, I am advised that the current contract is not due to expire until 2011. I again assure you that the Wagait Shire Council will be included in the consultative process when it commences. (N 4.7)

Received and Noted

1.2 Northern Territory Grants Commission

Forwarding information on Councils final grant outcome for 2009-2010.

The allocation for the NT is \$27,629,199,

This represents an increase of 3.84% in the general financial assistance component and 3.88% in the roads component.

An overpayment was identified for 2008-2009. This amounted to \$189,950. The Councils share of the overpayment is \$370. (G 1.7)

The Councils final allocations for 2009-2010 are:

General Purpose	\$10,006.00
Roads	\$48,448.00

Received and Noted

1.3 Northern Territory Grants Commission

Acknowledging receipt of Council's submission in response to the proposed changes to the Commissions funding methodology.

"there is a principal dealing with a concept called 'effort neutrality'. Simply put, if the rate your council levies is below the NT average, then the Commission is not going to increase your grant to compensate the Council for loss of revenue.

You will be aware that smaller councils have long been on notice that if they do not have a high Indigenous population, are not remote or widely dispersed, then they are probably headed for the 30% per capita minimum grant."

Received and Noted

1.4 Tuesday Group

Thanking the Council for its generosity in hosting the 2nd Birthday Lunch at the Mandorah Hotel.

"A most enjoyable time was had by all who dined out.

And a thankyou too, to Councillor Karen Duncan for instigating the original concept of the Tuesday Group – very much appreciated and enjoyed." (C 18.2)

Received and Noted

1.5 Minister for Local Government

Responding to Councils request for an extension of time to complete Council's 2009 – 2012 Shire Plan.

"Pursuant to Section 223 (1) of the Local; Government Act, I now request your Council to submit its Shire Plan by 15 November 2009 and report to me that the requirement has been addressed." (C 18)

Received and Noted

2. CHIEF EXECUTIVE OFFICER'S REPORT

2.1 Monthly Status Report

Please find attached (Attachment Pg 1) 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

Vice President Duncan asked what was the position with the removal of rubble from the dump.

The President advised that the Council has been contacted with the potential of having the car bodies iron etc removed by the end of the year.

Cr Duncan suggested that a bank be established so that the rubble was not visible from the road.

Cr Duncan asked why the bore was not being installed at the Sportsground.

The CEO advised that he would attend to it.

2.2 Correspondence

Please find attached (Attachment Pg 2 - 4) a copy of Inward and Outward correspondence for the Month of August.

Received and Noted

2.3 Policy

As part of the ongoing process of developing policy, the following draft policies are submitted for Council's consideration; (Refer September Agenda)

- P 08 – Human Resource Management
- P 09 – Accounting Policy
- P 10 – Council Records
- P 12 – Meeting Procedure – Operational
- P 15 – Meeting Procedure – Guidelines
- P 19 – Donations and Contributions

Draft Resolution

That Council having considered draft policies P08, P09, P10, P12, P15 and P19 adopts the said policies.

Vice President Duncan requested changes to P15 and P 09 to be presented to the next meeting.

2.4 Industrial Relations Services

LGANT has requested that Councils be informed of arrangements entered into with Local Government Workplace Solutions (Western Australian Local Government Association) for the provision of industrial relations services.

Under the terms of the Agreement all Councils will have access to:

- An Award maintenance service for northern Territory/National Local Government Awards;
- Information on rates of pay and conditions of employment;
- Participation in industrial activities that affect Local Government in general including award modernisation;
- Providing advice on any issue that can be conveyed in any form (eg employment issues and law, unfair dismissal claims, changes in employment legislation, etc)
- Surveys on remuneration and conditions of employment paid by NT councils;
- Distributing information bulletins and e-mail alerts on general advice;
- Providing access to industrial relations and human resource management sites within the WALGA website;
- A 1300 telephone number to provide easy access for LGANT members;
- Advice, Advocacy and Representation for all work involved following the lodgement of matters in the Australian Industrial Relations Commission, or any other related or similar Tribunal; and
- Workplace Relations Training and other training as per any Agreement relating to training between WALGA and LGANT which exists at the time.

Received and Noted

2.5 Unincorporated Land Amalgamation Study

There has been very little communication between the consultants undertaking the unincorporated land study and the committee established to oversee the project.

I understand that there was a poor turnout when the consultant recently attended at Wagait Beach. This may have been due to the short notice given to the community.

We are now trying to have the consultant return once he has briefed the steering committee on the current status of the project.

The current state of play is very confusing. I should be in a better position to provide Council with additional details at the meeting.

2.6 Community Census

The following information gathered from the Community Census is tabled for Councils information:

AGE GROUP	TOTAL COUNT
0-6	16
7-16	45
17-45	135
46-60	137
61+	47
TOTAL	380

Received and Noted

2.7 Outstanding Issues – Member for Daly

Please find at Attachment Pg 5-9 the list of outstanding matters being considered by the Member for Daly.

The issues include:

- Mandorah Boat Ramp
- Access to Land for Future Community Amenities
- Local Government Restructuring – Unincorporated Land
- Broadband
- Prisoner Work Program

There are also some other matters that require discussions with Mr Knight.

Draft Resolution

That an invitation be extended to Mr Rob Knight, Member for Daly for the purpose of discussing outstanding issues affecting the Council.

2.8 The Hon Gerry Wood MLA

The Council has received a copy of notes taken at a recent meeting between LGANT and The Hon Gerry Wood MLA. (Refer Attachment Pg. No. 10-15)

The document highlights his views on a significant number of local government issues including his views on a Top End Shire Council.

Received and Noted

2.9 Council Web Page

Councillors are asked to view Council's web page so that we can sign off with the Consultant doing the work.

The only outstanding matters are:

- Inclusion of Policies
- Inclusion of Shire Plan
- Inclusion of Annual Report
- Inclusion of Calender of Events

Unless there are any other matters identified by the Council as outstanding, the Consultant will be advised that there are no other matters to be included on the site.

Draft Resolution

That Council advise Mr V Diola that with the exception of four matters still to be provided to him by the Council the Council is pleased with the manner in which he has developed the Wagait Shire Council Web Site.

WAGAIT SHIRE COUNCIL
WORKS SUPERVISOR'S REPORT
ORDINARY COUNCIL MEETING
20 OCTOBER 2009

1. GENERAL MATTERS

1.1 Wagait Tower Road Carriageway Widening

Expressions of Interest for engineering design, construction drawings and tender documentation has been sought with proponents having until the 31 October to submit their proposals.

The LATM grant application has been submitted and we are awaiting the outcome.

Received and Noted

2. WORKS SUPERVISOR'S REPORT

Mr Zikan has submitted the following report: for September 2009.

2.1 Wildlife

Wildlife seems to be laying low these days. We have continual access to a dog trap and this will be utilised as and when required.

One practice, which scores 10 out of 10 for consistency, is the roaming of the streets by local dogs. One dog had to be shot after acting aggressively towards a council staff member.

Kangaroos have been found dead on the roadside and another had to be destroyed.

2.2 Council Grounds

The Community Centre Genset continues to be started on a fortnightly basis.

Once per fortnight, the Council and Community Centre grounds are cleared of leaves, branches etc.

One concrete slab has been put down next to the Council Workshop fence for the purpose of the recycling materials processing.

2.3 Fencing Works RUA

The wire fence along the RUA (Delissa Dr.) has been repaired and the relative Government Dept. has been billed for this work.

2.4 Dump

An area has been cleared adjacent to the Green Waste section to accommodate the bins for recycling. The Green Waste area has therefore been extended to better segregate these two areas.

The bins which are to be used for the collection of aluminium cans and plastic bottles are nearing completion. We shall concrete posts in the ground and design a method to discourage the theft of these bins.

2.5 Plant Replacement

The new Council Ute was picked up September 24. We are awaiting the delivery of the new Tractor which arrived in Melbourne on September 17. We are expecting this new machine to be ready during the first week in October.

2.6 Jetty

The job of Water Blasting the Boat Ramp has been completed. The Government has been billed for this work.

Clearing the Handrails and Grates of barnacles on the Jetty continues.

Damage to the Jetty, that is, rusted and/or broken brackets that hold the fending pole chain to the Jetty has been noticed and reported to the relative Government Dept. These repairs, I am told, will take place in the near future. Other badly corroded parts of the Jetty will also be replaced soon.

2.7 Estate and Surrounds

- One Concrete Table and Seats has been placed in the Carpark of the Erickson Cres. Beach access road
- The trees, as requested, opposite the club and near the corner of Brisbane St. and Erickson Cres., have been trimmed.
- The Water Facility grounds have been snipped.
- A rubbish conscious person has been making a mess along Charles Pt. Rd. and Wagait Tower Rd., moving rubbish from the scrub and placing it along the roadside. This eyesore, although officially not in our jurisdiction, has taken us some time on a number of occasions to clean up. This practice is continuing.

- Fitness Tracks have been pushed through the scrub at the Sportsground. These tracks are quite runnable, however care must be taken as we are still in the process of filling the odd little hole and removing small tree roots.
- A quote has been received for the clearing out of all blocked and partially blocked culverts.

Received and Noted

WAGAIT SHIRE COUNCIL
SPORT & RECREATION OFFICER'S REPORT
ORDINARY COUNCIL MEETING
20 OCTOBER 2009

1. GENERAL MATTERS

1.1

2. SPORT & RECREATION OFFICER'S REPORT

Over the past month there has been the usual sport and recreation program running, that's included after school sport, movie night, Friday night sports and school holiday sport.

During September the surface of the multipurpose courts at the sports ground got resurfaced, new lines painted and basketball back board painted. So the multipurpose court has been left new and refreshed. Despite all the up grades to the court there have been two blue lines missed in the repainting, the lines are part of the volleyball court and used when serving. NT Line Marking has been contacted to fix up the problem.

In the coming months with all the rain to come and the hot weather it will be ideal for cane toads. To try to keep there numbers down there will be regular toad busts, fortnightly starting towards the end of October.

I have also purchased a new tennis net after the one at the sports ground had been ruined by vandalism. The new net will be arriving soon.

Events too occur over the next month are a Halloween movie night, toad busts and the usual sports program.

Received and Noted

WAGAIT SHIRE COUNCIL
FINANCE REPORT
ORDINARY COUNCIL MEETING
20 OCTOBER 2009

1. FINANCIAL MATTERS

1.1 Financial Report:

- 1.1.1 Program Report by Account (Ref Attachment Pg 1)
- 1.1.2 Bank Reconciliation Statements (Refer Attachment Pg 26)
- 1.1.3 Invoices Paid September (Refer Attachment Pg 29)
- 1.1.4 Outstanding Rates Report (Tabled)

Draft Resolution

That the September 2009 Monthly Financial Reports be accepted.

2. GENERAL MATTERS

2.1 Regional and Local Community Infrastructure Program

Advice has been received that the Federal Government is presently seeking applications for funding from the Regional and Local Community Infrastructure Program.

Under the terms of the Program the Council is entitled to an allocation of \$30,000. The Council has previously agreed that the funds should be used for the development of the Fun and Fitness Trail.

An application for the funding has been submitted.

Received and Noted

2.1.2 Annual Accounts

The person suggested by the Council at the last meeting to undertake the preparation of Council's 2008 – 09 Annual Accounts has advised that he is unable to do so.

Given that the Council did not commit to my offer of \$1,500 to prepare the accounts, the only option available is to use the firm Merit and Partners. (the only other quotation received)

Draft Resolution

That Council accept the quotation of Merit and Partners in the amount of \$4,900 for the preparation of Council's 2008-09 Annual Accounts.