

SHIRE OF SHARK BAY MINUTES

27 October 2021

SPECIAL COUNCIL MEETING



SHARK BAY DUGONG



27 OCTOBER 2021



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MINUTES OF THE SPECIAL COUNCIL MEETING

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The minutes of the Special meeting of the Shark Bay Shire Council held in the Council Chamber at the Shark Bay Recreation Centre, Francis Street, Denham, on Wednesday 27 October 2021, commencing at 1.01 pm.

PURPOSE I advise that a special meeting of Council is called in accordance with Section 5.4 (a), (i) of the Local Government Act 1995, to swear in Councillors elect, elect the President, elect the Deputy President, and appoint Committee and delegate members.

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1.0 DECLARATION OF OPENING

The Chief Executive Officer declared the Special Council meeting open at 1.01 pm.

2.0 ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Malgana People as the traditional custodians of the land and sea in and around the Shire of Shark Bay.

I pay my respects to their Elders past, present and emerging.

3.0 ATTENDANCES AND APOLOGIES

ATTENDANCES

Cr Cowell	Denham Ward - President
Cr M Vankova	Useless Loop / Pastoral Ward – Deputy President
Cr B Bellottie	Denham Ward
Cr E Fenny	Denham Ward
Cr G Ridgley	Useless Loop / Pastoral Ward
Cr M Smith	Denham Ward
Cr P Stubberfield	Denham Ward

Mr D Chapman	Chief Executive Officer
Ms A Pears	Executive Manager Finance and Administration
Ms D Wilkes	Executive Manager Community Development
Mr B Galvin	Works Manager
Mrs R Mettam	Executive Assistant

APOLOGIES

VISITORS

1 person in the gallery

Note A: Elected Member Seating: In accordance with the Local Laws relating to Council's Standing Orders amended and Gazetted on the 30 January 2014 – Part 8 point 8.2 Members to Occupy Own Seats

At the first meeting held after each Ordinary election day, the Chief Executive Officer is to allot a position at the Council table to each Councillor and the Councillor is to occupy that position when present at meetings of the Council until such time as there is a call by a majority of Councillors for re-allotment of positions.

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4.0 PUBLIC QUESTION TIME

The Chief Executive Officer opened public question time at 1.01 pm.

Ms Fay Castling asked Council about the viability of the Shark Bay Community Resource Centre and funding for the Centre.

The President and Cr Stubberfield advised that the Community Resource Centre had sourced further funding from the State Government for operations.

The Chief Executive Officer closed public question time at 1.03 pm.

5.0 SWEARING IN OF NEWLY ELECTED COUNCILLORS

Pursuant to Section 2.29 of the *Local Government Act 1995* and before the Chief Executive Officer, Councillor's Elect Bellottie, Fenny and Vankova read aloud and signed their Declarations of Office of Councillor for the Shire of Shark Bay.

6.0 ELECTION OF PRESIDENT

Under Section 2.28 and Schedule 2.3 of the *Local Government Act 1995* the Chief Executive Officer will invite nominations in writing for the position of President for a period of two (2) years.

Note: if more than one nomination is received and confirmed an election for the position of President will be conducted by a secret ballot by the Chief Executive Officer.

Cr Cowell nominated herself

Cr Stubberfield nominated Cr Fenny

The Chief Executive Officer confirmed with Cr Fenny that he accepted the nomination.

A secret ballot was held and the Chief Executive Officer announced that Cr Cowell is the President for the Shire of Shark Bay for the next two (2) years.

The newly elected President read aloud and signed the Declaration of Office of President before the authorised person.

The newly elected President Cr Cowell assumed the Chair.

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7.0 ELECTION OF DEPUTY PRESIDENT

Under Section 2.29 and Schedule 2.3 of the *Local Government Act 1995* the President will invite nominations in writing for the position of Deputy President for a period of two (2) years.

Note: if more than one nomination is received and confirmed an election for the position of Deputy President will be conducted by a secret ballot by the Chief Executive Officer.

Cr Stubberfield nominated Cr Smith

The Chief Executive Officer confirmed with Cr Smith that he accepted the nomination.

Cr Ridgley nominated Cr Vankova

The Chief Executive Officer confirmed with Cr Vankova that they accept the nomination.

A secret ballot was held and the President announced that Cr Vankova is the Deputy President for the Shire of Shark Bay for the next two years.

The newly elected Deputy President read aloud and sign the Declaration of Office of Deputy President before the authorised person.

8.0 ELECTION TO COMMITTEES

All Council Committees dissolved on the 16 October 2021 pursuant to Schedule 9.3 of the *Local Government Act 1995*.

Council Committees must now be reviewed and Committee members appointed in accordance with Sections 5.8, 5.9, 5.10 and 5.11 of the *Local Government Act 1995*.

Councillors are advised of their entitlement to be a member of at least one Committee (Section 5.10(2)).

In the event that there are more nominations than positions on committees, an election to the committee will be undertaken by the Chief Executive Officer.

The Council has one standing committee being the Audit Committee.

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STANDING COMMITTEE

8.1 **AUDIT COMMITTEE**

To comply with Section 7.1A *Local Government Act 1995*

The Audit Committee is a standing committee that the Council is required by legislation to have in place previously all councillors have been elected to the Audit Committee.

The Council has the option to appoint all Council members or reduce the numbers. The Council also has the option to appoint external persons to the committee if it considers this will assist the committee in its deliberations.

Moved Cr Bellottie

Seconded Cr Ridgley

Council Resolution

That all Councillors be appointed to the Audit Committee

7/0 CARRIED BY ABSOLUTE MAJORITY

ADVISORY COMMITTEES

All advisory committees of Council have been disbanded previously.

OCCASIONAL COMMITTEES

Council appoints members on the following Committees set up other than by Council.

8.2 **GASCOYNE DEVELOPMENT COMMISSION BOARD**

Shark Bay is currently represented on the Gascoyne Development Commission Board by Cr Cowell whose position is on appointment from the Minister.

Declaration of Interest: Cr Cowell

Nature of Interest: Impartiality Interest as member of the board

Moved Cr Ridgley

Seconded Cr Fenny

Council Resolution

That Council endorse the representation of Cr Cowell on the Gascoyne Development Commission Board.

7/0 CARRIED

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8.3 GASCOYNE REGIONAL ROAD GROUP

The Gascoyne Regional Road Group is managed by Main Roads
Current Membership - *One elected member. The Works Manger and/or the Chief Executive Officer also attend this meeting as observers.*

*The Chairperson of this Group is elected **annually**.*

The next scheduled meeting is to be held in Carnarvon on Friday 19 November 2021 commencing at 1.30 pm.

Moved Cr Fenny

Seconded Cr Smith

Council Resolution

That Councillor Bellottie be appointed as Council's representative on the Gascoyne Regional Road Group.

That Councillor Ridgley be appointed as deputy delegate on the Gascoyne Regional Road Group.

And the Works Manager and/or Chief Executive Officer are authorised to attend the Gascoyne Regional Road Group meeting as observers.

7/0 CARRIED

8.4 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - GASCOYNE COUNTRY ZONE

The Western Australian Local Government Association manage this committee.
Current Membership - One elected member.

The Chief Executive Officer and/or Works Manager also attend this meeting as observers.

The next scheduled meeting is to be held in Carnarvon on Friday 19 November 2021, commencing at 10.00 am.

Moved Cr Fenny

Seconded Cr Ridgley

Council Resolution

That Councillor Cowell be appointed as Council's representative on the Western Australian Local Government Association Gascoyne Country Zone.

That Councillor Vankova be appointed as deputy delegate on the Western Australian Local Government Association Gascoyne Country Zone.

And the Chief Executive Officer and/or Works Manager are authorised to attend the Western Australian Local Government Association Gascoyne Country Zone meetings as observers.

7/0 CARRIED

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- 8.5 SHARK BAY BUSINESS AND TOURISM ASSOCIATION INCORPORATED
A Councillor is elected to this committee in accordance with the Association's constitution.

Declaration of Interest: Cr Vankova

Nature of Interest: Impartiality Interest as President of the Association

Declaration of Interest: Cr Stubberfield

Nature of Interest: Impartiality Interest as Financial Member of the Association

Declaration of Interest: Cr Ridgely

Nature of Interest: Impartiality Interest as member of the board

Declaration of Interest: Cr Fenny

Nature of Interest: Impartiality Interest as Financial Member of the Association

Moved Cr Stubberfield

Seconded Cr Bellottie

Council Resolution

That Councillor Fenny be nominated as Council's representative on the Shark Bay Business Association Inc. Committee.

7/0 CARRIED

- 8.6 SHARK BAY ARTS COUNCIL INCORPORATED
A Councillor is elected to this committee in accordance with the committee's constitution.

Declaration of Interest: Cr Vankova

Nature of Interest: Impartiality Interest as Treasurer of the Association

Moved Cr Fenny

Seconded Cr Stubberfield

Council Resolution

That Councillor Ridgely be appointed as Council's representative on the Shark Bay Arts Council Inc.

7/0 CARRIED

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8.7 SHARK BAY COMMUNITY RESOURCE CENTRE COMMITTEE

A Councillor is elected to this committee in accordance with the committee's constitution.

Moved Cr Fenny

Seconded Cr Ridgley

Council Resolution

That Councillor Stubberfield be appointed as Council's representative on the Shark Bay Community Resource Centre Committee.

7/0 CARRIED

8.8 DEVELOPMENT ASSESSMENT PANEL

(Established: 01/07/2011)

Once Councillors have been elected to this panel they then have to be approved as this is a ministerial appointment.

The objective of the Development Assessment Panel is to determine applications made to local government that meet the type and value thresholds specified under the Planning and Development (Development Assessment Panels) Regulations 2011.

Moved Cr Fenny

Seconded Cr Ridgley

Council Resolution

That Councillor Bellottie and Councillor Cowell be confirmed as Council's representatives and Councillor Fenny is the Deputy delegate for Councillor Bellottie and Councillor Ridgely is the Deputy delegate for Councillor Cowell on the Development Assessment Panel.

That the nominations be forwarded to the Development Assessment Panel's secretary for approval by the Minister. The appointment to the Development Assessment Panel will have a term ending on the 26 January 2024.

7/0 CARRIED

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Government of **Western Australia**
Development Assessment Panels

Our Ref: DP/12/00609
Enquiries: DAP Secretariat
Telephone: 6551 9919

Dear Local Government CEO,

DEVELOPMENT ASSESSMENT PANELS – LOCAL GOVERNMENT NOMINATIONS

Following the upcoming local government elections to be held on 16 October 2021, there may be a change in your local government DAP membership if the composition of your council changes. All existing local government DAP members are currently appointed for a term ending 26 January 2022. Prior to this expiry date, your local government will need to nominate four (4) DAP members for appointment by the Minister for Planning.

Representation of local interests is a key aspect of the DAPs system. Under regulation 24 of the *Planning and Development (Development Assessment Panels) Regulations 2011* your local council is requested to nominate, as soon as possible following the elections, four elected council members to sit as DAP members for your local government. Using the attached form, nominations should be submitted via email to the DAPs Secretariat at daps@dplh.wa.gov.au.

All local government councils are requested to provide nominations for local government DAP members by Friday 19 November 2021, to ensure local interests are represented in future DAP determinations. If you are unable to provide nominations by the above date, please contact the DAPs Secretariat to discuss alternative arrangements and implications. Once nominations are received, the Minister will appoint local government DAP members for the term ending 26 January 2024.

The McGowan Government launched OnBoardWA as part of its commitment to increase the diversity and backgrounds of Government board and committees along with the total number of women appointed.

I encourage you to consider diversity of representation when putting forward your local government nominations in supporting this important election commitment. Further information about OnBoardWA can be found at <http://www.onboardwa.jobs.wa.gov.au>.

Postal address: Locked Bag 2506 Perth WA 6001 Street address: 140 William Street Perth WA 6000
Tel: (08) 6551 8002 info@dplh.wa.gov.au www.dplh.wa.gov.au
ABN 68 565 723 484
wa.gov.au

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The WA Government is committed to continue implementing the Action Plan for Planning Reform to ensure the planning system continues to deliver great outcomes and great places for Western Australians. Changes to the DAP system, identified as part of the reform initiatives, aims to provide a more robust DAP process that promotes consistency and transparency in decision-making. Please note that the local government membership configuration on the DAP will not be affected by the reform initiatives.

If you have any queries regarding this request for nominations, please contact the DAPs secretariat on (08) 6551 9919 or email daps@dplh.wa.gov.au. Further information is available online at <https://www.dplh.wa.gov.au/daps>.

Yours sincerely



Jodi Cant
Director General

16 September 2021

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8.9 AVIATION COMMUNITY CONSULTATION GROUP

(Established: 31/03/2011)

Current Membership – One Councillor and Chief Executive Officer.

The Aviation Community Consultation Group for Carnarvon, and Shark Bay is required under the “Deed for the Provision of Regulated Regular Public Transport Air Service to Nominated Regional Centres in Western Australia – Monkey Mia and Carnarvon. The committee is chaired by the Department of Transport.

Moved Cr Ridgley

Seconded Cr Smith

Council Resolution

That Councillor Fenny and the Chief Executive Officer be appointed as members to the Community Consultation Group with Councillor Stubberfield being the General Deputy be confirmed as Council's representative.

7/0 CARRIED

8.10 UPPER GASCOYNE LAND CONSERVATION DISTRICT COMMITTEE

Current Membership – Mr Sam Fenny to 17 October 2021.

The Upper Gascoyne Land Conservation Committee’s representative is Mr Sam Fenny. Council appointed Mr Fenny at the Ordinary meeting of the Shark Bay Shire Council held on the 30 October 2019 from 30 October 2019 to the 16 October 2021.

Declaration of Interest: Cr Fenny

Nature of Interest: Impartiality Interest as Mr Sam Fenny is a family member

Moved Cr Bellottie

Seconded Cr Smith

Council Resolution

That Mr Sam Fenny’s appointment, if accepted, to the Upper Gascoyne Land Conservation District Committee be extended until the 15 October 2023.

7/0 CARRIED

8.11 GASCOYNE DISTRICT HEALTH ADVISORY COUNCIL

Council at the Ordinary meeting held on the 27 March 2019 resolved to have a member and a deputy member for this committee.

District Health Advisory Councils work closely with their local health services to provide consumer, carer and community perspective into, Health information and publications, Facilities planning, Safety and Quality Improvements and Health programs and policies.

District Health Advisory Councils give country residents a say in how their health services are planned and delivered. Here you can find out more about the role of

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District Health Advisory Councils, how you can become a member, and the training and resources provided to assist District Health Advisory Councils undertake community engagement and consumer advocacy.

Moved Cr Fenny
Seconded Cr Stubberfield

Council Resolution

That Councillor Smith be appointed as Council's representative on the Gascoyne District Health Advisory Council and Councillor Fenny be appointed as the General Deputy.

7/0 CARRIED

8.12 LOCAL EMERGENCY MANAGEMENT ADVISORY COMMITTEE

Council representative is the President or Person delegated by Council on the Local Emergency Management Advisory Committee and that the President or delegated Person is the Chair of the committee. Also members come from the Administration staff of Council and local emergency community groups.

Moved Cr Fenny
Seconded Cr Smith

Council Resolution

That the President Councillor Cowell is the Chair of the Local Emergency Management Advisory Committee.

That the Chief Executive Officer, Works Manager, Executive Manager Finance and Administration, Executive Manager Community Development and Council Community Development Officer also be appointed to the Local Emergency Management Advisory Committee.

7/0 CARRIED

8.13 ZUYTDORP CLIFFS TRACK STAKEHOLDER REFERENCE GROUP

REF OCM 27 February 2019 Item 17.1

Purpose and Function:

The function of the Group is to assist the Mid West and Gascoyne Development commissions in the planning and development of the Zuytdorp Track Project. The group will act as a network for defining and realising project benefits, risks, governance and provide input in the engagement of consultants associated with the Zuytdorp Track Project.

Moved Cr Smith
Seconded Cr Stubberfield

Council Resolution

That the item lay on table until further information has been sourced and present to a future Council meeting

7/0 CARRIED

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8.14 SHARK BAY BOWLING, SPORT AND RECREATION CLUB INCORPORATED

Council representative on the Shark Bay Bowling Club committee is due to the clubs constitution to have a Council member on the committee. The constitution was changed to include a Council member due to a self-supporting loan agreement which commenced in 2016 with the Shire of Shark Bay. The Loan has since been paid out but the constitution has not been changed.

Declaration of Interest: Cr Smith

Nature of Interest: Impartiality Interest as a Financial member of the Club

Moved Cr Bellottie

Seconded Cr Fenny

Council Resolution

That Councillor Smith be appointed as Council's representative on the Shark Bay Bowling, Sport and Recreation Club Incorporated Committee.

7/0 CARRIED

8.15 CHIEF EXECUTIVE OFFICER'S RECRUITMENT AND SELECTION COMMITTEE

This committee was formed with all Councillors and one independent member being Mr Dennis Hoults. As the Chief Executive Officer has now been appointed the committee is no longer required until the need arises again. When the committee is required to be reformed then this will be done by a Council resolution.

Moved Cr Stubberfield

Seconded Cr Fenny

Council Resolution

That the Chief Executive Officer's Recruitment and Selection Committee now be disbanded.

7/0 CARRIED

5.0 **CLOSURE OF MEETING**

As there was no further business, the President closed the Special Council meeting at 1.40 pm.