

SHIRE OF SHARK BAY MINUTES

25 October 2017

SPECIAL COUNCIL MEETING



SHARK BAY DUGONG



25 OCTOBER 2017



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The Shire of Shark Bay advises that no action should be taken on any application or item discussed at a Council meeting and should only rely on **WRITTEN ADVICE** of the outcome and any conditions attaching to the decision made by the Shire of Shark Bay.

MINUTES OF THE SPECIAL COUNCIL MEETING

25 OCTOBER 2017

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 25 October 2017, commencing at 1.00 pm.

PURPOSE Pursuant to the provision of 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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MINUTES OF THE SPECIAL COUNCIL MEETING

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1.0 DECLARATION OF OPENING

The Chief Executive Officer declared the Special Council meeting open at 1.00pm

2.0 ATTENDANCES AND APOLOGIES

ATTENDANCES

Cr Cowell	President
Cr Laundry	Deputy President
Cr L Bellottie	
Cr J Burton	
Cr K Capewell	
Cr E Fenny	
Cr G Ridgley	

Mr P Anderson	Chief Executive Officer
Ms A Pears	Executive Manager Finance and Administration
Ms L Butterly	Executive Manager Community Development
Mr B Galvin	Works Manager
Mrs R Mettam	Executive Assistant
Ms J Yorke	Administration / Records Officer

APOLOGIES

VISITORS

4 Visitors in the Gallery

3.0 PUBLIC QUESTION TIME

The Chief Executive Officer opened public question time at 1.01pm and as there were no questions from the public, closed public question time at 1.01pm

4.0 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 Fenny, Bellottie, Burton and Laundry signed their Declarations of Office of Councillor for the Shire of Shark Bay.

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5.0 ELECTION OF PRESIDENT

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

Nominations were received from the following:

Cr Cowell nominated Cr Cowell
Cr Capewell nominated Cr Capewell

The Chief Executive asked nominees if they were prepared to accept the nomination. All Councillors nominated confirmed acceptance of the nomination.

A secret ballot was conducted and the Chief Executive Officer declared Cr Cowell elected as the President of the Shire of Shark Bay for a period of two (2) years.

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

The newly elected President assumed the Chair.

6.0 ELECTION OF DEPUTY PRESIDENT

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

Nominations were received from the following:

Cr Fenny nominated Cr Capewell
Cr Ridgley nominated Cr Laundry

The Chief Executive asked nominees if they were prepared to accept the nomination. All Councillors nominated confirmed acceptance of the nomination.

A secret ballot was conducted and the Chief Executive Officer declared Cr Laundry elected as the Deputy President of the Shire of Shark Bay for a period of two (2) years.

The newly elected Deputy President Cr Laundry read and signed the Declaration of Office of Deputy President before the authorised person.

7.0 ELECTION TO COMMITTEES

All Council Committees dissolved on the 21 October 2017 pursuant to Schedule 9.3 of the *Local Government Act 1995*.

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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 two standing committees being the Works Committee and the Audit Committee.

STANDING COMMITTEES

7.1 WORKS COMMITTEE

The Works Committee is a standing committee of Council and currently comprises of the following members:

Four elected members, Chief Executive Officer and Works Manager.

The Works Committee deals with matters concerning roads, footpaths, parks gardens and the majority of infrastructure works.

The administration have been referring all matters to the full Council for consideration rather than convening a works committee meeting. The Council if it considers this process satisfactory may consider disbanding this committee.

Officer Recommendation

Option 1 : That the following Councillors be appointed to the Works Committee:

Cr

Cr

Cr

Cr

And the following Councillors in order of preference be appointed as Deputy members of the Works Committee:

Cr

Cr

Cr

OR

Option 2

The Works Committee be disbanded and all matters be referred to the full Council for consideration.

Moved Cr Bellottie

Seconded Cr Laundry

Council Resolution

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The Works Committee be disbanded and all matters be referred to the full Council for consideration.

7/0 CARRIED

7.2 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 Ridgley
Seconded Cr Laundry

Council Resolution

That all Councillors be appointed to the Audit Committee.

7/0 CARRIED BY ABSOLUTE MAJORITY

ADVISORY COMMITTEES

7.3 SHARK BAY MARINE FACILITIES MANAGEMENT COMMITTEE

This committee was comprised of the following members:

Two elected members, Works Manager and Executive Manager Finance and Administration, two commercial fishing representatives, 1 tour operator representative, one general public and the District Manager of the Department of Transport.

As the Marine Facilities is now being administered by the Department of Transport this committee is no longer required.

Moved Cr Ridgley
Seconded Cr Burton

Council Resolution

That the Shark Bay Marine Facilities Management Committee be disbanded.

7/0 CARRIED

All other advisory committees of Council have been disbanded previously.

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OCCASIONAL COMMITTEES

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

7.4 **GASCOYNE DEVELOPMENT COMMISSION BOARD**

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

7.5 **GASCOYNE REGIONAL ROAD GROUP**

Gascoyne Regional Road Group

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**.*

Moved Cr Bellottie

Seconded Cr Laundry

Council Resolution

That the following Councillor be appointed as Council's representative on the Gascoyne Regional Road Group:

Cr Capewell

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

Cr Cowell

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

7/0 CARRIED

7.6 **WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - GASCOYNE COUNTRY ZONE**

Current Membership - One elected member.

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

Moved Cr Ridgley

Seconded Cr Fenny

Council Resolution

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

Cr Cowell

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

Cr Capewell

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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

7.7 SHARK BAY TOURISM ASSOCIATION INCORPORATED

Moved Cr Ridgely
Seconded Cr Laundry

Council Resolution

That Cr Ridgely be nominated as Council's representative on the Shark Bay Tourism Association Inc. Committee.

7/0 CARRIED

7.8 SHARK BAY ARTS COUNCIL INCORPORATED

Moved Cr Burton
Seconded Cr Fenny

Council Resolution

That Cr Burton be appointed as Council's representative on the Shark Bay Arts Council Inc.

7/0 CARRIED

7.9 SHARK BAY COMMUNITY RESOURCE CENTRE COMMITTEE

Declaration of Interest: Cr Burton

Nature of Interest: Financial Interest as Shark Bay Community Resource Centre is Councillors employer.

Cr Burton left the Council Chamber at 1.34 pm.

Moved Cr Laundry
Seconded Cr Ridgely

Council Resolution

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

6/0 CARRIED

Cr Burton returned to the Council Chamber at 1.35 pm.

7.10 DEVELOPMENT ASSESSMENT PANEL

(Established: 01/07/2011)

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Current Membership - Councillor Cowell and Councillor Bellottie with Cr Laundry and Cr Fenny as General Deputies. 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.

Recent advice from the Government of Western Australia states:

Please be aware that Councillors currently representing your respective Joint Development Assessment Panel (both local government members and alternate members), appointed by the Minister for a term of up to two years to 26 July, 2018, will retain their positions as representatives of the Joint Development Assessment Panel to which they have been appointed, unless they are not returned on Saturday, 21 October, 2017

Moved Cr Cowell

Seconded Cr Capewell

Council Resolution

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

7/0 CARRIED

MINUTES OF THE SPECIAL COUNCIL MEETING

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Minister for Transport; Planning; Lands

Our Ref: 72-02976
Your Ref: DAP Secretariat 6551 9919

Cr Cheryl Cowell
14 Sunter Place
DENHAM WA 6537

Dear Cr Cowell

DEVELOPMENT ASSESSMENT PANEL – LOCAL GOVERNMENT MEMBER APPOINTMENT

In accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*, I appoint you to the Kimberley/Pilbara/Gascoyne JDAP as Local Government Member for the Shire of Shark Bay.

The details of your appointment are as follows:

- Your appointment for a one year term will expire on 26 July 2018, with the possibility of extension for the remainder of the maximum term of up to three years.
- You are not eligible to be paid sitting and training fees in accordance with Premier's Circular 2010/02.
- You are entitled to be reimbursed for travel expenses to attend meetings in accordance with Public Sector Commissioner's Circular 2009-20.
- You are appointed as a DAP local government member on the basis that you are a member of the council of the local government. If you cease to be a member of the council, your term of office as a DAP local government member will expire at the same time.

I congratulate you on your appointment and look forward to your contribution as a DAP Specialist Member.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rita Saffioti', written over a faint circular stamp.

**HON RITA SAFFIOTI MLA
MINISTER FOR PLANNING**

26 JUL 2017

Level 9, Dumas House, 2 Havelock Street, West Perth, Western Australia, 6005
Telephone: +61 8 6552 5500 Facsimile: +61 8 6552 5501 Email: minister.saffioti@dpc.wa.gov.au

MINUTES OF THE SPECIAL COUNCIL MEETING

25 OCTOBER 2017



Minister for Transport; Planning; Lands

Our Ref: 72-02976
Your Ref: DAP Secretariat 6551 9919

Cr Lawrence (Ben) Bellottie
6 Talbot Street
DENHAM WA 6537

Dear Cr Bellottie

DEVELOPMENT ASSESSMENT PANEL – LOCAL GOVERNMENT MEMBER APPOINTMENT

In accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*, I appoint you to the Kimberley/Pilbara/Gascoyne JDAP as Local Government Member for the Shire of Shark Bay.

The details of your appointment are as follows:

- Your appointment for a one year term will expire on 26 July 2018, with the possibility of extension for the remainder of the maximum term of up to three years.
- You are eligible to be paid sitting and training fees in accordance with Premier's Circular 2010/02.
- You are entitled to be reimbursed for travel expenses to attend meetings in accordance with Public Sector Commissioner's Circular 2009-20.
- You are appointed as a DAP local government member on the basis that you are a member of the council of the local government. If you cease to be a member of the council, your term of office as a DAP local government member will expire at the same time.

Under the Regulations, and to assist with your role and responsibility as a DAP member, you are required to undertake formal training. The DAP Secretariat will contact you shortly regarding training schedules and to provide you with other relevant information. In the interim, please complete and return the forms included with this letter to the DAP Secretariat using the enclosed envelope.

I congratulate you on your appointment and look forward to your contribution as a DAP Specialist Member.

Yours sincerely

HON RITA SAFFIOTI MLA
MINISTER FOR PLANNING
26 JUL 2017

Level 9, Dumas House, 2 Havelock Street, West Perth, Western Australia, 6005
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MINUTES OF THE SPECIAL COUNCIL MEETING

25 OCTOBER 2017



Minister for Transport; Planning; Lands

Our Ref: 72-02976
Your Ref: DAP Secretariat 6551 9919

Cr Kevin Laundry
180 Edwards Street
DENHAM WA 6537

Dear Cr Laundry

DEVELOPMENT ASSESSMENT PANEL – LOCAL GOVERNMENT MEMBER APPOINTMENT

In accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*, I appoint you to the Kimberley/Pilbara/Gascoyne JDAP as Local Government Alternate Member for the Shire of Shark Bay.

The details of your appointment are as follows:

- Your appointment for a one year term will expire on 26 July 2018, with the possibility of extension for the remainder of the maximum term of up to three years.
- You are eligible to be paid sitting and training fees in accordance with Premier's Circular 2010/02.
- You are entitled to be reimbursed for travel expenses to attend meetings in accordance with Public Sector Commissioner's Circular 2009-20.
- You are appointed as a DAP local government member on the basis that you are a member of the council of the local government. If you cease to be a member of the council, your term of office as a DAP local government member will expire at the same time.

Under the Regulations, and to assist with your role and responsibility as a DAP member, you are required to undertake formal training. The DAP Secretariat will contact you shortly regarding training schedules and to provide you with other relevant information. In the interim, please complete and return the forms included with this letter to the DAP Secretariat using the enclosed envelope.

I congratulate you on your appointment and look forward to your contribution as a DAP Specialist Member.

Yours sincerely

**HON RITA SAFFIOTI MLA
MINISTER FOR PLANNING**

26 JUL 2017

Level 9, Dumas House, 2 Havelock Street, West Perth, Western Australia, 6005
Telephone: +61 8 6552 5500 Facsimile: +61 8 6552 5501 Email: minister.saffioti@dpc.wa.gov.au

MINUTES OF THE SPECIAL COUNCIL MEETING

25 OCTOBER 2017



Minister for Transport; Planning; Lands

Our Ref: 72-02976
Your Ref: DAP Secretariat 6551 9919

Cr Edmund Fenny
1 Ocean Park Road
DENHAM WA 6537

Dear Cr Fenny

DEVELOPMENT ASSESSMENT PANEL – LOCAL GOVERNMENT MEMBER APPOINTMENT

In accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*, I appoint you to the Kimberley/Pilbara/Gascoyne JDAP as Local Government Alternate Member for the Shire of Shark Bay.

The details of your appointment are as follows:

- Your appointment for a one year term will expire on 26 July 2018, with the possibility of extension for the remainder of the maximum term of up to three years.
- You are eligible to be paid sitting and training fees in accordance with Premier's Circular 2010/02.
- You are entitled to be reimbursed for travel expenses to attend meetings in accordance with Public Sector Commissioner's Circular 2009-20.
- You are appointed as a DAP local government member on the basis that you are a member of the council of the local government. If you cease to be a member of the council, your term of office as a DAP local government member will expire at the same time.

Under the Regulations, and to assist with your role and responsibility as a DAP member, you are required to undertake formal training. The DAP Secretariat will contact you shortly regarding training schedules and to provide you with other relevant information. In the interim, please complete and return the forms included with this letter to the DAP Secretariat using the enclosed envelope.

I congratulate you on your appointment and look forward to your contribution as a DAP Specialist Member.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rita Saffioti', written over a white rectangular area.

HON RITA SAFFIOTI MLA
MINISTER FOR PLANNING

26 JUL 2017

Level 9, Dumas House, 2 Havelock Street, West Perth, Western Australia, 6005
Telephone: +61 8 6552 5500 Facsimile: +61 8 6552 5501 Email: minister.saffioti@dpc.wa.gov.au

MINUTES OF THE SPECIAL COUNCIL MEETING

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7.11 AVIATION COMMUNITY CONSULTATION GROUP

(Established: 31/03/2011)

Current Membership – One Councillor and Chief Executive Officer.

The Aviation Community Consultation Group for Carnarvon, Kalbarri 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 – Kalbarri, Monkey Mia and Carnarvon. The committee is chaired by the department.

Moved Cr Fenny
Seconded Cr Laundry

Council Resolution

That Cr Fenny and the Chief Executive Officer be appointed as members to the Community Consultation Group with Cr Cowell being the General Deputy.

7/0 CARRIED

7.12 UPPER GASCOYNE LAND CONSERVATION DISTRICT COMMITTEE

Current Membership – Mr Sam Fenny to 31 October 2018.

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 27 July 2015 from 31 October 2015 to the 31 October 2018.

Moved Cr Bellottie
Seconded Cr Capewell

Council Resolution

That Mr Sam Fenny’s appointment to the Upper Gascoyne Land Conservation District Committee stand until the 31 October 2018.

7/0 CARRIED

7.13 GASCOYNE IN MAY

Moved Cr Ridgley
Seconded Cr Burton

Council Resolution

That Council resolve to support the Shark Bay Arts Council Inc with their representation on the Gascoyne In May committee.

7/0 CARRIED

7.14 HEALTH ADVISORY COMMITTEE

In October 2015 the Shire administration by was advised by Silver Chain that this committee had been disbanded. Recent discussions with the Carnarvon Health Service have indicated that this committee is likely to be reinstated and it would be

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opportune to appoint a representative in anticipation of the formation of a new Committee.

Moved Cr laundry

Seconded Cr Ridgely

Council Resolution

That Cr Laundry be appointed as Council's representative on the Shark Bay Health Advisory Committee. The Chief Executive Officer is authorised to attend the Health Advisory Committee meetings as observer.

7.0 CARRIED

7.15 **SHARK BAY BOWLING CLUB INCORPORATED**

Council representative on the Shark Bay Bowling Club committee is due to the self-supporting loan agreement which commenced in 2016 with the Shire of Shark Bay.

Moved Cr Laundry

Seconded Cr Capewell

Council Resolution

That Cr Laundry be appointed as Council's representative on the Shark Bay Bowling Club Incorporated Committee.

7/0 CARRIED

7.16 **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 Laundry

Seconded Cr Capewell

Council Resolution

That the President Cr Cowell be appointed as Council's representative as 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

8.0 CLOSURE OF MEETING

As there was no further business the President closed the Special Council meeting at 1.50 pm.