

# SHIRE OF SHARK BAY NOTICE OF MEETING

25 October 2023

SPECIAL COUNCIL AGENDA



SHARK BAY DUGONG



25 OCTOBER 2023



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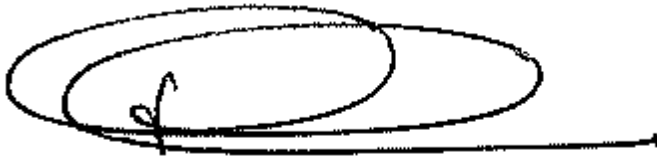
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The Shire of Shark Bay advises that no action should be taken on any application or item discussed at a Council meeting and should only rely on **WRITTEN ADVICE** of the outcome and any conditions attaching to the decision made by the Shire of Shark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

# SPECIAL COUNCIL MEETING AGENDA

25 OCTOBER 2023

A Special meeting of the Shark Bay Shire Council will be held in the Council Chamber at the Shark Bay Recreation Centre, Francis Street, Denham, on Wednesday 25 October 2023, commencing at 2.00 pm.



Dale Chapman  
**Chief Executive Officer**  
20 October 2023

**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 will declare the Special Council meeting open.

**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 L Bellottie

Cr E Fenny

Cr M Vankova

Cr Elect Cowell

Cr Elect G Ridgley

Cr Elect M Smith

Cr Elect P Stubberfield

Mr D Chapman

Chief Executive Officer

Mr B Galvin

Works Manager

Ms J Green

Supervisor Finance and Administration

Ms D Wilkes

Executive Manager Community Development

Mrs R Mettam

Executive Assistant

APOLOGIES

VISITORS

**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 will open public question time.

**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, Councillors Elect Cowell, Ridgley, Stubberfield and Smith will read aloud and sign 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.

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

The newly elected President will assume the Chair.

**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.

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

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**8.0 ELECTION TO COMMITTEES**

All Council Committees dissolved on the 20 October 2023 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.

NOTE: That no Delegations have been delegated to Committees.

**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

Seconded Cr

**Officer Recommendation**

**That all Councillors be appointed to the Audit Committee**

**REQUIRES ABSOLUTE MAJORITY**

**ADVISORY COMMITTEES**

All advisory committees of Council have been disbanded previously.

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**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.

Moved Cr

Seconded Cr

**Officer Recommendation**

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

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 24 November 2023 commencing at 12.30 pm.*

Moved Cr

Seconded Cr

**Officers Recommendation**

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

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

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

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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 24 November 2023, commencing at 10.00 am.*

Moved Cr

Seconded Cr

**Officer Recommendation**

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

**Councillor \_\_\_\_\_**

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

**Councillor \_\_\_\_\_**

**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.**

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:

Nature of Interest:

Moved Cr

Seconded Cr

**Officer Recommendation**

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



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8.6 SHARK BAY ARTS COUNCIL INCORPORATED

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

Declaration of Interest:

Nature of Interest:

Moved Cr

Seconded Cr

**Officer Recommendation**

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

8.7 SHARK BAY COMMUNITY RESOURCE CENTRE COMMITTEE

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

Declaration of Interest:

Nature of Interest:

Moved Cr

Seconded Cr

**Officer Recommendation**

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

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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

Seconded Cr

**Officer Recommendation**

**That the resolution made at the Special Council meeting held on the 27 October 2021 stands until the 26 January 2024.**

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

**That the administration bring a report back to a future Council meeting to allocate members for the next term of office as directed by the Government of Western Australia's Development Assessment Panels.**

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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](mailto: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](http://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@dph.wa.gov.au](mailto:daps@dph.wa.gov.au). Further information is available online at <https://www.dph.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 Executive Manager Community Development is being added to the membership in this recommendation.*

*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.*

*The next meeting will be held in Carnarvon on Wednesday 8 November 2023.*

Moved Cr

Seconded Cr

**Council Resolution**

**That Councillor \_\_\_\_\_, the Chief Executive Officer and the Executive Manager Community Development be appointed as members to the Community Consultation Group with Councillor \_\_\_\_\_ being the General Deputy be confirmed as Council's representative.**

8.10 UPPER GASCOYNE LAND CONSERVATION DISTRICT COMMITTEE

*Current Membership – Mr Sam Fenny to 15 October 2023.*

Declaration of Interest: Cr Fenny

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

Moved Cr

Seconded Cr

**Officer Recommendation**

**That \_\_\_\_\_ appointment, if accepted, to the Upper Gascoyne Land Conservation District Committee be extended until the 15 October 2025.**

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- 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 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  
Seconded       Cr

**Officer Recommendation**

**That Council appoint a Councillor and a general deputy to this advisory council when it becomes active.**

- 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 to nominate which option  
Seconded       Cr

**Officer Recommendation**

**That the President Councillor \_\_\_\_\_**

**OR**

**delegated Person \_\_\_\_\_ be appointed as Council's representative as the Chair of the Local Emergency Management Advisory Committee.**

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

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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  
Seconded       Cr

**Officer Recommendation**

**That Council appoint a Councillor and a general deputy to this reference group when it becomes active.**

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, but has since been paid out. The constitution states:*

*“(b) The Shire of Shark Bay can require one of these committee members to be a council representative with full rights as a committee member. This will be the case in special circumstances only and the club will receive a written request to do so. The Shire of Shark Bay will nominate the council representative”.*

Moved           Cr  
Seconded       Cr

**Officer Recommendation**

**That Council appoint a Councillor and a general deputy to this committee when the Council requires a Councillor on the committee.**

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8.15 CHIEF EXECUTIVE OFFICER'S RECRUITMENT AND SELECTION COMMITTEE

This committee was formed with all Councillors and one independent member. As the Chief Executive Officer has been appointed the committee is no longer required and was disbanded at the Special Council meeting held on the 12 August 2021. When the committee is required to be reformed then this will be done by a Council resolution.

**5.0 CLOSURE OF MEETING**

When there is no further business, the President will close the Special Council meeting.