

SHIRE OF SHARK BAY MINUTES

13 JANUARY 2021

SPECIAL COUNCIL MEETING



SHARK BAY DUGONG



13 JANUARY 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 13 January 2021, commencing at 3.00 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 resolve the following item:

Letter of Support to Department of Planning, Lands and Heritage for Camel Adventures Shark Bay.

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MINUTES OF THE SPECIAL COUNCIL MEETING

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1.0 **DECLARATION OF OPENING**

The Deputy President Cr Fenny declared the Special Council meeting open at 3.00 pm.

2.0 **ATTENDANCES AND APOLOGIES**

ATTENDANCES

Cr E Fenny Deputy President

Cr L Bellottie

Cr J Burton

Cr M Smith

Cr P Stubberfield

Ms D Wilkes Acting Chief Executive Officer

Mr B Galvin Works Manager

Mrs R Mettam Executive Assistant

APOLOGIES

Cr C Cowell President

Cr G Ridgley

VISITORS

11 people in the gallery

3.0 **PUBLIC QUESTION TIME**

The Deputy President, Cr Fenny, opened public question time at 3.00 pm.

Ms J Fox asked if the camels will affect dogs on the beach in dog off leash area.

Cr Fenny replied that no changes will be instigated due to the area being gazetted as dogs off leash area, but the owners still need to be in control of their dog. Cr Fenny asked Ms Fox to put in writing any further concerns to the Council.

Mr Robins asked what track the camels would be walking.

Cr Fenny showed the camel trail that is in the agenda item.

With no further question, the Deputy President, Cr Fenny, closed public question time at 3.12 pm.

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4.0 LETTER OF SUPPORT TO DEPARTMENT OF PLANNING, LANDS AND HERITAGE FOR CAMEL ADVENTURES SHARK BAY

LETTER OF SUPPORT FOR MARK AND TAYLAH SMITH
RES49809

Author

Councillor Peter Stubberfield

Disclosure of Any Interest

Disclosure of Interest: Cr Smith

Nature of Interest: Financial Interest as Business operator.

Cr Smith left the Council Chamber at 3.12 pm.

Councillors Recommendation

That Council:

1. Authorise the Chief Executive Officer to provide a letter to Mark and Taylah Smith, confirming that the Shire of Shark Bay support an application by the applicants to walk 4 tethered camels on Unallocated Crown Land (through the Department of Planning, Lands and Heritage) as shown on the attached map, subject to:
 - (i) The Shire of Shark Bay being indemnified and not being held responsible for any loss, damage accident or injury to property or persons and that the right to traverse the land does not interfere with the quiet enjoyment by others of the Unallocated Crown Land.
 - (ii) The proposed route being generally in accordance with the map lodged with the Shire.
 - (iii) An understanding that this support is for the purposes of exercising camels and acclimatising them to beach walking. It does not in any way confer support for a commercial license.

OR

2. Does not authorise the Chief Executive Officer to provide a letter to Mark and Taylah Smith, confirming that the Shire of Shark Bay support an application by the applicants to walk 4 tethered camels on Unallocated Crown Land (through the Department of Planning, Lands and Heritage).

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Moved Cr Stubberfield
Seconded Cr Burton

Council Resolution

That Council:

- iii. **Authorise the Chief Executive Officer to provide a letter to Mark and Taylah Smith, confirming that the Shire of Shark Bay support an application by the applicants to walk 4 tethered camels on Unallocated Crown Land (through the Department of Planning, Lands and Heritage) as shown on the attached map, subject to:**
- (iii) **The Shire of Shark Bay being indemnified and not being held responsible for any loss, damage accident or injury to property or persons and that the right to traverse the land does not interfere with the quiet enjoyment by others of the Unallocated Crown Land.**
 - (ii) **The proposed route being generally in accordance with the map lodged with the Shire.**
 - (iii) **An understanding that this support is for the purposes of exercising camels and acclimatising them to beach walking. It does not in any way confer support for a commercial license.**

3/1 CARRIED

Cr Bellottie is recorded as voting against the motion
Reason: Cr Bellottie was concerned about Councillors credibility.

Cr Smith returned to the Council Chamber at 3.27 pm.

Background

At the Ordinary Meeting of Council on 26 February 2020, Council approved a 5 year permit for Mark Smith to use an 8 hectare section of Reserve 49809 (known as the Town Common) to de-pasture camels. This permit allows for the tenure of stock for tourism purposes only and does not permit any trading from the allocated area.

At the November 2020 Ordinary Meeting of Council, Council approved an application by Mark Smith and Taylah Smith to use portions of Reserve 49809 outside of their existing Licence area. This approval was to allow the camels to be walked along a predesignated path from their allocated area to the edge of the Common (see Attachment).

The applicants are now seeking a letter from the Shire of Shark Bay to support an application to allow the camels to be walked from the edge of the Common, across Unallocated Crown Land to the beach, for the purpose of exercising the camels and acclimatising them to the beach environment (see Attachment).

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Comment

The Shire Council cannot approve use of Unallocated Crown Land for walking camels as the Shire is not the approving body.

The Shire can offer support to the applicants and can condition that support by requiring that the Shire of Shark Bay is indemnified and not held responsible for any loss, damage accident or injury to property or persons by this support.

The attached map outlines the path the applicant wishes to use through the Unallocated Crown Land. It is suggested that any letter of support from Council refers to this and that approval is given subject to this path being the general path used for walking the camels though the Unallocated Crown Land.

As part of the request for support, the applicant has stated:

*This is only to walk the camels. We **WILL NOT** be carrying on any business nor advertising any services while exercising the camels. It is understood that in no circumstances is this a precursor for any approval or licence in the future on this consideration.*

It is therefore recommended that a letter of support clearly states that this support is only for the purposes of exercising and acclimatising camels and does not in any way confer support for a commercial license or operation. Should the applicants seek a commercial license in the future they would need to bring the matter back to Council for consideration.

Legal Implications

The responsibility for Unallocated Crown Land lies with the State Government. The Shire has no power to regulate activity on Unallocated Crown Land.

Policy Implications

There are no policy implications relative to this report.

Financial Implications

There are no financial implications relative to this report

Strategic Implications

There are no strategic implications relative to this report

Voting Requirements

Simple Majority Required

Signatures

Councillor *P Stubberfield*

Acting Chief Executive Officer *D Wilkes*

Date 6 January 2021



5.0 CLOSURE OF MEETING

As there was no further business the Deputy President, Cr Fenny, closed the Special Council meeting at 3.28 pm.