

SHIRE OF SHARK BAY UNCONFIRMED MINUTES

18 OCTOBER 2024

SPECIAL COUNCIL MEETING



SHARK BAY DUGONG



18 OCTOBER 2024



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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.

The unconfirmed 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 Friday 18 October 2024, commencing at 1.00 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:

1. Construction of Denham Foreshore Revetment Request for Tender.

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1.0 DECLARATION OF OPENING

The President declared the October 2024 Special Council meeting open at 1.00 pm.

2.0 ACKNOWLEDGEMENT TO COUNTRY

I would like to acknowledge the Malgana Peoples 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 C Cowell	President
Cr P Stubberfield	Deputy President
Cr G Ridgley	
Cr M Vankova	

Ms D Wilkes	Acting Chief Executive Officer
Mr B Galvin	Works Manager
Mrs R Mettam	Executive Assistant

APOLOGIES

Cr L Bellottie
Cr M Smith
Cr Fenny

VISITORS

Nil

4.0 PUBLIC QUESTION TIME

The President opened public question time at 1.01 pm as there were no visitors in the public gallery the President closed public question time at 1.02 pm.

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5.0 MATTERS BEHIND CLOSED DOORS

Moved Cr Vankova
Seconded Cr Stubberfield

Council Resolution

That the meeting be closed to members of the public in accordance with section 5.23(2) of the Local Government Act 1995 for Council to discuss matters of a confidential nature

4/0 CARRIED

5.1 CONSTRUCTION OF DENHAM FORESHORE REVETMENT REQUEST FOR TENDER TE2024/2025-01 / CM00076

AUTHOR

CHIEF EXECUTIVE OFFICER

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Cr Fenny

Nature of Interest: Proximity Interest as has a sop lease on Knight Terrace and rents pens at the Denham Jetty.

Declaration of Interest: Cr Ridgely

Nature of Interest: Proximity Interest as has a shop rental on Knight Terrace

Declaration of Interest: Cr Stubberfield

Nature of Interest: Proximity Interest as has a shop lease on Knight Terrace

Declaration of Interest: Cr Vankova

Nature of Interest: Proximity Interest as has a permit to Occupy on the Denham Foreshore

Due to four (4) Councillors having a Proximity Interest in this item, leaving no quorum to action the item, the Chief Executive Officer has written to the Department of Local Government requesting exemption for Councillor Fenny, Ridgley, Stubberfield and Vankova, who supplied declaration of interest forms.

UNCONFIRMED MINUTES OF THE SPECIAL COUNCIL MEETING

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Department of
**Local Government, Sport
and Cultural Industries**



Our ref SB1-7-2024-87; E24159188
Enquiries Dale Martin
Phone (08) 6552 1530
Email legislation@dlgsc.wa.gov.au

Dale Chapman
Chief Executive Officer
Shire of Shark Bay

Email: admin@sharkbay.wa.gov.au

Dear Mr Chapman

I refer to your correspondence dated 9 October 2024 and advise that in accordance with the authority delegated by the Minister for Local Government, I have approved your application for participation approval, under section 5.69(3) of the *Local Government Act 1995* (the Act).

Cr Edmund Fenny, Cr Pietr Stubberfield, Cr Gregory Ridgley and Cr Miroslava Vankova to participate and vote on the following item at the Shire's Special Council Meeting to be held 18 October 2024.

5.1 CONSTRUCTION OF DENHAM FORESHORE REVETMENT REQUEST FOR TENDER

Conditions of approval:

- 1. The approval is only valid for the 18 October 2024 Special Council Meeting when the above-mentioned agenda item is considered;*
- 2. The abovementioned councillors must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;*
- 3. The Chief Executive Officer (CEO) is to provide a copy of the Department of Local Government, Sport and Cultural Industries (DLGSC) letter of approval to the abovementioned councillors;*
- 4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;*
- 5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the DLGSC, to allow the DLGSC to verify compliance with the conditions of this approval; and*

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6. *The approval granted is based solely on the interests disclosed by the abovementioned councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.*

Should you require further information in relation to this matter, please contact Dale Martin, Senior Legislation Officer, via the details provided above.

Yours sincerely



Tom Griffiths
EXECUTIVE DIRECTOR – LOCAL GOVERNMENT

14 October 2024

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Moved Cr Stubberfield
Seconded Cr Vankova

Council Resolution

That Council consider the Officer's Recommendation contained within the body of the confidential report.

4/0 CARRIED

Moved Cr Vankova
Seconded Cr Stubberfield

Council Resolution

That Council:

- 1. Accept the recommendation to award Request for Tender RFT 2024/2025-01 for the Construction of the Denham Foreshore Revetment, to MGN Civil; and**
- 2. Authorises the Chief Executive Officer to negotiate and enter into a contract with MGN Civil for the Construction of the Denham Foreshore Revetment for an amount not exceeding the funding available for this project.**

4/0 CARRIED

Moved Cr Stubberfield
Seconded Cr Vankova

Council Resolution

That the meeting be reopened to the members of the public.

4/0 CARRIED

At 1.22 pm the President read aloud the Council decision that had been taken during the time the meeting was closed to the public in accordance with Council's Local Laws relating to Standing Orders clause 12.7(3)(a)(b)(c)(d)(e).

6.0 CLOSURE OF MEETING

As there was no further business, the President closed the October 2024 Special Council meeting at 1.23 pm.