DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Esperance for any act, omission or statement or intimation occurring during Council or Committee meetings. The Shire of Esperance disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person’s or legal entity’s own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by a member or officer of the Shire of Esperance during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire of Esperance. The Shire of Esperance warns that anyone who has any application lodged with the Shire of Esperance must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Esperance in respect of the application.

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

Council is committed to a code of conduct and all decisions are based on an honest assessment of the issue, ethical decision-making and personal integrity. Councillors and staff adhere to the statutory requirements to declare financial, proximity and impartiality interests and once declared follow the legislation as required.

ATTACHMENTS

Please be advised that in order to save printing and paper costs, all attachments referenced in this paper are available in the original Agenda document for this meeting.
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   17.7 0113-18 Prequalified Supplier Panel - Plant Hire
   17.8 0114-18 Prequalified Supplier Panel - Building Services
   17.9 0109-18 Supply & Placement of Hotmix Asphalt

19. CLOSURE
SHIRE OF ESPERANCE

MINUTES

ORDINARY COUNCIL MEETING HELD IN COUNCIL CHAMBERS ON
26 June 2018.
COMMENCING AT 4PM

1. OFFICIAL OPENING

The Shire President declared the meeting open at 4.01pm

The President welcomed Councillors, staff, guests and members of the public to the meeting.

2. ATTENDANCE

Members
Cr V Brown President Rural Ward
Cr N Bowman Deputy President Rural Ward
Cr J Parsons Town Ward
Cr S McMullen Town Ward
Cr S Payne Town Ward
Cr L McIntyre Town Ward
Cr R Padgurskis Town Ward
Cr D Piercey, JP Town Ward
Cr B Parker Rural Ward

Shire Officers
Mr W M (Matthew) Scott Chief Executive Officer
Mr S Burge Director Corporate Resources
Mr M Walker Director Asset Management
Mr T Sargent Director External Services
Mrs H Hall Executive Assistant
Miss A McArthur Trainee Administration Officer
Mr S McKenzie Manager Council Enterprise (entered at 4.31pm)

Members of the Public & Press
Mr L Western Item 7
Mr W Halliday Item 7
Mrs C Creed Item 12.1.2
Mr C Howard Item 12.2.1
Mr A Howard Item 12.2.1
Mr H Crisp Item 12.2.1
Mr B Pratt Observer (entered at 4.37pm)
Miss J Burton Esperance Express

3. APOLOGIES & NOTIFICATION OF GRANTED LEAVE OF ABSENCE

Mr R Hindley Manager Strategic Planning & Land Projects
4. APPLICATIONS FOR LEAVE OF ABSENCE

MOTION
Moved: Cr Parsons
Seconded: Cr Bowman

00618-007

That Council approve the following applications for leave of absence:

Cr Payne 1 July until 27 July 2018
Cr McMullen 3 July 2018
7 August until 10 August 2018
Cr McIntyre 6 July until 9 July 2018
Cr Parker 29 June until 2 July 2018
19 July until 23 July 2018

CARRIED
F9 - A0

Mrs Hall left the Chamber at 4.05pm

5. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Cr Victoria Brown acknowledged service clubs such as: the Rotary Club of Esperance, the Rotary Club of Esperance Bay, Apex Club and Lions Esperance who have recently just had their changeover nights to welcome their new presidents and thank their previous presidents for their service. Cr Brown wanted to thank all the clubs for the large amount of service they do for the community, it is truly appreciated.

6. DECLARATION OF MEMBERS INTERESTS

6.1 Declarations of Financial Interests – Local Government Act Section 5.60a
Cr McMullen declared a financial interest in item 12.3.1 as his business is in competition with the Bay of Isle Leisure Centre.

6.2 Declarations of Proximity Interests – Local Government Act Section 5.60b
Nil

6.3 Declarations of Impartiality Interests – Admin Regulations Section 34c
Cr McIntyre declared an impartiality interest in item 12.1.1 as she owns holiday accommodation.
Cr Bowman declared an impartiality interest in item 12.1.1 as she owns holiday accommodation.
Cr Brown declared an impartiality interest in item 12.1.2 as she is a member of the Condingup community and her grandson partakes in day-care at Lingalonga.
Cr Brown declared an impartiality interest in item 17.2 as she owns a property approximately three kilometres away.
Cr Padgurskis declared an impartiality interest in item 12.1.2 as he is a member of the Esperance Bay Rotary Club.
Cr Payne declared an impartiality interest in item 12.1.1 as she owns holiday accommodation.
7.  **PUBLIC QUESTION TIME**

1.  **Mr L Western**

   Mr Western questioned why the Council hasn’t employed local contractors with regards to works on the Jetty. Mr Western also questioned why the Council can’t put the Jetty back together.

   *Cr Brown responded that Council is bound by the current resolutions and continue to work on each resolution that is carried. Cr Brown urged Mr Western that if he or the Jetty Group has new information or if Council has missed something, to present that information to Council.*

2.  **Mr W Halliday**

   Mr Halliday questioned what strategies, resources and approach the Council is undertaking to implement this priority focus within the Strategic Community Plan, and how Tourism Esperance and other key stakeholders can be involved?

   *Cr Brown responded that Council has been having many discussions regarding tourism in Esperance and how Council can support tourism. Cr Brown mentioned that nothing is finalised yet but Council will definitely be having discussions with Stakeholders in the future regarding financial support to tourism providers in Esperance.*

   Mr Halliday responded that he and Tourism Esperance look forward to future discussions.

3.  **Mr C Howard**

   Mr Howard explained how he and his son are keen mountain bike riders and frequently use the Dempster Head tracks. Mr Howard explained how they are happy to compromise with, by reducing tracks and minimising risk but they do want to stay at Dempster Head. Mr Howard questioned if the Management plan was to go forward could the Shire be the mediator in the process, to ensure all parties are at a happy.

   *Cr Brown responded that having a mediator would be a good idea and that more will be explained when the item arises.*

Mrs Hall returned to the Chamber at 4.16pm

8.  **PUBLIC ADDRESSES / DEPUTATIONS**

1.  **Mr H Crisp**

   Mr Crisp explained to Council that he doesn’t want there to be conflict between those who don’t agree with mountain biking at Dempster Head and those that do, but he would just like to see that area preserved and maintained.

9.  **PETITIONS**

   Nil

10.  **CONFIRMATION OF MINUTES**

    Moved:  Cr Bowman  
    Seconded:  Cr McMullen  

    O0618-008  

    *That the Minutes of the Ordinary Council Meeting of the 22 May 2018 be confirmed as a true and correct record.*  

    CARRIED  
    F9 - A0
11. **DELEGATES’ REPORTS WITHOUT DISCUSSION**

**Cr Victoria Brown**
22 May  Met with Sean Hazeldean from Southern Pacific Fibre
26 May  Attended WA Young Achiever of the Year Awards
6 Jun  Attended Esperance Anglican Community School 10th anniversary Foundation Day
14 Jun  Attended Regional Councils Australia WA meeting in Kalgoorlie
18 Jun  Chaired Twin Town Committee meeting
19 Jun  Conducted Citizenship ceremony
21Jun  Attended WALGA Training
21 Jun  Attended a Meet & Greet with Matt Bill, WA Young Person of the Year
22 Jun  Attended WALGA Training
23 Jun  Attended Rotary Club of Esperance Bay changeover night
25 Jun  Attended Rotary Club of Esperance changeover night

**Cr Natalie Bowman**
26 May  Attended WA Young Achievers Award in Perth
19 Jun  Attended a citizenship ceremony
21 Jun  Attended WALGA training day
21 Jun  Met with Mat Bill, WA Young Person of the Year
22 Jun  Attended WALGA training day
23 Jun  Attended Lions Club changeover night

**Cr Lara McIntyre**
10 Jun  South Coast Management Group Executive Meeting
13 Jun  Lake Monjingup Committee Meeting. (Informal)
15 Jun  WA Cycling Strategy
21 Jun  Young WA of the Year. Matt Bill
21 Jun  Attended WALGA Training
22 Jun  Attended WALGA Training
25 Jun  Senior Citizens Centre

**Cr Shelley Payne**
15 Jun  Cycling Strategy Working Lunch
21 Jun  Meet and Greet with Matt Bill, WA Young Person of the Year
21 Jun  Attended WALGA Training
22 Jun  WALGA Team Building Sessions

**Cr Steve McMullen**
6 Jun  ECCI Committee Meeting
18 Jun  Twin Towns Committee Meeting
21 Jun  Attended WALGA Training
21 Jun  Meet & Greet with Matt Bill WA Young Achiever of the year
22 Jun  WALGA Training Governance and Role of Councillor
25 Jun  Roadwise Committee Meeting
25 Jun  Emcee’d “Rocking the Runway” a collaborative inter agency production involving BOICO, Escare, Esperance Care Services, Activ Industries and Hope Community Services

12. **MATTERS REQUIRING A DETERMINATION OF COUNCIL**

**MOTION**

Moved: Cr McIntyre  
Seconded: Cr Piercey

O0618-009

That Council bring the following items forward and consider them en bloc:

12.1.1  Development Application - Change of Use from Dwelling to Holiday House – Lot 179 (27) Addington Cross, West Beach

12.3.3  Financial Services Report - May 2018
12.4.4  Information Bulletin - May 2018
13.1  Minutes of Committees
17.3  Proposed Notice - Local Government Act 1995 - Disused Materials and Rubbish - West Beach area
17.6  Residential Land Tender

CARRIED
F9 - A0

EN BLOC
Moved:  Cr McIntyre
Seconded:  Cr Piercey

O0618-010

That Council adopt the officers recommendations for the following items:

12.1.1  Development Application - Change of Use from Dwelling to Holiday House – Lot 179 (27) Addington Cross, West Beach

12.3.3  Financial Services Report - May 2018
12.4.4  Information Bulletin - May 2018
13.1  Minutes of Committees
17.3  Proposed Notice - Local Government Act 1995 - Disused Materials and Rubbish - West Beach area
17.6  Residential Land Tender

CARRIED
F9 - A0

12.1.1  Development Application - Change of Use from Dwelling to Holiday House - Lot 179 (27) Addington Cross, West Beach

Moved:  Cr McIntyre
Seconded:  Cr Piercey

O0618-011

Council Resolution

That Council resolve to approve Development Application 10.2018.3810.1 for a Change of Use from Dwelling to Holiday House at Lot 179 (27) Addington Cross, West Beach subject to the following conditions:

1. Development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved plan(s) unless otherwise required or agreed in writing by the Shire of Esperance (Planning Services).

2. This planning approval relates to the land the subject of the application and the applicant only, and cannot be assigned to any other person or transferred to any other property or premises.

3. The approved Holiday House must not display a sign exceeding 0.2 square metres in area without the issuance of Planning Approval by the Shire of Esperance.

4. The provision of all services, including augmentation of existing services, necessary as a consequence of any proposed development shall be at the cost of
the developer and at no cost to the Shire of Esperance.

5. The development hereby approved must not create community safety concerns, or otherwise adversely affect the amenity of the subject locality by reason of (or the appearance or emission of) smoke, fumes, noise, vibration, odour, vapour, dust, waste water, waste products or other pollutants.

6. The proposed operations, during and after construction, are required to comply with the *Environmental Protection (Noise) Regulations 1997*.

7. A copy of the Holiday House Management Plan is to be provided to the adjoining landowners.

8. An electrical safety certificate demonstrating compliance with the provisions of the *Building Code of Australia* regarding installation of smoke alarms and emergency lighting is to be provided to Shire of Esperance (Building Services) prior to commencement of use.

AND the following advice notes:


2. It is the responsibility of the developer to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.

3. Lighting to assist evacuation and smoke alarms must be hard wired to mains power and be installed in the rooms and associated areas in accordance with Part 3.7 of the *Building Code of Australia*.

4. In the event that the use of the Holiday House hereby approved reverts back to the Single Dwelling land use, you are to provide a letter to that effect to the Shire of Esperance for our records.

5. Horizon Power has requested the Shire to advise Applicants that Horizon Power has certain restrictions regarding the installation of conductive materials near its network assets. Applicants are advised to contact Horizon Power’s Esperance office to ascertain whether any of Horizon Power’s restrictions affect their proposed development.

6. The developer is to liaise with Shire of Esperance (Statutory Compliance) to determine any requirement for additional approvals for any signage proposed to be erected on site.

CARRIED

F9 - A0
12.3.3 Financial Services Report - May 2018

Moved:  Cr McIntyre
Seconded:  Cr Piercey

O0618-012
Council Resolution

That the report entitled Monthly Financial Management Report (incorporating the Statement of Financial Activity) for the month of May 2018 as attached be received.

CARRIED F9 - A0

12.4.4 Information Bulletin - May 2018

Moved:  Cr McIntyre
Seconded:  Cr Piercey

O0618-013
Council Resolution

That Council accepts the Information Bulletin for May 2018 and;
1. Register - Delegations Discharge - Corporate Resources
2. Interplan Report - May 2018
3. RCAWA Minutes - 12 April 2018
4. Appreciation Letter - Corangamite Shire - Fire Relief Donation
5. Appreciation Letter - Tourism Esperance Inc - New Visit Esperance Website

CARRIED F9 - A0

13.1 Minutes of Committees

Moved:  Cr McIntyre
Seconded:  Cr Piercey

O0618-014
Council Resolution

That Council receive the following unconfirmed committee minutes:
1. Jetty Replacement Working Group - 8 May 2018
2. Off Road Vehicle Working Party - 10 May 2018
3. Esperance Roadwise Committee - 14 May 2018

CARRIED F9 - A0
17.3 Proposed Notice - Local Government Act 1995 - Disused Materials and Rubbish - West Beach area

Moved: Cr McIntyre
Seconded: Cr Piercey

O0618-015

Council Resolution

That Council
Endorse the issuing of a Notice to be issued under section 3.25 of the Local Government Act 1995 on Mark Yeend that requires the removal and disposal of all disused materials and rubbish on Lot 211 Willowtree Avenue, West Beach Western Australia 6450 within twenty eight (28) days.

CARRIED

F9 - A0

17.6 Residential Land Tender

Moved: Cr McIntyre
Seconded: Cr Piercey

O0618-016

Council Resolution

That Council

1. Direct the CEO to advertise all unsold lots within Flinders Stage 2 and Lots 861 and 862 Hockey Place (excluding any lots that are under contract at the time the tender is advertised) for sale by tender.

2. Confirm it believes that the valuations it received from Herron Todd White for the Flinders Lots and Opteon Property Group for the Hockey Place Lots, both undertaken in February 2017, continue to be a fair indication of the value of the unsold lots.

3. Relist all lots that don’t receive an offer through the tender process at the following prices:

<table>
<thead>
<tr>
<th>LOT</th>
<th>SIZE (SQM)</th>
<th>Listing Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flinders</td>
<td></td>
<td></td>
</tr>
<tr>
<td>214</td>
<td>762</td>
<td>$180,000</td>
</tr>
<tr>
<td>225</td>
<td>766</td>
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<td>227</td>
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</tr>
<tr>
<td>245</td>
<td>836</td>
<td>$190,000</td>
</tr>
</tbody>
</table>
4. Delegate authority to the CEO to negotiate and accept offers on these listed properties at or above the Minimum Acceptable Sale Price identified in the schedule within Attachment E (Listing and Sale Prices).

<table>
<thead>
<tr>
<th>Property</th>
<th>Address</th>
<th>Price</th>
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<tr>
<td>247</td>
<td>950</td>
<td>$210,000</td>
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<tr>
<td>248</td>
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<td>250</td>
<td>836</td>
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<tr>
<td>266</td>
<td>768</td>
<td>$180,000</td>
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<tr>
<td>271</td>
<td>801</td>
<td>$180,000</td>
</tr>
<tr>
<td>275</td>
<td>801</td>
<td>$180,000</td>
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<td>281</td>
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<tr>
<td>Hockey Place</td>
<td>861</td>
<td>567 $170,000</td>
</tr>
<tr>
<td>Hockey Place</td>
<td>862</td>
<td>571 $175,000</td>
</tr>
</tbody>
</table>

CARRIED

Mr McKenzie entered the Chamber at 4.31pm.

Mr Pratt entered at 4.37pm.

**MOTION**

Moved: Cr McIntyre
Seconded: Cr Bowman

O0618-017

That Council bring item 12.2.1 forward for discussion.

CARRIED

**MOTION**

Moved: Cr Bowman
Seconded: Cr Payne

O0618-018

That Council bring item 18 forward for discussion.

CARRIED

18. **PUBLIC QUESTION TIME**

Nil
12.2.1 Dempster Head Management Plan
Moved: Cr McIntyre
Seconded: Cr Parsons

O0618-019
Council Resolution

That Council:
1. Adopt the Dempster Head Management Plan 2018 incorporating changes as attached;
2. Consider a budget bid for 2018/19 for a downhill/endurance mountain bike site selection study for suitable locations in Esperance, including Dempster Head to undertake downhill/endurance mountain biking, based on the draft Western Australian Mountain Bike Management Guidelines; and
3. Relinquish the Management Order of Reserve 39453 subject to Southern Ports agreeing to take over the management of the reserve.

CARRIED
F9 - A0

12.1 EXTERNAL SERVICES

12.1.2 Community Grants Program - 2018/2019 Budget and Annual Applications
Moved: Cr Piercey
Seconded: Cr McIntyre

O0618-020
Officer’s Recommendation

That Council includes into the 2018/2019 Annual Budget the following funds, to be distributed in accordance with the criteria and guidelines of the Community Grants Program:

1. Support category budget of $25,000.00 allocated during the year in accordance with the criteria and guidelines of the Community Grants Program;

2. Assistance category budget of $36,072.23, allocated as follows:

<table>
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<tr>
<th>Applicant</th>
<th>Project</th>
<th>Approved Council Contribution</th>
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<tbody>
<tr>
<td>Lingalonga Learning Centre</td>
<td>Sweet Dreams Esperance</td>
<td>$2,998.25</td>
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<tr>
<td>Esperance Playgroup Association</td>
<td>Playground Equipment</td>
<td>$3,049.98</td>
</tr>
<tr>
<td>Esperance Scout Group</td>
<td>Purchase Inflatable Climbing Wall</td>
<td>$5,000.00</td>
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<tr>
<td>Cannery Arts Centre</td>
<td>Kickarts School Holiday Programming</td>
<td>$5,000.00</td>
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<td>Esperance Volunteer Sea Search &amp; Rescue</td>
<td>Purchase of Drone</td>
<td>$1,500.00</td>
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<tr>
<td>Esperance Brass Band</td>
<td>Operational Costs</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Esperance Amateur Swim Club</td>
<td>Swim Club Shade Shelters</td>
<td>$1,882.00</td>
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<tr>
<td>Esperance Triathlon Club</td>
<td>Trailer</td>
<td>$2,000.00</td>
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<tr>
<td>Restore Hope Foundation Esperance Ltd</td>
<td>Soup kitchen</td>
<td>$1,000.00</td>
</tr>
</tbody>
</table>
Ordinary Council Minutes
26 June 2018

3. Development category budget of $89,516.40, allocated as follows:

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Project</th>
<th>Approved Council Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cannery Arts Centre</td>
<td>Art Lab</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>Esperance Cycling Club</td>
<td>Esperance Velodrome Upgrade</td>
<td>$18,580.00</td>
</tr>
<tr>
<td>Esperance Squash Club Inc</td>
<td>Kitchen Amenities and Flooring Upgrade</td>
<td>$30,000.00</td>
</tr>
<tr>
<td>Clontarf Foundation</td>
<td>Engaging Teenage A&amp;TSI Males in Edu &amp; Employment</td>
<td>$7,000.00</td>
</tr>
<tr>
<td>Esperance Care Services</td>
<td>Rubbish Disposal &amp; Recycling</td>
<td>$23,936.40</td>
</tr>
</tbody>
</table>

4. Events category budget of $45,820.06, allocated as follows:

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Project</th>
<th>Approved Council Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>RSL Esperance</td>
<td>Armistice Learning Journey</td>
<td>$11,208.09</td>
</tr>
<tr>
<td>Esperance Music Festival</td>
<td>47th Annual Esperance Music Festival</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>Esperance Cycling Club</td>
<td>Tour d’Esperance (French Week)</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>Rotary Club of Esperance Bay</td>
<td>Esperance Foreshore Festival &amp; Fireworks</td>
<td>$3,320.00</td>
</tr>
<tr>
<td>Esperance Squash Club</td>
<td>WA Squash State League Matches</td>
<td>$7,400.00</td>
</tr>
<tr>
<td>Esperance Equestrian Club</td>
<td>Club Camp</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>Esperance Pony Club</td>
<td>Club Camp</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Esperance Volleyball Association Inc.</td>
<td>Volleyball WA Beach Volleyball Tour Round</td>
<td>$6,391.97</td>
</tr>
<tr>
<td>Condingup Primary School P&amp;C Association</td>
<td>Condingup Community Fair</td>
<td>$2,000.00</td>
</tr>
</tbody>
</table>

5. Contribution to Esperance Community Arts of $43,296.00

Council Resolution

That Council includes into the 2018/2019 Annual Budget a total of $212,565.06 as follows, to be distributed in accordance with the criteria and guidelines of the Community Grants Program:

1. Support category budget of $25,000.00 allocated during the year in accordance with the criteria and guidelines of the Community Grants Program;

2. Assistance category budget of $22,949.00, allocated as follows:

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Project</th>
<th>Cash Contribution</th>
<th>In-kind Contribution</th>
<th>Maximum Approved Council Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cannery Arts Centre</td>
<td>Kickarts School Holiday Programming</td>
<td>$5,000</td>
<td>Nil</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Applicant</td>
<td>Project</td>
<td>Cash Contribution</td>
<td>In-kind Contribution</td>
<td>Maximum Approved Council Contribution</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>-------------------</td>
<td>----------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>Esperance Volunteer Sea Search &amp; Rescue</td>
<td>Purchase of Drone</td>
<td>$1,500</td>
<td>Nil</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>Esperance Brass Band</td>
<td>Operational Costs</td>
<td>$5,000</td>
<td>Nil</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Esperance Amateur Swim Club</td>
<td>Swim Club Shade Shelters</td>
<td>$1,250</td>
<td>Nil</td>
<td>$1,250.00</td>
</tr>
<tr>
<td>Esperance Triathlon Club</td>
<td>Trailer</td>
<td>$2,000</td>
<td>Nil</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>Restore Hope Foundation Esperance Ltd</td>
<td>Soup kitchen</td>
<td>$1,000</td>
<td>Nil</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Esperance Toy Library</td>
<td>Improve the Esperance Toy Library</td>
<td>$1,000</td>
<td>Nil</td>
<td>$1,000</td>
</tr>
<tr>
<td>Esperance Volunteer Fire &amp; Rescue Service on behalf of Esperance Emergency Services Day Committee</td>
<td>Esperance Emergency Services Day</td>
<td>$5,000</td>
<td>Nil</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Esperance Table Tennis Club</td>
<td>Table Tennis Tables</td>
<td>$1,199</td>
<td>Nil</td>
<td>$1,199.00</td>
</tr>
</tbody>
</table>

3. Development category budget of $84,500.00, allocated as follows:

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Project</th>
<th>Cash Contribution</th>
<th>In-kind Contribution</th>
<th>Maximum Approved Council Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cannery Arts Centre</td>
<td>Art Lab</td>
<td>$10,000</td>
<td>Nil</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>Esperance Cycling Club</td>
<td>Esperance Velodrome Upgrade</td>
<td>$32,500</td>
<td>Nil</td>
<td>$32,500.00</td>
</tr>
<tr>
<td>Esperance Squash Club Inc</td>
<td>Kitchen Amenities and Flooring Upgrade</td>
<td>$15,000</td>
<td>Nil</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>Clontarf Foundation</td>
<td>Engaging Teenage Aboriginal &amp; Torres Strait Islander Males in Education &amp; Employment</td>
<td>$7,000</td>
<td>Nil</td>
<td>$7,000.00</td>
</tr>
<tr>
<td>Esperance Care Services</td>
<td>Rubbish Disposal &amp; Recycling</td>
<td>$20,000</td>
<td>Nil</td>
<td>$20,000.00</td>
</tr>
</tbody>
</table>

4. Events category budget of $36,820.06, allocated as follows:

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Project</th>
<th>Cash Contribution</th>
<th>In-kind Contribution</th>
<th>Maximum Approved Council Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>RSL Esperance</td>
<td>Armistice</td>
<td>$4,208.09</td>
<td>$7,000</td>
<td>$11,208.09</td>
</tr>
</tbody>
</table>
5. Contribution to Esperance Community Arts of $43,296.00

6. The following conditions are noted in respect to the specified grant allocations:
   a. Esperance Cycling Club – Esperance Velodrome Upgrade – that Shire officers work with the Esperance Cycling Club to review the budget and investigate project management opportunities (including the option of the Shire managing delivery of the project) to better utilise Shire resources and expertise during preparation of the Community Sport and Recreation Facilities Fund application also required for this project,
   b. Esperance Squash Club – Kitchen Amenities and Floor upgrade – that half the requested amount ($15,000) is offered as a self-supporting loan rather than the full requested amount of $30,000 being provided as a community grant.
   c. Clontarf Foundation – Engaging Teenage Aboriginal & Torres Strait Islander Males in Education and Employment – that this grant is a one-off contribution rather than an ongoing commitment.
   d. Esperance Care Services – Rubbish Disposal and Recycling – this contribution to be provided as cash to enable Esperance Care Services to self-manage their rubbish disposal requirements. This funding is conditional on the veranda no longer being advertised as a 24 hour drop off facility for donations.
   e. Esperance Volleyball Association Inc. – Volleyball WA Beach Volleyball Tour Round – this funding is dependent on Welcome Packs being distributed to out-of-town competitors and a post event survey being undertaken with the results provided to the Shire.
   f. Esperance Community Arts – this contribution subject to 50% of the Shire funding ($21,648) being provided to the Cannery Arts Centre to assist with operating costs.

   CARRIED
   F8 – A1
   (Against Cr Parker)

Reason: Council reviewed the applications and wanted to distribute some grants with specific conditions.

Mr Western left the Chamber at 4.46pm and did not return.
12.2 **ASSET MANAGEMENT**

Items 12.2.1 & 12.2.2 were brought forward.

Mrs Creed left the Chamber at 4.52 and did not return.

Cr McMullen declared his financial interest and left the Chamber at 4.52pm.

12.3 **CORPORATE RESOURCES**

12.3.1 **Schedule Fees and Charges 2018/2019**

Moved: Cr Parsons  
Seconded: Cr McIntyre

O0618-021

Council Resolution

That Council endorse the attached Draft Schedule of Fees and Charges to be included within the 2018/19 budget adoption.

CARRIED  
F7 – A1  
(Against Cr Padgurskis)

Cr McMullen returned to the Chamber at 4.56pm

12.3.2 **Policy Review - Human Resources**

Moved: Cr McIntyre  
Seconded: Cr Bowman

O0618-022

Council Resolution

That Council adopt the new Volunteer Management policy and endorse the Human Resources Policies inclusive of amendments, inclusions and deletions as reviewed.

CARRIED  
F9 - A0

12.4 **EXECUTIVE SERVICES**

12.4.1 **Corporate Business Plan 2018/19 - 2021/22**

Moved: Cr McMullen  
Seconded: Cr Parker

O0618-023

Council Resolution

That Council

1. Adopt the Corporate Business Plan 2018/19 – 2021/22

2. Requests the Chief Executive Officer give local public notice of the reviewed plan as per the requirements of the *Local Government Act 1995*.

CARRIED  
F7 – A2  
(Against Cr Padgurskis & Cr Payne)
12.4.2 Adopting the Fencing Local Law 2018
Moved: Cr Parsons
Seconded: Cr McMullen

O0618-024
Council Resolution
That Council:
1. Adopt the *Fencing Local Law 2018* and;
2. Request the Chief Executive Officer under s3.12 of the *Local Government Act 1995*:
   a. To undertake all statutory advertising; and
   b. Provide a copy of the local law to the Minister for Local Government and the Minister for Commerce and Industrial Relations.

CARRIED
F9 - A0

12.4.3 Appointment of Representatives to Museum Management Reference Group
Moved: Cr McMullen
Seconded: Cr Padgurskis

O0618-025
Council Resolution
That Council:
1. Appoint Mr John Guest as the Community Representative on the Museum Management Reference Group.
3. Appoint Cr Padgurskis as the voting member and Cr Bowman as deputy on the Museum Management Reference Group.
4. Appoint the community group representatives to the Museum Management Reference Group as follows:
   - Esperance Bay Historical Society
   - Esperance Family History Society
   - Esperance Mechanical Restoration Group
   - Mrs Beverley Drabik
   - Mrs Daphne Diack
   - Mr Kevin Young
5. Request the Chief Executive Officer advise the representatives of their successful appointment.

CARRIED
F9 - A0
13. REPORTS OF COMMITTEES

13.2 Off Road Vehicle Working Group - 10 Mile Beach Access Closure

Moved: Cr Piercey
Seconded: Cr McMullen

O0618-026

Council Resolution

That Council:

1. Do not proceed with the proposed closure of beach access tracks along Twilight Beach Road between 10 Mile Beach carpark and 11 Mile Beach carpark.

2. Undertake an assessment of the current beach access tracks between the 10 Mile Beach and 11 Mile Beach carparks with a view to rationalising the number of existing tracks.

CARRIED

F5 – A4

(Against Cr McIntyre, Cr Brown, Cr Payne & Cr Parsons)

14. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

15. MEMBERS QUESTIONS WITH OR WITHOUT NOTICE

Nil

16. URGENT BUSINESS APPROVED BY DECISION

MOTION

Moved: Cr Bowman
Seconded: Cr McIntyre

O0618-027

That Council accept the following late items:

16.1 Differential Rates Submissions
17.7 0113-18 Prequalified Supplier Panel - Plant Hire
17.8 0114-18 Prequalified Supplier Panel - Building Services
17.9 0109-18 Supply & Placement of Hotmix Asphalt

CARRIED

F9 - A0

16.1 Differential Rates Submissions

Moved: Cr Brown
Seconded: Cr McMullen

O0618-028

Council Resolution

That Council:

1. Acknowledge the submissions received in regards to the proposed “Rate in the Dollar” for the 2018/2019 financial year.
2. Advise that the Council has reviewed the expenditure requirements and considered efficiency measures during budget deliberations (Long Term Financial Plan Review) and consider that the rates as advertised are required to meet the budget deficiency.

3. Reduce the proposed “rate in the dollar” for the mining category down to 0.090552.

4. Request the CEO to seek Ministerial approval to raise rates under Section 6.33 of the *Local Government Act 1995* as per the “Rate in the Dollar” that was advertised except for the amended mining rate category.

CARRIED
F6 – A3
(Against Cr Payne, Cr Piercey & Cr Padgurskis)

Mr Halliday, Mr Howard, Mrs Howard, Miss Burton, Mr Crisp & Mr Pratt left the Chamber at 5.14 and did not return.

Cr Payne left the Chamber at 5.14pm.

Cr Payne returned to the Chamber at 5.15pm.

17. **MATTERS BEHIND CLOSED DOORS**

   **Moving behind closed doors**
   Moved: Mr Bowman
   Seconded: Mr Parker

**O0618-029**

That the meeting proceed behind closed doors in accordance with section 5.23(2) of the *Local Government Act 1995*, to consider the following items, which are considered confidential for the reasons indicated.

17.1 0117-18 Prequalified Supplier Panel - Traffic Management
This report is considered confidential in accordance with the *Local Government Act 1995*, as it relates to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting (Section 5.23(2)(c)).

17.2 Proposed Landfill
This report is considered confidential in accordance with the *Local Government Act 1995*, as it relates to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting (Section 5.23(2)(c)).

17.3 Proposed Notice - Local Government Act 1995 - Disused Materials and Rubbish - West Beach area
This report is considered confidential in accordance with the *Local Government Act 1995*, as it relates to the personal affairs of any person (Section 5.23(2)(b)).

17.4 Proposed Direction Notice - Planning and Development Act 2005 - Pink Lake Area
This report is considered confidential in accordance with the *Local Government Act 1995*, as it relates to the personal affairs of any person (Section 5.23(2)(b)).

17.5 Esperance Seafront Caravan Park Masterplan
This report is considered confidential in accordance with the *Local Government Act 1995*, as it relates to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting (Section 5.23(2)(c)).

17.6 Residential Land Tender
This report is considered confidential in accordance with the *Local Government Act 1995*, as it relates to a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government (Section 5.23(2)(e)(ii)).
17.7 0113-18 Prequalified Supplier Panel - Plant Hire
This report is considered confidential in accordance with the Local Government Act 1995, as it relates to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting (Section 5.23(2)(c)).

17.8 0114-18 Prequalified Supplier Panel - Building Services
This report is considered confidential in accordance with the Local Government Act 1995, as it relates to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting (Section 5.23(2)(c)).

17.9 0109-18 Supply & Placement of Hotmix Asphalt
This report is considered confidential in accordance with the Local Government Act 1995, as it relates to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting (Section 5.23(2)(c)).

CARRIED
F9 - A0

Cr Brown, Cr Bowman & Cr Padgurskis signed the proposed rescindment of resolution number O0518/110 Prequalified Supplier Panel - Traffic Management.

17.1 0117-18 Prequalified Supplier Panel - Traffic Management
Moved: Cr Brown
Seconded: Cr McMullen

O0618-030

That Council rescind resolution O0518-110.

CARRIED
F9 - A0

Moved: Cr Parsons
Seconded: Cr McMullen

O0618-031

Council Resolution

That Council:

1. Accept the following applicants for appointment to 0117-18 Prequalified Supplier Panel – Traffic Management as per the rates detailed in the attachment “Schedule of Rates, conditional upon the applicants compliance with the Shire of Esperance Contractor Management System:
   i. Jacka Trenching & Fencing
   ii. NC Contracting Group Pty Ltd
   iii. Rural Traffic Services

2. Advise all Applicants in their notice of acceptance that the mere existence of a Panel does not compel the Shire to purchase exclusively from such Panel, thus, the Shire reserves the right to purchase equivalent goods and/or services available under the Panel from the open market during the period of which the Panel is established and they make no guarantee that any goods and/or services will be purchased from pre-qualified suppliers on the Panel during the 2018/19 financial year.

CARRIED
F9 - A0
SUSPENSION OF STANDING ORDERS
Moved: Cr Payne
Seconded: Cr Bowman

O0618-032

That Section Nine (9.5) of the Standing Orders be suspended to allow for discussion on item 17.2.

CARRIED
F9 - A0

RESUMPTION OF STANDING ORDERS
Moved: Cr Parsons
Seconded: Cr McMullen

O0618-033

That Standing Orders be resumed.

CARRIED
F9 - A0

17.2 Proposed Landfill
Moved: Cr Parsons
Seconded: Cr McMullen

O0618-034
Officer’s Recommendation

That Council:

1. Accept the final Pennington Scott Report and Talis response and publish both documents on the Shire of Esperance website,

2. Direct the CEO to engage an hydrogeologist and drilling contractor as per the Shire’s procurement policy to install two production bores into the spongolite aquifer downstream of the proposed cell locations and undertake pump tests to determine the speed of groundwater movement adjacent to the proposed landfill cells at Lot 12 Kirwan Road,

3. Direct the CEO to have staff undertake baseline monitoring of the groundwater as soon as practical, and

4. Direct the CEO to prepare a further report to Council (including firm Lump Sum costs for all works within the EPA adopted Environmental Scoping Document) as soon as possible after the Scoping Document is finalized and the results of the pump test are received.

Council Resolution

That Council:

1. Receive the final Pennington Scott Report and Talis’ response and publish both documents on the Shire of Esperance website and forward them to the EPA,

2. Based on the information available to date, agree to proceed with further
hydrogeological investigations, as detailed below, of Lot 12 Kirwan Road,

3. Direct the CEO to engage an independent hydrogeologist and drilling contractor to undertake pump tests and determine the speed of underground water adjacent to the proposed cell location at lot 12 Kirwan Road to clearly identify any potential risks of the proposed landfill with regards to groundwater movement, to a maximum value of $120,000.

4. Direct the CEO to undertake baseline monitoring of the groundwater as soon as practical, and

5. Direct the CEO to prepare a further report to Council (including firm Lump Sum costs for all works within the EPA adopted Environmental Scoping Document) as soon as possible after the Scoping Document is finalised and the results of the pump test are received.

CARRIED
F8- A1
(Against Cr Parker)

Reason: Council wanted to provide additional clarification & direction on future actions associated with the proposed landfill.

Mr McKenzie left the Chamber at 6.18pm and did not return.

17.4 Proposed Direction Notice - Planning and Development Act 2005 - Pink Lake Area

Moved: Cr Parsons
Seconded: Cr Piercey

O0618-035

Council Resolution

That Council

Authorise the Chief Executive Officer to serve a Direction Notice issued under sections 214(2) and 214(3) of the Planning and Development Act 2005 on the owner of Lot 47 Eleven Mile Beach Road Pink Lake, Western Australia 6450 requiring her to:

1. Cease the unauthorised development effective immediately; and

2. Remove the unauthorised development and restore the land within three (3) months.

CARRIED
F4 – A2
(Against Cr Padgurskis & Cr Payne)

SUSPENSION OF STANDING ORDERS

Moved: Cr McIntyre
Seconded: Cr Bowman

O0618-036

That Section Nine (9.5) of the Standing Orders be suspended to allow for discussion on item 17.5.

LOST
F4 – A5
(Against Cr Payne, Cr Parsons, Cr Parker, Cr Padgurskis & Cr Piercey)
17.5 Esperance Seafront Caravan Park Masterplan

Moved: Cr McMullen
Seconded: Cr Parsons

Officer’s Recommendation

That Council:

1. Receive the Redevelopment Strategy and endorse the concept design.
2. Request the CEO to prepare recommended staging models to deliver the concept design including:
   b. Potential delivery method under differing management options.
   c. Release a summary of the concept design for public information.

LOST
F3 - A6

(Against Cr Parsons, Cr McIntyre, Cr Piercey, Cr Padgurskis, Cr Payne & Cr Parker)

Moved: Cr Payne
Seconded: Cr Parsons

O0618-037

Council Resolution

That Council:

1. Receive the Redevelopment Strategy.
2. Request the CEO to prepare a report on different management and development models to deliver the Redevelopment Strategy.

CARRIED
F9 - A0

Reason: Council wanted to only receive the Redevelopment Strategy and request models be prepared on how it could be implemented.

17.7 0113-18 Prequalified Supplier Panel - Plant Hire

Moved: Cr McIntyre
Seconded: Cr McMullen

O0618-038

Council Resolution

That Council

1. Accept the following additional applicant for appointment to 0113-18 Prequalified Supplier Panel – Plant Hire as per the rates detailed in the attachment “Schedule of Rates, conditional upon the applicant’s compliance with the Shire of Esperance Contractor Management System:
   i. Conplant Pty Ltd
2. Advise the Applicant in their notice of acceptance that the mere existence of a Panel does not compel the Shire to purchase exclusively from such Panel, thus,
the Shire reserves the right to purchase equivalent goods and/or services available under the Panel from the open market during the period of which the Panel is established and they make no guarantee that any goods and/or services will be purchased from pre-qualified suppliers on the Panel during the 2018/19 financial year.

CARRIED
F9 - A0

17.8 0114-18 Prequalified Supplier Panel - Building Services

Moved: Cr McIntyre
Seconded: Cr Parsons

O0618-039

Council Resolution

That Council

1. Accept the following additional applicants for appointment to 0114-18 Prequalified Supplier Panel – Building Services as per the rates detailed in the attachment “Schedule of Rates, conditional upon the applicants compliance with the Shire of Esperance Contractor Management System
   i. Esperance Electrical Service
   ii. Esperance Glass Service Pty Ltd

2. Advise all Applicants in their notice of acceptance that the mere existence of a Panel does not compel the Shire to purchase exclusively from such Panel, thus, the Shire reserves the right to purchase equivalent goods and/or services available under the Panel from the open market during the period of which the Panel is established and they make no guarantee that any goods and/or services will be purchased from pre-qualified suppliers on the Panel during the 2018/19 financial year.

CARRIED
F9 - A0

17.9 0109-18 Supply & Placement of Hotmix Asphalt

Moved: Cr Piercey
Seconded: Cr Bowman

O0618-040

Council Resolution

That Council awards the Request for Quote 0109-18 Supply & Placement of Hotmix Asphalt to AAA Asphalt Services as per the schedule of rates, for a period of twenty four months from 1 July 2018, with a twenty four month option to extend subject to satisfactory performance.

CARRIED
F9 - A0
Coming from behind closed doors
Moved: Cr Bowman
Seconded: Cr McIntyre

O0618-041
That the meeting come from behind closed doors.

CARRIED
F9 - A0

13. CLOSURE
The President declared the meeting closed at 6.48pm.

These Minutes were confirmed at a meeting held on _________________

Signed ________________________________

Presiding Member at the meeting at which the Minutes were confirmed.
Dated____________________