DISCLAIMER

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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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SHIRE OF ESPERANCE

MINUTES

ORDINARY COUNCIL MEETING HELD IN COUNCIL CHAMBERS ON
22 January 2019.
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 Rural 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
Miss A McArthur Administration Officer - Executive Services

Members of the Public & Press
Mr L Western Item 7
Dr K Nieukerke Item 7
Mr K Beale Item 7

3. APOLOGIES & NOTIFICATION OF GRANTED LEAVE OF ABSENCE

Nil

4. APPLICATIONS FOR LEAVE OF ABSENCE

MOTION
Moved: Cr McMullen
Seconded: Cr Parker

O0119-009

That Council accept the following leave of absence:
Cr Padgurskis 26 February 2019
Cr Payne 23 January 2019 until 25 January 2019

CARRIED
F9 - A0
5. **ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

Nil

6. **DECLARATION OF MEMBERS INTERESTS**

6.1 Declarations of Financial Interests – Local Government Act Section 5.60a

Nil

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 17.2, however this item was subsequently withdrawn.

Cr Brown declared an impartiality interest in item 17.2, however this item was subsequently withdrawn.

Cr McMullen declared an impartiality interest in item 17.3 as he previously worked for one of the tender applicants.

7. **PUBLIC QUESTION TIME**

1. **Dr K Nieukerke**

Dr Nieukerke referred to an article published in the Age regarding a replica of the Endeavour, which will circumnavigate Australia in a re-enactment of Captain Cook’s historic voyage. It is proposed that the ship will stop at 39 destinations on its journey. Dr Nieukerke asked if the Esperance will be one of the Endeavour’s stops.

Cr Brown responded that she was not aware of the article and asked Mr Scott to research the article and take the question on notice.

After the meeting Mr Scott advised Council that Esperance had been named on the proposed visit schedule in an ABC report on the matter.

2. **Mr L Western**

Mr Western referred to the Shires currently recycling position, as he believed the Shire could be doing a lot better. Mr Western stated that not long ago he witnessed people dropping a large amount of steel on the tip face. He believed this steel could have been reused. Mr Western mentioned his experience at the Streaky Bay Waste Facility which has an Officer in the loading zone, assisting clients separating rubbish from recycling. He questioned if Esperance could do similar to Streaky Bay.

Mr Sargent responded that many of the issues Mr Western mentioned are currently in action to improve. Mr Sargent explained there is provision for recycling steel. Mr Sargent also stated that the Shire is working on a more user friendly drop off area, similar to the one Mr Western mentioned.

Cr Brown asked Mr Sargent to investigate the steel being dumped in the standard landfill area.

3. **Mr K Beale**

Mr Beale referred to previous questioned he has asked Council in regards to the hill crest out the front of Stonehenge. Mr Beale mentioned the signage has been renewed to prevent people from parking and taking pictures of Stonehenge which is creating danger, but people are still ignoring the signage. Mr Beale then referred to an article in the paper which mentioned the Shire gaining $7m in federal funding to refurbish unsafe roads. Mr Beale questioned if the Shire could please get serious about to something to fix the hill top before a death occurs.

Mr Walker responded that $7m was a part of the Road Recovery Program. The allocation for this $7m figure is over 5 years, and Council receive a fifth in each year over the 5 years.
Mr Beale questioned if it is 10 percent of the Shire’s road budget.

Mr Scott explained that the funding happens in 4-5 year terms. The funding has already been allocated to the Shire. He explained that the funding is not new money, the Shire spends a fifth of the funding each year.

Cr Brown added that the Shire thought they might not get the funding. She reiterated that the Shire receives a fifth of the $7m each year for 5 years. These amounts have already been budgeted for.

Mr Beale asked another question in relation to the Proposed Waste Facility. Mr Beale referred to the December Financial Report in which the Shire made several payments to Talis, he noted that some of the amounts may be for the current Wylie Bay Waste Facility. Mr Beale questioned why Council keeps using Talis as their consultants.

Cr Brown responded that she believes Talis are a great consultant and has done a huge amount of work that has been done correctly. She added that Councillors regularly question Talis costings in Agenda Briefing Sessions, and Shire Officers respond with the answers. Cr Brown encouraged Mr Beale to attend Agenda Briefing sessions should he have any costing questions within the Monthly Financial Report.

Mr Sargent added that Officers closely monitor invoices from Talis. Mr Sargent stated that he was happy to meet with Mr Beale and go through Talis costings if he wishes.

Cr Brown explained that there is not valid reason to break the Shire’s contract with Talis, although she understands Mr Beale’s frustration in the process.

Mr Beale questioned if the Shire thinks they will get the estimated costings by the end of February as per resolution in the Special Council Meeting January 2019.

Cr Brown responded that she does think they will get the estimated costings by February.

Mr Sargent added that the costings should be with the Shire at the end of January once they have the information from consultants.

Cr Parsons ensured Mr Beale that all his questions in regards to payments to Talis have already been asked by Council. Cr Parsons added that this process cannot be rushed, and Council cannot pull out of a contract or the Shire will have to deal with legalities.

Mr Beale questioned if Talis are going to be involved in the costings.

Mr Sargent responded that Talis will be collecting prices from other consultants, as part of the process.

Dr K Nieukerke
Dr Nieukerke questioned if the $7m the Shire received was to repair safety issues on certain roads or if the funding can just be used for road maintenance.

Mr Walker responded that there are a set of conditions the Shire has to follow when using Road Recovery Funding. Mr Walker explained that National Black Spot Funding is for safety, and by maintaining and redoing roads, you are therefore improving the safety.

Dr Nieukerke questioned the use of $400k Black Spot Funding on the roundabout at Dempster & Andrew Street.

Mr Walker responded that the Dempster & Andrew Street roundabout fits the criteria for the maintenance as the Shire has received the crash data about that particular intersection. Mr Walker added that the roundabout construction has been approved by the funding agency.

Mr Scott advised Mr Nieukerke that if he had concerns regarding the validity of the funding, he should contact the relevant approving agency.
8. PUBLIC ADDRESSES / DEPUTATIONS
Nil

9. PETITIONS
Nil

10. CONFIRMATION OF MINUTES
Moved: Cr Payne
Seconded: Cr McIntyre

O0119-010
That the Minutes of the Ordinary Council Meeting of the 18 December 2018, and the Special Council Meeting of the 15 January 2019 be confirmed as true and correct records.

Council Resolution
That the Minutes of the Ordinary Council Meeting of the 18 December 2018 be confirmed as a true and correct record with the following amendment:

1. The Questions taken on notice from Mrs K Milligan were taken on notice by the Shire President, not Cr Payne.

CARRIED
F9 - A0

Reason: Council wanted to amend the Minutes to state the questions taken on notice from Mrs K Milligan were taken on notice by the Shire President, not Cr Payne. Council also could not confirm the Special Council Minutes of the 15 January 2019 as they had not yet been released.

Mr Beale left the Chamber at 4.37pm and did not return.

11. DELEGATES’ REPORTS WITHOUT DISCUSSION

Cr Lara McIntyre
16 Jan South Coast Management Group Teleconference Executive Meeting
17 Jan South Coast Management Group Teleconference Executive Meeting

Cr Natalie Bowman
17 Dec Attended the Annual Electors meeting
18 Dec Attended Rick Wilson’s Liberal Party Christmas Drinks
19 Dec Attended a Community citizen of the Year selection panel meeting
21 Dec Attended a Key Stakeholder roundtable regarding local NBN

Cr Steve McMullen
9 Jan Esperance Roadwise Committee Meeting

Cr Dale Piercey
19 Dec Esperance Visitor Centre Management Committee Meeting
21 Jan Attended Early Childhood Association Special Meeting

Cr Victoria Brown
28 Dec Met with Hon Steve Thomas MLC, Shadow Minister for Environment at Lot 12 Kirwan Rd
8 Jan Conducted a Citizenship Ceremony
8 Jan Attended Jetty Replacement Working Group Meeting
8 Jan Met with Brodie Carr Tourism WA
17 Jan Met with Hon Laurie Graham MLC

12. MATTERS REQUIRING A DETERMINATION OF COUNCIL

12.1 EXTERNAL SERVICES
Nil
12.2 ASSET MANAGEMENT

Nil

12.3 CORPORATE RESOURCES

12.3.1 Financial Services Report - December 2018

Moved: Cr Piercey
Seconded: Cr McIntyre

O0119-011

Council Resolution

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

CARRIED

12.4 EXECUTIVE SERVICES

12.4.1 Information Bulletin - December 2018

Moved: Cr McIntyre
Seconded: Cr Bowman

O0119-012

Council Resolution

That Council accepts the Information Bulletin for December 2018 and;

1. Register - Delegations Discharge - Corporate Resources
2. Corporate Performance Report - Quarterly - October - December 2018
3. Outstanding Council Resolutions - Quarterly Report - October 2018
4. Appreciation Letter - School Graduation Donation - Esperance Senior High School
5. Appreciation Letter - School Graduation Donation - Esperance Primary School
6. Appreciation Letter - School Graduation Donation - Nulsen Primary School
7. Appreciation Letter - School Graduation Donation - Esperance Anglican Community School
8. RCAWA Minutes - 13 December 2018

CARRIED

13. REPORTS OF COMMITTEES

13.1 Minutes of Committees

Moved: Cr McMullen
Seconded: Cr Bowman

O0119-013

Council Resolution

That Council receive the following unconfirmed committee minutes:

1. Museum Management Reference Group - 3 December 2018
2. Esperance Visitor Centre Management Committee - 19 December 2018

CARRIED

14. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

15. MEMBERS QUESTIONS WITH OR WITHOUT NOTICE

1. Cr Parker

Cr Parker questioned if Council could have a briefing on Fire Mitigation in Unallocated Crown Land.

Mr Scott responded that Staff will prepare a briefing for Council.

2. Cr McIntyre

Cr McIntyre questioned what the requirements are for Black Spot Funding.

Mr Walker responded that there are two ways of applying for Black Spot Funding, the first is to have a crash history on that particular road or intersection, meaning there was a facility or damage. Mr Walker explained to receive federal funding you almost have to have a crash history in order to become successful in receiving the funding as there is a larger demand for funds. Mr Walker then explained the second way to is to have a road safety audit completed.

Cr McIntyre questioned if near misses are reported, and if they could influence.

Mr Walker responded that near misses are not reported. He summarised that the Government wants to know they are getting value for money, that is why the crash history route is in place.

Mr McIntyre also questioned the dangerousness of the turnoff from the Wylie Bay Waste Facility to Bandy Creek, as she had a report from a member of the public.

Mr Walker responded that road safety audits are done regularly, and the Shire is restricted from doing works due to the power poles in that area. Mr Walker said he will get the turnoff looked at.

Cr McIntyre questioned if we could remove the power pole.

Mr Walker responded it was possible, but Council would be charged for the removal.

16. URGENT BUSINESS APPROVED BY DECISION

Nil

Mr Western, Dr Nieukerke & Miss Burton left the Chamber and did not return.
17. MATTERS BEHIND CLOSED DOORS

Moving behind closed doors

Moved: Cr Bowman
Seconded: Cr McMullen

O0119-014

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 0166-18 Eastern Subs Water Supply Scheme - Supply, Install and Commission - Recycled Water Main Line
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 0160-18 Town Boat Ramp and James Street Jetty Maintenance Works
This item was withdrawn to allow for Officers to seek further information.

17.3 0167-18 Plant Hire - Horizontal Directional Drilling
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)).

17.4 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)).

CARRIED

F9 - A0

17.1 0166-18 Eastern Subs Water Supply Scheme - Supply, Install and Commission - Recycled Water Main Line

Moved: Cr Parker
Seconded: Cr Piercey

O0119-015

Council Resolution


CARRIED

F9 - A0

17.2 0160-18 Town Boat Ramp and James Street Jetty Maintenance Works

This item was withdrawn to allow for Officers to seek further information.
17.3 0167-18 Plant Hire - Horizontal Directional Drilling

Moved: Cr Padgurskis
Seconded: Cr Parsons

O0119-016

Council Resolution
That Council awards the Request for Tender 0167-18 Plant Hire – Horizontal Directional Drilling to Ranlec WA Pty Ltd as per the schedule of rates, for a period of two years with a two-year option subject to satisfactory performance.

CARRIED

17.4 Residential Land Tender

Moved: Cr Parsons
Seconded: Cr McMullen

O0119-017

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>
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<tbody>
<tr>
<td>214</td>
<td>762</td>
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</tr>
<tr>
<td>226</td>
<td>766</td>
<td>$175,000</td>
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<td>766</td>
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<tr>
<td>271</td>
<td>801</td>
<td>$180,000</td>
</tr>
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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).

CARRIED
F9 - A0

Coming from behind closed doors
Moved: Cr Bowman
Seconded: Cr McMullen

O0119-018
That the meeting come from behind closed doors.

CARRIED
F9 - A0

18. PUBLIC QUESTION TIME
Nil

19. CLOSURE
The President declared the meeting closed at 5.02pm.

These Minutes were confirmed at a meeting held on ________________

Signed ____________________________

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

Dated____________________