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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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13. REPORTS OF COMMITTEES  
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14. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN  
15. MEMBERS QUESTIONS WITH OR WITHOUT NOTICE  
16. URGENT BUSINESS APPROVED BY DECISION  
18. PUBLIC QUESTION TIME  
19. CLOSURE
SHIRE OF ESPERANCE

MINUTES

ORDINARY COUNCIL MEETING HELD IN COUNCIL CHAMBERS ON
23 April 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 Town Ward
Cr S McMullen Town Ward
Cr L McIntyre Town Ward
Cr R Padgurskis Town Ward
Cr B Parker Rural Ward

Shire Officers
Mr S Burge Acting Chief Executive Officer
Mr M Walker Director Asset Management
Mr T Sargent Director External Services
Miss A McArthur Administration Officer - Executive Services
Miss L Darge Media & Communications Officer

Members of the Public & Press
Ms S Hall Item 17.3
Ms D Hutcheson Item 17.1
Ms T Maloney Item 17.1 (entered at 4.02pm)
Ms D Hocking Item 17.2
Mrs R McIntyre Item 5
Mr J Dietsch Media - Esperance Express (entered at 4.02pm)

3. APOLOGIES & NOTIFICATION OF GRANTED LEAVE OF ABSENCE

Mr W M (Matthew) Scott Chief Executive Officer Granted Leave
Cr S Payne Town Ward Granted Leave
Cr D Piercey, JP Town Ward Apology

Mr Dietsch & Ms Maloney entered the Chamber at 4.02pm.
4. **APPLICATIONS FOR LEAVE OF ABSENCE**

**MOTION**
- Moved: Cr Bowman
- Seconded: Cr McMullen

O0419-044

That Council accept the following application for leave:
- Cr McIntyre 26 April 2019 until 3 May 2019

5. **ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

Shire President, Victoria Brown asked Ms R McIntyre to accept the Key to the Shire of behalf of the late Rev. Doug Murray.

Cr Brown explained that the Key to the Shire recognises outstanding achievement by either an individual or organisation.

Cr Brown stated that it was her great pleasure to present this award acknowledging the achievements Doug made and the impact he had on the Esperance Community. Cr Brown explained that Mrs McIntyre requested the acknowledgement in November 2018, and was further accepted by Council in March 2019.

Cr Brown stated that Doug was a great community member for 50 years and some of his many achievements include: being awarded the Order of Australia Medal (OAM) 2010 for service to the Anglican Church in Australia and to the Community, being the longest serving principle at Esperance Senior High School, receiving the Public Service medal for contribution to Education and being a founding and life member of several groups in Esperance.

6. **DECLARATION OF MEMBERS INTERESTS**

Mrs McIntyre and Miss Darge left the Chamber at 4.08pm and did not return.

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 Bowman declared an impartiality interest in item 12.3.2 as she is a member of the Grass Patch Community Development Association.

7. **PUBLIC QUESTION TIME**

1. Ms S Hall – Item 17.3
Ms Hall asked if Council had any questions regarding her application in item 17.3.

Cr Brown responded that Council had the opportunity to discuss the item in the Agenda Briefing and Council was happy with the information supplied.

8. **PUBLIC ADDRESSES / DEPUTATIONS**
- Nil

9. **PETITIONS**
- Nil
10. CONFIRMATION OF MINUTES

Moved: Cr McMullen  
Seconded: Cr McIntyre

O0419-045  
That the Minutes of the Ordinary Council Meeting of the 26 March 2019 be confirmed as a true and correct record.  
CARRIED

11. DELEGATES’ REPORTS WITHOUT DISCUSSION

Cr Lara McIntyre
- 29 Mar: Attended Rick Wilson Business After Hours  
- 1 Apr: Attended Wild Waters Cannery Arts Centre  
- 5 Apr: SCMG Annual General Meeting  
- 8 Apr: SCMG General Meeting  
- 12 Apr: Met with Ken Mills, Chair of Esperance Community Arts  
- 16 Apr: Attended Women’s Leadership at ACTIV

Cr Basil Parker  
- 11 Apr: Attended Blessing of the Roads

Cr Natalie Bowman
- 26-29 Mar: Attended Coroner’s Inquest in Esperance into 2015 fires  
- 2 Apr: Attended a Citizenship Ceremony  
- 2 Apr: Attended a presentation from catalyse on the Perception Survey results  
- 3 Apr: Attended the stakeholder presentation Perception Survey results  
- 10 Apr: Attended stress management course  
- 11 Apr: Attended blessing of the roads  
- 12 Apr: Attended Regional Road Group meeting in Kalgoorlie  
- 16 Apr: Attended a Citizenship Ceremony

Cr Steve McMullen
- 3 Apr: Attended a Youth Advisory Council Meeting  
- 11 Apr: Attended and Mc’d blessing of the roads

Cr Victoria Brown
- 26-29 Mar: Attended Coroner’s Inquest in Esperance into 2015 fires  
- 28 Mar: Attended opening of new kitchen and toilet facilities at Grass Patch Post Office  
- 29 Mar: Attended and gave report at WA Farmers AGM  
- 29 Mar: Attended Business after Hours hosted by Rick Wilson MP  
- 29 Mar: Attended DFES function to conclude Coroner’s Inquest and dinner with Shire Council for the inquest  
- 1 Apr: Chaired Indoor Sports Stadium user group meeting to update project information  
- 2 Apr: Conducted Lynne Norwood’s citizenship ceremony, met with Brian Warren about remaining Lake Monji funds, attended Catalyse Perception Survey Presentation with Lisa Lough  
- 3 Apr: Attended stakeholder presentation of Community Perception Survey  
- 5 Apr: Attended Over the Horizon at Civic Centre  
- 8 Apr: Attended Rick Wilson MP Budget Breakfast presentation  
- 9 Apr: Conducted Lukshman Tissera citizenship ceremony  
- 10 Apr: Attended meeting with Andrew Tyndall and Christien de Garis ABC Radio  
- 11 Apr: Attended Regional Council WA meeting Perth and Australian Tourism Exchange expo at Convention Centre  
- 12 Apr: Attended Heritage Council meeting with H&H Architects to present deconstruction methodology for the Jetty
12. MATTERS REQUIRING A DETERMINATION OF COUNCIL

MOTION
Moved: Cr Bowman
Seconded: Cr McIntyre

O0419-046

That Council bring item 17 forward for discussion.

CARRIED
F7 - A0

17. MATTERS BEHIND CLOSED DOORS

Moving behind closed doors

Moved: Cr Bowman
Seconded: Cr McIntyre

O0419-047

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 Lease Assignment - Donna Hutcheson to Tammy Maloney - Old Station Master's Ticket Box
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 about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government (Section 5.23(2)(e)(iii)).

17.2 Expression of Interest - Old School Master's Residence - Museum Village
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 about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government (Section 5.23(2)(e)(iii)).

17.3 Expression of Interest - Old Chemist Shop Museum Village
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 about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government (Section 5.23(2)(e)(iii)).

17.4 0191-19 Waste Collection 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)).

17.5 Request for Short Term Lease Renewal - 4 Hicks Street - Esperance Crisis Accommodation Service
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)).
17.6 0201-19 Street Sweeping 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)).

17.7 CEO Review
This report is considered confidential in accordance with the Local Government Act 1995, as it relates to a matter affecting an employee or employees (Section 5.23(2)(a)); and the personal affairs of any person (Section 5.23(2)(b)).

17.8 Possible Revocation of Management Orders
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 about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government (Section 5.23(2)(e)(iii)).

CARRIED
F7 - A0

Ms Hall, Ms Hocking, Ms Maloney, Mr Dietsch & Ms Hutcheson left the Chamber at 4.18pm.

EN BLOC
Moved: Cr McIntyre
Seconded: Cr Bowman

O0419-048

That Council adopt the Officers Recommendations for the following items:

17.1 Lease Assignment - Donna Hutcheson to Tammy Maloney - Old Station Master’s Ticket Box
17.2 Expression of Interest - Old School Master’s Residence - Museum Village
17.3 Expression of Interest - Old Chemist Shop Museum Village

CARRIED
F7 - A0

17.1 Lease Assignment - Donna Hutcheson to Tammy Maloney - Old Station Master’s Ticket Box
Moved: Cr McIntyre
Seconded: Cr Bowman

O0419-049

Council Resolution
That Council, subject to Department of Lands approval, agrees to;

1. Assign the lease with Donna Hutcheson for the Old Station Master’s Ticket Box, Lot 103 Dempster Street Esperance to Tammy Maloney; and

2. Lease assignment fee of $210 Inc GST being payable.

CARRIED
F7 - A0
17.2 Expression of Interest - Old School Master’s Residence - Museum Village

Moved: Cr McIntyre
Seconded: Cr Bowman

O0419-050

Council Resolution

That Council agrees to;

1. Lease the Old School Master’s Residence, Museum Village, portion of Lot 59 Dempster Street Esperance to Denise Hocking;
2. Lease preparation fee payable of $565 Inc GST;
3. Term of the lease being 5 years;
4. Annual rent being $11,468.80 ex GST, subject to annual rent reviews based on CPI and that Council consider the rental rate of $128/m\(^2\) to be a true indication of the current market rental rate; and
5. The disposition being advertised in accordance with s3.58 of the Local Government Act 1995.

CARRIED
F7 - A0

17.3 Expression of Interest - Old Chemist Shop Museum Village

Moved: Cr McIntyre
Seconded: Cr Bowman

O0419-051

Council Resolution

That Council agrees to;

1. Lease the Old Chemist Shop, Museum Village, portion of Lots 59 and 60 Dempster Street Esperance to Sara Hall;
2. Lease preparation fee payable of $565 Inc GST;
3. The term of Lease being 5 years;
4. Annual rent being $5,926.40 ex GST, subject to annual rent reviews based on CPI and that Council consider the rental rate of $128/m\(^2\) to be a true indication of the current market rental rate;
5. Vary the current Lease over the Old Hospital Building to remove Sara Hall as Lessee; and

CARRIED
F7 - A0
17.4 0191-19 Waste Collection Services
Moved: Cr McIntyre
Seconded: Cr Parsons

O0419-052

Officers Recommendation
That Council accepts the Quote 0191-19 Waste Collection Services from Avon Waste as per the schedule of rates.

Council Resolution
1. That Council accepts the Quote 0191-19 Waste Collection Services from Avon Waste as per the schedule of rates.

2. Direct the CEO to include reduced Waste Collection charges in the 2019/2020 Fees and Charges to reflect the reduction in collection costs.

CARRIED
Reason: Council wanted to reduce the Waste Collection charges in the 2019/2020 Fees and Charges.

17.5 Request for Short Term Lease Renewal - 4 Hicks Street - Esperance Crisis Accommodation Service
Moved: Cr McMullen
Seconded: Cr Parsons

O0419-053
Officer’s Recommendation
That Council, subject to Department of Lands approval, agrees to;
1. Extend the lease agreement with Esperance Crisis Accommodation Services for the property located at 4 Hicks Street, Esperance;
2. The term of the extension to be 3 months;
3. Rent payable to be $150 per week; and
4. No further extensions being approved.

Council Resolution
That Council, subject to Department of Lands approval, agrees to;
1. Extend the lease agreement with Esperance Crisis Accommodation Services for the property located at 4 Hicks Street, Esperance;
2. The term of the extension to be 3 months;
3. Rent payable to be $100 per week; and
4. No further extensions being approved.

CARRIED
Reason: Council wanted to keep the rent at $100 per week.
17.6 0201-19 Street Sweeping Services

Moved: Cr Parsons
Seconded: Cr Parker

O0419-054

Council Resolution

That Council awards the Request for Tender 0201-19 Street Sweeping Services to Environmental Services 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
F7 - A0

17.7 CEO Review

Moved: Cr Brown
Seconded: Cr Parsons

O0419-055

Officer’s Recommendation

That Council

1. Resolve to adopt the report provided by Ms Natalie Lincolne, Senior Consultant, Price Consulting, and note that the CEO’s Performance Review for the period resulted in a level of satisfactory performance that meets expectations.

2. Approve an increase to the salary component of the remuneration package for the Chief Executive Officer, as per the current Contract of Employment, from 7 January 2019, the anniversary date of the Contract of Employment.

Council Resolution

That Council

1. Resolve to adopt the report provided by Ms Natalie Lincolne, Senior Consultant, Price Consulting, and note that the CEO’s Performance Review for the period resulted in a level of satisfactory performance that meets expectations.

2. Approve an increase to the salary component of the remuneration package for the Chief Executive Officer, as per the current Contract of Employment, from 7 January 2019, the anniversary date of the Contract of Employment.

3. Agree that the value of the contractual salary increase be used for professional development in the areas identified through the review process, as per the CEO’s offer.

CARRIED
F7 - A0

Reason: The CEO offered and Council agreed this would be a good use of the contractual increase and better benefit the CEO, the organisation and the community.
17.8 Possible Revocation of Management Orders
Moved: Cr Parsons
Seconded: Cr Brown

O0419-056
Council Resolution
That Council

1. Thanks the Minister for Lands for the opportunity to comment on the possible revocation of certain management orders over land within the Shire of Esperance.

2. Urges the Minister to take into account the benefits to the local economy, local employment and local charities from continued use of land for productive farming by leaseholders who have, in good faith, entered into lease agreements; and honour the intent of the existing lease agreements.

3. Requests the Minister to consider the benefit the Esperance community will gain from having a financially sustainable Prescribed Body Corporate to exercise its role in representing the Nyungar people of the Esperance region in any consideration of which the body is best placed to accept responsibility for the management of the land concerned.

CARRIED
F7 - A0

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

O0419-057
That the meeting come from behind closed doors.

CARRIED
F7 - A0

Ms Hall, Ms Hocking, Ms Maloney, Mr Dietsch & Ms Hutcheson returned to the Chamber at 4.29pm.

The Presiding Member read aloud the above Resolutions;

Ms Hall, Ms Hocking, Ms Maloney & Ms Hutcheson left the Chamber at 4.36pm and did not return.
12.1 EXTERNAL SERVICES

12.1.1 Proposed Road Closure - Portion of Unnamed Road off Phyllis Street, Castletown

Moved: Cr Padgurskis
Seconded: Cr McIntyre

Council Resolution

That Council:

1. Request the Minister of Lands to close the road reserve of the unnamed road off Phyllis Street, Castletown under Section 58 (1) of the Land Administration Act 1997.

2. Advise the Minister of Lands that in accordance with Section 56 (4) of the Land Administration Act 1997 that the Shire recognises that it is liable to indemnify the Minister against any claim for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.

3. Requires all costs associated with the road closure process in regard to title adjustments and new titles to be met by the applicant.

CARRIED

12.1.2 Minor Amendment - Outbuildings Local Planning Policy

Moved: Cr Parsons
Seconded: Cr Bowman

Council Resolution

That Council, in accordance with Clauses 4 and 5(2) of the Deemed Provisions (set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2), proceed to amend the Outbuildings Local Planning Policy as shown in Attachment A.

CARRIED

12.1.3 Nominations for Membership of the Youth Advisory Council

Moved: Cr McMullen
Seconded: Cr McIntyre

Council Resolution

That Council appoint Greta Lauritsen and Hayden McDonald to the Shire of Esperance Youth Advisory Council.

CARRIED
12.2 ASSET MANAGEMENT

12.2.1 Waterwise Council

Moved: Cr Bowman  
Seconded: Cr Parker  

O0419-061  
Council Resolution  
That Council  
1. Commence participation in the Waterwise Council Program;  
2. Request the CEO to commence the required actions to become an endorsed Waterwise Council;  
3. Enter into a Waterwise Council Memorandum of Understanding with the Water Corporation and Department of Water and Environmental Regulation; and  
4. Authorise the CEO to execute the Waterwise Council Memorandum of Understanding.  
CARRIED  
F7 - A0  

12.2.2 Donation Public Art - Lake Monjingup

Moved: Cr McIntyre  
Seconded: Cr Brown  

O0419-062  
Council Resolution  
That Council accept the donation of TradeArts Jetty Timber Sculptures from Esperance Community Arts to be installed at Lake Monjingup in the locations to be identified by the Lake Monjingup Working Group.  
CARRIED  
F7 - A0  

12.3 CORPORATE RESOURCES

12.3.1 Lease Area Extension Request - Esperance Men in Sheds

Moved: Cr Parker  
Seconded: Cr McMullen  

O0419-063  
Council Resolution  
That Council, subject to Department of Lands approval, agrees to;  
1. Extend the lease area for Esperance Men in Sheds lease to include portion of Lots 500 and 501 Effie Turner Drive Chadwick as shown in Attachment B;  
2. Lease variation fee of $210 Inc GST being payable;  
3. Allow Esperance Men in Sheds to sublet a portion of their lease area to Escare for placement of their sea container; and  
4. The Rotary Club being able to continue to access the gravel area on site for parking purposes.  
CARRIED  
F7 - A0
12.3.2 Lease - Grass Patch Community Development Association - Southern Mallee Bush Fire Brigade Shed

Moved: Cr Padgurskis
Seconded: Cr Bowman

O0419-064

Council Resolution

That Council agrees to;

1. Enter into a lease with the Grass Patch Community Development Association for Lot 6 Coolgardie-Esperance Highway, Grass Patch;
2. The term of the lease being 5 years; and
3. Annual rent to be $1, payable as and when demanded.

CARRIED
F7 - A0

12.3.3 Communication Facility Licence - Esperance Communications

Moved: Cr Parsons
Seconded: Cr Bowman

O0419-065

Council Resolution

That Council agrees to;

1. Enter into a licence with Whitesands Corporation for the Communication Facility located at Lot 661 Doust Street West Beach;
2. Term of licence being 5 years with 5 year option to extend; and
3. Annual licence fee of $4,740.00 ex GST.

CARRIED
F7 - A0

12.3.4 Rate Exemption Application

Moved: Cr Bowman
Seconded: Cr Padgurskis

O0419-066

Council Resolution

That Council grant a rate exemption under Section 6.26(2)(d) of the Local Government Act 1995 to the Baptist Union of WA Inc for 12 Birch Street, Esperance (Assessment 26013) from 1st July 2018.

CARRIED
F6 – A1
(Against Cr Parker)
EN BLOC
Moved: Cr McIntyre
Seconded: Cr Bowman

O0419-067
That Council adopt the Officers Recommendations for the following items:
12.3.5 Financial Services Report - March 2019
12.4.1 Information Bulletin - March 2019
13.1 Minutes of Committees
CARRIED

12.3.5 Financial Services Report - March 2019
Moved: Cr McIntyre
Seconded: Cr Bowman

O0419-068
Council Resolution
That the report entitled Monthly Financial Management Report (incorporating the Statement of Financial Activity) for the month of March 2019 as attached be received.
CARRIED

12.4 EXECUTIVE SERVICES
12.4.1 Information Bulletin - March 2019
Moved: Cr McIntyre
Seconded: Cr Bowman

O0419-069
Council Resolution
That Council accepts the Information Bulletin for March 2019 and;
1. Register - Delegations Discharge - Corporate Resources
2. Corporate Performance Report - Quarterly - January-March 2019
3. Outstanding Resolutions – Quarterly Report November to February 2019
4. GVROC Minutes – 1 February 2019
5. Appreciation Letter - Esperance Biosecurity Association
6. Appreciation Letter – Esperance Senior High School
CARRIED
13. **REPORTS OF COMMITTEES**

13.1 Minutes of Committees

Moved: Cr McIntyre  
Seconded: Cr Bowman

00419-070  
Council Resolution

That Council receive the following unconfirmed committee minutes:

1. Esperance Roadwise Committee - 25 March 2019

CARRIED

14. **MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil

15. **MEMBERS QUESTIONS WITH OR WITHOUT NOTICE**

Nil

16. **URGENT BUSINESS APPROVED BY DECISION**

Nil

18. **PUBLIC QUESTION TIME**

Nil

19. **CLOSURE**

The President declared the meeting closed at 4.47pm.

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These Minutes were confirmed at a meeting held on _____________________

Signed ____________________________________

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

Dated_____________________