Shire of Esperance

ORDINARY COUNCIL

TUESDAY 25 FEBRUARY 2020

MINUTES
DISCLAIMER

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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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SHIRE OF ESPERANCE

MINUTES

ORDINARY COUNCIL MEETING HELD IN COUNCIL CHAMBERS ON
COMMENCING AT 4PM

1. OFFICIAL OPENING
The Shire President declared the meeting open at 4.01pm and did an acknowledgement to country.
The President welcomed Councillors, staff, guests and members of the public to the meeting.

2. ATTENDANCE

Members
Cr I Mickel President Rural Ward
Cr B Parker Deputy President Rural Ward
Cr J O'Donnell Town Ward
Cr S McMullen Town Ward
Cr S Payne Town Ward
Cr J Obourne Town Ward
Cr R Chambers Town Ward
Cr D Piercey, JP Town Ward
Cr W Graham 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
Mr R Hindley Manager Strategic Planning & Land Projects
Mr S McKenzie Manager Council Enterprises
Miss S Shaddick Manager Marketing & Communications (entered at 4.02pm)
Miss A McArthur Administration Officer - Executive Services
Mr J Sudmeyer Media & Communications Officer
Ms C Smith Marketing & Communications Officer (entered at 4.08pm)

Members of the Public & Press
Mr G Mitchell Item 17.4
Mrs A Parker Observing
Dr K Nieukerke Observing
Ms D Witt Item 12.1.1
Mrs N Bowman Item 12.1.1
Mr J Parsons Item 12.1.1
Mrs S Parsons Item 12.1.1
Mrs D Johnson Item 12.1.1
Mr A Johnson Item 12.1.1
Mr G Hard Item 12.1.1
Mrs E Siemer Item 12.4.3
Mr C Siemer Item 12.4.3
Ms A Vincent Item 12.4.3 (entered at 5.14pm)
Mr P Chalmer Item 12.1.1 (entered at 4.24pm)
Mrs J Fitzpatrick Item 12.1.1 (entered at 4.05pm)
Ms T Ibrahim Observing (entered at 4.15pm)
Ms L Birch ABC Goldfields / Esperance (entered at 4.05pm)
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Miss S Makse Esperance Express  
Miss I Lysaght Kalgoorlie Miner

3. **APOLOGIES & NOTIFICATION OF GRANTED LEAVE OF ABSENCE**

Nil

Miss Shaddick entered the Chamber at 4.02pm.

4. **APPLICATIONS FOR LEAVE OF ABSENCE**

**MOTION**

Moved: Cr McMullen  
Seconded: Cr O’Donnell

O0220-038

That Council accept the following leave of absence:

- Cr Piercey 9 March until 9 June 2020  
- Cr Graham 26 February until 5 March 2020

CARRIED

Miss Lysaght & Mrs Fitzpatrick entered the Chamber at 4.05pm

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**

Cr Payne declared a financial interest in item 12.1.2 as she currently has an application in progress for a holiday home.

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

Nil

6.3 **Declarations of Impartiality Interests – Admin Regulations Section 34c**

Cr Obourne declared an impartiality interest in item 12.3.5.  
Cr Graham declared an impartiality interest in item 12.1.1.

Miss Smith entered the Chamber at 4.08pm.

7. **PUBLIC QUESTION TIME**

1. **Dr K Nieukerke - Item 12.1.1**

Dr Nieukerke referred to the fact that there are two items on the Agenda relating to the proposed new waste facility. Dr Nieukerke questioned if Council could change the order of the Agenda to deal with the motion carried at the Annual Electors Meeting first.

   *Cr Mickel responded that Council will deal with the order laid out in the Agenda.*

*Mrs Siemer & Mr Siemer entered the Chamber at 4.10pm.*

2. **Mr D Eltringham**

*The following questions were provided in advance to the meeting by Mr Eltringham on behalf of the Friends of the Esperance Tanker Jetty. These questions were taken on notice by the Shire*
President. A response will be provided to Mr Eltringham in writing and will be included in the March Ordinary Council Meeting Agenda as per Section 3.3 of the Standing Orders.

From information sourced through emails, freedom of information, agenda meetings and minutes of Council meetings, it is reasonable to conclude that Esperance Shire Council did not have the authority in 2016 to demolish the Tanker jetty.

ESC knew that it did not have the express consent of the licensor under the jetty Licence when it resolved and did award a contract for the Jetty’s demolition.

In the RFT, AS 4000 – 1997 General Conditions of Contract, it states – UNTIL A FORMAL INSTRUMENT OF AGREEMENT IS EXECUTED BY THE PARTIES, DOCUMENTS EVIDENCING THE PARTIES’ CONSENSUS SHALL CONSTITUTE THE CONTRACT.

The Local Government Act states – If a Local Government has entered into a contract for the supply of goods or services with a successful tenderer, the contract must not be varied unless – The variation is necessary and does not change the scope.

Questions for Mr. Scott (CEO)

a. Correspondence I received from you dated 4/6/2019 stated that the scope of the contract has not changed vastly and the tender to demolish has always been a deconstruction methodology.

Why then, Mr. Scott is every reference made to DEMOLITION in the Request for Tender, the Demolition Scope of Works included?

b. Do you now reconsider the `scope of work’ changes and still maintain that it has not vastly changed? If so, please explain and reply with substantiated documentation to support your claim.

Ms Ibrahim entered the Chamber at 4.15pm.

8. PUBLIC ADDRESSES / DEPUTATIONS

1. Mr G Mitchell - Item 17.4

Mr Mitchell stated he would’ve liked to have had the opportunity to address Council at the Agenda Briefing Session but he was unaware his request had been received and that it was going to Council for consideration. Mr Mitchell stated that it would be unreasonable to back rate crown land which has never been rated. Mr Mitchell also stated Council would be making a decision with limited information.

Cr Mickel thanked Mr Mitchell for his statement and apologised he did not receive any notification of his request being considered by Council.

2. Mrs Bowman - Item 12.1.1

Mrs Bowman stated that Councillors represent the entire community and should make decisions based on facts. Mrs Bowman discussed that walking away from the Kirwan Road site without completing all the tests would an extreme cost to Shire. Mrs Bowman explained that the new site will also have new upset neighbours and the process will start again. Mrs Bowman stated that to date there has been no scientific reason that the Kirwan Road site cannot be used, and Council has to rely on expert advice. Mrs Bowman stated that the money spent of this site is only wasted if Council walks away.

9. PETITIONS

Nil
10. CONFIRMATION OF MINUTES
Cr Obourne, Cr Piercey & Cr O'Donnell agreed to the proposed rescindment of resolution number O0120-002 Confirmation of Minutes.

MOTION
Moved: Cr Obourne
Seconded: Cr Piercey
Cr O'Donnell
O0220-039

That Council rescind resolution O0120-002 to Confirm the Minutes of the 17 December 2019 Ordinary Council Meeting.
CARRIED
F9 - A0

MOTION
Moved: Cr Chambers
Seconded: Cr McMullen
O0220-040

That the Minutes of the Ordinary Council Meeting of the 17 December 2019 be confirmed as a true and correct record with the amendment of Cr Mickel voting for item 4 - Application for Leave of Absence.
CARRIED
F9 - A0

Moved: Cr Parker
Seconded: Cr Obourne
O0220-041
That the Minutes of the Ordinary Council Meeting of the 28 January 2020 be confirmed as a true and correct record.
CARRIED
F9 - A0

Mr Chalmer entered the Chamber at 4.24pm.

11. DELEGATES’ REPORTS WITHOUT DISCUSSION
Cr Chambers
30 Jan Attended Southern Sardines Meet and Greet with the Minister for Regional Development
30 Jan Attended GVROC Dinner
31 Jan Attended GVROC Meeting
31 Jan Attended Opening of Lucky Bay Brewery
3 Feb Attended WALGA Elected Member Training
4 Feb Attended WALGA Elected Member Training

Cr Obourne
29 Jan Attended Adventureland Park Committee Meeting
7 Feb Attended Met BOICO CEO to discuss transition of Activ participants
7 Feb Attended Constituent Meeting regarding a noise complaint
9 Feb Attended Cannery Arts Centre Future Planning Consultations Session
11 Feb Attended Constituent Meeting regarding supporting local businesses
24 Feb Attended Senior Citizens Board Meeting
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**Cr O’Donnell**
30 Jan  
Attended Southern Sardines Meet and Greet with the Minister for Regional Development
30 Jan  
Attended GVROC Dinner
31 Jan  
Attended GVROC Meeting
3 Feb  
Attended WALGA Elected Member Training
4 Feb  
Attended WALGA Elected Member Training
9 Feb  
Attended Cannery Arts Centre Future Planning Consultations Session
17 Feb  
Attended New Indoor Sports Stadium and Old Stadium Tours
18 Feb  
Attended ECCI Business After Hours with Horizon Power
21 Feb  
Attended MRC Graphite Information Session

**Cr Parker**
30 Jan  
Attended GVROC Dinner
31 Jan  
Attended GVROC Meeting
3 Feb  
Attended WALGA Elected Member Training
4 Feb  
Attended WALGA Elected Member Training
18 Feb  
Attended ECCI Business After Hours with Horizon Power

**Cr Graham**
30 Jan  
Attended GVROC Dinner
31 Jan  
Attended GVROC Meeting
3 Feb  
Attended WALGA Elected Member Training
4 Feb  
Attended WALGA Elected Member Training
17 Feb  
Attended New Indoor Sports Stadium and Old Stadium updates

**Cr Payne**
30 Jan  
Attended Southern Sardines Meet and Greet with the Minister for Regional Development
30 Jan  
Attended GVROC Dinner
31 Jan  
Attended GVROC Meeting
31 Jan  
Attended opening of Lucky Bay Brewery
4 Feb  
Attended WALGA Elected Member Training
18 Feb  
Attended ECCI Business After Hours with Horizon Power
21 Feb  
Attended MRC Graphite Information Session

**Cr Piercey**
30 Jan  
Attended Southern Sardines Meet and Greet with the Minister for Regional Development
30 Jan  
Attended GVROC Dinner
31 Jan  
Attended GVROC Meeting
31 Jan  
Attended Opening of Lucky Bay Brewery
3 Feb  
Took part in WAWA Zoom call
4 Feb  
Attended WALGA Elected Member Training
4 Feb  
Attended Tourism Esperance Meeting
9 Feb  
Attended Cannery Arts Centre Future Planning Consultations Session
9 Feb  
Attended Climate Action Group Meeting
18 Feb  
Attended ECCI Business After Hours with Horizon Power
17 Feb  
Attended New Indoor Sports Stadium and Old Stadium updates
21 Feb  
Attended MRC Graphite Information Session

**Cr Mickel**
30 Jan  
Attended GVROC Dinner
31 Jan  
Attended GVROC Meeting
3 Feb  
Attended WALGA Elected Member Training
4 Feb  
Attended WALGA Elected Member Training
13 Feb  
Attended Regional Capital Alliance WA Meeting
18 Feb  
Attended ECCI Business After Hours with Horizon Power
Miss Smith left the Chamber at 4.42pm and did not return.

### 12. MATTERS REQUIRING A DETERMINATION OF COUNCIL

#### 12.1 EXTERNAL SERVICES

12.1.1 Proposed Landfill at Lot 12 Kirwan Road

**Moved:** Cr Parker  
**Seconded:** Cr Graham

**O0220-042**  
Officer's Recommendation

That Council continue to progress with the required works within the Endorsed Environmental Scoping Document from the Environmental Protection Agency as per motion O0219-038 from the February 2019 Ordinary Council Meeting.

**Council Resolution**

That Council:

1. Abandon the proposed Waste Facility Site at Lot 12 Kirwan Road, Merivale;
2. Instruct the Chief Executive Officer (CEO) to inform the Environmental Protection Authority (EPA) of Council decision as soon as possible;
3. Instruct the CEO to investigate options for the disposal of Lot 12 Kirwan Road, Merivale, and present the results to Council before the March’20 Ordinary Council meeting (OCM);
4. Instruct the CEO to investigate a one hundred (100) hectare portion of land on Lot 39 Logan Road on Plan 138984, Grass Patch for a waste facility site and present the outcome of these investigations to Council; and
5. Instruct the CEO to investigate other land in the Mallee, North of Speedingup East Road, for a suitable Waste Facility Site, should Lot 39 on Plan 138984 Logan Road, Grass Patch be deemed unsuitable by Council.

**CARRIED**  
F8 – A1  
(Against Cr McMullen)

**Reason:** Council believed the environmental risk of the Kirwan Road site is far too great compared to a site in the Mallee North of Speedingup East Road.

Mrs Bowman, Mr Parsons, Mrs Parsons, Mrs Witt, Mr Chalmer, Mrs Fitzpatrick, Mrs Johnson, Mr Johnson & Mr Hard left the Chamber at 4.50pm and did not return.

Cr Payne declared her financial interest in item 12.1.2 and left the Chamber at 4.51pm.
12.1.2 Amendment of Holiday Homes Local Planning Policy

Moved: Cr McMullen  
Seconded: Cr Parker

O0220-043
Council Resolution

That Council in accordance with Clause 4.(1) of the Deemed Provisions (set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2) amend the Holiday Homes – Development Requirements Local Planning Policy as contained in Attachment A.

CARRIED
F6 – A2
(Against Cr Piercey & Cr O’Donnell)

Cr Payne returned to the Chamber at 4.53pm.
Mr Sudmeyer & Miss Shaddick left the Chamber at 4.58pm and did not return.

12.1.3 Development Application - Additions to Outbuilding (Shed) - Lot 12 (33) Mitchell Street, Castletown

Moved: Cr McMullen  
Seconded: Cr Piercey

O0220-044
Officer’s Recommendation

That Council refuse development application Development Application 10.2019.4272.1 for Additions to an Outbuilding (Shed) at Lot 12 (33) Mitchell Street, Castletown on the following grounds:

1. The proposal is inconsistent with the provisions of Local Planning Policy: Outbuildings.

Council Resolution

That Council approve development application Development Application 10.2019.4272.1 for Additions to an Outbuilding (Shed) at Lot 12 (33) Mitchell Street, Castletown subject to the following conditions:

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

b. The approved outbuilding(s) shall be used for purposes incidental and ancillary to the enjoyment of the dwelling on the land only, and shall not be used for human habitation, commercial or industrial uses.

c. All stormwater and drainage run off from all roofed and impervious areas is to be retained on-site to the satisfaction of the Shire of Esperance (Building Services).

d. 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.

e. The works involved in the implementation of the development must not cause sand drift and/or dust nuisance. In the event that the Shire of Esperance is aware of, or is
made aware of, the existence of a dust problem, measures such as installation of sprinklers, use of water tanks, mulching, or other land management systems as appropriate may be required to be installed or implemented to prevent or control dust nuisance, and such measures shall be installed or implemented within the time and manner directed by the Shire of Esperance (Environmental Health Services).

f. During construction stage, adjoining lots are not to be disturbed without the prior written consent of the affected owner(s).

g. 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.

And the following advice notes:

a. THIS IS NOT A BUILDING PERMIT. An application for a building permit or building approval certificate is required to be submitted and approved by the Shire of Esperance (Building Services) prior to any works commencing on-site.

b. The development is to comply with the Building Code of Australia, Building Regulations and the Local Government Act.

c. It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Esperance will take no responsibility for incorrectly located buildings.

d. 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.

e. 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.

CARRIED

Reason: Council wanted to approve the development application subject to conditions.

Ms Vincent entered the Chamber at 5.14pm.

12.2 ASSET MANAGEMENT

12.2.1 Disposal of Esperance Tanker Jetty Grade 3 Timbers

MOTION
Moved: Cr Piercey
Seconded: Cr O’Donnell

That Council donates Historic Esperance Tanker Jetty Grade 3 Timber to the Esperance Senior High School as per the requested amounts.

AMENDMENT
Moved: Cr Obourne
Seconded: Cr Chambers

That Council:
1. Donates Historic Esperance Tanker Jetty Grade 3 Timber to the Esperance Senior High
School and the Kambalda Men’s Shed as per the requested amounts; and
2. Reconsider all unsuccessful applicants at a future Council Meeting.

CARRIED
F7 – A2
(Against Cr Piercey & Cr O’Donnell)

The amendment became the substantive motion…

O0220-045

Council Resolution
That Council:
1. Donates Historic Esperance Tanker Jetty Grade 3 Timber to the Esperance Senior High School and the Kambalda Men’s Shed as per the requested amounts; and
2. Reconsider all unsuccessful applicants at a future Council Meeting.

CARRIED
F7 – A2
(Against Cr Piercey & Cr O’Donnell)

Reason: Council wanted to donate the timbers to two community groups and reconsider all unsuccessful applications at a future Council Meeting.

12.3 CORPORATE RESOURCES

12.3.1 Policy Review - Human Resources

Moved: Cr Payne
Seconded: Cr Obourne

O0220-046

Officer’s Recommendation
That Council endorse the Human Resources Policies inclusive of amendments, inclusions and deletions as reviewed.

Council Resolution
That Council lay this matter on the table until Council next briefing session.

CARRIED
F9 – A0

Reason: Council wanted to lay the matter of the table to allow for a detailed workshop on the policies.

12.3.2 Toowacka Camp Site - Future Land Use

Moved: Cr McMullen
Seconded: Cr Parker

O0220-047

Council Resolution
That Council agrees to;

1. Finalise the current lease arrangement with the Toowacka Committee; and
2. Request that the CEO publically advertise for Expressions of Interest to lease the Toowacka Camp Site, Portion of Reserve 37535.

CARRIED
F9 – A0
12.3.3 Financial Services Report - January 2020
Moved: Cr Piercey
Seconded: Cr McMullen

O0220-048

Council Resolution

That the report entitled Monthly Financial Management Report (incorporating the Statement of Financial Activity) for the month of January 2020 as attached be received.

CARRIED

F9 - A0

12.3.4 Proposed Delegation - Varying Prohibited Burning Period
Moved: Cr Parker
Seconded: Cr Chambers

O0220-049

Council Resolution

That Council

1. Delegate joint authority to the Shire President and Chief Bush Fire Control Officer, to determine a variation of the prohibited burning times after consultation with an authorised CALM Act officer, where seasonal conditions warrant it.

2. Endorse the proposed delegation (Attachment A) and include it in the Delegated Authority Register 2019/2020 - Council to Chief Executive Officer & Authorised Persons.

CARRIED

F9 - A0

12.3.5 Lease Surrender - Old Sergeant’s Quarters - Sally Nevin
Moved: Cr Piercey
Seconded: Cr O'Donnell

O0220-050

Council Resolution

That Council agrees to;

1. Surrender the lease with Sally Nevin for the Old Sergeant’s Quarters Museum Village, portion of Lots 58 and 59 Dempster Street, Esperance;

2. Lease Surrender fee of $215 Inc GST being payable;

3. The walls of the two front rooms being painted to a neutral colour; and

4. All outstanding invoices being paid prior to the surrender being finalised.

CARRIED

F9 - A0
12.4 EXECUTIVE SERVICES

12.4.1 Information Bulletin - January 2020
Moved: Cr Chambers
Seconded: Cr Piercey
O0220-051

Council Resolution
That Council accepts the Information Bulletin for January 2020:
1. Corporate Performance Report - January 2020
2. Register - Delegations Discharge - Corporate Resources

CARRIED

F9 - A0

12.4.2 Goldfields Designated Area Migration Agreement
Moved: Cr Obourne
Seconded: Cr McMullen
O0220-052

Council Resolution
That Council
1. Support the Esperance Chamber of Commerce and Industry Inc. request to endeavor to have the Shire of Esperance included within the Goldfields Designated Area Migration Agreement; and

2. Request the Chief Executive Officer to work with the City of Kalgoorlie-Boulder and Shires of Coolgardie, Leonora and Menzies to have the current geographical boundaries of the Goldfields Designated Area Migration Agreement extended to include the Shire of Esperance, as well as additional occupations included as per the request from the Esperance Chamber of Commerce and Industry Inc.

CARRIED

F9 - A0

12.4.3 2020 Annual Meeting of Electors Motions
Moved: Cr Chambers
Seconded: Cr McMullen
O0220-053

Council Resolution - Motion 1
That Council:
1. Note Motion 1 from the Annual Meeting of Electors (February 2020);
2. Request the CEO investigate forming a Streetscape Committee; and
3. Instruct the CEO to advise the Mover and Seconder of the Motion of Council’s resolution.

CARRIED

F9 - A0
Moved: Cr McMullen
Seconded: Cr Parker

O0220-054

Council Resolution - Motion 2

That Council note Motion 2 from the Annual Meeting of Electors (February 2020) and instruct the CEO to advise the Mover and Seconder of Motion of Council’s resolution.

CARRIED
F9 - A0

12.4.4 Community Grants Program 2020 - 2021

Moved: Cr McMullen
Seconded: Cr Graham

O0220-055

Council Resolution

That Council

1. Endorse the amendments to the Community Grants Program and Application Forms; and


CARRIED
F9 - A0

13. REPORTS OF COMMITTEES

Nil

14. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

15. MEMBERS QUESTIONS WITH OR WITHOUT NOTICE

1. Cr Parker
   Cr Parker questioned if the Scaddan Restoration Tender for the Country Club has been completed and released.

   Mr Walker responded that hasn’t been released but will be within the next month.

2. Cr Obourne
   Cr Obourne questioned when the CBD upgrade would be complete.

   Mr Walker responded that the upgrades are due to be completed at the end of the financial year, and there will be no major disruptions.

3. Cr O’Donnell
   Cr O’Donnell questioned when the final two urban nodes will be completed.

   Mr Walker responded that the Shire is currently in discussion with Loose Goose regarding their liquor licence for the node, and Downtown is currently doing consultation to confirm if they would like theirs installed.

   Cr O’Donnell questioned if the nodes are a 6 month trial.
Mr Walker responded that it is not a 6 month trial, the trial will end in June.

16. URGENT BUSINESS APPROVED BY DECISION

MOTION

Moved: Cr Parker  
Seconded: Cr Graham

O0220-056

That Council accept the following late item:

17.5 Proposed Drainage Works Gibson Road

CARRIED  
F9 - A0

17. MATTERS BEHIND CLOSED DOORS

Mr Mitchell, Dr Nieukerke, Mrs Siemer, Mr Siemer, Mrs Vincent, Mrs Parker, Ms Birch, Miss Makse & Miss Lysaght left the Chamber at 5.40pm and did not return.

Moving behind closed doors

Moved: Cr Chambers  
Seconded: Cr Parker

O0220-057

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 Local Government Sale - Rates Write Off Ass# 69104
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 Future Gas Supply for the Bay of Isles Leisure Centre
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 0249-19 Refurbishment Noel White Pavilion
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 Outstanding Rates: Request to Review Back Rating
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)).

17.5 Proposed Drainage Works Gibson Road
This report is considered confidential in accordance with the Local Government Act 1995, as it relates to legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting (Section 5.23(2)(d)).

CARRIED  
F9 - A0
17.1 Local Government Sale - Rates Write Off Ass# 69104
Moved: Cr Piercey
Seconded: Cr O'Donnell

Council Resolution
That Council write off the debt of $22,937.24 from Assessment 69104 following the public auction of the property as this debt is considered unrecoverable.

CARRIED
F9 - A0

17.2 Future Gas Supply for the Bay of Isles Leisure Centre
Moved: Cr Parker
Seconded: Cr Graham

Council Resolution
That Council:
1. Note the Notice of Termination from Esperance Gas Distribution Company (EGDC) of the current gas supply agreement, executed on 1 March 2005, as of 1 April 2020;
2. Agree that there is no other reticulated gas supplier in Esperance, creating an inability to invite tenders for the supply of reticulated gas to the Bay of Isle Leisure Centre (BOILC), as per regulation 11(2)(f), Local Government (Functions and General) Regulations 1996;
3. Agree to enter into a new gas supply contract with Esperance Gas Distribution Company, as per their revised proposal, commencing 1 April 2020 to 31 December 2021; and
4. Include the following budget variations in the March Budget Review:
   a. $21,000 for the supply of gas to the BOILC;
   b. $20,000 to review and recommend an alternative heating method for the BOILC

CARRIED
F9 - A0

SUSPENSION OF STANDING ORDERS
Moved: Cr Payne
Seconded: Cr Obourne

O0220-060
That Section Nine (9.5) of the Standing Orders be suspended to allow for discussion of item 17.3 as per section 19.1 of the Standing Orders.

CARRIED
F9 - A0
RESUMPTION OF STANDING ORDERS
Moved: Cr McMullen
Seconded: Cr Parker

That Standing Orders be resumed.

CARRIED
F9 - A0

17.3 0249-19 Refurbishment Noel White Pavilion
Moved: Cr Parker
Seconded: Cr McMullen

Council Resolution
That Council:
1. Awards the Request for Tender 0249-19 Refurbishment Noel White Pavilion to Sime Building Company Pty Ltd as per the Lump Sum Price; and
2. Approves a budget variation as detailed below:

<table>
<thead>
<tr>
<th>Description</th>
<th>Budget Figure</th>
<th>Amended Figure</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noel White Pavilion</td>
<td>W3546</td>
<td>580,000</td>
<td>1,480,000</td>
</tr>
<tr>
<td>Redevelopment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Maintenance</td>
<td>0</td>
<td>(900,000)</td>
<td>(900,000)</td>
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<tr>
<td>Reserve</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Net result</td>
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<td>0</td>
<td></td>
</tr>
</tbody>
</table>

CARRIED
F8 – A1
(Against Cr Piercey)

17.4 Outstanding Rates: Request to Review Back Rating
Moved: Cr Piercey
Seconded: Cr Parker

Council Resolution
That Council
1. Does not approve the applicant’s request to back rate for assessment 62687 to the date of registration with Department of Planning, Lands and Heritage instead of the lease commencement date.

2. Acknowledge the financial impact of back rates and offer a payment arrangement to the applicant to pay the outstanding rates.

CARRIED
F8 – A1
(Against Cr Payne)
17.5 Proposed Drainage Works Gibson Road
Moved: Cr McMullen
Seconded: Cr Piercey

O0220-064
Council Resolution
That Council approves the final design for the Gibson Road (as per the attached design).
CARRIED F9 - A0

Coming from behind closed doors
Moved: Cr Piercey
Seconded: Cr O’Donnell

O0220-065
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 6.18pm.

These Minutes were confirmed at a meeting held on ____________________

Signed ________________________________

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

Dated________________________