

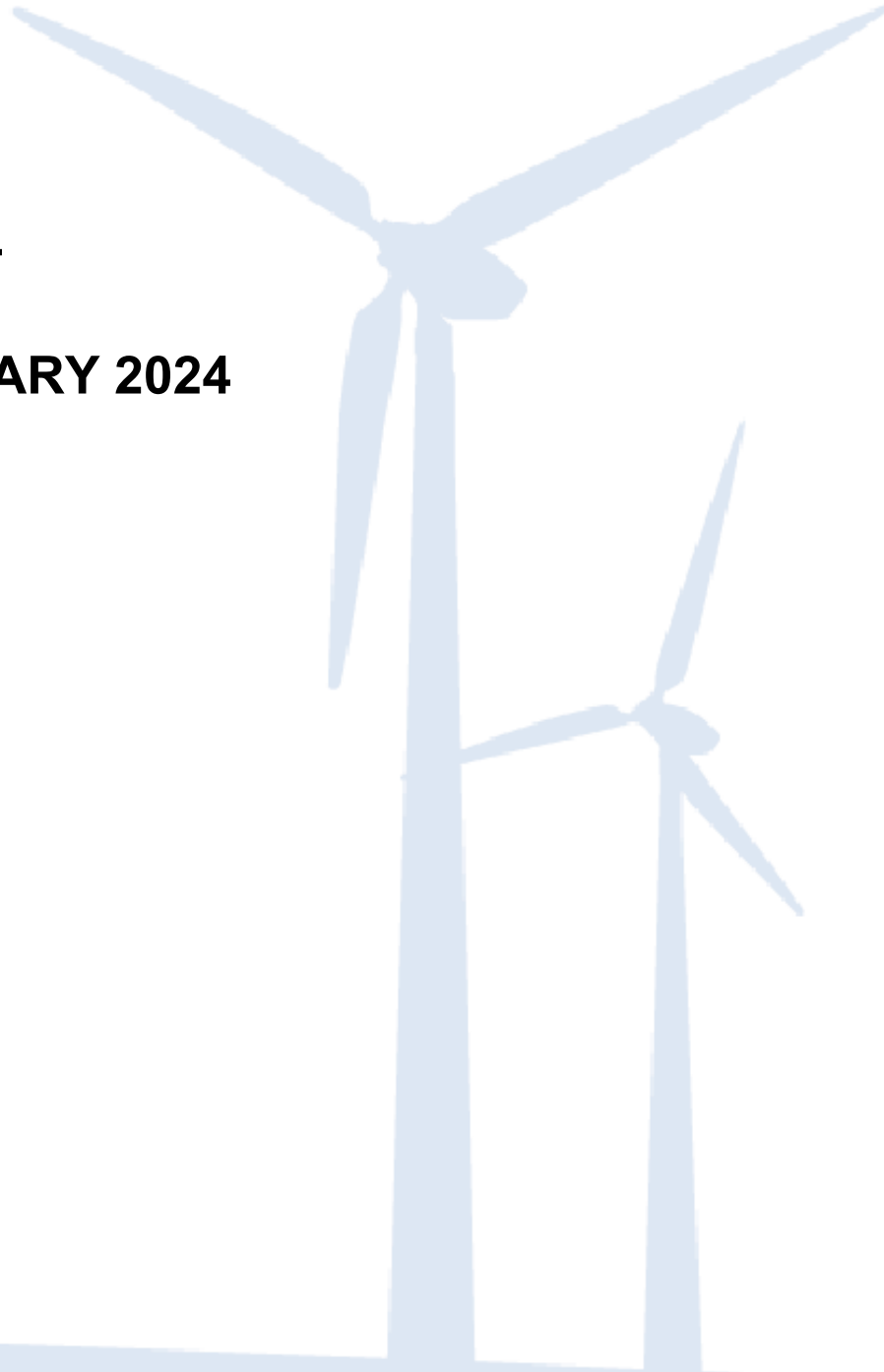


**Shire of Esperance**

**ORDINARY COUNCIL**

**TUESDAY 27 FEBRUARY 2024**

**MINUTES**



### **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.

### **RECORDINGS**

The Meeting will be live streamed. The recording will be made publicly available as soon as practical following the meeting.

## Table of Contents / Index

ITEM NO.	ITEM HEADING	PAGE
1.	OFFICIAL OPENING	5
2.	ATTENDANCE	5
3.	APOLOGIES & NOTIFICATION OF GRANTED LEAVE OF ABSENCE	5
4.	APPLICATIONS FOR LEAVE OF ABSENCE	6
5.	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	6
6.	DECLARATION OF MEMBERS INTERESTS	6
6.1	Declarations of Financial Interests – Local Government Act Section 5.60a	6
6.2	Declarations of Proximity Interests – Local Government Act Section 5.60b	6
6.3	Declarations of Impartiality Interests – Admin Regulations Section 34c	6
7.	PUBLIC QUESTION TIME	6
8.	PUBLIC ADDRESSES / DEPUTATIONS	6
9.	PETITIONS	6
10.	CONFIRMATION OF MINUTES	7
11.	DELEGATES' REPORTS WITHOUT DISCUSSION	7
12.	MATTERS REQUIRING A DETERMINATION OF COUNCIL	10
12.1	EXTERNAL SERVICES	10
12.2	ASSET MANAGEMENT	11
12.2.1	Carbon Emission Targets	11
12.3	CORPORATE & COMMUNITY SERVICES	17
12.3.1	Adoption of Cat Local Law 2024	17
12.3.2	Adoption of Dog Local Law 2024	37
12.3.3	Policy Review - External Services	63
12.3.4	Adoption of Cemeteries Local Law 2024	67
12.3.5	Lease Renewal - Old Chemist Shop - Museum Village	72
12.3.6	Financial Services Report - February 2024	76
12.3.7	Lease Surrender Request - Old Matron's Quarters Museum Village	125
12.3.8	Rates Exemption Applications	129
12.4	EXECUTIVE SERVICES	134
12.4.1	Sale of Residential Land	134
12.4.2	Information Bulletin - February 2024	138
13.	REPORTS OF COMMITTEES	171
14.	MOTIONS OF WHICH NOTICE HAS BEEN GIVEN	171
15.	MEMBERS QUESTIONS WITH OR WITHOUT NOTICE	171
16.	URGENT BUSINESS APPROVED BY DECISION	171

---

<b>17. PUBLIC QUESTION TIME</b>	<b>171</b>
<b>18. MATTERS BEHIND CLOSED DOORS</b>	<b>172</b>
<b>17.1 0548-23 Esperance Airport - Runway Upgrade Design</b>	<b>172</b>
<b>19. CLOSURE</b>	<b>173</b>

**SHIRE OF ESPERANCE**

**MINUTES**

**ORDINARY COUNCIL MEETING HELD IN COUNCIL CHAMBERS ON  
27 February 2024.  
COMMENCING AT 4:00 PM**

**1. OFFICIAL OPENING**

The Shire President declared the meeting open at 4:00pm and did an acknowledgement to country.

*The Shire of Esperance acknowledges the Kepa Kurl Wudjari people of the Nyungar nation and Ngadju people who are the Traditional Custodians of this land and their continuing connection to land, waters and community. We pay our respects to Elders past, present and emerging and we extend that respect to other Aboriginal Australians today.*

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

**2. ATTENDANCE**

**Members**

Pres R Chambers	Shire President	Town Ward
Cr J Obourne	Deputy President	Town Ward
Cr G Johnston		Town Ward
Cr L de Haas		Town Ward
Cr W Graham		Rural Ward
Cr S Starcevich		Rural Ward
Cr S Flanagan		Town Ward
Cr C Davies		Town Ward

**Shire Officers**

Mr S Burge	Chief Executive Officer
Mr M Walker	Director Asset Management
Mr R Grieve	Director External Services
Mrs F Baxter	Director Corporate & Community Services
Mrs C Hoffrichter	Executive Assistant

**Members of the Public & Press**

Geoff Vivian	Media
Carissa Gautam	Carers WA
Sonya Cartledge	Carers WA
Paul Rogers	Carers WA

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

Cr S McMullen	Town Ward
---------------	-----------

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

**MOTION**

**Moved: Cr Flanagan**  
**Seconded: Cr de Haas**

**O0224-013**

**That Council accepts the below leave of absence:**

**Cr Starcevich 26 March to 12 April 2024**

**Cr Obourne 15 March to 17 March 2024**

**Cr Johnston 29 February to 2 March 2024**

**CARRIED**  
**F8 - 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**

Nil

**7. PUBLIC QUESTION TIME**

Nil

**8. PUBLIC ADDRESSES / DEPUTATIONS**

Paul Rogers on behalf of Carers WA addressed Council outlining the services that they provide in Esperance. Carers WA supports unpaid family/friend carers in the community, and provide a range of services, supports and assistance to for you as a carer to be able to continue providing care. Careers WA work with the Government, Federal, State and Local, advocating for increased services for support carers in the community.

Cr Obourne asked the following question: *What is Carers WA though on the significant reduction in NDIS funding particularly for children with Autism and shifting that onto the education sector?*

Carissa Gautam, Carers WA Systemic Policy Officer responded: We work with carers Australia and other carers associations around Australia. We jointly put together positions on issues just like you have addressed. We believe they need supports and resources are needed.

**9. PETITIONS**

Nil

**10. CONFIRMATION OF MINUTES**

**Moved:** Cr Johnston  
**Seconded:** Cr Davies

**O0224-014**

**That the Minutes of the Ordinary Council Meeting of the 23 January 2024 be confirmed as a true and correct record.**

**CARRIED  
F8 - A0**

**11. DELEGATES' REPORTS WITHOUT DISCUSSION**

**Cr Starcevich**

25 Jan Attended Citizen of the Year Sundowner  
06 Feb Attended Annual Electors Meeting  
07 Feb Attended Cemetery Working Group Meeting  
21 Feb Interview with 7News Water Deficiency Declarations Salmon Gums & Grass Patch  
27 Feb Participated in Cultural Awareness Training

**Cr Johnston**

25 Jan Attended Citizen of the Year Sundowner  
26 Jan Attended Australia Day Citizenship Ceremony  
26 Jan Attended Rotary Club Australia Day in the Park  
04 Feb Attended Cannery Arts Centre - Strategic Plan Renewal  
06 Feb Attended Annual Electors Meeting  
7-9 Feb Participated in Councillor Training (WALGA)  
14 Feb Attended DBCA - South Coast Marine Park Meeting  
15 Feb Participated in the Golden Outback Tourism Workshop  
22 Feb Attended Business After Hours Event – Aviso WA Insurance Brokers  
27 Feb Participated in Cultural Awareness Training

**Cr Davies**

26 Jan Attended Australia Day Citizenship Ceremony  
06 Feb Attended Annual Electors Meeting  
14 Feb Attended DBCA - South Coast Marine Park Meeting  
27 Feb Participated in Cultural Awareness Training

**Cr Flanagan**

06 Feb Attended Annual Electors Meeting  
14 Feb Attended DBCA – South Coast Marine Park Meeting

**Cr McMullen**

Nil

**Cr De Haas**

- 25 Jan Attended Citizen of the Year Sundowner
- 26 Jan Attended Australia Day Citizenship Ceremony
- 03 Feb Attended Cannery Arts Centre - Strategic Plan Renewal
- 04 Feb Attended Cannery Arts Centre - Strategic Plan Renewal
- 06 Feb Attended Annual Electors Meeting
- 07 Feb Participated in HR & Safety Presentation
- 09 Feb Attended Interagencies Meeting
- 12 Feb Attended Mingle with the Grant Makers
- 14 Feb Attended DBCA - South Coast Marine Park Meeting
- 14 Feb Participated in ECCI Meeting
- 15 Feb Participated in the Golden Outback Tourism Workshop
- 22 Feb Attended Business After Hours Event – Aviso WA Insurance Brokers
- 27 Feb Participated in Cultural Awareness Training

**Cr Graham**

- 25 Jan Attended Citizen of the Year Sundowner
- 26 Jan Attended Australia Day citizenship Ceremony
- 02 Feb Attended GVROC Delegates Meeting in Kalgoorlie
- 06 Feb Attended Annual Electors Meeting
- 14 Feb Attended DBCA – South Coast Marine Park Meeting
- 23 Feb Attended GVROC WALGA State Agenda via Zoom
- 27 Feb Participated in Cultural Awareness Training

**Cr Obourne**

- 25 Jan Attended Citizen of the Year Sundowner
- 26 Jan Attended Australia Day Citizenship Ceremony
- 26 Jan Attended Rotary Club Australia Day in the Park
- 06 Feb Attended Annual Electors Meeting
- 13 Feb Provided support to Co-Located Building - ESHS Fire
- 13 Feb Interview with ABC – ESHS Fire
- 14 Feb Attended Briefing with DBCA – South Coast Marine Park
- 16 Feb Participated in Stakeholder Meeting with Telstra
- 16 Feb Met with Minister Whitby and Directors General Stuart Smith – South Coast Marine Park
- 16 Feb Interview with Kalgoorlie Miner – South Coast Marine Park
- 27 Feb Participated in Cultural Awareness Training

**Pres Chambers**

- 25 Jan Attended Citizen of the Year Sundowner
- 26 Jan Attended Australia Day Citizenship Ceremony
- 01 Feb Participated in DAP Training



- 01 Feb Met with Proponents of Proposed Aquaculture Hub
- 02 Feb Attended GVROC Delegates Meeting in Kalgoorlie
- 06 Feb Attended Annual Electors Meeting
- 09 Feb Attended Welcome for the new Esperance Tourism Co Ordinator
- 12 Feb Met with DBCA and DFES regarding communications and control responsibilities with fires
- 14 Feb Attended Port Consultative Committee Meeting
- 16 Feb Spoke on a Panel for West Tech Assemblage about Digital Citizenship and Connectivity
- 21 Feb Attended RCAWA Meeting at Parliament House. Met with Minister Beasley, Minister Dawson and Opposition Leader Libby Metam
- 22 Feb Met DPIRD about Shark Fishing
- 22 Feb Attended EECI Business After Hours
- 23 Feb Attended GVROC Meeting via Teams
- 23 Feb Met with Colin De Grussa regarding PSCMP
- 26 Feb Attended Goldfields Esperance Eater Security committee Meeting
- 27 Feb Participated in Cultural Awareness Training

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

**12.1 EXTERNAL SERVICES**

Nil

## **12.2 ASSET MANAGEMENT**

### **Item: 12.2.1**

#### **Carbon Emission Targets**

<b>Author/s</b>	Mathew Walker	Director Asset Management
<b>Authorisor/s</b>	Roy Greive	Acting Chief Executive Officer

**File Ref: D24/3659**

#### **Applicant**

Internal

#### **Location/Address**

N/A

#### **Executive Summary**

For Council to consider setting corporate carbon emission targets.

#### **Recommendation in Brief**

That Council:

1. Continues to track our annual corporate carbon emissions, to better refine our baseline;
2. Continues to work as a member of the GVROC Climate Alliance on climate change and emission reduction initiatives at a regional scale;
3. Focuses on energy efficiency to reduce our corporate emissions in the short term; and
4. Sets aspirational corporate carbon emission targets in line with COP28.

#### **Background**

As part of Shire of Esperance's Council Plan - Outcome 5. Shared responsibility for climate action and sustainability and the Shires commitments under the Climate Change Declaration and Cities Power Partnership, the Shire has undertaken a baseline of our corporate annual carbon emissions. This was presented to Council at the May 2023 Ordinary Council Meeting, where Council resolved the following motion:

That Council:

1. Receive the Net Zero Emissions Baseline Study – Executive Summary;
2. Receive the 2022 Renewable Energy Projects Audit – Executive Summary;
3. Note the estimated Shire of Esperance annual corporate carbon emissions is 4,335 tCO<sub>2e</sub>, excluding emissions from waste; and
4. Request the CEO to:
  - a. Continue to monitor the Shire of Esperance's annual corporate carbon emissions; and
  - b. Bring a report back to Council on corporate carbon emissions reduction targets.
  - c. To bring the report back to Council at the November Ordinary Council Meeting 2023 in order for the new Councillors to consider this decision.

Now that we have corporate carbon emissions baseline, we have a starting point to begin the process to investigate and set reduction targets.

### **Officer's Comment**

Going through the process of practically setting corporate carbon emissions reduction targets it is evident that:

1. A better understanding of our baseline corporate carbon emissions is required to fully understand where our emissions are coming from, including from contractors and sources not easily identified. Capturing carbon emissions over consecutive years may be required to accurately document our emissions to investigate and identify reduction options.
2. There are factors outside the Shires control in its endeavour to reduce our carbon emissions, namely:
  - a. Electricity consumption which accounts for 46.3% of our emissions, is largely dictated to us by Horizon Power and their proportion of renewable power supplied; and
  - b. Our requirement for Transport Fuels which accounts for 49.9% of our emissions, mostly from plant and fleet. There is no economical viable alternative in Esperance currently for our reliance on diesel for our heavy plant.
3. A focus on energy efficiency across our organisation would deliver the best investment in the short term. By reducing our energy consumption, we would be:
  - a. Reducing our carbon emissions;
  - b. Reducing the requirement to produce that energy in the first place; and
  - c. Saving operational costs, i.e. power and fuel costs.
4. The work we are doing with the GVROC Climate Alliance will enable the Shire to be a partner to regional scale emission reduction initiatives and climate change adaptation projects.
5. We should not lose focus of the bigger picture and end goal, which should be aligned to the international goals of COP28 that are:
  - a. 43% reduction by 2030 (compared to 2019 levels); and
  - b. Net zero by 2050

There is a long road ahead of the Shire to transition our corporate carbon emissions to net zero by 2050. This said, there are great opportunities that can make this process a reality. It is recommended Council set realistic and achievable, targets and actions, along with aspirational goals. Setting these will also help provide guidance to the Sustainability Working Group.

### **Consultation**

Council workshop on the 19 December 2023  
GVROC Climate Alliance Coordinator.

### **Financial Implications**

The financial implications arising from this report will be included in future budgets.

### **Asset Management Implications**

Nil

### **Statutory Implications**

Nil

### **Policy Implications**

Shire's Climate Change Declaration

**Strategic Implications**

Council Plan 2022 – 2032

*Planet - Outcome 5. Shared responsibility for climate action and sustainability*

Objective 5.1. Encourage the adoption of sustainable practices.

**Environmental Considerations**

The environmental considerations are detailed in the report, with the objective to reduce the Shire of Esperance corporate carbon emissions.

**Attachments**

Nil

**RECOMMENDATION AND DECISION**

**12.2.1 Carbon Emission Targets**

Officer's Recommendation

That Council:

1. Continues to track our annual corporate carbon emissions, to better refine our baseline;
2. Continues to work as a member of the GVROC Climate Alliance on climate change and emission reduction initiatives at a regional scale;
3. Focuses on energy efficiency to reduce our corporate emissions in the short term; and
4. Sets aspirational corporate carbon emission targets in line with COP28 of:
  - a. 43% reduction by 2030 (compared to 2019 levels); and
  - b. Net zero by 2050

**MOTION**

Moved: Cr Davies

Seconded: Cr de Haas

That Council:

1. Continues to track our annual corporate carbon emissions, to better refine our baseline and publishes results in Annual Report
2. Continues to work as a member of the GVROC Climate Alliance on climate change and emission reduction initiatives at a regional scale;
3. Focuses on energy efficiency to reduce our corporate emissions in the short term; and
4. Sets fixed corporate carbon emission targets in line with COP28 of:
  - a. 43% reduction by 2030 (compared to 2019 levels)
  - b. 60% reduction by 2035 (compared to 2019 levels) and;
  - c. Net zero by 2050
5. Accelerate the reduction of emissions from road transport through the development of infrastructure and rapid deployment of zero emission vehicles
6. Set an aspirational corporate carbon emission target of
  - a. 74% reduction 2030 compared to 2005 levels
  - b. Net zero by 2040

LOST  
F2 – A6

*(Against Cr Starcevich, Cr Johnston, Pres. Chambers, Cr Obourne, Cr Flanagan, Cr Graham)*

**AMENDMENT**

Moved: Cr Davies

Seconded: Cr de Haas

That Council:

1. Continues to track our annual corporate carbon emissions, to better refine our baseline and publishes results in Annual Report
2. Continues to work as a member of the GVROC Climate Alliance on climate change and emission reduction initiatives at a regional scale;
3. Focuses on energy efficiency to reduce our corporate emissions in the short term; and
4. Sets fixed corporate carbon emission targets in line with COP28 of:
  - a. 43% reduction by 2030 (compared to 2019 levels)
  - b. 60% reduction by 2035 (compared to 2019 levels) and;
  - c. Net zero by 2050
5. Set an aspirational corporate carbon emission target of
  - a. 74% reduction 2030 compared to 2005 levels
  - b. Net zero by 2040

LOST  
F2 – A6

*(Against Cr Starcevich, Cr Johnston, Pres. Chambers, Cr Obourne, Cr Flanagan, Cr Graham)*

**SUSPENSION OF STANDING ORDERS**

Moved: Cr Obourne

Seconded: Cr Flanagan

**That Standing Orders be suspended to allow for discussion of item 12.2.1 Carbon Emission Targets**

**CARRIED  
F8 – A0**

**RESUMPTION OF STANDING ORDERS**

Moved: Cr Obourne

Seconded: Cr Graham

**That Standing Orders be resumed.**

**CARRIED  
F8 – A0**

**Moved:** Cr Graham  
**Seconded:** Cr Starcevich

**O0224-015**

**Council Decision**

**That Council:**

1. Continues to track our annual corporate carbon emissions, to better refine our baseline;
2. Continues to work as a member of the GVROC Climate Alliance on climate change and emission reduction initiatives at a regional scale;
3. Focuses on energy efficiency to reduce our corporate emissions in the short term; and
4. Sets aspirational corporate carbon emission targets in line with COP28 of:
  - a. 43% reduction by 2030 (compared to 2019 levels); and
  - b. Net zero by 2050

**CARRIED**  
**F8 - A0**



## **12.3 CORPORATE & COMMUNITY SERVICES**

### **Item: 12.3.1**

#### **Adoption of Cat Local Law 2024**

<b>Author/s</b>	Sarah Walsh Zoe Sheffield-van Mierlo	Coordinator Governance & Corporate Support Manager Ranger & Emergency Services
<b>Authorisor/s</b>	Roy Greive	Director of External Services

**File Ref: D23/30132**

#### **Applicant**

Internal

#### **Location/Address**

N/A

#### **Executive Summary**

For Council to consider adopting the Cat Local Law 2024.

#### **Recommendation in Brief**

That Council adopt the Cat Local Law 2024.

#### **Background**

The Cat Local Law 2022 was adopted by Council in January 2023.

Following correspondence received from the Joint Standing Committee on Delegated Legislation, in June 2023 Council resolved to undertake changes to the local law as below;

That Council;

1. Undertake to the Joint Standing Committee on Delegated Legislation that;
  - a) Within 6 months:
    - delete clauses 2.1, 3.7(1)(b) and paragraph (a) and the words 'or is likely to be' in paragraph (e) of the definition of nuisance in clause 1.4
    - correct the typographical errors in Schedules 1 and 2
    - change the title of the local law to 2023
  - a) All consequential amendments arising from undertaking 1 will be made
  - b) Clauses 2.1, 2.2 and 3.7(1)(b) will not be enforced in a manner contrary to undertaking 1
  - c) Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking
2. Request the CEO to;
  - a) Give Local Public Notice of the proposed Shire of Esperance Cat Amendment Local Law 2023 in accordance with s.3.12(3) of the *Local Government Act 1995*;
  - b) Forward a copy of the proposed local law and public notices to the Minister for Local Government; and
  - c) Prepare a further report at the conclusion of the public submission period to enable Council to consider submissions.

### **Officer's Comment**

The above changes to the local law have been made, with the statutory advertising now having closed and no public submissions being received.

The proposed local law was provided to the Minister for Local Government, and the Department has provided comments as follows;

1. Update head of power clause to reflect accurate date Council resolved to make the local law;
2. Amend definition of 'nuisance' to delete references to indigenous or non-privately owned animals;
3. Include repeal clause; and
4. Replace all instances of 'shall' with 'must'.

### **Consultation**

Joint Standing Committee on Delegated Legislation  
Department of Local Government, Sport and Cultural Industries  
Manager Waste & Environmental Health  
Director External Services

### **Financial Implications**

There are nominal costs associated with making the local law, including advertising and gazettal.

### **Asset Management Implications**

Nil

### **Statutory Implications**

Section 3.12 of the *Local Government Act 1995* determines the process which all local governments must take when creating new local laws.

### **Policy Implications**

Nil

### **Strategic Implications**

Council Plan 2022 – 2032

*Performance - Outcome 15. Operational excellence and financial sustainability*

Objective 15.1. Provide responsible, agile and innovative planning and resource management.

### **Environmental Considerations**

Nil

### **Attachments**

- A. [Cat Local Law 2024](#)
- B. [DLGSC Feedback - Cat Local Law](#)

## **RECOMMENDATION AND DECISION**

### **12.3.1 Adoption of Cat Local Law 2024**

Officers Recommendation

That Council:

Makes the Cat Local Law 2024, as per Attachment A, in accordance with section 3.12(4) of the *Local Government Act 1995*, subject to the Chief Executive Officer;

- a. Publishing the Cat Local Law 2024 in the Government Gazette in accordance with section 3.12(5) of the *Local Government Act 1995*;
- b. Following gazettal, providing local public notice of the Cat Local Law 2024 in accordance with section 3.12(6) of the *Local Government Act 1995*; and
- c. Following local public notice, providing an Explanatory Memorandum, signed by the Shire President and Chief Executive Officer, and a copy of the Cat Local Law 2024 to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation in accordance with section 3.12(7) of the *Local Government Act 1995*.

Reason: Council want to advocate to the State Government for changes to the Cat Act 2011 to allow local laws be made to contain cats to owners properties.

## **MOTION**

**Moved: Cr de Haas**

**Seconded: Cr Starcevich**

**O0224-016**

**Council Decision**

That Council:

1. **Makes the Cat Local Law 2024, as per Attachment A, in accordance with section 3.12(4) of the *Local Government Act 1995*, subject to the Chief Executive Officer;**
  - a. **Publishing the Cat Local Law 2024 in the Government Gazette in accordance with section 3.12(5) of the *Local Government Act 1995*;**
  - b. **Following gazettal, providing local public notice of the Cat Local Law 2024 in accordance with section 3.12(6) of the *Local Government Act 1995*; and**
  - c. **Following local public notice, providing an Explanatory Memorandum, signed by the Shire President and Chief Executive Officer, and a copy of the Cat Local Law 2024 to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation in accordance with section 3.12(7) of the *Local Government Act 1995*.**
2. **Direct the CEO to write to the Minister for Local Government requesting changes be made to the Cat Act 2011 to allow local laws be made to contain cats to the owner's property.**
3. **Direct the CEO to place a motion onto the WALGA Annual General Meeting requesting the State Government make changes to the Cat Act 2011 to allow Local Governments to make local laws to contain cats to the owner's property.**

**CARRIED  
F8 - A0**



*Shire of Esperance*

*CAT LOCAL LAW 20242*

*Cat Act 2011*





































**Item: 12.3.2**

**Adoption of Dog Local Law 2024**

<b>Author/s</b>	Sarah Walsh Zoe Sheffield-van Mierlo	Coordinator Governance & Corporate Support Manager Ranger & Emergency Services
<b>Authorisor/s</b>	Roy Greive	Director of External Services

**File Ref: D23/30142**

**Applicant**  
Internal

**Location/Address**  
N/A

**Executive Summary**

For Council to consider adopting the Dog Local Law 2024.

**Recommendation in Brief**

That Council adopt the amended Dog Local Law 2024.

**Background**

The Dog Local Law 2022 was adopted by Council in January 2023.

Following correspondence received from the Joint Standing Committee on Delegated Legislation, in June 2023 Council resolved to undertake changes to the local law as below;

That Council;

1. Undertake to the Joint Standing Committee on Delegated Legislation that;
  - a) Within 6 months, either, to ensure compliance with section 45A(3) of the *Dog Act 1976*:
    - increase the unmodified penalty in clause 6.8 so that the existing modified penalties in Schedule 3, other than the penalties for clause 4.9, are 10% or less of the unmodified penalty
    - correct the typographical errors in clause 6.2 to refer to the 3rd and 4th columns of Schedule 3
    - change the title of the local law to 2023.
  - a) All consequential amendments arising from undertaking 1 will be made
  - b) All relevant penalties will not be enforced in a manner contrary to undertaking 1
  - c) Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking
2. Request the CEO to;
  - a) Give Local Public Notice of the proposed Shire of Esperance Dog Amendment Local Law 2023 in accordance with s.3.12(3) of the *Local Government Act 1995*;
  - b) Forward a copy of the proposed local law and public notices to the Minister for Local Government; and
  - c) Prepare a further report at the conclusion of the public submission period to enable Council to consider submissions.

### **Officer's Comment**

The above changes to the local law have been made, with the statutory advertising now having closed with no public submissions being received.

The proposed local law was provided to the Minister for Local Government, and the Department has provided comments as follows;

1. Update head of power clause to reflect accurate date Council resolved to make the local law;
2. Update repeal clause to reflect current Dog Local Law;
3. Consider amending penalty limits in clause 6.8;
4. Replace all instances of 'shall' with 'must'.
5. Include definition of 'poundkeeper';
6. Consider deleting clause 2.2;
7. Amend definition of 'adjoining land' in clause 4.1.

### **Consultation**

Joint Standing Committee on Delegated Legislation  
Department of Local Government, Sport and Cultural Industries  
Manager Waste & Environmental Health  
Director External Services

### **Financial Implications**

There are nominal costs associated with making the local law, including advertising and gazettal.

### **Asset Management Implications**

Nil

### **Statutory Implications**

Section 3.12 of the *Local Government Act 1995* determines the process which all local governments must take when creating new local laws.

### **Policy Implications**

Nil

### **Strategic Implications**

Council Plan 2022 – 2032

*Performance - Outcome 15. Operational excellence and financial sustainability*

Objective 15.1. Provide responsible, agile and innovative planning and resource management.

### **Environmental Considerations**

Nil

### **Attachments**

- A. Dog Local Law 2024
- B. DLGSC Feedback - Dog Local Law

**RECOMMENDATION AND DECISION**

**12.3.2 Adoption of Dog Local Law 2024**

**Moved: Cr De Haas**

**Seconded: Cr Flanagan**

**O0224-017**

**Council Resolution**

**That Council:**

**Makes the Dog Local Law 2024, as per Attachment A, in accordance with section 3.12(4) of the *Local Government Act 1995*, subject to the Chief Executive Officer;**

- a. Publishing the Dog Local Law 2024 in the Government Gazette in accordance with section 3.12(5) of the *Local Government Act 1995*;**
- b. Following gazettal, providing local public notice of the Dog Local Law 2024 in accordance with section 3.12(6) of the *Local Government Act 1995*; and**
- c. Following local public notice, providing an Explanatory Memorandum, signed by the Shire President and Chief Executive Officer, and a copy of the Dog Local Law 2024 to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation in accordance with section 3.12(7) of the *Local Government Act 1995*.**

**CARRIED  
F8 - A0**





















































**Item: 12.3.3**

**Policy Review - External Services**

<b>Author/s</b>	Sarah Walsh	Coordinator Governance & Corporate Support
<b>Authorisator/s</b>	Felicity Baxter	Director Corporate & Community Services

**File Ref: D24/605**

**Applicant**

Internal

**Location/Address**

N/A

**Executive Summary**

For Council to review the section of the Policy Manual that relates to External Services.

**Recommendation in Brief**

That Council endorse the External Services policies inclusive of amendments, inclusions, rescissions and deletions as reviewed.

**Background**

A review of Council Policies is recommended to take place every two years, in line with Council elections to ensure that the Policies are in keeping with community expectations, relevance and current requirements.

**Officer's Comment**

This year, the policy template has been modified to conform to a change in Shire branding and to meet requirements outlined within the recent regulation 17 review of Shire's systems and procedures.

The following is a summary of recommended changes to the External Services policies. Please refer to Attachment A for policy details.

<b>Policy Name</b>	<b>New Ref No.</b>	<b>Recommended Amendment</b>
Refuse and Recycling Collection Services	POL 0052	Change title, rewrite of policy for consistency with proposed local law.
Applications Lodged by Senior Employees or Elected Members	POL 0053	Remove old policy reference number, amend responsible position title.
Refusal of Planning Applications	POL 0054	Amend responsible position title.
Non-Refundable Development Services Application Fees	POL 0055	Amend responsible position title.
Retaining Walls		Rescind as the matter is dealt with in the National Construction Code.
Geotechnical Testing Requirements for Structures		Rescind as the matter is dealt with in the National Construction Code.
Method for Determining Climate Zone for Properties Located Outside Esperance Townsite		Rescind as the matter is dealt with in the National Construction Code.
Wind Load Rating		Rescind as the matter is dealt with in the National Construction Code.
Outdoor Eating Facilities in Public Places	POL 0056	Amend references to Manager Development & Statutory Services to Manager Waste & Environmental

		Health. Remove specific standards and include general reference. Remove requirement for two sets of plans, proof of public liability insurance and indemnity from 'Application and Administration Procedure'. Amend 'renewal of permit' section to simplify insurance requirements.
Outdoor Personal Training in Public Places		Rescind – to become management practice
Dividing Fences	POL 0057	Amend responsible position title.
Borrowing of Museum Exhibits		Rescind – information included in Museum Collection policy.
Arts Collection	POL 0058	Update wording to remove aspirational information to better reflect current practices.
Museum Village Markets	POL 0059	Increase public liability insurance required.
Fire Management – Roadside Burning	POL 0060	Update responsible position. Replace 'Council' with 'the Shire' in point 5.
Museum Collection	POL 0061	Update purpose, include scope, rewrite Practice sections to reflect current practice.
Street Entertainers and Busking		Rescind – to become management practice
Advertising Signage in a Thoroughfare or Public Place	POL 0062	Update strategic context section. Increase public liability required to \$10 million. Amend responsible position title.
Trading in Public Places and Local Government Property	POL 0063	Amend title. Include local government property definition, amend public place definition. Include provision for water/power use costs. Minor wording changes. Include more specific map areas for the foreshore and remove areas vested to other agencies.
Shark Hazard Response	POL 0064	Simplify scope. Include definitions of DPIRD, DBCA and beach categories. Include 'shark interactions at Shire managed/controlled beaches', 'prioritisation of response activities' and 'record management' sections. Amend responsible officer position.
Seasonal Indoor Sports Stadium Fees		Rescind – information included in annual Schedule of Fees and Charges.
Accommodation in a Caravan		Rescind due to inconsistencies with Caravan Park and Camping Legislation.
Body Worn Camera	POL 0067	Include definition and scope.
Sporting Association Ground Fees	POL 0068	Update responsible officer.



The Bushfire Management policy has not been included as part of this review, as a recent review of this policy was endorsed by Council in November 2023.

The Local Planning Scheme No. 24 Advertising Requirements and the Compliance and Enforcement policies will be reviewed and put forward at a subsequent council meeting.

**Consultation**

External Services

**Financial Implications**

Nil

**Asset Management Implications**

Nil

**Statutory Implications**

*Local Government Act 1995 s.2.7(2)(b) 'Determine the Local Government's policies'*

**Policy Implications**

Nil

**Strategic Implications**

Council Plan 2022 – 2032

*Performance - Outcome 15. Operational excellence and financial sustainability*

Objective 15.1. Provide responsible, agile and innovative planning and resource management.

**Environmental Considerations**

Nil

**Attachments**

[A⇒](#). External Services Policy Review - *Under Separate Cover*

**RECOMMENDATION AND DECISION**

**I12.3.3 Policy Review - External Services**

**Moved: Cr Obourne**

**Seconded: Cr Davies**

**O0224-018**

**Council Resolution**

**That Council endorse the External Services policies inclusive of amendments, inclusions, rescissions and deletions as reviewed.**

**CARRIED  
F8 - A0**

**Item: 12.3.4**

**Adoption of Cemeteries Local Law 2024**

<b>Author/s</b>	Sarah Walsh Neroli Logan	Coordinator Governance & Corporate Support Manager Waste & Environmental Health
<b>Authorisor/s</b>	Roy Greive	Director of External Services

**File Ref: D24/1074**

**Applicant**

Internal

**Location/Address**

N/A

**Executive Summary**

For Council to consider adopting the Cemeteries Local Law 2024.

**Recommendation in Brief**

That Council adopt the Cemeteries Local Law 2024.

**Background**

The Cemeteries Local Law 2023 was adopted by Council in June 2023.

Following correspondence received from the Joint Standing Committee on Delegated Legislation, in October 2023 Council resolved to undertake changes to the local law as below;

That Council;

1. Undertake to the Joint Standing Committee on Delegated Legislation that;
  - a) Within 6 months;
    - Amend clause 8.11;
    - Correct the following typographical errors;
      - o In clause 2.4(1), insert the words 'the Board must renew the grant for a further term of twenty five (25) years commencing on the expiry date of the grant' on a new line below subclause (b);
      - o In clause 5.7(1), insert 'to' after 'the' and before 'Board';
      - o In clause 6.1(2), insert 'permission' at the end of the sentence;
      - o In clause 7.20(1)(b), remove 'or' at the end and insert a full stop;
      - o Re-format clause 8.6 so that it contains 2 subclauses;
      - o Re-draft clause 8.10 given there are no references to fireworks despite the heading stating 'Fireworks or firearms'; and
      - o In clause 8.11, remove the word 'and' after 'video' and before 'any'.
    - Clause 8.11 will not be enforced in a manner contrary to undertaking 1.
    - Ensure any consequential amendments arising from undertaking 1 will be made.
    - Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertakings.

2. Request the CEO to;
  - a) Give Local Public Notice of the proposed Shire of Esperance Cemeteries Amendment Local Law 2023 in accordance with s.3.12(3) of the Local Government Act 1995;
  - b) Forward a copy of the proposed local law and public notices to the Minister for Local Government; and
  - c) Prepare a further report at the conclusion of the public submission period to enable Council to consider submissions.

### **Officer's Comment**

The above changes to the local law have been made, with the statutory advertising now having closed and no public submissions being received.

The proposed local law was provided to the Minister for Local Government, and the Department has provided comments as follows;

1. Update head of power to reflect accurate date Council resolved to make the local law;
2. Amend repeal clause;
3. Suggestion to remove page numbers from the contents page when the local law is gazetted.

### **Consultation**

Joint Standing Committee on Delegated Legislation  
Department of Local Government, Sport and Cultural Industries  
Cemetery Working Group  
Manager Waste & Environmental Health  
Director External Services

### **Financial Implications**

There are costs associated with making the local law, including advertising and gazettal.

### **Asset Management Implications**

Nil

### **Statutory Implications**

Section 3.12 of the *Local Government Act 1995* determines the process which all local governments must take when creating new local laws.

### **Policy Implications**

Nil

### **Strategic Implications**

Council Plan 2022 – 2032

*Place - Outcome 9. Attractive and welcoming places*

Objective 9.3. Provide quality community facilities, parks and spaces.

### **Environmental Considerations**

Nil

### **Attachments**

- A⇒. Cemeteries Local Law 2024 - *Under Separate Cover*
- B↓. DLGSC Feedback Cemeteries Local Law

**RECOMMENDATION AND DECISION**

**12.3.4 Adoption of Cemeteries Local Law 2024**

**Moved: Cr Davies**

**Seconded: Cr Starcevich**

**O0224-019**

**Council Resolution**

**That Council**

**Makes the Cemeteries Local Law 2024, as per Attachment A, in accordance with section 3.12(4) of the *Local Government Act 1995*, subject to the Chief Executive Officer;**

- a. Publishing the Cemeteries Local Law 2024 in the Government Gazette in accordance with section 3.12(5) of the *Local Government Act 1995*;**
- b. Following gazettal, providing local public notice of the Cemeteries Local Law 2024 in accordance with section 3.12(6) of the *Local Government Act 1995*; and**
- c. Following local public notice, providing an Explanatory Memorandum, signed by the Shire President and Chief Executive Officer, and a copy of the Cemeteries Local Law 2024 to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation in accordance with section 3.12(7) of the *Local Government Act 1995*.**

**CARRIED  
F8 - A0**





**Item: 12.3.5**

**Lease Renewal - Old Chemist Shop - Museum Village**

<b>Author/s</b>	Cherrie Vincent	Governance and Corporate Support Officer
<b>Authorisor/s</b>	Sarah Walsh	Coordinator Governance & Corporate Support

**File Ref: D24/2730**

**Applicant**  
Sara Hall

**Location/Address**  
48 Dempster Street, Esperance



**Executive Summary**

For Council to consider entering into a new lease with Sara Hall for the Old Chemist Shop, Museum Village, portion of 48 Dempster Street, Esperance.

**Recommendation in Brief**

That Council enter into a new lease with Sara Hall for the Old Chemist Shop, Museum Village, portion of 48 Dempster Street, Esperance.

**Background**

Ms Hall has been leasing the premises since May 2019 and the lease is due to expire in May 2024.

A request has been received to enter into a new lease for a 5 year term.

**Officer's Comment**

Discussion with officers has determined that there are no concerns with the proposal being approved.

Ms Hall noted in her request that she believed the previous arrangement was a 3 year lease with a 2 year further term option, however the arrangement was a set 5 year lease. Verbal discussion with Ms Hall has confirmed that she is happy to proceed with another 5 year term lease.



### **Consultation**

Sara Hall  
Manager Development Services  
Coordinator Building Services  
Coordinator Environmental Health

### **Financial Implications**

As per s.3.58(4)(c)(i) of the *Local Government Act 1995*, to determine the market value of the disposition we require a rental valuation to be carried out, not more than 6 months prior to the proposed disposition.

Council's Building and Property Agreements Policy stipulates that lease fees for the Museum Village are to be the average CBD rate, as determined by local real estate, less 20%. Recent discussion with local real estate agents has determined the current average CBD rent less 20% to be \$166/m<sup>2</sup> ex GST. As the property is 46.3m<sup>2</sup> in size, the annual rent for the property based on this valuation would be \$8,454.38 Inc GST.

Annual Rent \$8,454.38 Inc GST

### **Asset Management Implications**

As per building maintenance schedule.

### **Statutory Implications**

*Local Government Act 1995* - Section 3.58 Disposing of Property  
*Commercial Tenancy (Retail Shops) Agreement Act 1985*

### **Policy Implications**

Building and Property Agreements

### **Strategic Implications**

Council Plan 2022 – 2032

*Prosperity - Outcome 12. A prosperous and diverse economy*

Objective 12.1. Attract and retain diverse industries and enterprises to grow the economy and local jobs.

### **Environmental Considerations**

Nil

### **Attachments**

A<sup>1</sup>. Lease request - Sara Hall

**RECOMMENDATION AND DECISION**

**I12.3.5 Lease Renewal - Old Chemist Shop - Museum Village**

**Moved: Cr de Haas**

**Seconded: Cr Johnston**

**O0224-020**

**Council Resolution**

**That Council enter into a lease for the Old Chemist Shop, Museum Village, portion of Lot 100, 48 Dempster Street Esperance to Sara Hall, subject to;**

- 1. The term of Lease being 5 years;**
- 2. Annual rent being \$8,454.38 inc GST, subject to annual rent reviews based on CPI;**
- 3. All lease terms and conditions being as per Council's standard Commercial Lease (Retail Shop) template; and**
- 4. The disposition being advertised in accordance with s3.58 of the *Local Government Act 1995*.**

**CARRIED  
F8 - A0**



**Item: 12.3.6**

**Financial Services Report - February 2024**

<b>Author/s</b>	Roselyn Hamilton	Manager Financial Services
<b>Authorisor/s</b>	Felicity Baxter	Director Corporate & Community Services

**File Ref: D24/3811**

**Attachments**

[A1](#). Monthly Financial Services Report - January 2024

**RECOMMENDATION AND DECISION**

**12.3.6 Financial Services Report - February 2024**

**Moved: Cr Flanagan**

**Seconded: Cr de Haas**

**O0224-021**

**That Council receive the attached report entitled Monthly Financial Services Report for the month of January 2024.**

**CARRIED  
F8 - A0**











































































































**Item: 12.3.7**

**Lease Surrender Request - Old Matron's Quarters Museum Village**

<b>Author/s</b>	Sarah Walsh	Coordinator Governance & Corporate Support
<b>Authorisator/s</b>	Felicity Baxter	Director Corporate & Community Services

**File Ref: D24/4152**

**Applicant**

Stevie Lawrence

**Location/Address**

Portion Lot 100 Dempster Street, Esperance



**Executive Summary**

For Council to consider surrendering the lease with Stevie Lawrence for the Old Matron's Quarters in the Museum Village.

**Recommendation in Brief**

That Council surrenders the lease with Stevie Lawrence for the Old Matron's Quarters in the Museum Village.

**Background**

Ms Lawrence has been leasing the Old Matron's Quarters in the Museum Village since July 2022, when she moved across from the Old Court House building.

During the time she has been leasing within the Village, her business has expanded and she has now requested to surrender her lease in order to further expand into a larger premise in the centre of town.

**Officer's Comment**

During the time that Ms Lawrence has been leasing the Old Matron's Quarters, invoices have been paid consistently and there have been no breaches or other issues raised.

The previous tenant installed a dividing wall in the rear room, which Ms Lawrence requested to remain at the premises. This will need to be removed unless the next tenant wishes for this to remain at the premises.

Ms Lawrence has indicated that she is planning to move from the Village during March.

The premises will be advertised for expressions of interest once the surrender request is approved by Council.

### **Consultation**

Stevie Lawrence

### **Financial Implications**

Any outstanding invoices are to be paid by the Lessee

\$240 lease surrender fee

Current lease renewal valuation is approx. \$17,440

### **Asset Management Implications**

Nil

### **Statutory Implications**

*Local Government Act 1995*

### **Policy Implications**

Building and Property Agreements Policy

### **Strategic Implications**

Council Plan 2022 – 2032

*Prosperity - Outcome 12. A prosperous and diverse economy*

Objective 12.1. Attract and retain diverse industries and enterprises to grow the economy and local jobs.

### **Environmental Considerations**

Nil

### **Attachments**

[A.1](#). Stevie Lawrence Lease Surrender Request

**RECOMMENDATION AND DECISION**

**Item: 12.3.7 Lease Surrender Request - Old Matron's Quarters Museum Village**

**Moved: Cr Obourne**

**Seconded: Cr Starcevich**

**O0224-022**

**Council Decision**

**That Council surrender the lease with Stevie Lawrence for the Old Matron's Quarters in the Museum Village, portion Lot 100 Dempster Street, subject to;**

- 1. Lease surrender fee of \$240 being payable; and**
- 2. Any outstanding invoices being paid prior to the surrender being finalised.**

**CARRIED  
F8 - A0**





**Item: 12.3.8**

**Rates Exemption Applications**

<b>Author/s</b>	Tania Hourn	Coordinator Revenue
<b>Authorisor/s</b>	Felicity Baxter	Director Corporate & Community Services

**File Ref: D24/2333**

**Applicant**

Lutheran Church of Australia Western Australia District Incorporated.

**Location/Address**

10 Backland Street, Sinclair  
Lot 73 Pln 9425

**Executive Summary**

For Council to consider granting a rates exemption to a property under Section 6.26(2)(d) land used exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery or occupied exclusively by a religious brotherhood or sisterhood of the *Local Government Act 1995*.

**Recommendation in Brief**

That Council grant a rates exemption under Section 6.26(2)(d) of the *Local Government Act 1995* to the Esperance Lutheran Church for 10 Backland Street, Sinclair (Assessment 31195) from 1<sup>st</sup> July 2023.

**Background**

An application for rates exemption under Section 6.26(2)(d), a place of residence of a minister of religion was received from Marie Schutz, treasurer of the Lutheran Church, dated 19<sup>th</sup> January 2024. The property at 10 Backland Street, Sinclair is currently being used as a place of residence for Pastor Glenn Crouch and his family. The Pastor commenced residency at the property in February 2023. The Lutheran Church receives no income for the provision of full-time accommodation.

Pastor Glenn provides weekly church services at the Lutheran Church located adjacent to the property at 10 Backland Street. The property is also used for counselling provided by Pastor Glenn.

It is noted that this property has been granted an exemption previously under the same requirements provided by the *Local Government Act 1995*. From 1<sup>st</sup> of July 2019 circumstances changed and the property became privately rented and was deemed rateable land.

**Officer's Comment**

Section 6.26(2)(d) of the act provides that "land used exclusively for a place of residence for a minister of religion" is deemed not rateable by local government and the Lutheran Church of WA have supported their application with the following: -

1. Completed application for rates exemption;
2. Copy of Certificate of Incorporation (Attachment A)
3. Copy of Certificate Australian Charities & not-for-profits Commission (Attachment B)
4. St John's Lutheran Church Esperance Constitution

It is recommended that the Lutheran church of WA be granted rates exemption under Section 6.26(2)(d) from 1<sup>st</sup> July 2023 and any rates already paid be refunded.

It should be noted that any rates exemption only applies to the rates and waste portion of their rates notice. Charges such as rubbish services and ESL are still due and payable.

**Consultation**

Lutheran Church of Esperance WA (Marie Schutz)  
Local Government Act 1995

**Financial Implications**

2023/24 Rates GRV	\$1,850.72
2023/24 Rates Waste Rate	\$ 80.00

**Asset Management Implications**

Nil

**Statutory Implications**

The statutory implications associated with this item are Section 6.26(2)(d) a place of residence of minister of religion, the *Local Government Act 1995*.

**Policy Implications**

Nil

**Strategic Implications**

Council Plan 2022 – 2032  
*Leadership*

A financially sustainable and supportive organisation achieving operational excellence

**Environmental Considerations**

Nil

**Attachments**

- A. Certificate of Incorporation
- B. Australian Charities and Not-for-profits Commission

**RECOMMENDATION AND DECISION**

**Item: 12.3.8 Rates Exemption Applications**

**Moved: Cr Graham**

**Seconded: Cr Obourne**

**O0224-023**

**Council Decision**

**That Council grant a rates exemption under Section 6.26(2)(d) of the *Local Government Act 1995* to the Esperance Lutheran Church for 10 Backland Street, Sinclair (Assessment 31195) from 1<sup>st</sup> July 2023.**

**CARRIED  
F8 - A0**





## 12.4 EXECUTIVE SERVICES

### Item: 12.4.1

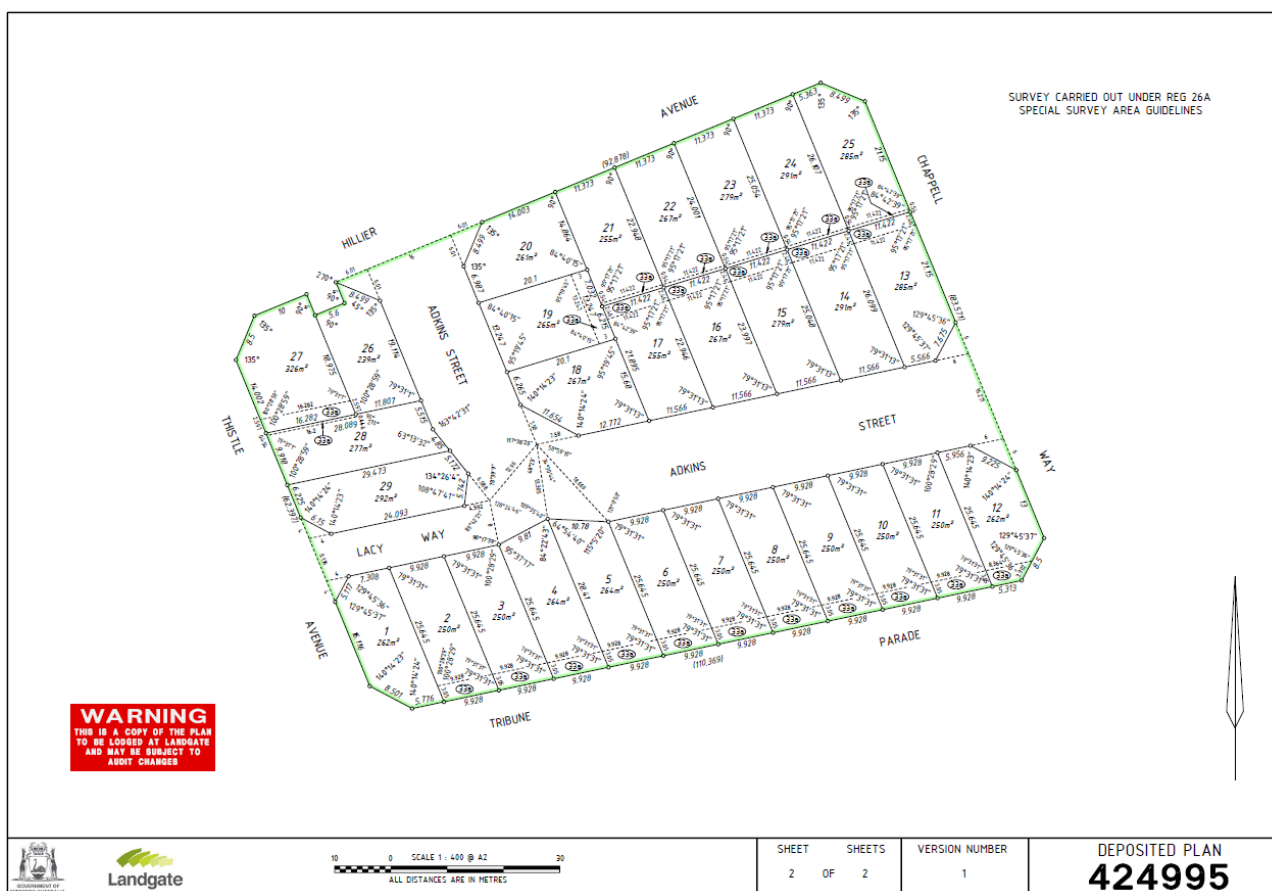
#### Sale of Residential Land

Author/s Trevor Ayers Manager Economic Development  
Authorisor/s Roy Greive Acting Chief Executive Officer

File Ref: D24/2737

Applicant  
Internal Report

#### Location/Address



#### Executive Summary

Approval is sought to proceed to tender for a number of vacant lots of land, with any lots that don't receive an offer through the tender process to continue to be sold via Chief Executive Officer (CEO) delegation for a further six-month period.

#### Recommendation in Brief

That Council:

1. Direct the CEO to advertise all unsold lots within Flinders Stage 4 (excluding any lots that are under contract at the time the tender is advertised) for sale by tender.
2. Confirm it believes that the valuation previously received from the Opteon Property Group In August 2023 still represents the current market for lots in the Esperance region and forms the basis for developing acceptable pricing for the lots with Flinders Stage 4.
3. Relist all lots that don't receive an offer through the tender process.

4. Delegate authority to the CEO to negotiate and accept offers on these listed properties.

### **Background**

The current delegated authority to the CEO to accept offers on identified vacant lots is due to expire in February.

Delegated authority to the CEO can only be provided for a maximum of 6 months following a tender or auction process being undertaken. In the event that a delegation isn't provided all negotiations require Council Decisions for each stage of the negotiation. This obviously has the potential to both make negotiations a lengthy and drawn out process as well as resulting in it playing out in the public domain. Neither of these outcomes is generally conducive to attracting purchasers.

There is currently a total of 29 lots available for sale in Flinders, all other lots that were available in August 2023 have sold.

### **Officer's Comment**

Submissions are rarely received for tenders issued for vacant land, especially in the situation where all lots have previously been available for purchase, as all of these have. This recommendation removes the need for Council to reconsider these lots prior to them being re-listed with real estate agents unless a submission is received. In the event that one or more tender submissions is received, this recommendation will allow all lots not involved in a submission to be listed with real estate agents while the tenders are being considered, minimising the time the lots are off the market.

It has been recommended that Council continue to rely upon the licensed valuations obtained from Opteon Property Group in August 2023 (Attachment A) as there has been little change in the market in the intervening time.

The final stages of having certificates of titles for these lots is currently being undertaken. Sales on these lots cannot be finalised until this occurs, contracts for sale can however be progressed in the interim, with settlement simply needing to be delayed until the titles are available.

### **Consultation**

Elders Real Estate have recently taken over the marketing and sale of properties on behalf on the Shire (outside of tender periods) and provide feedback on the local market.

### **Financial Implications**

Income from any sale of land is placed in the Land Development reserve to ensure that income from the sale of land assets doesn't get utilised on an operational expense or depreciating asset as per the intent of the Land Asset policy and procedures.

### **Asset Management Implications**

Sale of these lots removes the Councils obligations to maintain them.

### **Statutory Implications**

The statutory implications associated with this item are contained within:

Local Government Act 1995

Section 3.58 – Disposing of Property

### **Policy Implications**

Sale of non-strategic freehold land and placement of fund in reserve for future land development or acquisition of strategic land is consistent with the Councils Public Land Asset Strategy.

**Strategic Implications**

Council Plan 2022 – 2032

*Leadership*

A financially sustainable and supportive organisation achieving operational excellence

**Environmental Considerations**

Nil

**Attachments**

- A. Valuation report - *Confidential*
- B. Listing and Sale Prices - *Confidential*



**RECOMMENDATION AND DECISION**

**Item: 12.4.1 Sale of Residential Land**

**Moved: Cr Flanagan**

**Seconded: Cr Graham**

**O0224-024**

**Council Decision**

**That Council**

- 1. Direct the CEO to advertise all unsold lots as detailed below at 3. (excluding any lots that are under contract at the time the tender is advertised) for sale by tender.**
- 2. Confirm it believes that the valuation previously received from the Opteon Property Group In August 2023 still represents the current market for lots in the Esperance region and forms the basis for developing acceptable pricing for the lots with Flinders Stage 4.**
- 3. List all properties in the schedule within Attachment B at the Listing Prices identified.**
- 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 B.**

**CARRIED  
F8 - A0**

**Item: 12.4.2**

**Information Bulletin - February 2024**

<b>Author/s</b>	Chantelle Hoffrichter	Executive Assistant
<b>Authorisor/s</b>	Roy Greive	Acting Chief Executive Officer

**File Ref: D24/3812**

**Applicant**

Internal

**Strategic Implications**

Council Plan 2022-2032

*Performance*

*Outcome 15. Operational excellence and financial sustainability.*

Objective 15.1. Provide responsible, agile and innovative planning and resource management.

**Attachments**

- A. Information Bulletin - February 2024
- B. Council Priorities Summary - Corporate Performance - January 2024

**RECOMMENDATION AND DECISION**

**Item: 12.4.2 Information Bulletin - February 2024**

**Moved: Cr Starcevich**

**Seconded: Cr Obourne**

**O0224-025**

**Council Decision**

**That Council accepts:**

- 1. Information Bulletin – February 2024**
- 2. Council Priorities Summary – Corporate Performance – January 2024**

**CARRIED  
F8 - A0**







































































**13. REPORTS OF COMMITTEES**

Nil

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

**MOTION**

**Moved: Cr Johnston**  
**Seconded: Cr Flanagan**

**O0224-026**

**That Council direct the CEO to raise the Australian flag at the Administration building flagpole on Australia Day each year.**

**CARRIED**  
**F7 – A1**  
*(Against Pres.Chambers)*

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

Nil

**16. URGENT BUSINESS APPROVED BY DECISION**

Nil

**17. PUBLIC QUESTION TIME**

Nil Questions

**18. MATTERS BEHIND CLOSED DOORS**

**Officer's Comment:**

It is recommended that the meeting is behind closed doors for the following item, in accordance with section 5.23(2) of the Local Government Act 1995.

**Moving behind closed doors**

**Moved:** Cr Graham  
**Seconded:** Cr Johnston

**O0224-027**

**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 0548-23 Esperance Airport - Runway Upgrade Design**

*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  
F8 - A0**

All members of the public left the Chambers at 5:09pm and did not return

**17.1 0548-23 Esperance Airport - Runway Upgrade Design**

**Moved:** Cr Starcevich  
**Seconded:** Cr de Haas

**O0224-028**

**Council Resolution**

**That Council award Request for Tender 0548-23 Esperance Airport - Runway Upgrade Design to Airport Consulting Group, as per the lump sum price.**

**CARRIED  
F8 - A0**

**Coming from behind closed doors**

**Moved: Cr Obourne**

**Seconded: Cr de Haas**

**00224-029**

**That the meeting come from behind closed doors.**

**CARRIED  
F8 - A0**

The Presiding Member read aloud the Resolution for item 17.1.

**19. CLOSURE**

The President declared the meeting closed at 5:13pm.

**These Minutes were confirmed at a meeting held on \_\_\_\_\_**

**Signed \_\_\_\_\_**

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

**Dated \_\_\_\_\_**