

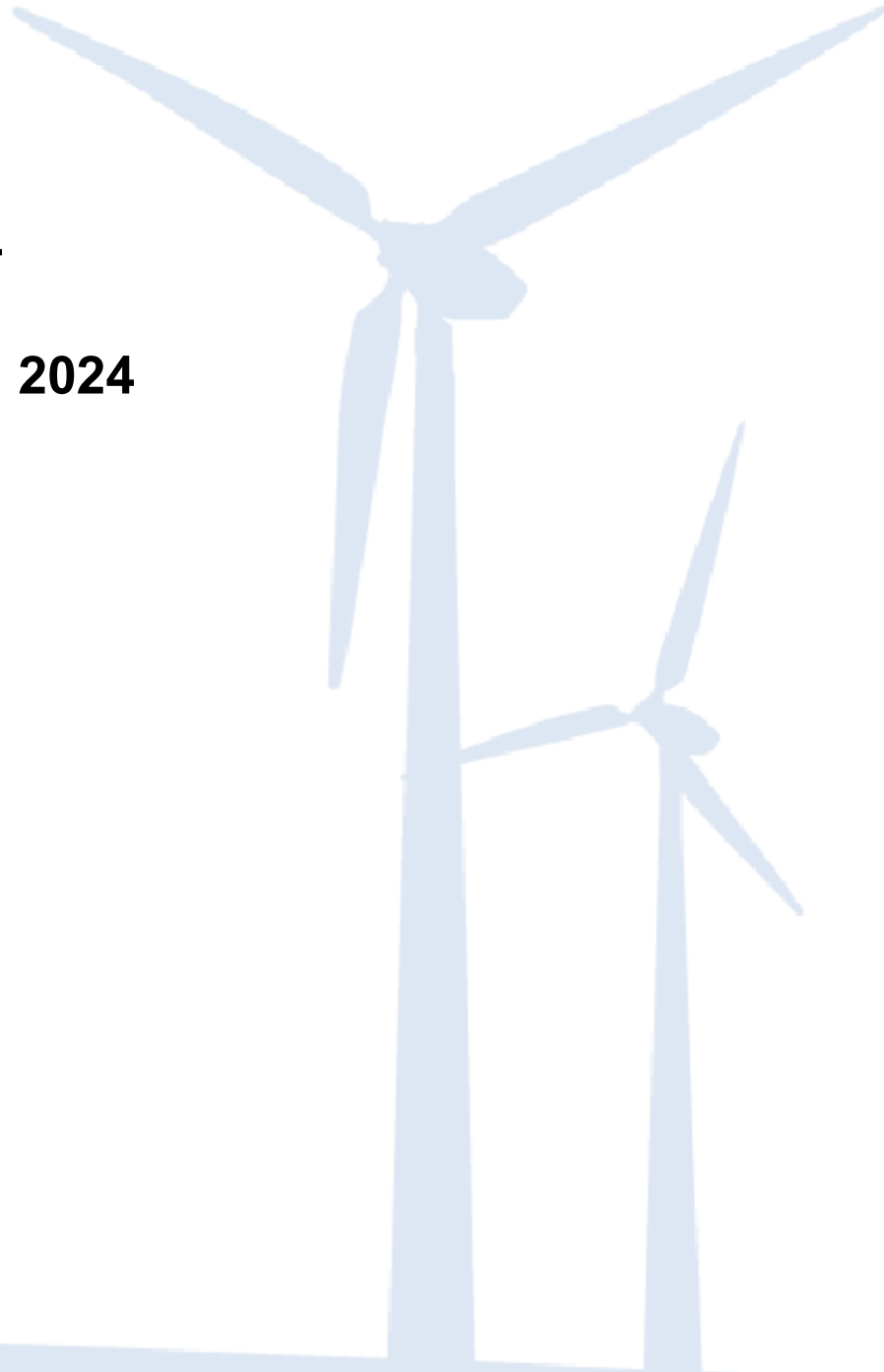


**Shire of Esperance**

**ORDINARY COUNCIL**

**TUESDAY 26 MARCH 2024**

**MINUTES**



### **DISCLAIMER**

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

### **ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST**

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

### **ATTACHMENTS**

Please be advised that in order to save printing and paper costs, all attachments referenced in this paper are available in the original Agenda document for this meeting.

### **RECORDINGS**

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

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**SHIRE OF ESPERANCE**

**MINUTES**

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

**1. OFFICIAL OPENING**

The Shire President declared the meeting open at 4:08pm 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**

Cr R Chambers	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 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**

Meredith Waters	Compassionate Communities Charter Esperance
L-A Shihish	Compassionate Communities Charter Esperance
Geoff Vivian	Media
Emily Smith	Media
Christiane Smith	Media

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

Cr S Starcevich	Rural Ward
Cr S McMullen	Town Ward

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

**MOTION**

**Moved:** Cr Obourne  
**Seconded:** Cr Johnston

**O0324-019**

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

**Cr Chamber 22<sup>nd</sup> April 2024 – 4<sup>th</sup> May 2024**

**CARRIED  
F7 - A0**

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

Nil

**6. DECLARATION OF MEMBERS INTERESTS**

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

Nil

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

Nil

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

Cr de Haas declared a Impartiality Interest in item 12.1.2 as the person requesting this is a personal friend.

Cr de Haas declared an Impartiality Interest in item 8 as she is friends with the member of the Compassionate Communities Charter Esperance

Cr Graham declared an Impartiality Interest in item 12.3.5 as he is a member of the Esperance Bay Turf Club

Mr Walker declared an Impartiality Interest in item 17.1 as a tender applicant is a neighbour

**7. PUBLIC QUESTION TIME**

Nil Questions

**8. PUBLIC ADDRESSES / DEPUTATIONS**

*Presentation by Meredith Waters and L-A Shisish on Compassionate Community Charter for Esperance. The CCCE is being harnessed by a leadership network in Esperance, determined to foster a healthier and stronger community. They are graduates of the Leading Australian Resilient Communities (LARC) program and the driving force behind Compassionate Community Charter embraced by the Esperance community. This charter is linked to empathy and sympathy, with the support of the Shire of Esperance it now serves*

*as a set of guiding principles to help decision-makers identify and prioritise programs to improve community health and wellbeing, resilience and connections.*

Meredith Waters and L-A Shihish left the chambers at 4:29pm and did not return  
Christiane Smith entered the Chambers at 4:31pm

**9. PETITIONS**

Nil

**10. CONFIRMATION OF MINUTES**

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

**O0324-020**

**That the Minutes of the Ordinary Council Meeting of the 27 February 2024 be confirmed as a true and correct record.**

**CARRIED**  
**F7 - A0**

**11. DELEGATES' REPORTS WITHOUT DISCUSSION**

**Cr Starceвич**

28 Feb Participated in Cultural Awareness Training  
05 Mar Attended Citizenship Ceremony  
11 Mar Attended Grass Patch CDA  
13 Mar Attended Cemetery Working Group Meeting  
16 Mar Attended Condingup Community Fair

**Cr Johnston**

28 Feb Participated in Cultural Awareness Training  
16 Mar Attended Condingup community Fair

**Cr Davies**

28 Feb Participated in Cultural Awareness Training

**Cr Flanagan**

16 Mar Attended Condingup community Fair

**Cr McMullen**

Nil

**Cr De Haas**

28 Feb Participated in Cultural Awareness Training  
05 Mar Attended Citizenship Ceremony  
08 Mar Attended International Women's Day Luncheon  
13 Mar Attended Esperance Chamber of Commerce Meeting  
13 Mar Attended Winter Wonderland Community Callout  
16 Mar Manned the Stall at the Condingup Community Fair

**Cr Graham**

28 Feb Participated in Cultural Awareness Training  
21 Mar Attended GVROC Dinner  
22 Mar Attended GVROC Meeting

**Cr Obourne**

- 28 Feb Participated in Cultural Awareness Training
- 05 Mar Participated in Development Assessment Panel Training
- 08 Mar Attended International Women's Day Luncheon
- 10 Mar Spoke at International Women's Day Event
- 15 Mar Attended Adult & Teen Challenge Graduation Ceremony with the Governor General
- 21 Mar Attended Launch of the Esperance Ravensthorpe Leadership Initiative
- 21 Mar Attended AGM for Lingalonga Childcare Centre

**Pres Chambers**

- 28 Feb Participated in Cultural Awareness Training
- 05 Mar Conducted Citizenship Ceremony
- 15 Mar Attended Housing Round Table with Minister Carey in Kalgoorlie
- 16 Mar Attended the Condingup Community Fair
- 21 Mar Attended Taylor Street Jetty Meeting
- 21 Mar Attended GVROC Dinner
- 22 Mar Attended GVROC Meeting briefly
- 22 Mar Attended Premier of Before Dawn in Perth



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

### **12.1 EXTERNAL SERVICES**

#### **Item: 12.1.1**

#### **Policy Review - Local Planning Scheme No. 24 Advertising Requirements**

<b>Author/s</b>	Richard Hindley	Manager Development Services
<b>Authoriser/s</b>	Roy Greive	Director External Services

**File Ref: D24/5574**

#### **Applicant**

Internal

#### **Location/Address**

N/A

#### **Executive Summary**

For Council to review the Local Planning Scheme No. 24 Advertising Requirements policy.

#### **Recommendation in Brief**

That Council adopt the Local Planning Scheme No. 24 Advertising Requirements policy 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.

The Local Planning Scheme No. 24 Advertising Requirements policy was not presented with the remainder of External Services Policies as Amendment 9 which changed several permissibilities was not Gazetted until 23<sup>rd</sup> February 2024.

#### **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 policy. Please refer to Attachment A for policy details.

Policy Name	New Ref No.	Recommended Amendment
Local Planning Scheme No. 24 Advertising Requirements	POL 0069	Insert definitions Amendment advertising uses in accordance with the outcomes of Amendments 8 and 9 to Local Planning Scheme No. 24

**Consultation**

External Services  
Governance and Corporate Support

**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**

This item relates to the amendment of a policy.

**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↓](#). Local Planning Scheme No. 24 Advertising Requirements

**RECOMMENDATION AND DECISION**

**12.1.1 Policy Review - Local Planning Scheme No. 24 Advertising Requirements**

**Moved: Cr Obourne**

**Seconded: Cr de Haas**

**O0324-021**

**Council Decision**

**That Council adopt the Local Planning Scheme No. 24 Advertising Requirements policy inclusive of amendments, inclusions, rescissions and deletions as reviewed.**

**CARRIED  
F7 - A0**

























**Item: 12.1.2**

**Proposed Road Dedication - Reserve 35037**

<b>Author/s</b>	Peter Wilks	Coordinator Planning Services
<b>Authorisor/s</b>	Richard Hindley	Manager Development Services

**File Ref: D24/6049**

**Applicant**  
S Hoffrichter

**Location/Address**

Portion of Reserve 35037 adjoining Pony Road and Lot 8 (171) Myrup Road, Myrup



**Executive Summary**

For Council to consider surrendering a portion of Reserve 35037 being Lot 2033 on Plan 187527 Myrup Road, Myrup and dedicating the surrendered portion of the reserve as a road.

**Recommendation in Brief**

That Council:

1. Agree to surrender its management order over a portion of Reserve 35037 being Lot 2033 on Plan 187527;
2. Request the Minister of Lands to dedicate the indicated portion of Reserve 35037 being Lot 2033 on Plan 187527 Myrup Road, Myrup as a road;
3. Advise the Minister of Lands that in accordance with Section 56 (4) of the *Land Administration Act 1997* 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 and

4. Advise the Minister of Lands that Stephen Hoffrichter agree to indemnify the Shire of Esperance against any costs and claims that may arise as a result of the dedication.

### **Background**

The proposed dedication of this reserve is requested by Stephen Hoffrichter to formalize an existing arrangement whereby the Shire of Esperance has been maintaining what is effectively an unsealed (gravel) road into his property at Lot 1045 Coolgardie-Esperance Highway, Myrup and which will enable the subdivision of his property.

### **Officer's Comment**

The expansion will only impact a small portion of Reserve 35037 and will not prevent use of the reserve for its intended purpose. As the portion of Reserve 35057 is a Crown Land reserve managed by the Shire of Esperance, and which the Shire of Esperance has been maintaining as an unsealed gravel road for use by piggery staff including movement of road trains, there is no additional impact on adjoining landowners or on users of Reserve 35037.

### **Consultation**

Internal

Asset Management

### **Financial Implications**

Nil

### **Asset Management Implications**

This item relates to the dedication of an existing unsealed (gravel) road/access through Reserve 35037 into a public road. Shire of Esperance (Asset Management) already handles all maintenance and associated costs for the unsealed access through Reserve 35037.

As the road dedication would formalise the existing arrangements for the access, and as the Shire of Esperance would only bear the additional costs associated with formally dedicating the access as a road, it is considered that the proposal can be supported.

### **Statutory Implications**

Land Administration Act 1997.

### **Policy Implications**

Nil

### **Strategic Implications**

Council Plan 2022 – 2032

*Built Environment*

Transport networks that meet the needs of our community and provide safe movement for all users

### **Environmental Considerations**

Nil

### **Attachments**

A. Proposed Road Dedication

B. Request to Dedicate Road



## **RECOMMENDATION AND DECISION**

### **12.1.2 Proposed Road Dedication - Reserve 35037**

#### MOTION

Moved: Cr Johnston

Seconded:

That Council

1. That Council does not surrender a portion of Reserve 35037 being Lot 2033 on Plan 187527 Myrup Road, Myrup for the purpose of a road dedication.
2. Advise the Applicant - Mr Stephen Hoffrichter that although the Shire Council will not complete the Road Dedication process on his behalf, the Shire Council will support and approve Mr Hoffrichters personal application to the Department of Planning, Lands & Heritage (DPLH) and / or Western Australia Planning Commission (WAPC) to assist him in progressing his own personal application.
3. That the Shire Council will commit to offering the similar level of support and approval for other landowners / ratepayers personal applications, when their Shire requests are involving subdivision difficulties going forward, to ensure our Shire Council is practising consistent and accountable decision making.

MOTION LAPSED

*The motion lapsed due to lack of a seconder.*

Moved: Cr Graham

Seconded: Cr de Haas

That Council:

1. Agree to surrender its management order over a portion of Reserve 35037 being Lot 2033 on Plan 187527;
2. Request the Minister of Lands to dedicate the indicated portion of Reserve 35037 being Lot 2033 on Plan 187527 Myrup Road, Myrup as a road;
3. Advise the Minister of Lands that in accordance with Section 56 (4) of the *Land Administration Act 1997* 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 and
4. Advise the Minister of Lands that Stephen Hoffrichter agree to indemnify the Shire of Esperance against any costs and claims that may arise as a result of the dedication.

Amendment

Moved: Cr Johnston

Seconded:

That Council:

1. Agree to surrender its management order over a portion of Reserve 35037 being Lot 2033 on Plan 187527;
2. Request the Minister of Lands to dedicate the indicated portion of Reserve 35037 being Lot 2033 on Plan 187527 Myrup Road, Myrup as a road;
3. Advise the Minister of Lands that in accordance with Section 56 (4) of the Land Administration Act 1997 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 and
4. Advise the Minister of Lands that Stephen Hoffrichter agree to indemnify the Shire of Esperance against any costs and claims that may arise as a result of the dedication.
5. That the Shire Council will commit to similarly supporting and approving other Landowners / Ratepayers Shire requests or personal applications, where possible, relating to requests involving subdivision difficulties going forward to ensure our Shire Council is practising consistent and accountable decision making.

MOTION LAPSED

*The amendment lapsed due to lack of seconder.*

*The original motion was put.*

Moved: Cr Graham

Seconded: Cr de Haas

**O0324-022**

**Council Decision**

**That Council:**

1. **Agree to surrender its management order over a portion of Reserve 35037 being Lot 2033 on Plan 187527;**
2. **Request the Minister of Lands to dedicate the indicated portion of Reserve 35037 being Lot 2033 on Plan 187527 Myrup Road, Myrup as a road;**
3. **Advise the Minister of Lands that in accordance with Section 56 (4) of the *Land Administration Act 1997* 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 and**
4. **Advise the Minister of Lands that Stephen Hoffrichter agree to indemnify the Shire of Esperance against any costs and claims that may arise as a result of the dedication.**

**CARRIED  
F7 - A0**





**12.2 ASSET MANAGEMENT**

Nil

## 12.3 CORPORATE & COMMUNITY SERVICES

### Item: 12.3.1

#### Policy Review - Asset Management

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

**File Ref: D24/928**

#### Applicant

Internal

#### Location/Address

N/A

#### Executive Summary

For Council to review the section of the Policy Manual that relates to Asset Management.

#### Recommendation in Brief

That Council adopt the Asset Management policies inclusive of amendments, inclusions 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 Asset Management policies. Please refer to Attachment A for policy details.

<b>Policy Name</b>	<b>New Ref No.</b>	<b>Recommended Amendment</b>
Private Connections to Shire Drainage	POL 0070	Added scope.
Property Owners Contribution to Underground Power	POL 0071	Added scope and definition.
Permanent Road Closures	POL 0072	Added scope.
Street Verge Development	POL 0073	Change title to Street Verge Development, amend scope, add point 3 under conditions.
Mineral Exploration within Land & Road Reserves Managed by the Shire of Esperance	POL 0074	No change.
Delegated Authority to Approve Off-Site Signage on Main Road	POL 0075	Added scope and definition.
Guidelines for Subdivisional Development	POL 0076	Added scope.
On-Farm Drainage	POL 0077	Added scope.
Street Tree	POL 0078	No change.
Commercial Wildflower Harvesting and Native Seed Collecting	POL 0079	No change.

Asset Management	POL 0080	Added scope and replaced Director Corporate Resources with Director Corporate & Community Services.
Esperance Rural Public Toilet Cleaning	POL 0081	No change.
Crossover Construction	POL 0082	Add scope and definitions.
GPS Fleet Tracking	POL 0083	No change.
Internal Drone (Remotely Piloted Aircraft System) Use	POL 0084	No change.
Public Art	POL 0085	Added scope.
CCTV	POL 0086	No change.
Esperance Tanker Jetty Timber	POL 0087	Remove General Public section and definition. Remove reference to grade 3 timber.
Reserve Funding for Community Halls	POL 0088	Add scope, amend definition of Standard Community Halls and relevant references.
Memorials in Public Places	POL 0089	Include first line into scope.

### Consultation

Asset Management

### 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⇒](#). Reviewed Asset Management Policies - *Under Separate Cover*

**RECOMMENDATION AND DECISION**

**12.3.1 Policy Review - Asset Management**

**Moved: Cr Davies**

**Seconded: Cr Flanagan**

**O0324-023**

**Council Resolution**

**That Council adopt the Asset Management policies inclusive of amendments, inclusions and deletions as reviewed.**

**CARRIED  
F7 - A0**



**Item: 12.3.2**

**Prioritisation of Club Night Light Program (CNLP) Grant Applications**

<b>Author/s</b>	Shane Tobin	Community Development & Events Coordinator
<b>Authorisor/s</b>	Felicity Baxter	Director Corporate & Community Services

**File Ref: D24/5597**

**Applicant**

Internal Report

**Location/Address**

N/A

**Executive Summary**

The Club Night Lights Program (CNLP) exemplifies the State Government's commitment to the development of sustainable floodlighting infrastructure for sport across the State.

The purpose of the program is to provide financial assistance to community groups and local governments to develop sports floodlighting infrastructure. The program aims to maintain or increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well-designed and well-utilised facilities.

To assist the Department of Local Government, Sport and Cultural Industries (DLGSCI), Council is required to endorse and prioritise applications for both the Small Grants and the Forward Planning Grants Rounds received, to enable submission to DLGSCI.

This round there is only one application to be considered: Esperance Tennis Club (ETC) – Lights Upgrade and LED Conversion Project application (see attached A) to the CNLP February Small Grants round for the Development Bonus amount of \$66,734.49 (ex GST).

**Recommendation in Brief**

*That Council:*

1. *Endorses the CNLP Small Grants application*
  - a) *From the Esperance Tennis Club – Lights Upgrade and LED Conversion Project for the Development Bonus amount of \$66,734.49 (ex GST).*
2. *Prioritises the applications as follows*
  - a) *Esperance Tennis Club (1)*

**Background**

The DLGSCI, through the CNLP, to provide financial assistance to community groups and local governments to develop sports floodlighting infrastructure. The program aims to maintain or increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well-designed and well-utilised facilities.

Through the CNLP, the State Government will invest \$10 million over 4 years from 2021-22 through to the 2024-25 financial years, towards floodlighting infrastructure. There are 2 small grant rounds advertised annually (February and July) for projects with a cost up to \$500,000. The maximum grant offered for small grant applications is 50% of the project cost, capped at \$200,000. There is one forward planning round advertised each year for projects with a cost exceeding \$500,000. The maximum grant offered for forward planning grants is one third of the total estimated project cost (excluding GST) up to a maximum grant of \$1 million.

This application relates to the DLGSCI, CNLP, February Small Grant round: This grant program targets projects with a cost up to \$500,000.

Applications were required to be completed with all supporting documentation and submitted to the Shire by the end of February 2024 for presentation to Council at the March 2024 Council Meeting. Recommended applications ranked by priority are then forwarded to the DLGSCI, Office by the local government by 4pm 28<sup>th</sup> March 2024. Applicants are notified of the outcome around late May or early June 2024.

Applications must be endorsed by Council, prioritised and submitted to the Department of Local Government, Sport and Cultural Industries by the advertised closure dates.

### **Officer's Comment**

There is only one application for this round of CNLP February Small Grants round. The application process requires the applicable Local Government to prioritise the application from within the local area. Following a review by officer's, this application is believed to be worthy of support as the lighting upgrade is essential to the day to day (night to night) running of the Club.

As this is the only CNLP February Small Grants application received for 2024/25, it is recommended the Esperance Tennis Club – Lights Upgrade and LED Conversion Project is ranked as priority (1).

This application will be included for consideration by Council as part of the 2024/25 annual Community Grants Program allocations.

### **Consultation**

Applicants have liaised with Shire Officers and with the DLGSCI and Goldfields Regional Manager as is required under the grant application process.

The applications have been reviewed by the Community Development & Events Manager.

### **Financial Implications**

Budget implications for the Esperance Tennis club application will be included with the 2024/25 Community Grants Program which closes on the 14<sup>th</sup> of March 2024.

### **Asset Management Implications**

Management of any replacement or new infrastructure will be the responsibility of Esperance Tennis Club.

### **Statutory Implications**

Nil

### **Policy Implications**

1. Electoral Caretaker Period Policy Statement

### **Strategic Implications**

Council Plan 2022 – 2032

*Community Connection*

A variety of accessible sport and recreation opportunities and activities

Develop and promote active and passive sport and recreation opportunities for all ages and abilities

**Environmental Considerations**

Nil

**Attachments**

A. Esperance Tennis Club DLGSCI Club Night Light Program - application

**RECOMMENDATION AND DECISION**

**12.3.2 Prioritisation of Club Night Light Program (CNLP) Grant Applications**

**Moved: Cr Obourne**

**Seconded: Cr de Haas**

**O0324-024**

**Council Decision**

**That Council:**

- 1. Endorses the CNLP February Small Grants application**
  - a) from the Esperance Tennis Club – *Lights Upgrade and LED Conversion Project* for the Development Bonus amount of \$66,734.49 (ex GST).**
- 2. Prioritising the application as follows**
  - a) Esperance Tennis Club (Priority 1)**

**CARRIED  
F7 - A0**

























**Item: 12.3.3**

**Policy Review - Dealing with Difficult People**

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

**File Ref: D24/6262**

**Applicant**

Internal

**Location/Address**

N/A

**Executive Summary**

For Council to review the Dealing with Difficult People policy.

**Recommendation in Brief**

That Council adopt the review of the Dealing with Difficult People policy inclusive of amendments, inclusions 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.

The Corporate & Community Services policies were reviewed in December 2023 however, Council requested a workshop to further discuss the Dealing with Difficult People policy.

**Officer's Comment**

Following a workshop with Council the Dealing with Difficult People policy has been amended as follows;

- change the responsible officer
- remove policy number references in threshold section
- include a paragraph within the General Management of Policy section to ensure that Council is made aware of circumstances which may present a risk of reputational damage or other detriment to the Shire.

**Consultation**

Council  
Director Corporate & Community 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**

A1. Reviewed Dealing with Difficult People Policy

**RECOMMENDATION AND DECISION**

**12.3.3 Policy Review - Dealing with Difficult People**

**Moved: Cr Johnston**

**Seconded: Cr Flanagan**

**O0324-025**

**Council Decision**

**That Council adopt the Dealing with Difficult People policy inclusive of amendments, inclusions and deletions as reviewed.**

**CARRIED  
F7 - A0**











**Item: 12.3.4**

**Proposed Extractive Industries Local Law 2024**

<b>Author/s</b>	Sarah Walsh Richard Hindley	Coordinator Governance & Corporate Support Manager Development Services
<b>Authorisator/s</b>	Roy Greive	Director External Services

**File Ref: D24/6290**

**Applicant**

Internal

**Location/Address**

N/A

**Executive Summary**

For Council to commence the review process for the Extractive Industries Local Law 2024.

**Recommendation in Brief**

That Council request the CEO to;

1. Give Local Public Notice of the proposed Shire of Esperance Extractive Industries Local Law 2024 in accordance with s.3.12(3) of the *Local Government Act 1995*;
2. Forward a copy of the proposed local law and public notices to the Minister for Local Government; and
3. Prepare a further report at the conclusion of the public submission period to enable Council to consider submissions.

**Background**

Local Laws are enforceable rules made by local governments to apply within their district. They help to establish and maintain the quality of life in line with the expectations of the local community and provide a standard under which businesses, residents and ratepayers must conduct their activities.

Local Laws support higher legislation (Acts of Parliament) to control and manage the more basic matters that affect the community. They can be helpful in the resolution of disputes, as well as achieving effective government.

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

The Extractive Industries Local Law 2001 was last reviewed in 2014, with no changes being recommended and therefore it is now due to be reviewed in accordance with the statutory review period of 8 years.

**Officer's Comment**

The purpose of the Extractive Industries Local Law is to:

- Prohibit the carrying on of an extractive industry unless by authority of a licence issued by the local government;
- Regulate the carrying on of the extractive industry in order to minimize damage to the environment, roads and other peoples' health and property; and
- Provide for the restoration and reinstatement of any excavation site.

The effect of the Extractive Industries Local Law is to ensure any person wanting to carry on an extractive industry is licenced and complies with the provisions of the local law.



Officers have undertaken a review of the Extractive Industries Local Law 2001 and determined that some minor changes are required, including the addition of definitions for 'land', 'occupier' and 'owner', updating the format to the current local law template, and significant changes to Schedule 1 to include additional prescribed offences.

As various changes are recommended, it is proposed that a new local law, the Shire of Esperance Extractive Industries Local Law 2024, be adopted which will repeal the current local law.

**Consultation**

Manager Development Services

**Financial Implications**

The financial implications arising from this report will be restricted to advertising costs and resource time during the review process.

**Asset Management Implications**

Nil

**Statutory Implications**

*Local Government Act 1995 (s3.12 and s3.16)*

**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. Draft Extractive Industries Local Law 2024

**COUNCIL RECOMMENDATION AND DECISION**

**12.3.4 Proposed Extractive Industries Local Law 2024**

**Moved: Cr Davies**

**Seconded: Cr Obourne**

**O0324-026**

**Council Decision**

**That Council request the CEO to;**

- 1. Give Local Public Notice of the proposed Shire of Esperance Extractive Industries Local Law 2024 in accordance with s.3.12(3) of the *Local Government Act 1995*;**
- 2. Forward a copy of the proposed local law and public notices to the Minister for Local Government; and**
- 3. Prepare a further report at the conclusion of the public submission period to enable Council to consider submissions.**

**CARRIED  
F7 - A0**













































**Item: 12.3.5**

**Lease Request - Portion Lot 202 Fisheries Road**

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

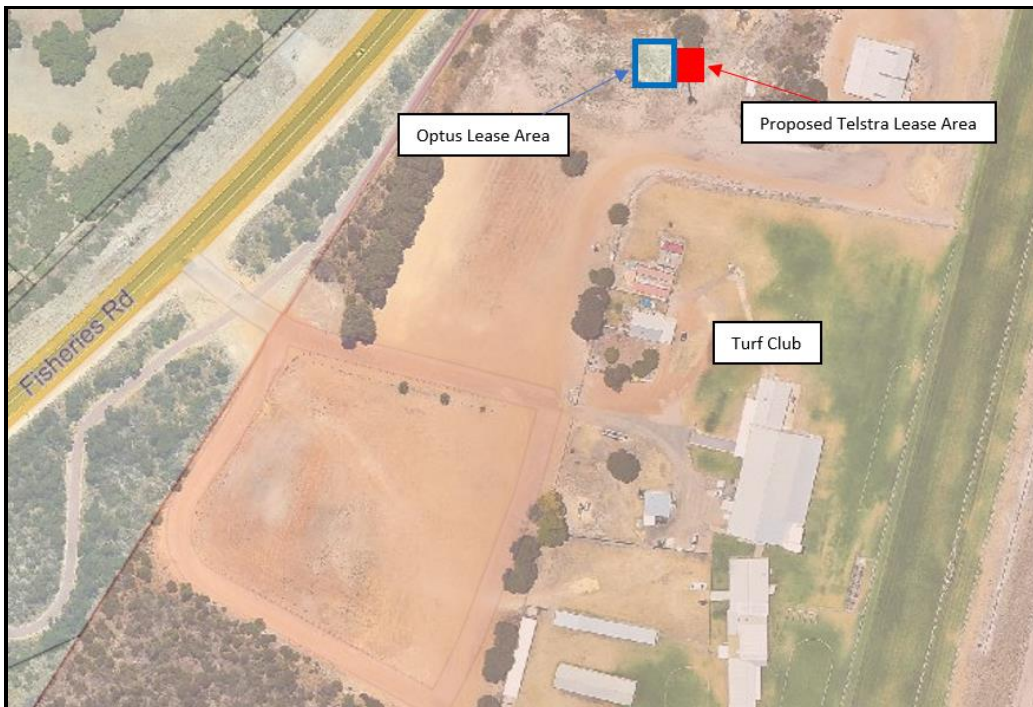
**File Ref: D24/6467**

**Applicant**

Telstra Corporation (via Sitelogic)

**Location/Address**

Portion Lot 202 Fisheries Road, Bandy Creek.



**Executive Summary**

For Council to consider leasing a portion of Lot 202 Fisheries Road, Bandy Creek, to Telstra Corporation.

**Recommendation in Brief**

That Council enter into a lease with Telstra Corporation for portion of Lot 202 Fisheries Road, Bandy Creek.

**Background**

Correspondence has been received from Sitelogic on behalf of Telstra Corporation (Telstra) advising that Telstra are looking to install some antennas on the Optus communication tower located on portion Lot 202 Fisheries Road, Bandy Creek, with a separate ground space to accommodate its equipment shelter, as shown in the diagram provided above. As such, they have requested to enter into a lease for a 30m<sup>2</sup> area adjacent to the Optus tower for use as their equipment shelter.

**Officer's Comment**

Discussion with officers has identified no concerns with the base proposal.

The Esperance Bay Turf Club (Turf Club) has been contacted and consent to the lease being approved for this proposal, subject to the rent being \$5,000 per annum with a 3% per annum increase.

Sitelogic has provided a document setting out the proposed lease terms which will be put to Telstra for consideration once Council has agreed to the terms. Most of the terms proposed by Sitelogic are considered to be standard and reasonable, however Council will need to determine whether they are agreeable to the lease including a rent-free period as follows:

Payment of Rent and Rent Fee Commencement Date	Yearly in advance commencing on the Rent Commencement Date, with payments made by EFT deposit directly into your nominated account.  <b>Rent Commencement Date</b> means the earlier of: a) the date the Lessee substantially commences physical installation of the Lessee's Facility on the Premises; b) the date the Lessee identifies in a notice to the Lessor of the Lessee's intention to commence physical installation of the Lessee's Facility on the Premises; or c) the fifth anniversary of the Commencement Date.  If the Rent Commencement Date is not the Commencement Date or an anniversary of the Commencement Date, the first instalment of Rent will be a pro rata of the Rent from the Rent Commencement Date to the next anniversary of the Commencement Date
--	---

Alternative Resolution

That Council;

1. Enter into a lease with Telstra Corporation for portion of Lot 202 Fisheries Road, Bandy Creek, subject to;
  - a) The lease term being 5 years with 3 further term options of 5 years each;
  - b) A lease preparation fee of \$630 inc GST being payable;
  - c) Annual rent of \$5,000 inc GST being payable, subject to annual increases of 3%;
  - d) Rent free period being approved as per Telstra's proposed terms;
  - e) Rent to be paid to the Shire and held in Trust for the Esperance Bay Turf Club; and
  - f) The disposition being advertised in accordance with s.3.58 of the *Local Government Act 1995*.

And

2. Vary the existing lease with Esperance Bay Turf Club to remove the above portion of land from their lease area.

**Consultation**

Sitelogic (on behalf of Telstra)  
Esperance Bay Turf Club (Turf Club)  
Chief Executive Officer  
Director Corporate & Community Services  
Manager Development Services  
Manager Parks & Environment  
Coordinator Environmental Health  
Coordinator Building Services



### **Financial Implications**

Lease preparation fee of \$630 inc GST  
Annual Rent \$5,000 inc GST

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. In this instance, it is proposed that we utilise s.3.58(4)(c)(ii) of the Act for determining the market value of the disposition. This clause states “as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.”

The Turf Club has requested \$5,000 per annum rent, and following a review of current rent being paid by Optus for the adjacent area this amount is considered to be reasonable for the site.

All rent received for this arrangement will be held in trust on behalf of the Turf Club to access when undertaking capital improvements on site.

### **Asset Management Implications**

Nil – land only lease arrangement, all costs will be Telstra’s responsibility.

### **Statutory Implications**

*Local Government Act 1995* – s.3.58 Disposing of property

### **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. [Telstra Proposal and Terms](#)
- B. [Turf Club Confirmation](#)

**RECOMMENDATION AND DECISION**

**12.3.5 Lease Request - Portion Lot 202 Fisheries Road**

**Moved: Cr Flanagan**

**Seconded: Cr Davies**

**O0324-027**

**Council Decision**

**That Council;**

- 1. Enter into a lease with Telstra Corporation for portion of Lot 202 Fisheries Road, Bandy Creek, subject to;**
  - a) The lease term being 5 years, commencing on 8 May 2024, with 3 further term options of 5 years each;**
  - b) A lease preparation fee of \$630 inc GST being payable;**
  - c) Annual rent of \$5,000 inc GST being payable upon lease commencement, subject to annual increases of 3%, and Council considers this to be a true indication of the current market rental rate;**
  - d) Rent to be paid to the Shire and held in Trust for the Esperance Bay Turf Club; and**
  - e) The disposition being advertised in accordance with s.3.58 of the *Local Government Act 1995*.**

**And**

- 2. Vary the existing lease with Esperance Bay Turf Club to remove the above portion of land from their lease area.**

**CARRIED  
F7 - A0**



























**Item: 12.3.6**

**Financial Services Report - March 2024**

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

**File Ref: D24/6507**

**Attachments**

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

**RECOMMENDATION AND DECISION**

**12.3.6 Financial Services Report - March 2024**

**Moved: Cr de Haas**  
**Seconded: Cr Johnston**

**O0324-028**

**Council Decision**

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

**CARRIED**  
**F7 - A0**

















































































































## **12.4 EXECUTIVE SERVICES**

### **Item: 12.4.1**

#### **Event Funding Support- Esperance Hiking Festival**

<b>Author/s</b>	Shane Burge	Chief Executive Officer
<b>Authorisor/s</b>	Shane Burge	Chief Executive Officer

**File Ref: D24/6099**

#### **Applicant**

Australia's Golden Outback (AGO)

#### **Location/Address**

Within the Shire of Esperance

#### **Executive Summary**

For Council to consider supporting the Esperance Hiking Festival Event.

#### **Recommendation in Brief**

That Council allocate \$10,000 towards the Esperance Hiking Festival Event.

#### **Background**

Action PAE1 from the Esperance Tourism Strategy was to develop an event strategy with the objective of supporting and encouraging events to the Shire during shoulder and off-peak tourism season.

The Esperance Events Discussion Paper was developed in early 2023 with it subsequently being endorsed by Council at the May 2023 OCM with the following resolution-

***O0523-001***

#### ***Council Resolution***

##### ***That Council:***

- 1. Endorse the Esperance Events Discussion Paper 2022-2027; and***
- 2. Consider a budget allocation during the development of the 2023-24 Municipal budget to enable seed funding for new events and the attraction of conferences.***

Following this resolution Council subsequently allocated \$30,000 in the 2023/24 budget to seed fund new events in line with the objectives of the events discussion paper.

#### **Officer's Comment**

Since the Council endorsement of the events discussion paper the Tourism Development Manager and AGO have been working on potential events that meet the objectives of the events discussion paper.

The attached letter from AGO identifies a new Esperance Hiking Festival that is being proposed. AGO has been successful in a grant application for a WA Hiking Participation Grant to assist in delivering the event.

The Esperance Hiking Festival will take place from 20-22 September 2024 and consist of five guided walks a day over a three-day period. With a total of 20 PAX per hike which would amount to approx. 300 PAX participation over the three-day period.

The festival has three main objectives-

- To increase hiking participation amongst the local community
- To upskill up to 10 volunteers to participate as guides
- Raise the profile of Esperance's walking trails and attract overnight visitation

AGO has requested that Council consider contributing \$10,000 from its \$30,000 budget to assist in making the event happen. The main use of the Shire's funds will be the creation of the five tours including tour design, script, risk assessment, digital mapping and licenses. \$10,000 has also been committed by AGO for this event.

### **Consultation**

Australia's Golden Outback

### **Financial Implications**

The financial implications arising from this report is a \$10,000 contribution from its Event Seed Funding budget of \$30,000.

### **Asset Management Implications**

Nil

### **Statutory Implications**

Nil

### **Policy Implications**

This request is in line with the strategy contained within the Esperance Tourism Strategy and the Events Discussion Paper that has been endorsed by Council

### **Strategic Implications**

Council Plan 2022 – 2032

*Growth And Prosperity*

Support our businesses to grow, adapt and assist in building capacity

Develop partnerships to strengthen economic growth

### **Environmental Considerations**

Nil

### **Attachments**

A. [Esperance Hiking Festival Funding Request](#)

B. [Esperance Hiking Festival Budget](#)

**RECOMMENDATION AND DECISION**

**12.4.1 Event Funding Support- Esperance Hiking Festival**

**Moved: Cr de Haas**  
**Seconded: Cr Obourne**

**O0324-029**

**Council Decision**

**That Council allocate \$10,000 towards the Esperance Hiking Festival Event.**

**CARRIED**  
**F7 - A0**







**Item: 12.4.2**

**Common Seal Usage October 2023 to February 2024**

<b>Author/s</b>	Elise Godwin	Administration Assistant - Executive Services
<b>Authorisor/s</b>	Shane Burge	Chief Executive Officer

**File Ref: D24/6505**

**Applicant**

Executive Services

**Location/Address**

Windich Street, Esperance.

**Executive Summary**

For Council to receive the Common Seal Register.

**Recommendation in Brief**

That Council receive the register containing information relating to the use of the Shire of Esperance Common Seal.

**Background**

The Chief Executive Officer and the Shire President are jointly authorised to affix all seals jointly to documents for dealings initiated by a Council resolution. In this regard, the Council resolution need not refer to the sealing action and may only express its wish for certain action which may, ultimately, require the affixing of the seal to a document to achieve the Council's intention.

Exceptions to the above are:

1. Council staff may take independent action in the use of the seal if, in the opinion of the Shire President and Chief Executive Officer jointly such action is necessary to protect Council's interest; e.g. Lodging of caveats and easements and being of the opinion that the protection is no longer necessary, the Shire President and Chief Executive Officer may jointly withdraw the protection.
2. The disposition of Council property for which a Council resolution is required expressly stating that the final document be signed and sealed and the transaction finalised.

A detail of all instances where the seal has been affixed is recorded in both a signed register and an electronic register, which is available for inspection by Councillors during normal office hours. This register is tabled at an Ordinary Council Meeting biannually to be received by Council.

**Officer's Comment**

Both the signed register and the electronic register are available for inspection by Councillors during normal office hours. A copy of the electronic register will be tabled at an Ordinary Council Meeting to be received by Council.

**Consultation**

WALGA

**Financial Implications**

Nil



**Asset Management Implications**

Nil

**Statutory Implications**

LGA – 9.49a Execution of Documents

**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.1](#). The Shire of Esperance Common Seal Usage - October 2023 to February 2024

**RECOMMENDATION AND DECISION**

**12.4.2 Common Seal Usage October 2023 to February 2024**

**Moved: Cr Flanagan**

**Seconded: Cr Graham**

**O0324-030**

**Council Decision**

**That Council receive the report titled The Shire of Esperance Common Seal Usage for the Period of October 2023 to February 2024.**

**CARRIED  
F7 - A0**



**Item: 12.4.3**

**Information Bulletin - March 2024**

<b>Author/s</b>	Elise Godwin	Administration Assistant - Executive Services
<b>Authorisor/s</b>	Shane Burge	Chief Executive Officer

**File Ref: D24/6506**

**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 - March 2024

B. Council Priorities Summary - Corporate Performance - February 2024

**RECOMMENDATION AND DECISION**

**12.4.3 Information Bulletin - March 2024**

**Moved: Cr Obourne**

**Seconded: Cr de Haas**

**O0324-031**

**Council Decision**

**That Council accepts:**

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

**CARRIED  
F7 - A0**





































































### **13. REPORTS OF COMMITTEES**

#### **Item: 13.1**

#### **Compliance Audit Return 2023**

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

#### **File Ref: D24/2745**

#### **Applicant**

Corporate & Community Services

#### **Location/Address**

Shire of Esperance

#### **Executive Summary**

For Council to adopt the 2023 Shire of Esperance Compliance Audit Return (CAR) as required pursuant to Section 7.13(1)(i) of the *Local Government Act 1995*, and Regulation 14 of the *Local Government (Audit) Regulations 1996* as attached.

#### **Recommendation in Brief**

That Council adopt the 2023 Shire of Esperance Compliance Audit Return pursuant to Regulation 14(3) of the *Local Government (Audit) Regulations 1996*.

#### **Background**

As in previous years, local governments are required to complete a CAR by the Department of Local Government and Communities for each calendar year.

The 2023 CAR contains 94 questions across 11 categories formulated around the *Local Government Act 1995* and associated regulations. Categories and questions are completed by the relevant Shire Officers and presented to Council through the Audit Committee for adoption.

A copy of the 2023 Shire of Esperance CAR is attached for reference.

A report was put to the Audit Committee for consideration at their meeting held 5 March 2024, with the following being decided:

That the Audit Committee recommend that Council adopt the 2023 Shire of Esperance Compliance Audit Return pursuant to Regulation 14(3) of the *Local Government (Audit) Regulations 1996*.

#### **Officer's Comment**

The CAR has identified no area of non-compliance within the Shire of Esperance for 2023.

#### **Consultation**

Asset Management  
Corporate & Community Services  
Executive Services  
External Services

**Financial Implications**

Nil

**Asset Management Implications**

Nil

**Statutory Implications**

*Local Government Act 1995 – Section 7.13(1)(i)*

*Local Government (Audit) Regulations 1996 – Regulation 14*

**Policy Implications**

Nil

**Strategic Implications**

Council Plan 2022 - 2032

*Performance - Outcome 14. Community confidence and trust in Council*

Objective 14.1. Provide transparent, accountable and effective leadership.

Encourage community participation and insight into activities and decisions

**Environmental Considerations**

Nil

**Attachments**

A. Compliance Audit Return 2023

**RECOMMENDATION AND DECISION**

**13.1 Compliance Audit Return 2024**

**Moved: Cr Flanagan**

**Seconded: Cr Davies**

**O0324-032**

**Council Decision**

**That Council adopt the 2023 Shire of Esperance Compliance Audit Return pursuant to Regulation 14(3) of the *Local Government (Audit) Regulations 1996*.**

**CARRIED  
F7 - A0**





























**Item: 13.2**

**Risk Register and Audit Regulation 17 Review Action Update**

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

**File Ref: D24/6376**

**Applicant**

Internal

**Location/Address**

N/A

**Executive Summary**

For Council to consider the reported progress report on actions generated from the 2023 Risk Register and Audit Regulation 17 reviews.

**Recommendation in Brief**

That Council receive the second quarterly report on actions from the 2023 Risk Register and Audit Regulation 17 reviews.

**Background**

The most recent review of systems and procedures as required under regulation 17 of the *Local Government (Audit) Regulations 1996* was conducted and put to the Audit Committee in March 2023 where the following was decided;

That the Audit Committee;

1. Accept the CEO's review of the appropriateness and effectiveness of the Shire of Esperance systems and procedures in relation to risk management, internal control and legislative compliance; and
2. Recommend the review to Council for endorsement.
3. Request the Chief Executive Officer to provide the Audit Committee with a prioritised list of actions based on recommendations of the report provided by Civic Legal.

A report was put to the Audit Committee for consideration at their meeting held 5 March 2024, with the following being decided;

That the Audit Committee;

1. Accept the quarterly report on actions from the 2023 Risk Register and Audit Regulation 17 reviews; and
2. Recommend the reports are provided to Council for acceptance.

**Officer's Comment**

All actions raised within the Regulation 17 and Risk Register reviews have been entered into the Shire's reporting system, with reports being generated quarterly to track progress of each item.

The most current quarterly reports are attached for reference.

**Consultation**

Relevant staff across the Shire.

**Financial Implications**

Nil

**Asset Management Implications**

Nil

**Statutory Implications**

Nil

**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. Risk Register Report - Q2 2023/2024

B. Audit Regulation 17 Report - Q2 2023/2024

**RECCOMENDATION AND DECISION**

**Item: 13.2 Risk Register and Audit Regulation 17 Review Action Update**

**Moved:** Cr Obourne  
**Seconded:** Cr Flanagan

**O0324-033**

**Council Decision**

**That Council accept the quarterly report on actions from the 2023 Risk Register and Audit Regulation 17 reviews.**

**CARRIED  
F7 - A0**







































**Item: 13.3**

**2023/24 Budget Review**

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

**File Ref: D24/6466**

**Applicant**

Corporate and Community Services

**Location/Address**

Internal

**Executive Summary**

Prudent management of the Shire's Annual Budget includes a full review of the Shire's progress mid-way through the financial year. This report presents a review of the 2023/24 Annual Budget based on actuals and commitments for the first six months of the year and forecasts for the remainder of the financial year.

**Recommendation in Brief**

That Council adopt the 2023/24 Budget Review which includes the attached Budget requests.

**Background**

Council undertakes a Budget Review to assess the impact of actual events upon the adopted budget. The Budget Review document contains actual transactions up to the end of December 2023 and also a predicted figure for each account till the end of the financial year. The predicted figures attempt to quantify the likely difference that invariably occurs between the budget and the end of the financial year actual result.

A detailed dissection of the income and expenditure variations is supplied as an attachment. The report lists all accounts which have a variance (surplus or deficit) from which was estimated in the annual budget. All of the variances shown require Council approval by Absolute Majority to adjust the original budget. If Council resolves to adjust the budget as per the attachment, it will provide a predicted \$5,210 deficit by 30 June 2024.

A report was put to the Audit Committee for consideration at their meeting held 5 March 2024, with the following being decided:

That the Audit Committee recommends Council to adopt the 2023/24 Budget Review.

**Officer's Comment**

The Budget Review has been compiled in the statutory reporting program format similar to the monthly financial report. Four columns of information have been presented as follows:

1. The first column being the Council's adopted budget
2. The second column contains the actual result recorded to 31 December 2023
3. The third column contains the actual result recorded to 28 February 2024
4. The fourth column being the predicted result to 30 June 2024.

Expenditure is presented without brackets and revenue is presented in brackets eg **(\$100,000)**.

The Budget Review process is essentially designed to ensure that the adopted budget is being adhered to and there are no material variances that may cause a deficiency in “cash” to occur at financial year’s end.

The original 2023/24 Budget as adopted by Council resulted in a \$22,000 deficit. Since adoption, budget amendments have been presented and adopted by Council however they did not affect the net position. The following adjustments from the mid-year Budget Review results in a reduction of the deficit to \$5,210.

Movements in the budget can be explained as follows:

<b>Operating Income Movement</b>		
Fees & Charges	Increase mainly applicable to: <ul style="list-style-type: none"> <li>- Overall increase of \$188,335 in expected income for Waste Management related to domestic rubbish removal and tip charges (32.9% of increase)</li> <li>- Increase of \$154,000 in Private works income expected (26.9% of increase)</li> <li>- Increase of \$49,448 in Caravan Park income (8.6% of increase)</li> <li>- Increase of \$91,200 in income across all services at the Bay of Isles Leisure centre (15.9% of increase)</li> <li>- Increase in expected income of \$30,000 at the Civic Centre (5.2% of increase)</li> </ul>	<b>(\$572,282)</b>
Interest Earnings	Full increase is a result of favourable interest rates available during the year.	<b>(\$792,000)</b>
Operating Grants & Subsidies	Increase mainly applicable to: <ul style="list-style-type: none"> <li>- An increase in Financial Assistance Grants of \$342,918 (292% of increase)</li> <li>- A decrease in expected grants relating to Home Care operations of \$204,622 (-174% of increase) mainly due to a repayment of unspent grants.</li> <li>- A decrease in expected grants of \$127,035 in relation to GVROC (-108% of increase)</li> <li>- An increase in of \$94,355 in relation to FOGO grants (80% of increase)</li> </ul>	<b>(\$117,315)</b>
Rates	An increase in rates mainly related to continued residential development within the Shire.	<b>(\$65,037)</b>
Reimbursements	This increase is mainly attributable to an expected reimbursement from Department of Transport of \$205,100 (75.4% of increase) in relation to reimbursement of expenditure for the installation of Bus Stops. <i>This movement was previously approved by Council on 31 October 2023.</i>	<b>(271,853)</b>
Contributions & Donations	The increase is mainly attributable to an increase of \$20,000 in Fuel Tax Credits (75.6% of increase).	<b>(\$26,465)</b>
Reserve Transfers to Muni	This increase is directly related to Home Care for the repayment of unspent grants.	<b>(\$154,592)</b>
<b>Operating Expenditure Movement</b>		
Allocations	A decrease reflecting a decrease in net operating deficit.	<b>(\$29,796)</b>
Depreciation	An increase for unbudgeted depreciation for new assets.	<b>\$84,537</b>



Insurance	A decrease to reflect actuals.	<b>(\$35,123)</b>
Materials & Contracts	<p>Increase mainly attributable to:</p> <ul style="list-style-type: none"> <li>- Increase in expenditure of \$205,100 (24.5% of increase) to install Bus Stops (offset by DoT income as above) <i>This movement was previously approved by Council on 31 October 2023.</i></li> <li>- Increased Waste Management maintenance requirements of \$119,319 (14.2% of increase) across Wylie Bay (62%) and Truck Wash Bay (38%)</li> <li>- Increase in cleaning contractor costs of \$199,000 (13% of increase) across Sporting Grounds and Complexes.</li> <li>- Addition of \$50,000 (6% of increase) of expenditure to implement Workplace Health and Safety software.</li> <li>- A \$37,000 (4.4% of increase) movement from capital expenditure to Operating expenditure to better display the nature of IT projects (consultancy not assets).</li> <li>- An increase of \$30,169 (3.6% of increase) across the Home Care Program.</li> <li>- An increase in Civic Centre expenditure of \$26,000 (3.1% of increase) to provide additional shows during the year.</li> <li>- Addition of \$20,000 of expenditure (2.4% of increase) to review visitor camping opportunities going forward.</li> <li>- Addition of \$20,000 in expenditure (2.4% of increase) for the installation of smoke detection system and switchboard upgrades for the Airport.</li> <li>- An increase in expenditure requirements of \$20,000 (2.4% of increase) for the maintenance of street decorations.</li> <li>- An increase in emergency services building maintenance of \$16,500 (2% of increase)</li> <li>- An increase of \$13,000 (1.6% of increase) for the provision of portable amenities for overflow.</li> <li>- Vehicle maintenance expenditure requirements have increase by \$12,453 (1.5% of increase)</li> <li>- There has been a decrease of \$42,659 in relation to the GVROC Climate change Coordinator which is reflected in the decrease of grants received under operating income.</li> </ul>	<b>\$837,438</b>
Other Expenditure	A small increase to better reflect expected actuals.	<b>\$2,850</b>
Employment Expenses	<p>Increase is mainly attributable to:</p> <ul style="list-style-type: none"> <li>- An increase of \$264,998 in worker's compensation (84.9% of increase) due to a higher than expected Worker's Compensation adjustment.</li> <li>- An increase of \$26,806 (8.6 % of increase) across salaries to consider movements in positions.</li> </ul>	<b>\$312,273</b>
Utility Charges	<p>This increase is mainly attributable to an error with budgeted figures for Bay of Isles Leisure Centre resulting in a movement of \$151,400 to budgeted figures (115% of increase). Small savings have been recognised in several other areas to offset some of this movement.</p>	<b>\$131,386</b>

<b>Non-Operating Income Movements</b>		
Non-Operating Grants & Subsidies	The increase is mainly attributable to a project to Design and construct Condingup Fire Shed \$310,000 (96.3% of increase). <i>This budget movement was previously approved by Council on 22 August 2023.</i>	<b>(\$321,747)</b>
Proceeds from Disposals	Increased to reflect actual proceeds received from sale of vehicles.	<b>(\$16,367)</b>
Reimbursements	Increased to reflect actual reimbursements received in relation to insurance claims.	<b>(\$5,906)</b>
Reserve transfers to Muni	The increase is mainly attributable to a \$1.6 million transfer from the Land Development Reserve for design & construction of units. <i>This movement was previously approved by Council on 22 August 2023.</i>	<b>(\$1,469,047)</b>
<b>Non-Operating Expenditure</b>		
Material & Contracts	The increase is mainly attributable to: <ul style="list-style-type: none"> <li>- Approval of a \$1.6 million project for design &amp; construction of units (78.5% of increase). <i>This movement was previously approved by Council on 22 August 2023.</i></li> <li>- Approval of a project to Design and construct Condingup Fire Shed for \$310,000 (15.2% of increase). <i>This budget movement was previously approved by Council on 22 August 2023.</i></li> <li>- Increase in budget of \$200k for reconstruction of Cascade Road (9.8% of increase)</li> </ul>	<b>\$2,036,924</b>
Purchase of Assets	The reduction in budget is mainly attributable to: <ul style="list-style-type: none"> <li>- The movement of \$37,000 (209% of decrease) from capital to operating to better display the nature of an IT project.</li> <li>- An increase in budgeted Light Vehicle purchases of \$16,367 (-92.8% of decrease)</li> </ul>	<b>(\$17,628)</b>
Reserve Transfers from Muni	The increase is attributable to: <ul style="list-style-type: none"> <li>- An increase in Reserve Interest across all reserve accounts of \$350,000 (63.6% f increase)</li> <li>- A \$100,000 increase in reserve transfers in relation to the Governance &amp; Workers Compensation Reserve (18.2% of increase)</li> <li>- Movements across the Aerodrome (\$21,218) and Sanitation (\$79,058) Reserves in line with expected surplus in applicable areas.</li> </ul>	<b>\$550,276</b>
Employment Expenses	Small increase to recognise salaries & wages not previously budgeted.	<b>\$7,181</b>
<b>Total Movement across Budget</b>		<b>\$67,747</b>
<b>Less non-cash movements excluded (Depreciation)</b>		<b>(\$84,537)</b>
<b>Overall Change (surplus)</b>		<b>(\$16,790)</b>

The following section describes the main revisions to budget by program:

### **General Purpose Funding**

- Financial Assistance Grant funding is \$342,918 more than expected.
- Interest income has increase by \$780,000 with favourable interest rates currently being offered. \$350,000 of this increase is associated with reserve account interest and therefore does not affect the predicted net position.
- Rating income is higher than expected by \$65,037 due to the progress of private residential development.

### **Governance**

- Worker's Compensation increased by \$262,538 due to a higher than predicted Worker's Compensation adjustment received during the year.
- Budgeted figures for other insurances dropped by \$33,673 as actuals came in lower than expectation.
- \$50,000 of expenditure has been added to allow for the implementation of Workplace Health and Safety Software.
- \$20,000 of expenditure has been added to assist with a strategic review of visitor camping opportunities going forward.
- A movement in position allocations has resulted in a net budget increase to employee costs of \$138,376.

### **Law, Order and Public Safety**

- Previously approved income and expenditure has been included of \$310,000 for Condingup Fire Shed having a net zero effect on budget. Approved by Council on 22 August 2023.
- A movement in positions allocation has resulted in a budget decrease to Ranger employee costs of \$103,346.

### **Education and Welfare**

- There has been a decrease in expected grants relating to Home Care operations of \$204,622 as a result of a requirement to reimburse unspent grants. This has resulted in the requirement of a movement from the Esperance Home Care Fundraising reserve of \$154,592.
- An increase in capital grants received of \$89,000 has enabled the reduction of transfer from the Esperance Home Care Asset Replacement Reserve.

### **Community Amenities**

- The GVROC Climate Change Coordinator project has been closed out resulting in a reduction of budgeted expenditure of \$150,025 with a matching decrease in income.
- The Shire has been awarded a new Community Stewardship Grant from WALGA to the value of \$33,000.
- Fees and charges across Waste Management have increased by \$188,335 driven by an increase in demand across domestic rubbish removal and access to the tip.
- The Shire has been successful in receiving a Grant from DWER of \$95,000 in relation to Food Organics and Garden Organics (FOGO). Special Projects budgeted expenditure has been increased in line with the grant resulting in a net zero effect.
- Maintenance across Wylie Bay and the Truck Wash has increased by \$119,319.
- A movement in position allocations has resulted in a net budget decrease across Community Amenities to employee costs of \$46,302.

## Recreation and Culture

- Budgeted Fees and charges across Bay of Isles Leisure Centre have increased by \$91,200 in line with an expected increase in membership, pro-shop sales and creche admissions.
- \$50,000 has been added to special projects to assist in a strategic review into the future direction of Bay of Isles Leisure Centre.
- The utilities budget for Bay of Isles Leisure centre has increased by \$102,471 due to an error with the original budgeted amount for electricity.
- An additional show has been added to the Civic Centre at a budgeted cost of \$26,000 with a conservatively budgeted income of \$30,000.
- Capital projects for the Esperance Period Village have been closed out resulting in a reduction of expenditure and movement from reserves to the value of \$19,453.
- An additional \$70,000 has been allocated to the maintenance budgets for the Foreshore and CBD improvements.
- \$50,000 of budgeted expenditure has been added for reticulation work relating to the dog park.
- A new project relating to the Skate Park Refurbishment has been opened with a budgeted expenditure of \$55,000
- An increase in cleaning costs caused by a move from salaries to contracted services has occurred across GMS and EIS totalling \$104,000.
- There has been an increase in cleaning costs of \$95,000 for Overflow caused by a move to contracted services.
- Eastern suburbs water pipeline budgeted fee collections have increased by \$10,000.

## Transport

- Budget of \$20,000 is required for the installation of a smoke detection system and essential switchboard upgrades at the Airport.
- Roads & Street expenditure and income have increased by \$205,100 for the installation of bus stops which will be reimbursed by Department of Transport. This has a net zero effect on budget.
- Municipal allocation for Roads & Streets investment to the value of \$50,000 has been moved from capital to operating to appropriately fund the Gravel Pit rehabilitation.
- Other Roads & street expenditure has decreased by \$22,000 across crossovers, carparks and Street trees works.
- Investment in Cascade Road renewal has increased by \$200,000.
- Main roads capital investment has increased by \$113,858 in relation to Shelden Road asphalt works.

## Economic Services

- A movement in position allocations has resulted in a net budget decrease to employee costs of \$11,443.
- Shire Caravan Park fees and charges have increased by \$49,000 as the commission received from RAC was higher than anticipated.
- Maintenance for street decorations has increased by \$16,000 to address issues with Christmas decorations.

## Other Property & Services

- An increase in rent received for Shire owned housing has resulted in an increase to fees & charges of \$30,000.
- An increase of Outside Works has resulted in a recruitment increase of \$28,000 to employee costs.

- Fuel Tax Credits increase have resulted in an increase to Grants, Subsidies and Contributions of \$20,000.
- Vehicle costs for plant & equipment operations have increased by \$134,000 as a result of an increase in vehicle repairs.
- Forecast expenditure for private works has increased by \$110,000 with an in-line adjustment to income of \$154,000 resulting in a net increase of \$44,000 across private works.

### **Funds Transfers**

- The increase in transfer to reserve reflects the increased an increase in interest earnings and movements to the Aerodrome and Sanitation reserve accounts in line with budget changes.

The original budget commenced with a \$22,000 deficit. Subsequent budget amendments have resulted in a smaller deficit of \$5,210. This is an encouraging result considering increasing costs across all goods and services. An offset from higher interest rate earnings has assisted in maintaining a relatively balanced budget.

### **Consultation**

Chief Executive Officer  
Director Corporate and Community Services  
Director External Services  
Director Asset Management

### **Financial Implications**

As detailed in the attached Budget Review documentation.

### **Asset Management Implications**

Nil

### **Statutory Implications**

*Local Government (Financial Management) Regulation 1996 – 33(a) Review of Budget*

### **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⇒. FY23/24 Budget Review - *Under Separate Cover*
- B↓. 2023-24 - MYR Bid - Office Enclosure - Administration Building
- C↓. 2023-24 - MYR Bid - Workplace Health & Safety Software
- D↓. 2023-24 - MYR Bid - Bay of Isles Leisure Centre Strategic Review
- E↓. 2023-24 - MYR Bid - Visitor Camping Review

**RECOMMENDATION AND DECISION**

**13.3 2023/24 Budget Review**

**Moved: Cr Obourne**

**Seconded: Cr de Haas**

**O0324-034**

**Council Decision**

**That Council:**

- 1. Adopt the 2023/24 Budget Review.**
- 2. Approve the budget request for an increase in capital investment of \$12,000 in 2023/24 for an Office Enclosure as included in the bottom line.**
- 3. Approve the budget request for an increase in operating expenditure of \$50,000 in 2023/24 for the implementation of Workplace Health and Safety Software as included in the bottom line.**
- 4. Approve the budget request for an increase in operating expenditure of \$50,000 in 2023/24 to support a strategic review of Bay of Isles Leisure Centre as included in the bottom line.**
- 5. Approve the budget request for an increase in operating expenditure of \$20,000 in 2023/24 to support a review of Visitor Camping as included in the bottom line.**

**CARRIED  
F7 - A0**

















**Item: 13.4**

**Minutes of the Audit Committee**

**Author/s** Elise Godwin Administration Assistant - Executive Services

**Authorisor/s** Shane Burge Chief Executive Officer

**File Ref: D24/6980**

**Attachments**

[A.1.](#) Minutes - Audit Committee Meeting - 5 March 2024

**RECOMMENDATION AND DECISION**

**13.4 Minutes of the Audit Committee**

**Moved:** Cr Flanagan

**Seconded:** Cr Johnston

**O0324-035**

**Council Decision**

**That Council accept the unconfirmed minutes of the Audit Committee meeting held on the 5<sup>th</sup> March 2024.**

**CARRIED  
F7 - A0**



































































































































































































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

Nil

**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

**O0324-036**

### **Council Decision**

**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 0552-24 Graham MacKenzies Stadium Replacement - Design and Construct**

*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  
F7 - A0**

All members of the public left the Chambers at 5:11pm and did not return

#### **17.1 0552-24 Graham MacKenzies Stadium Replacement - Design and Construct**

### **MOTION**

**Moved:** Cr Obourne  
**Seconded:**

**That Council**

1. Does not award Request for Tender 0552-24 Graham Mackenzie Stadium Replacement – Design and Construct
2. Proceed to demolish the Graham Mackenzie Stadium to resolve the ongoing structural issues.
3. Consult with GSG users on installing lighting at the new netball courts.
4. Retain the Graham McKenzie stadium ablutions.
5. Include a replacement Graham McKenzie stadium in future years of the Long Term Financial Plan; and
6. Reallocate Local Roads and Community Infrastructure grant funds through to road construction projects.

**MOTION LAPSED**

*The motion lapsed due to lack of a seconder.*

**RECOMMENDATION AND DECISION**

**Moved:** Cr Davies  
**Seconded:** Cr Flanagan

**O0324-037**

**Council Decision**

**That Council**

- 1. Name Drake-Brockman Building and Construction Pty Ltd as the preferred tenderer for Request for Tender 0552-24 Graham Mackenzie Stadium Replacement – Design and Construct; and**
- 2. Request the CEO to:**
  - a. Negotiate with Drake-Brockman Building and Construction Pty Ltd to reduce the tender sum; and**
  - b. Bring back to Council the results of the negotiation for consideration.**

**CARRIED**  
**F5 – A2**  
*(Against Cr Obourne, Cr Graham)*

**Coming from behind closed doors**

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

**O0324-038**

**Council Decision**

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

**CARRIED**  
**F7 - A0**

**The Presiding Member read aloud the above Resolution.**



**19. CLOSURE**

The President declared the meeting closed at 5:25pm.

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

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

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

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