



Shire of Esperance

ORDINARY COUNCIL

TUESDAY 27 AUGUST 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
27 August 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 Kapa 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	President	
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

Shire Officers

Mr R Greive	Acting Chief Executive Officer
Mr M Walker	Director Asset Management
Mrs F Baxter	Director Corporate & Community Services
Mrs C Hoffrichter	Executive Assistant

Members of the Public & Press

Stuart Sinclair	Public Question Time
Jayden Congreve-Lawrence	Public Question Time
Geoff Vivian	Weekender
Hayden Smith	ABC

3. APOLOGIES & NOTIFICATION OF GRANTED LEAVE OF ABSENCE

Cr S McMullen		Town Ward
Cr J Obourne	Deputy President	Town Ward
Cr C Davies		Town Ward
Mr S Burge	Chief Executive Officer	

4. APPLICATIONS FOR LEAVE OF ABSENCE

MOTION

Moved: Cr Starcevich

Seconded: Cr de Haas

O0824-019

Council Resolution

That Council accepts the below leave of absence:

Cr de Haas 04 September – 12 September 2024

Cr Graham 14 September – 22 September 2024

Pres Chambers 7 September - 16 September 2024

**CARRIED
F6 - A0**

For: Cr de Haas, Cr Flanagan, Cr Graham, Cr Starcevich, Cr Johnston, Pres Chambers

5. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil

6. DECLARATION OF MEMBERS INTERESTS

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

Cr Graham declared a financial interest in item 12.1.1 Development Application - Agricultural Building - Lot 192 (1411) Dalyup Road, Dalyup as he is the owner of the property requesting development approval and he is also a Councillor.

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 has declared a Impartiality Interest in item 12.4.2 Event Funding Request - Converge Esperance 2024 as she is the President of the Esperance Chambers of Commerce and Industry

Mr Walker declared an impartiality Interest in Item 12.3.2 Prioritisation of CSRFF Small Grant Applications as he is a member of the Esperance Bay Yacht Club

7. PUBLIC QUESTION TIME

Stuart Sinclair asked the following question in relation to the youth precinct and its future growth and development.

For those who I have not met before, my name is Stuart Sinclair and I'm here today as a community member, dedicated skateboarder for over 20 years and regular user of the towns Skate Facility.

I'm here today to request an update on the Esperance Youth Precinct and the report that was released over 4 years ago. In the report it states "the youth community has overgrown the current facility" and "an extension to the existing park is required as the community has already outgrown the current facility".

These are two statements I can confirm are very much still accurate. There has been a boom in skatepark popularity, especially in the younger age brackets meaning the skatepark is not only congested with users, but also parents. Even during the winter months of this year, the park has been overcrowded and potentially dangerous at times. No parts of the skatepark are sheltered, meaning rain stops play which adds to the congestion issues on the dry days of winter.

It's been 8 years since the park was built, 4 years since the report and 18 months since the pump track was finished. Hopefully the shire has a plan to prioritize this project and move forward with the skatepark extension to ease the congestion on the current facility and offer better recreation opportunities for all ages, abilities and program levels.

My question for Council is, where the Shire is at with the Youth Precinct and what plans there are to move forward?

The Shire President thanked Mr Sinclair for his question and advised, as always these plans sit there in the background and a lot of them are requiring funding for the roles, but I think it is good that you are taking an interest in that activity but also in that precinct and making sure we stick to the plans that are out there.

I am not sure where the plan is at exactly, I will now hand over to Acting CEO Mr Greive.

Mr Greive, thank you chair and thank you Mr Sinclair for the question. We will take this question on notice unless Mr Walker Director of Asset Management can provide more of an update?

Mr Walker advised yes I can give an update. Since that report was released, we done the pump track which is a \$400,000 project in the Youth precinct we have also done the toilet block there which was a \$300,000 investment into the Youth Precinct.

Our next priority project for us is to put lights on the pump track so people can use it after dark, and we will look at further projects, as the Shire President said we have these plans in the background and if there is opportunities that arise in the future we can out hand up. But to do an extension of the skate park you are looking at a \$500,000 project so it's a not small figures we are talking about we will probably need to apply for grant funding and the like to do the next part of the extension. We will have a look and see if there is other stuff we can add like shelter etc, but as for the extension it won't be cheap and we will need support from someone other than the Shire.

The Shire President said thank you, to Mr Walker, and asked if Mr Sinclair if that answered his question and if he required anymore information.

Mr Sinclair advised that this did answer his question and thanked them. Mr Sinclair advised if the Shire needs any help of assistance from the users of the skate park, they are always here to advise and help. One thing he would suggest is making it a priority for a sheltered facility as the skate park is unusable during the wet winter months and even during the dry winter months there is a lot of dew. Some sort of sheltered section would be great.

Cr Johnston advised she has something to say. Cr Johnston said good on you for bringing this to the attention of all of us, a few things just on the grant funding, cause yep clearly I know it's in the Council Plan and yes so it's there so that's s good start. But are we actively looking for funding for that at this stage, do we know what is coming forth that might be?

Mr Walker advised no I don't know what we are actively looking at, previous funding for the skate park came out of Federal Funding for Local Roads and Community Infrastructure, so Council at that stage prioritised those 2 projects in their various stages, which is how those got up otherwise potentially they wouldn't have got up without that funding and they were fully funded through those programs.

I guess we need to take a step back, look and see where we can mix it in with the other programs and other public open space works we've got. But happy it's in the Council Plan, happy to look at

it and work out what other priorities moving forward and do we need to pursue them and potentially for future budgets.

Cr Johnston asked about shelters and the Shire President advised to leave it approach him later and we will arrange a briefing with Shire staff and Councillors and that will be the forum to cover those sorts of things, not here in a public meeting.

Mr Sinclair thanked Councillors.

8. PUBLIC ADDRESSES / DEPUTATIONS

Nil

9. PETITIONS

Nil

10. CONFIRMATION OF MINUTES

Moved: Cr Starcevich

Seconded: Cr Flanagan

O0824-020

Council Resolution

That the Minutes of the Ordinary Council Meeting of the 23 July 2024, and the Special Council Meeting of the 7 August 2024 be confirmed as true and correct records.

CARRIED

F6 – A0

For: Cr de Haas, Cr Flanagan, Cr Graham, Cr Starcevich, Cr Johnston, Pres Chambers

11. DELEGATES' REPORTS WITHOUT DISCUSSION

Cr Starcevich

Nil

Cr Johnston

26 Aug Attended Senior Citizen Meeting

Cr Davies

Nil

Cr Flanagan

07 Aug Participated in Audit Committee Meeting

13 Aug Attended Signing of Partnership Agreement with Tjaltjraak

Cr de Haas

23 Jul Attended InterEarth presentation by Peter Metcalf

30 Jul Participated in Museum Working Group meeting

06 Aug Attended Citizenship Ceremony

08 Aug Participated in 'Acknowledge This' workshop

09 Aug Attended Interagencies meeting

12 Aug Attended Official Opening and Opening Celebration NAIDOC week

13 Aug Attended Signing of Partnership Agreement with Tjaltjraak

Cr Graham

25 Jul Kalgoorlie- Understanding Native Title and Aboriginal Heritage workshop with other agencies.

26 Jul Kambalda for GVROC meeting

17 Aug Represented Shire on the Melbourne Cup Tour events around Esperance.

23 Aug GVROC meeting via zoom

Cr Obourne

Nil

Pres Chambers

25 Jul Kalgoorlie- Understanding Native Title and Aboriginal Heritage workshop with other agencies.

26 Jul Kambalda for GVROC meeting

06 Aug Attended Citizenship Ceremony

07 Aug Participated in Audit Committee Meeting

08 Aug Participated in 'Acknowledge This' workshop

12 Aug Attended Official Opening and Opening Celebration NAIDOC week

13 Aug Attended Signing of Partnership Agreement with Tjaltjraak

17 Aug Represented Shire on the Melbourne Cup Tour events around Esperance.

23 Aug GVROC meeting via zoom

Mr Sinclair and Mr Congreve left the Chambers at 4:11pm and did not return.

Cr Graham left the chambers at 4:15pm

12. MATTERS REQUIRING A DETERMINATION OF COUNCIL

12.1 EXTERNAL SERVICES

Item: 12.1.1

Development Application - Agricultural Building - Lot 192 (1411) Dalyup Road, Dalyup

Author/s	Peter Wilks	Coordinator Planning Services
Authorisor/s	Richard Hindley Roy Greive	Manager Development Services Director External Services

File Ref: D24/22833

Applicant

Auspan Building Systems Pty Ltd on Behalf of W J Graham

Location/Address

Lot 192 (1411) Dalyup Road, Dalyup



Executive Summary

That Council consider Development Application 10.2024.5549.1 for an Agricultural Building at Lot 192 (1411) Dalyup Road, Dalyup.

Recommendation in Brief

That Council approve Development Application 10.2024.5549.1 for an Agricultural Building at Lot 192 (1411) Dalyup Road, Dalyup subject to conditions.

Background

Planning Services received an application for development approval of an Agricultural Building with dimensions of 36 metres by 32 metres with a wall height of 9.75 metres and a ridge height of approximately 11.5 metres at Lot 192 (1411) Dalyup Road, Dalyup on 10 July 2024.

During assessment of the proposal it was noted that the property was owned by Councillor Graham and the property is not the Councillors primary place of residence. While the application could be considered the expansion or upgrading of a place of business for the purpose of the policy which states that the consent of Council is required where a senior officer or elected member lodged an application for development approval for: "that person's own place of residence or expansion/upgrading of a place of business that was previously approved and satisfies the objectives and development standards"

As such it is considered appropriate that the application be determined by Council in accordance with Council Policy POL-0053-Applications Lodged by Senior Employees or Elected Members. It should be noted that if Council Policy POL-0053 did not apply to this application it would have been determined under delegated authority at an officer level.

Officer's Comment

The proposed development is generally in accordance with the provisions of Local planning Scheme No. 24, with the application only requiring development approval on three points:

- 1) The property is affected by Special Control Area 5 – Wetlands of Significance and Lake Warden Recovery Catchment, which requires issuance of development approval for all works;
- 2) The proposed height of the building with a 9.75 metre wall height which is 0.75 metres over the Scheme requirement and a ridge height of approximately 11.5 metres which is 2.5 metres over the Scheme requirement; and
- 3) The property is owned by a Councillor of the Shire of Esperance. (Council Policy POL-0053)

The location of the property in Special Control Area 5 – Wetlands of Significance and Lake Warden Recovery Catchment does not apply any specific requirements to the proposal aside from a requirement to obtain development approval. As the proposal is for an Agricultural Building on an existing agricultural site with no clearing required, it is considered that referral to the Department of Biodiversity, Conservation and Attraction was not required as the Agricultural Building would not have any impact on the nearby Lake Gore catchment.

The proposed height of the building exceeds the 9 metre building height limit for non-industrial development, however with the building being 93 metres from the closest boundary line the increased building height will not have a significant impact on the surrounding amenity, it is considered that this is a minor variation that can be supported by planning officers.

It is acknowledged that the intent of Council Policy POL-0053 is in regards to the primary place of business, and that upgrade and development works to isolated farm sites (where multiple are owned by the individual in question) arguably falls within a grey area within the wording of the policy. Officers prefer to be conservative with their application of Council Policy POL-0053 and so this application has been presented to Council for consideration instead of being considered at officer level as would normally be the case for an application of this nature.

With only a minor variation proposed to the provisions of the Local Planning Scheme, it is the recommendation of the planning officers that the application be approved by Council subject to conditions.

Consultation

Nil

Financial Implications

Application fees totalling \$896.03 were received as part of this application.

Asset Management Implications

Nil

Statutory Implications

Local Planning Scheme No. 24

Pursuant to s.211(1) of the *Planning and Development Act 2005*, a person aggrieved by the failure of a local government to enforce or implement effectively the observance of a local planning scheme may make representation to the Minister. If the Minister considers it appropriate to do so, representation may be referred to the State Administrative Tribunal for its report and recommendation. Following subsequent actions and recommendation by the SAT the Minister may order the local government to do all things considered necessary for enforcing the observance of the Scheme or any provisions of the Scheme. In this instance it is considered that the Scheme has been enforced effectively.

Policy Implications

Council Policy POL-0053-Applications Lodged by Senior Employees or Elected Members.

Strategic Implications

Council Plan 2022 – 2032

Built Environment

New developments that enhance the existing built environment

Environmental Considerations

Nil

Attachments

A. Development Plans - Agricultural Building

RECOMMENDATION AND DECISION

Item: 12.1.1 Development Application - Agricultural Building - Lot 192 (1411) Dalyup Road, Dalyup

Moved: Cr Flanagan

Seconded: Cr de Haas

O0824-021

Council Resolution

That Council approve Development Application 10.2024.5549.1 for an Agricultural Building at Lot 192 (1411) Dalyup Road, Dalyup subject to the following conditions:

- 1. Development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved plan(s) unless otherwise required or agreed in writing by the Shire of Esperance.**
- 2. The Agricultural Building hereby approved shall not be used for human habitation, commercial or industrial uses without the written consent of the Shire of Esperance.**
- 3. All stormwater and drainage run off from all roofed and impervious areas is to be retained on-site to the satisfaction of the Shire of Esperance.**
- 4. The provision of all services, including augmentation of existing services, necessary as a consequence of any proposed development shall be at the cost of the developer and at no cost to the Shire of Esperance.**
- 5. The emission of noise, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, chemicals and/or any other type of emission that may potentially impact on environmental and/or public health are to be mitigated within the boundaries of the premise and must not impact on public health and/or cause nuisance to users or occupants of adjoining premises.**
- 6. The works involved in the implementation of the development must not cause sand drift and/or dust nuisance. In the event that the Shire of Esperance is aware of, or is made aware of, the existence of a dust problem, measures such as installation of sprinklers, use of water tanks, mulching, or other land management systems as appropriate may be required to be installed or implemented.**
- 7. The proposed operations, during and after construction, are required to comply with the *Environmental Protection (Noise) Regulations 1997*.**

AND the following advice notes:

- 1. THIS IS NOT A BUILDING PERMIT. An application for a building permit is required to be submitted and approved by the Shire of Esperance (Building Services) prior to any works commencing on-site.**
- 2. The development is to comply with the *Building Code of Australia, Building Act 2011, Building Regulations 2012* and the *Local Government Act 1995*.**
- 3. It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Esperance will take no responsibility for incorrectly located buildings.**
- 4. It is the responsibility of the developer to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.**
- 5. Horizon Power has requested the Shire to advise Applicants that Horizon Power has certain restrictions regarding the installation of conductive materials near its**

network assets. Applicants are advised to contact Horizon Power's Esperance office to ascertain whether any of Horizon Power's restrictions affect their proposed development.

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

CARRIED

F5 - A0

For: Cr de Haas, Cr Flanagan, Cr Starcevich, Cr Johnston, Pres Chambers

Cr Graham returned to the Chambers at 4:17pm

12.2 ASSET MANAGEMENT

Nil

12.3 CORPORATE & COMMUNITY SERVICES

Item: 12.3.1

Financial Services Report - August 2024

Author/s	Roselyn Hamilton Sarah Bridge	Manager Financial Services Corporate Accountant
Authoriser/s	Felicity Baxter	Director Corporate and Community Services

File Ref: D24/19362

Attachments

[A1](#). Financial Management Report July 2024

RECOMMENDATION AND DECISION

Item: 12.3.1 Financial Services Report - August 2024

Moved: Cr de Haas
Seconded: Cr Starcevich

O0824-022

Council Resolution

That Council receive the attached report entitled Financial Management Report for the month of July 2024

**CARRIED
F6 - A0**

For: Cr de Haas, Cr Flanagan, Cr Graham, Cr Starcevich, Cr Johnston, Pres Chambers

MANAGER FINANCIAL SERVICES COMPILATION REPORT

MEETING DATE:	27 AUGUST 2024
ACCOUNTING PERIOD:	PERIOD ENDED 31 JULY 2024
MATERIALITY THRESHOLD:	\$100,000 OR 10%

OVERVIEW

The Statement of Financial Activity is presented on page 3 and shows a surplus at 31 July of \$8,579,217.

RATES COLLECTED

Rates collected at the end of July were 17.64%. This percentage reflects the amount of arrears (earlier year rates) that has been collected in July. Collections at the same time last year were 17.28%.

Rates data for the new year will be sent to Zipform by 20th August and notice will be issued on Friday 16th August. The due date for payment in full or the first instalment is 25th September.

2024-2025 FINANCIAL YEAR

The 2024-2025 Budget was adopted on 7th August. This data has been loaded into Authority and the Staff Budget has been distributed. With adoption of the Budget, the new Fees and Charges have come into effect except for Bay of Isles Leisure Centre fees which will come into effect on 1st September.

BUDGET PHASING

Phasing for operational budgets has been completed and work will be carried out in August to further phase capital spending for 2024-25 in line with expectations.

REGIONAL EXPRESS PTY LTD

The Shire is in communication with the administrators of Regional Express Pty Ltd. A proof of debt has been lodged to the value of \$440,587.41 up to the 30th July 2024, when administration commenced.

WORKING CAPITAL

The Council is solvent and I do not consider there any other matters of liquidity that I would bring to Council's attention.

Current surplus at the end of July is \$8,579,217. The surplus is shown on the bottom of the Statement of Financial Activity on page 3 and also on the bottom of Composition of Net Current Assets on page 6. It represents our ability to meet the short-term demands of our suppliers.

Unrestricted cash at bank is \$52,079,545 and this is shown on page 6. Reserve balance is \$40,364,159 as per page 5.

Sarah Bridge
Corporate Accountant

Item: 12.3.2

Prioritisation of CSRFF Small Grant Applications

Author/s	Shane Tobin	Community Development and Events Manager
Authoriser/s	Felicity Baxter	Director Corporate and Community Services

File Ref: D24/21948

Applicant

Internal Report

Location/Address

N/A

Executive Summary

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

The purpose of the program is to provide Western Australian Government financial assistance to community groups and local government authorities to develop basic infrastructure for sport and recreation.

This round there is only one application to be considered: Esperance Bay Yacht Club Inc. – Upgrade of Female Changerooms and Ablutions plus Refit Male Toilets Project application (see attached A) to the CSRFF, July Small Grants round for the 50% Project Cost amount of \$73,675 (ex GST).

Recommendation in Brief

That Council:

1. Endorses the CSRFF July Small Grants application from the Esperance Bay Yacht Club Inc. – Upgrade of Female Changerooms and Ablutions plus Refit Male Toilets Project for the 50% Project Cost amount of \$73, 675 (ex GST).
2. Prioritises the applications from the Esperance Bay Yacht Club Inc.

Background

The DLGSCI, through the CSRFF, provide financial assistance to community groups and local governments for the development of sustainable infrastructure for sport and recreation across the State.

Through CSRFF, the State Government will invest \$12.5 million in the 2025–2026 financial year towards the development of quality physical environments in which people can enjoy sport and recreation. There are 2 Small grant rounds advertised annually (February and July) for projects with a project 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 \$2.5 million.

The program aims to increase participation in sport and recreation, with an emphasis on physical activity, through rational development of sustainable, good quality, well-designed and well-utilised facilities.

This application relates to the DLGSCI, July 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 July 2024 for presentation to Council at the August 2024 Council Meeting. Recommended applications ranked by priority are then forwarded to the DLGSCI, Office by the local government by 4pm 30th August 2024. Applicants are notified of the outcome around late October or early November 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 CSRFF, July Small Grants round. The application process requires the applicable Local Government to prioritise the application from within the local area. Following a review by officers, this application is believed to be worthy of support as the upgrade of female changerooms and ablutions plus refit male toilets is essential to the day to day running of the Club. Projects like this are also considered a priority by the DLGSCI.

As this is the only CSRFF, July Small Grants application received for 2025/26, it is recommended the Esperance Bay Yacht Club Inc. – Upgrade of Female Changerooms and Ablutions plus Refit Male Toilets Project is ranked as priority (1).

This application is not applying for funding from the Shire of Esperance, Community Grants Program for this project.

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

Nil - This application is not applying for funding from the Shire of Esperance, Community Grants Program for this project.

Asset Management Implications

Management of any replacement or new infrastructure will be the responsibility of Esperance Bay Yacht Club Inc.

A Shire building permit is required once contractor is confirmed. All works will be completed within the current footprint of the building.

Statutory Implications

Nil

Policy Implications

Nil

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. CSRFF July Small Grants Round - Esperance Bay Yacht Club inc. - Toilet and Changeroom Upgrade - *Confidential*

RECOMMENDATION AND DECISION

Item: 12.3.2 Prioritisation of CSRFF Small Grant Applications

Moved: Cr Flanagan

Seconded: Cr Graham

O0824-023

Council Resolution

That Council:

- 1. Endorses the CSRFF July Small Grants application from the Esperance Bay Yacht Club Inc. – Upgrade of Female Changerooms and Ablutions plus Refit Male Toilets Project for the 50% Project Cost amount of \$73, 675 (ex GST).**
- 2. Prioritises the application from the Esperance Bay Yacht Club Inc.**

CARRIED

F6 - A0

For: Cr de Haas, Cr Flanagan, Cr Graham, Cr Starcevich, Cr Johnston, Pres Chambers

Item: 12.3.3

Lease Variation - Airport Hangar 8

Author/s	Cherrie Vincent Sarah Walsh	Governance and Corporate Support Officer Coordinator Governance & Corporate Support
Authoriser/s	Felicity Baxter	Director Corporate and Community Services

File Ref: D24/22067

Applicant

Scott Mackie & Darren Rogers

Location/Address

Hangar Lease - Esperance Airport (Hangars 4,6,7 & 8), Part Lot 15 on Deposited Plan 44886.



Executive Summary

For Council to consider amending the lease agreement with Scott Mackie and Darren Rogers for Hangars 4, 6, 7 and 8 at the Airport, Part Lot 15 on Deposited Plan 44886, Esperance WA 6450 due to the increase in size of the lease area for Hangar 8.

Recommendation in Brief

For Council to consider amending the lease agreement with Scott Mackie and Darren Rogers for Hangars 4, 6, 7 and 8 at the Airport, Part Lot 15 on Deposited Plan 44886, Esperance WA 6450 due to the increase in size of the lease area for Hangar 8.

Background

Hangars 4, 6, 7 and 8, have been leased by Scott Mackie and Darren Rogers since July 2010. In March 2024, Scott Mackie, and Darren Rogers commenced the process to build a larger steel frame aircraft hangar to replace the existing structure. This was approved and has since been constructed.

A Lease Variation Application has now been received to amend the lease agreement to increase the lease area for hangar 8.

Officer's Comment

Planning approval for the shed construction was received in March 2024, with building approval being received in April 2024. The shed construction was finalised in May 2024. Therefore, it is recommended that the lease area variation be approved.

The lease area for Hangar 8 has increased from 145.60m² to 315m². The current rental rate for airport hangers is \$7.139/m² inc GST, and the increase in lease area of 169.40m² will result in an additional \$1209.35 inc GST being payable for 2024/25.

Current rent charged for 2024/25 for this lease is \$6,866.28 inc GST.

The rental rate for airport hangars is reviewed annually, with the Perth All Groups CPI being applied. The additional area for Hangar 8 will be included into the total lease area when the 2025/26 rent is calculated at the next review rate in July 2025.

Consultation

Airport Staff
Planning Services
Building Services
Scott Mackie and Darren Rogers
Governance and Corporate Support

Financial Implications

Lease preparation fee \$155 inc GST
Rent for additional 169.40m² \$1,209.35 inc GST

Asset Management Implications

Nil – land only lease

Statutory Implications

Local Government Act 1995

Policy Implications

Building and Property Agreements

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

N/A

Attachments

- A. Lease Variation Application - Hangar 8
- B. Amended area plan - Hangar 8

RECOMMENDATION AND DECISION

Item: 12.3.3 Lease Variation - Airport Hangar 8

Moved: Cr Starcevich

Seconded: Cr Johnston

O0824-024

Council Resolution

That Council amend the lease agreement with Scott Mackie and Darren Rogers for Esperance Airport Hangars 4, 6, 7 and 8 located on portion of Lot 15 Coolgardie-Esperance Highway Gibson, to increase the lease area for Hangar 8 to 315m², subject to;

- 1. Lease preparation fee of \$155 inc GST being payable;**
- 2. Additional rent of \$1,209.35 inc GST payable for 2024/25, subject to annual rent reviews based on CPI;**
- 3. All lease terms and conditions being as per Council's standard lease variation template; and**
- 4. The disposition being advertised in accordance with s3.58 of the *Local Government Act 1995*.**

CARRIED

F6 - A0

For: Cr de Haas, Cr Flanagan, Cr Graham, Cr Starcevich, Cr Johnston, Pres Chambers

Item: 12.3.4

New Lease - Lots 388 and Lot 389 Black Street, Deposited Plan 209753, Reserves 31633 and 34556

Author/s	Cherrie Vincent Sarah Walsh	Governance and Corporate Support Officer Coordinator Governance & Corporate Support
Authorisor/s	Felicity Baxter	Director Corporate and Community Services

File Ref: D24/20764

Applicant

Esperance Playgroup Association Inc

Location/Address

Lot 388 and Lot 389 Black Street, Deposited Plan 209753, Reserves 31633 and 34556



Executive Summary

For Council to consider entering into a new lease with the Esperance Playgroup Association Inc for Lot 388 and Lot 389 Black Street, Deposited Plan 209753, Reserves 31633 and 34556.

Recommendation in Brief

That Council enter into a new lease with the Esperance Playgroup Association Inc for Lot 388 and Lot 389 Black Street, Deposited Plan 209753, Reserves 31633 and 34556.

Background

The Playgroup Association has had a Lease Agreement with the Shire for this premise since 2015. The current lease is due to expire on 31 December 2024, and a request has been received by the Playgroup Association to enter into a new lease agreement for another 5-year term.

Officer's Comment

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

Consultation

Esperance Playgroup Association Inc.
Coordinator Planning Services
Coordinator Building Services
Coordinator Environmental Health

Financial Implications

Annual rent \$110 inc GST
Lease preparation fee \$155 inc GST

Asset Management Implications

As per asset management schedule.

Statutory Implications

Local Government Act 1995 – s.3.58 Disposing of property.
Local Government (Functions and General) Regulations 1996 – Section 30(2) Dispositions of property excluded from Act s.3.58
Land Administration Act 1997 – Section 18 Crown Land Transactions that need Minister's Approval

Policy Implications

Building and Property Agreements.

Strategic Implications

Council Plan 2022 – 2032
People - Outcome 3. A welcoming, inclusive and connected community
Objective 3.2. Address the needs of children and youth.

Environmental Considerations

Nil

Attachments

A. Email request to renew lease agreement - Playgroup

RECOMMENDATION AND DECISION

Item: 12.3.4 New Lease - Lots 388 and Lot 389 Black Street, Deposited Plan 209753, Reserves 31633 and 34556

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

O0824-025

Council Resolution

That Council enter into a new lease with the Esperance Playgroup Association Inc. for Lot 388 and Lot 389 Black Street, Deposited Plan 209753, Reserves 31633 and 34556, Esperance WA 6450, subject to;

- 1. Department of Lands' approval;**
- 2. The term of Lease being 5 years;**
- 3. Annual lease fee of \$110 inc GST being payable;**
- 4. Lease preparation fee of \$155 inc GST being payable; and**
- 5. All lease terms and conditions being as per Council's standard community lease template.**

**CARRIED
F6 - A0**

For: Cr de Haas, Cr Flanagan, Cr Graham, Cr Starcevich, Cr Johnston, Pres Chambers

12.4 EXECUTIVE SERVICES

Item: 12.4.1

Information Bulletin - August 2024

Author/s	Chantelle Hoffrichter	Executive Assistant
Authorisor/s	Shane Burge	Chief Executive Officer

File Ref: D24/19366

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 - August 2024
- B. Council Priorities Summary - Corporate Performance - August 2024

RECOMMENDATION AND DECISION

Item: 12.4.1 Information Bulletin - August 2024

Moved: Cr Johnston

Seconded: Cr Flanagan

O0824-026

Council Resolution

That Council accepts:

- 1. Information Bulletin – August 2024**
- 2. Council Priorities Summary – Corporate Performance – July 2024**

**CARRIED
F6 - A0**

For: Cr de Haas, Cr Flanagan, Cr Graham, Cr Starcevich, Cr Johnston, Pres Chambers

Item: 12.4.2

Event Funding Request - Converge Esperance 2024

Author/s	Shane Liddelow	Manager Economic Development
Authoriser/s	Shane Burge	Chief Executive Officer

File Ref: D24/22804

Applicant

Esperance Chamber of Commerce and Industry

Location/Address

Within the Shire of Esperance

Executive Summary

For Council to consider supporting the Converge Esperance 2024 Business and Industry Forum.

Recommendation in Brief

That Council allocate 5,000 towards the Converge Esperance 2024 Business and Industry Forum.

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-

00523-001

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. Funding towards the Winter Solstice Festival (\$10,000) and Grounded Hiking Festival (\$10,000) was allocated.

Council recently allocated \$20,000 of Events Seed Funding for the 2024/25 Budget.

Officer's Comment

The Esperance Chamber of Commerce and Industry is seeking funding support (see request attached) of \$10,000 to assist in delivering the Esperance Converge 2024 Business and Industry Forum on Friday 1st November 2024.

The aim of the event is to deliver a new, annual business and industry forum for Esperance, and to build capacity of the event (in size as well as local and non-local engagement) between the inaugural conference in 2024 and the second conference in 2025. The 2025 event will be held in August/September to build on Esperance calendar of events in the off peak and shoulder season.

The event will leverage a distinct brand, prepared by the Brand Agency, to grow and maximise local expenditure, local business participation and visitation to the region, while increasing positive promotion of the Esperance business and industry sector, major projects, and investments in the region to a wide range of stakeholders.

The conference will be part of a wider engagement campaign to promote Esperance across the State and Australia with a new destination brand (led by the SOE and AGO) and to regularly engage with key stakeholders about the region and its offerings, and to attract and secure increased business and industry investment.

The event objectives include:

- Grow and maximise local expenditure and business participation;
- Celebrate and promote the Esperance business and industry sector;
- Profile major projects and investment opportunities in the region;
- Promote visitation to the region;
- Enable access to knowledge, skills and capacity building from industry leaders and experts from across Australia; and
- Celebration and promotion of the local business community.

The event supports the opportunities identified in the 2022-2027 Shire Events Discussion Paper, including the need to;

- Build on existing relationships with industry organisations and not for profit organisations and not for profit organisations to demonstrate the town is pro event and open for business.
- To attract conventions and symposiums to the region.

The event also supports the meetings, incentives, conferences, and events (MICE) sector which has the potential to generate significant opportunities for Esperance by showcasing the regions diverse offerings fostering industry connections and increasing direct and indirect local spend. The ECCI believe the forum in Esperance will be an opportunity to road test the local capabilities and demonstrate the suitability of Esperance as a MICE destination to external audiences.

The Shire is already providing in kind support with venue hire, IT equipment, technician and assisting with setting up and packing down of the event. The Shire is also a member of the event working group.

As an economic development, sector-wide event, it would be beneficial if the event became Esperance's major annual business event and its influence grew every year. Further support and assistance in future years from the Shire would seem reasonable and recommended, albeit the request may be more aligned to the objectives of the Shire's annual Community Grants Program.

Consultation

Australia's Golden Outback

Financial Implications

The financial implications arising from this report is a \$5,000 contribution from its Event Seed Funding budget of \$20,000.

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. [ECCI Converge Esperance 2024 Sponsorship Request](#)

B. [ECCI Converge Esperance 2024 Economic Impact Assessment](#)

RECOMMENDATION

Item: 12.4.2 Event Funding Request - Converge Esperance 2024

Officer's Recommendation

That Council

1. Allocate \$5,000 towards the Converge Esperance 2024 Business and Industry Forum from the Event Seed Funding budget and;
2. Encourage the ECCI to apply for funding support for future years through the Shire's Community Grants Program.

MOTION AND DECISION

Moved: Cr de Haas

Seconded: Cr Starcevich

O0824-027

Council Resolution

That Council

1. **Allocate \$10,000 towards the Converge Esperance 2024 Business and Industry Forum from the Event Seed Funding budget and;**
2. **Encourage the ECCI to apply for funding support for future years through the Shire's Community Grants Program.**

CARRIED

F4 – A2

For: Cr de Haas, Cr Graham, Cr Starcevich, Pres Chambers

Against: Cr Flanagan Cr Johnston

Reason: Council would like to increase the funding for Converge Esperance 2024

13. REPORTS OF COMMITTEES

Item: 13.1

Amendment to Risk Management Policy

Author/s	Sarah Walsh Steve Stock	Coordinator Governance & Corporate Support Manager Human Resources
Authoriser/s	Felicity Baxter	Director Corporate and Community Services

File Ref: D24/18189

Applicant

Internal

Location/Address

N/A

Executive Summary

For Council to consider adopting the Risk Management Policy inclusive of amendments, inclusions and deletions as reviewed.

Recommendation in Brief

That Council adopt the Risk Management Policy inclusive of amendments, inclusions and deletions as reviewed.

Background

Based on changes to the Work Health and Safety Act, Work Health and Safety (General) Regulations and the Workers Compensation and Injury Management Act in Western Australia a review of the WHS Plan and WHS Safe Work Procedures was undertaken. It was viewed as prudent to include a review of the Risk Management Policy as part of this review. The most significant changes to the Policy are changes to the Financial Impact Ratings in the Risk Assessment Criteria (see attached).

The proposed amendments to the Risk Management Policy were put to the Audit Committee at their meeting held 7 August 2024, with the following being recommended;

AU0824-001

That the Audit Committee; recommend that Council adopt the Risk Management Policy inclusive of amendments, inclusions and deletions as reviewed.

Officer's Comment

The Risk Management Policy has been reviewed with the following changes being proposed;

- Updated purpose
- Include more specific scope
- Amend definition for Risk
- Remove definition for Risk Management
- Add definitions for CEO, Councillor, Risk Appetite, SOE and WHS
- Minor wording changes to practice section
- Replace risk tables with updated information
- Update referencing documents

For more details on the changes, please refer to the amended document attached to this report.

Consultation

Coordinator Workplace Health and Safety
Manager Human Resources
Executive Management Team
Audit Committee

Financial Implications

Nil

Asset Management Implications

Nil

Statutory Implications

Local Government Act 1995
Work Health and Safety Act 2020
Work Health and Safety (General) Regulations 2022
Workers Compensation and Injury Management Act 2023

Policy Implications

Risk Management 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. Amended Risk Management Policy (tracked changes)
- B. Amended Risk Management Policy (Clean)

RECOMMENDATION AND DECISION

Item: 13.1 Amendment to Risk Management Policy

Moved: Cr Flanagan
Seconded: Cr Starcevich

O0824-028

Council Resolution

That Council adopt the Risk Management Policy inclusive of amendments, inclusions and deletions as reviewed.

**CARRIED
F6 - A0**

For: Cr de Haas, Cr Flanagan, Cr Graham, Cr Starcevich, Cr Johnston, Pres Chambers

Item: 13.2

Minutes of the Audit Committee

Author/s Elise Godwin Administration Assistant - Executive Services

Authorisor/s Shane Burge Chief Executive Officer

File Ref: D24/22652

Attachments

[A1](#). Minutes - Audit Committee Meeting - 7 August 2024

RECOMMENDATION AND DECISION

Item: 13.2 Minutes of the Audit Committee

Moved: Cr Flanagan

Seconded: Cr Johnston

O0824-029

Council Resolution

That Council accept the unconfirmed minutes of the Audit Committee Meeting held on the 7th August 2024.

**CARRIED
F6 - A0**

For: Cr de Haas, Cr Flanagan, Cr Graham, Cr Starcevich, Cr Johnston, Pres Chambers

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. MATTERS BEHIND CLOSED DOORS

Nil

18. PUBLIC QUESTION TIME

Nil Questions

19. CLOSURE

The President declared the meeting closed at 4:46pm.

These Minutes were confirmed at a meeting held on _____

Signed _____

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

Dated _____