



Shire of Esperance

ORDINARY COUNCIL

TUESDAY 22 OCTOBER 2024

MINUTES



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ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

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

ATTACHMENTS

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

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
22 October 2024.
COMMENCING AT 4:00 PM**

1. OFFICIAL OPENING

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

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

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

2. ATTENDANCE

Members

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

Shire Officers

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

Members of the Public & Press

Andrea Ramshaw	Item 12.1.1 Draft Policy - Temporary Accommodation
Craig Derrick	Item 12.1.1 Draft Policy - Temporary Accommodation
Emily Smith	Media
Geoff Vivian	Media

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

Nil

4. **APPLICATIONS FOR LEAVE OF ABSENCE**

MOTION

Moved: Cr de Haas

Seconded: Cr Davies

O1024-049

Council Decision

That Council accept the below leave of absence:

Cr Obourne 19 November 2024 – 31 December 2024

CARRIED

F9- A0

*For: Cr de Haas, Cr Flanagan, Cr McMullen, Cr Graham, Cr Starceovich, Cr Johnston,
Cr Davies, Cr Obourne, 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 de Haas declared a Financial Interest in item 17.2 Lease - Old Sergeants Quarters Lot 100 Dempster Street, Museum Village as she is one of the applicants.

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

Nil

6.3 Declarations of Impartiality Interests – Admin Regulations Section 34c

Cr Johnston declared an Impartiality Interest in Item 12.1.1 Draft Policy – Temporary Accommodation as she has been making recent enquiries to the Shire as she is considering submitting a potential application.

7. **PUBLIC QUESTION TIME**

Nil Questions

8. **PUBLIC ADDRESSES / DEPUTATIONS**

Nil

9. PETITIONS

Nil

10. CONFIRMATION OF MINUTES

Moved: Cr Starcevich
Seconded: Cr Graham

O1024-050

Council Resolution

That the Minutes of the Ordinary Council Meeting of the 24 September 2024 be confirmed as a true and correct record.

**CARRIED
F9 - A0**

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

11. DELEGATES' REPORTS WITHOUT DISCUSSION

Cr Starcevich

8 – 10 Oct Attended WALGA Local Government Week Convention
15 Oct Attended the CWA 100 Year Anniversary Morning Tea
18-19 Oct Participated in the Shire stall at the Esperance Agricultural Show
22 Oct Attended Emergency Management Training

Cr Johnston

30 Sept Senior Citizen Committee Meeting
8 – 10 Oct Attended WALGA Local Government Week Convention
13 Oct Participated in Diploma of LG Mentoring Session – Perform Elected Member Functions
21 Oct Participated in Diploma of LG Mentoring Session – Perform Elected Member Functions
22 Oct Attended Emergency Management Training

Cr Davies

8 – 10 Oct Attended WALGA Local Government Week Convention
18-Oct Participated in the Shire stall at the Esperance Agricultural Show
22 Oct Attended Emergency Management Training

Cr Flanagan

02 Oct Attended the RAP Working Group Meeting
15 Oct Attended the CWA 100 Year Anniversary Morning Tea
18-19 Oct Participated in the Shire stall at the Esperance Agricultural Show

Cr McMullen

8 – 10 Oct Attended WALGA Local Government Week Convention
15 Oct Attended the CWA 100 Year Anniversary Morning Tea
22 Oct Attended Emergency Management Training

Cr de Haas

27 Sept Conducted the Final Rates Draw for 2024
01 Oct Attended Citizenship Ceremony
08 Oct Attended ALGWA WA Forum
8 – 10 Oct Attended WALGA Local Government Week Convention
11 Oct Attended WA Mental Health Week Pop-Up Café
14 Oct Participated in Tourism Brand Workshop
15 Oct Attended the CWA 100 Year Anniversary Morning Tea
18-19 Manned Shire Stall at the Esperance Agricultural Show
22 Oct Attended Emergency Management Training

Cr Graham

8 – 10 Oct Attended WALGA Local Government Week Convention
15 Oct Attended the CWA 100 Year Anniversary Morning Tea
22 Oct Attended Emergency Management Training

Cr Obourne

01 Oct Assisted in Citizenship Ceremony
12 Oct Facilitated Senior Citizens Annual Garden Tour
12 Oct Attended Senior Citizens High Tea Fundraiser
15 Oct Attended the CWA 100 Year Anniversary Morning Tea
22 Oct Attended Emergency Management Training

Pres Chambers

01 Oct Conducted Citizenship Ceremonies
8 – 10 Oct Attended WALGA Local Government Week Convention
14 Oct Met with DFES Superintendent – Fire Preparedness
14 Oct Attended GEWSG Meeting Via Teams
15 Oct Attended the CWA 100 Year Anniversary Morning Tea
17 Oct Attended RCAWA Meeting
18 – 19 Oct Manned Shire Stall at the Esperance Agricultural Show
22 Oct Attended Emergency Management Training

12. MATTERS REQUIRING A DETERMINATION OF COUNCIL

12.1 EXTERNAL SERVICES

Item: 12.1.1

Draft Policy - Temporary Accommodation

Author/s	Neroli Logan	Manager Waste & Environmental Health
Authorisor/s	Roy Greive	Director External Services

File Ref: D24/27485

Applicant

Internal – Environmental Health

Location/Address

Shire of Esperance

Executive Summary

For Council to consider;

1. Rescind the Local Planning Policy - Tiny Houses on Wheels.
2. Adopt the Temporary Accommodation Policy.
3. Amend the name of the existing fee, from application to camp in area other than caravan park or camping ground, to fee for temporary accommodation for up to 30 days, adopt and advertise.
4. Adopt and advertise a new application fee of \$600 for temporary accommodation greater than 30 days to a maximum of 24 consecutive months.
5. Adopt and advertise a new Temporary Accommodation renewal fee of \$300.

Recommendation in Brief

That council rescind the Local Planning Policy - Tiny Houses on Wheels, as the proposed policy will deem the Local Planning Policy - Tiny Houses on Wheels obsolete. Adopt and advertise the proposed temporary Accommodation Policy and amend the existing application fee to apply to applications up to 30 days. Adopt and advertise a new fee of \$600 for applications greater than 30 days to a maximum of 24 months and introduce a renewal fee of \$300.

Background

On the 1 September 2024, the Department of Local Government, Sport and Cultural industries introduced amendments to the *Caravan Park and Camping Ground Regulations 1997* that impact the Shires management of temporary accommodation. Previously, local governments could approve temporary accommodation on private property to a maximum of 3 months, or 12 months if the proposed arrangement was in a caravan and the applicant had a building or demolition permit. The time frame for temporary camping without an approval has been extended from 3 days in 28 to 5 days or less, and local governments can now approve all camping applications for up to 24 consecutive months. The changes include provisions for an applicant to re-apply to the local government on expiry of an approval and empowers local governments to revoke approvals in the event of a breach of permit conditions.

To implement these changes, the local government requires the development of a new policy and the revocation of the Tiny Houses on Wheels (THOW) Local Planning Policy as a THOW is covered under the definition of a caravan in the *Caravan Park and Camping Ground Act 1995*.

Officer's Comment

On the 22 August 2024, the Department of Local Government, Sport and Cultural industries announced legislative changes to the *Caravan Park and Camping Ground Regulations 1997* effective 1 September 2024. Consultation was completed at a higher level through WALGA zone meetings however no feedback was sought from authorised officers responsible for implementing the legislative reform.

A temporary accommodation policy will manage the health and environmental impacts, and ensure a consistent and standardised approach to assessing applications. This will support the local governments decision making with a consistent, transparent and accountable process.

The draft Environmental Health Policy – Temporary Accommodation, has been prepared to meet the following objectives:

1. Guide the application and approval of temporary accommodation (greater than 5 days) for a maximum of 24 consecutive months, where health, safety and hygiene requirements are in place.
2. Ensure the applicant has a legal right to occupy the land on which the temporary accommodation is proposed.
3. Facilitate safe and environmentally sustainable temporary accommodation throughout the Shire.
4. Seek feedback for adjacent properties and consider valid objections to temporary accommodation applications.
5. Acknowledge the option for a renewal of an application following the expiry of a permit.
6. Consider an additional application for temporary accommodation on a private lot, for up to 3 months.
7. The Shires enforcement approach where a breach of a permit condition has occurred.

Consultation

The draft policy for Temporary Accommodation was developed in consultation with the external services department with the draft policy circulated to the wider organisation for comments and feedback.

Manager & Coordinator Planning
Coordinator Building
Manager Rangers & Emergency Services
Asset Management Directorate
Corporate and Community Directorate

Financial Implications

The financial implications arising from this report are the introduction of a new application fee for temporary accommodation greater than 30 days to a maximum of 24 months. This proposed fee will partially recover costs of administration time in recording an application, assessment by the Environmental Health (EH) Team, internal referral to the planning and building departments, neighbour referral, an onsite assessment by the EHO to access the temporary accommodation site and the issuing of a permit with enforceable conditions. It is proposed to utilise the current fee of \$150 to assess simpler applications of up to 30 days, where site assessment and neighbour referral may not be required as part of an approval.

There will be resourcing implications for the external services department, in particular, the Environmental Health team with responsibility for the policy, process and temporary accommodation approvals. The new application fee of \$600 for applications to camp for longer than 30 days up to a maximum of 24 months, is reflective of the increase in processing time, to approve an application and issue a permit. This fee

represents partial cost recovery of External Services Department resources in processing an application and approval for temporary accommodation.

Asset Management Implications

It is acknowledged that vacant lots have a reduced rate levy, which will be impacted by this reform due to the occupancy of vacant lots and the use of supporting infrastructure such as pathways, street lighting, recreational facilities.

Statutory Implications

Local Government Act 1995

Caravan Park and Camping Ground Act 1995

Caravan Park and Camping Ground Regulations 1997

Planning and Development Act 2005

Policy Implications

The proposed Temporary Accommodation policy will eliminate the need for a Local Planning Policy - Tiny Houses on Wheels.

Strategic Implications

Council Plan 2022 – 2032

Growth And Prosperity

Esperance is a vibrant and welcoming destination.

Environmental Considerations

The environmental considerations arising from this report are the possibility of nuisance such as odour, light and noise pollution. The environmental health team will maintain a complaint register for all approvals issued for temporary accommodation. An authorised officer will access applications with consideration of potential environment impacts and ensure minimum standards are in place for essential services, waste management and emergency management requirements.

Attachments

[A](#). Draft Policy - Temporary Accommodation

[B](#). Temporary Accommodation Guide

RECOMMENDATION AND DECISION

Item: 12.1.1 Draft Policy - Temporary Accommodation

Officers Recommendation

That Council;

1. In accordance with of the Deemed Provisions revoke the Local Planning Policy – Tiny House on Wheels in accordance with Clause 6 and publish a notice of revocation in accordance with Clause 87.
2. Adopt the Temporary Accommodation Policy.
3. Amend the name of the existing fee (application to camp in area other than caravan park or camping ground) to temporary accommodation application fee for up to 30 days, adopt and advertise.
4. Adopt and advertise a new fee of \$600 for temporary accommodation for greater than 30 days to a maximum of 24 consecutive months.
5. Adopt and advertise a new Temporary Accommodation renewal fee of \$300.

MOTION

Moved: Cr Davies

Seconded: Cr McMullen

O1024-051

Council Resolution

That Council;

1. **In accordance with of the Deemed Provisions revoke the Local Planning Policy – Tiny House on Wheels in accordance with Clause 6 and publish a notice of revocation in accordance with Clause 87.**
2. **Adopt the Temporary Accommodation Policy.**
3. **Amend the name of the existing fee (application to camp in area other than caravan park or camping ground) to temporary accommodation application fee for up to 30 days, adopt and advertise.**
4. **Adopt and advertise a new fee of \$600 for temporary accommodation for greater than 30 days to a maximum of 24 consecutive months.**
5. **Adopt and advertise a new Temporary Accommodation renewal fee of \$300.**
6. **Instruct the CEO to present Council with options for the operation of tiny homes on wheels as a short-term rental accommodation, within the next six months.**

**CARRIED
F9 - A0**

*For: Cr de Haas, Cr Flanagan, Cr McMullen, Cr Graham, Cr Starcevich, Cr Johnston, Cr Davies,
Cr Obourne, Pres Chambers*

Reason: As Council would like to investigate potential options for short-term accommodation for Tiny Homes on Wheels.



POL #: Temporary Accommodation

COUNCIL POLICY

Purpose

This policy provides guidance to support applications seeking an approval for temporary accommodation on private property or in an area other than a caravan park.

Scope

A person may stay in temporary accommodation on a property for up to 5 nights per 28-day consecutive period without a shire approval. Any period greater than this, requires an application to the local government for assessment and possible approval for a maximum of 24 consecutive months. An applicant may reapply after 24 months to renew their application. If an applicant is seeking to camp on a state or federal reserve, approval must be obtained from the relevant authority who manages that land. If there is more than one approved application on a private lot, an additional approval may be given for up to 3 months by the local government. Any period longer than 3 months is required from the Minister for Local Government, Sport and Cultural Industries.

Practice

This policy is supported by the Shires temporary accommodation guidelines, application and assessment process. For applications to be considered, the requirements detailed in the guidelines must be adhered to.

The applicant must own or have a legal right to occupy the land and is to complete the application form (insert link) and submit to the Shire with the applicable fee.

Applications will not be considered outside the following zoned areas;

- Residential
- Rural Residential
- Rural Smallholdings
- Rural Townsite
- Rural
- Tourism

Any camp is to be located wholly on the property and be at least 1 metre from the property boundary, at least 1 metre from vehicle access areas, and at least 1.8 metres from structures.

Occupiers of adjacent properties will be notified in writing and the responses will be considered prior to the approval of any application.

Approvals will only be granted where health, safety and hygiene requirements have been met. This includes the following requirements;

- power

- potable water
- waste water management
- cooking and laundry facilities
- emergency management (fire suppression and smoke detection)
- waste and recycling (rubbish collection service or waste management plan is required)
- any other requirement at the request of the Shire.

Upon receipt of an application and fee, Environmental Health will assess the application, conduct an evaluation of the site, and issue a permit where the application is approved. Follow-up site assessments may be conducted throughout the duration of the approval period.

Approval can be for a maximum period for 24 months, and any reapplication will require the completion of a new form, fee payable and be accompanied by a structural report confirming the integrity of the habitable camp.

The temporary accommodation cannot be used as holiday rental or for tourism purposes.

Should the temporary accommodation cease prior to the expiry of the permit, the local government must be notified. No refund is applicable.

The Shire reserves the right to withdraw an approval, where a breach of an approval condition has occurred.

.....End.....

Document Information

Responsible Position	Manager Waste & Environmental Health
Risk Rating	High

Referencing Documents

- *Local Government Act 1995*
- *Caravan and Camping Ground Act 1995*
- *Caravan and Camping Ground Regulations 1997 (as amended 1 September 2024)*
- *Health (Miscellaneous Provisions) Act 1911*
- *Building Code of Australia / National Construction Code*
- *Shire of Esperance Local Planning Scheme 24*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
08/2024	1		New Policy		(MM/YYYY)



**Temporary
Accommodation
Guidelines
October 2024**



GUIDE
Temporary Accommodation Guidelines

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GUIDE

Temporary Accommodation Guidelines

1. Introduction

On the 1st of September 2024 the Department of Local Government, Sport and Cultural Industries introduced reforms for the Caravan Parks and Camping Grounds Regulations 1997. The reforms aim to create a streamlined application process for individuals seeking temporary accommodation approvals.

The reforms provided local governments with the opportunity to:

- Approve camping applications on private property or property other than a caravan park for up to 24 months.
- Extend existing approvals
- Revoke approvals if there is a failure to comply with conditions

The Temporary Accommodation Guidelines (Guidelines) have been established and endorsed via **Policy XX** Temporary Accommodation, to ensure a consistent and transparent process when issuing approvals for temporary accommodation. It is important to read through and understand the Guidelines and policy prior to submitting your application.

2. Objectives

To provide information and outline the requirements for applicants to seek an approval for temporary accommodation.

3. Who do the Guidelines apply to?

The Guidelines apply to anyone wishing to utilise land they own or have the right to occupy for a period greater than 5 consecutive days. The Shire will receive applications from the following areas:

- Residential
- Rural Residential
- Rural Smallholdings
- Rural Townsite
- Rural
- Tourism

The Shire will not consider any applications for camping outside of these zones. To identify your zone, go to [Online Maps » Shire of Esperance](#), enter your address into the interactive map where the details will appear on the right.

GUIDE
Temporary Accommodation Guidelines

4. What is the application process?

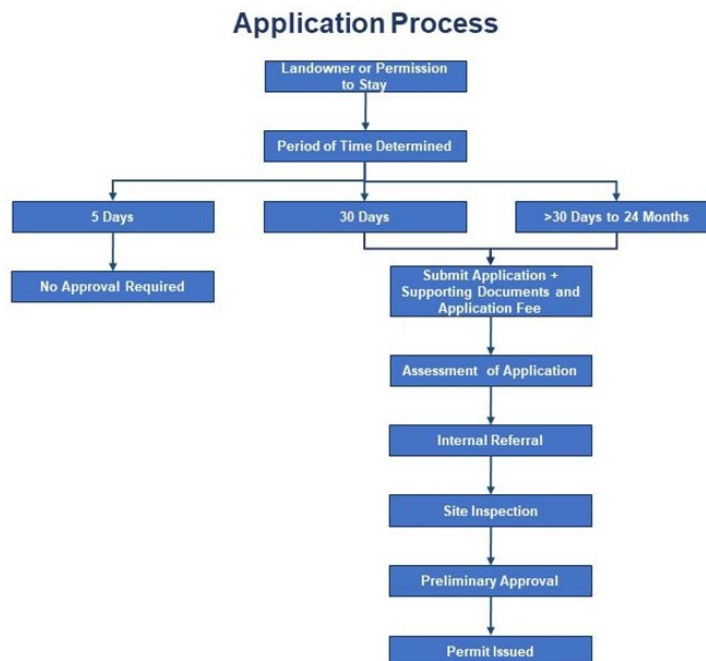
To apply for a permit for temporary accommodation, you will need to apply for Temporary Accommodation and meet the following Guidelines.

Prior to making the application you will need to ensure:

- (1) You are the owner of the land or have permission to camp on the land.
- (2) Length of stay.
- (3) The proposed camp is suitable and safe to reside in.
- (4) You can meet the requirements of the Guidelines and Policy.
- (5) Your proposed camp is suitable for the proposed timeframe.

4.1. Submission Process

The following decision tree outlines the application process, expected timeframes and requirements based on your proposed length of stay. Further details are stepped out below and provided within the guidelines.



Please take the following steps when preparing and submitting your application:

- (1) Read through the Policy and Guidelines and ensure you can meet the requirements.

GUIDE

Temporary Accommodation Guidelines

- (2) Choose an appropriate site, based on the parameters within the Guidelines.
- (3) Prepare site plans. Site plans can be hand drawn but need to be neat and legible.
- (4) Prepare supporting documentation, please use the checklist with the application form to ensure all necessary items are provided.
- (5) Submit the application with supporting documentation.
- (6) The Shire will generate an invoice for the application, and email this to you with an acknowledgement receipt.
- (7) Shire officers will assess the application once payment has been received. The application will be referred internally for comment, neighbour referrals will be completed and we may request a preliminary onsite inspection.
- (8) Missing information - A request for further information will be sent, this will place the application on hold until the information is provided.
- (9) Application complete – Preliminary approval will be issued with conditions.
- (10) Permit issued, it is the responsibility of the applicant to ensure the permit conditions are complied with.

5. Are there any fees payable?

There is an application and permit fee. The fees are set by Council and can be found at [Annual & Financial Reports » Shire of Esperance](#)

If the proposed Lot is located within a kerbside waste collection area, the Shire will require the permit holder to access this bin service. Note this will be issued through rates and charged to the property owner. If you are not the property owner, please advise the owner prior to this request.

6. Permit Duration

An application can be made for up to 24 consecutive months subject to the proposed temporary accommodation (see Table 1) with the option to renew for a further 24 months. Any reapplication will require the completion of a new form, fee and be accompanied by a structural report confirming the integrity of the temporary accommodation.

Table 1: Temporary Accommodation Type and Permitted Length of Stay

Temporary Accommodation Type	Permitted Length of Stay
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GUIDE

Temporary Accommodation Guidelines

Tent, swag, roof top or similar	Maximum 30 consecutive days in any 12-month period
Camper trailer and non-self-contained van	Up to 24 months subject to the provision of services and amenities OR when accompanied with a dwelling
Self-contained caravan, RV, Bus or Tiny Home on Wheels	Up to 24 months

6.1. Conditions of Permit

The Shire will place conditions on the permit. The conditions will be based on the Policy, Guidelines, the Caravan Park and Camping Ground Regulations 1997 and any other applicable legislation.

6.2. Cancellation of Permit

If you cease to use the permit, the local government must be notified in writing by the permit holder. Any fees paid in respect to the cancelled application or permit will be forfeited.

6.3. Change of Ownership

The permit for Temporary Accommodation is non-transferable to another person or property. Notification of cancellation of the existing permit is to be submitted and a new application received.

Any fees paid in respect to the existing permit will be considered forfeited. All relevant fees will apply to the new application.

7. Compliance and Enforcement

Temporary Accommodation is governed by the Caravan Parks and Camping Grounds Regulations 1997. Penalties for failure to comply are set within the legislation and will be enforced by authorised officers.

7.1. Revoking of approval

As per the Caravan Parks and Camping Grounds Regulations 1997, r11A(5) the local government can revoke a permit if a condition of the approval has been breached. Written notice will be given to the permit holder notifying the intention of the Shire to revoke the approval within 35 days after the notice is given unless the holder shows cause as to why the approval should not be revoked. The Shire will consider any written response as to why the permit should not be cancelled during this time period. A response and final decision will be provided in writing.

Item: 12.1.2

Shark Warning Towers

Author/s	Zoe Sheffield-van Mierlo	Manager Ranger & Emergency Services
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Authorisor/s	Roy Greive	Director External Services
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File Ref: D24/28839

Applicant

Internal

Location/Address

Twilight Beach

Kelp Beds

West Beach

Executive Summary

Shark Warning System Towers located at Twilight Beach, Kelp Bed, and West Beach require replacement, with the Twilight Tower indefinitely offline until replaced or alternative arrangements are secured.

The supply and installation of the towers was funded by the State Government in 2019 and installation of the final tower completed in early 2020. Responsibility for the towers has been poorly defined due to a lack of Memorandum of Understanding (MOU), and no legislated mandate for shark response.

Recommendation in Brief

That Council requests the CEO to:

1. Write to the Minister for Fisheries requesting the replacement of the Twilight Beach Tower, and the replacement of Kelp Beds and West Beach towers in the next 12 months; and,
2. Develop an MOU to define the responsibilities and functions of all stakeholders.

Background

In 2020, three Shark Warning System Towers were funded and installed by Department of Primary Industries and Regional Development (DPIRD) to complement the State Government Shark Monitoring Network. This provided shark warnings to beach users at popular surf and swim locations Kelp Beds, Twilight Beach, and West Beach for tagged shark detections at Shark Monitoring Network VR4 receivers and shark sightings reported to Water Police. Shire of Esperance Rangers provide shark response in line with the Shark Hazard Response Council Policy.

The Shark Warning Towers are an important element of coastal safety in Esperance with the community positively receiving the shark warning functions that they provide. The Shark Warning Towers are essential infrastructure to the shark hazard response functions served by Ranger Services, improving response protocols, and expediting shark audio and visual warnings when response criteria is met.

Ranger Services works closely with the DPIRD's Shark Response Unit who monitor the network, including the live camera feed of the tower cameras, notifying Ranger Services when a tower is offline. The Department also develops strategies, research initiatives, and policy for shark mitigation and response.

The Twilight Beach tower has been offline since June, with replacement identified as being necessary in August and quote for replacement from the supplier received September. Kelp Beds has recently been

restored to online status after a period of being offline. The infrastructure of all towers is deteriorating due to age and coastal location, with the camera technology being superseded with camera technology advancements. A tower has an anticipated lifespan of five years.

Council resolved to adopt the EXT 031 Shark Hazard Response Policy in June 2020 (Item 12.1.2, Resolution O0620-184) of which the financial implications of the shark warning system towers were identified as an annual camera subscription fee of \$2800 from 2021 onwards and maintenance not anticipated to exceed \$1000.00 per annum for all three towers. The Department has not been able to provide any documentation from the time of installation, or in the years since, that establishes that the responsibility for these towers sits with the local government.

There is presently no MOU, agreements, or statutory mechanisms that define and outline the roles and responsibilities of all parties involved in shark hazard response or for the use of the towers, with the shark hazard response by local government is not mandated within state legislation.

Officer's Comment

The matter of the towers and the question of who was responsible for them came to light when invoices were sent to the Shire for the annual Spectur Connect subscriptions for 2023 and 2024 in February of 2024. In May 2024, the Manager of Ranger and Emergency Services highlighted that the absence of an MOU between local government, DPIRD and supplier, Spectur, was a significant obstacle to the effective management of the towers. DPIRD advised that they would review the situation with the towers across all local government areas and other land owners with the aim of providing greater clarity around their management. Since installation, Ranger Services have been performing maintenance on an ad hoc basis and troubleshooting when required.

Since June 2024, when the Twilight tower went offline, Ranger Services has been liaising with the Shark Response Unit regarding the arrangements and to establish the requirements to rectify the issue with the Twilight tower. A quote to replace the Twilight tower was received 6 September. Replacement is required because the camera technology has now been superseded. Due to the absence of an MOU, it has been difficult to ascertain that the costs for repair or replacement are the responsibility of the Shire or of DPIRD.

It is important to consider the vital function that shark warning systems play in coastal safety, particularly given the incidence of shark sightings and attacks in Esperance. It is essential that these shark warning systems are maintained and adequately resourced, and MOU arrangements should be established as a priority. As the existing towers supplement and are integrated in to DPIRD's shark monitoring network, the funding, installation, and replacement of these towers would be best placed with DPIRD, with the Shire of Esperance providing response functions and supporting the operation of the towers by providing local asset maintenance resourcing as required, as defined within an MOU.

As we approach the summer season with increased visitation and ocean patronage, it is important that a timely decision is made regarding the replacement of the Twilight tower, and for the replacement of the Kelp Bed and West Beach towers which will likely be required within the next year. It would be detrimental to the effectiveness of the Shire's shark hazard response and overall community safety should the existing towers not be replaced once they become inoperable.

Option One

That Council requests the CEO to:

1. Write to the Minister for Fisheries requesting the replacement of the Twilight Beach Tower, and the replacement of Kelp Beds and West Beach towers in the next 12 months; and,
2. Develop an MOU to define the responsibilities and functions of all stakeholders.

Option Two

Council make allocation of \$33,384.00 in the 2024/2025 budget to replace all towers, and a further \$3000.00 for maintenance for all three towers.

Option Three

Council to remove towers once a tower becomes inoperable.

Consultation

Department of Primary Industries and Regional Development – Shark Response Unit
Surf Life Saving Western Australia
Spectur (Shark Warning Tower and Surf Alert Module supplier)
Coastal Safety Working Group

Financial Implications

The financial implications arising from this report are:

Description	Budget Figure	Amended Figure	Variation
Replacement of Twilight Tower	\$10,000	Nil	\$10,000
Replacement of Kelp Beds Tower	\$10,000	Nil	\$10,000
Replacement of West Beach Tower	\$10,000	Nil	\$10,000
Annual Spectur Subscription – Twilight Tower	\$1,128pa	Nil	\$1,128pa
Annual Spectur Connect Subscription – Kelp Beds	\$1,128pa	Nil	\$1,128pa
Annual Spectur Connect Subscription – West Beach	\$1,128pa	Nil	\$1,128pa
Net result			\$33,384

Asset Management Implications

Provided the State Government takes ongoing responsibility for the replacement of the towers as required, then the routine inspection and minor maintenance for three towers is expected to be approximately \$3000 per annum.

Statutory Implications

There is no state legislation mandating the Shire's response to a shark hazard.

Clause 5.4 under the Shire's Property Local Law 2009, indicates that an authorised officer may perform certain functions in relation to beaches and include the function of erection of a sign and the regulating, prohibiting or restricting specified activities on the whole of any part of the beach. The authorised officer may also direct a person to leave the water adjacent to a beach during dangerous conditions or if a shark is suspected of being in the vicinity of a beach.

Policy Implications

Council Policy 0064 Shark Hazard Response – The Shark Warning Towers are essential infrastructure to shark hazard response.

Strategic Implications

Council Plan 2022 – 2032

Planet - Outcome 6. Greater community readiness and resilience to cope with natural disasters and emergencies.

Objective 6.1. Minimise risk and support recovery from bushfires, storms, drought and other natural disasters.

Priority Projects 6.1.5. Advocate for appropriate coastal safety infrastructure and resources

Environmental Considerations

Nil

Attachments

Nil

RECOMMENDATION AND DECISION

Item: 12.1.2 Shark Warning Towers

Moved: Cr Flanagan
Seconded: Cr Johnston

O1024-052

Council Decision

That Council requests the CEO to:

- 1. Write to the Minister for Fisheries requesting the replacement of the Twilight Beach Tower urgently, and the replacement of Kelp Beds and West Beach towers in the next 12 months; and,**
- 2. Develop an MOU to define the responsibilities and functions of all stakeholders.**

CARRIED
F9 - A0

*For: Cr de Haas, Cr Flanagan, Cr McMullen, Cr Graham, Cr Starcevich, Cr Johnston, Cr Davies,
Cr Obourne, Pres Chambers*

12.2 ASSET MANAGEMENT

Nil

12.3 CORPORATE & COMMUNITY SERVICES

Item: 12.3.1

Financial Services Report - October 2024

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

File Ref: D24/28047

Executive Summary

To present to Council the Monthly Financial Report for the period ending 30 September 2024.

Strategic Implications

Council Plan 2022 – 2032

Leadership

A financially sustainable and supportive organisation achieving operational excellence

Attachments

A. Monthly Financial Report September 2024

RECOMMENDATION AND DECISION

Item: 12.3.1 Financial Services Report - October 2024

Moved: Cr de Haas
Seconded: Cr Obourne

O1024-053

Council Decision

That Council receive the attached report entitled Monthly Financial Report for the month of September 2024.

**CARRIED
F9 - A0**

*For: Cr de Haas, Cr Flanagan, Cr McMullen, Cr Graham, Cr Starcevich, Cr Johnston,
Cr Davies, Cr Obourne, Pres Chambers*

Item: 12.3.2

Payment of Accounts Listing - October 2024

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

File Ref: D24/28048

Executive Summary

To present the list of accounts paid by the Chief Executive Officer under delegated authority for the month 1 – 30 September 2024.

Background

Recent changes to the *Local Government Financial Management Regulations (1996)* now requires that the payments listing to be presented to Council in a separate agenda item to the financial reports.

Financial Implications

Nil

Asset Management Implications

Nil

Statutory Implications

Local Government Financial Management Regulations (1996)

Policy Implications

Nil

Strategic Implications

Council Plan 2022 – 2032

Leadership

A financially sustainable and supportive organisation achieving operational excellence

Attachments

A. Payment of Accounts Listing - September 2024

RECOMMENDATION AND DECISION

Item: 12.3.2 Payment of Accounts Listing - October 2024

Moved: Cr de Haas
Seconded: Cr Starcevich

O1024-054

Council Decision

That Council receive the list of accounts paid for the period 1 – 30 September 2024 as listed in the attachment.

**CARRIED
F9 - A0**

*For: Cr de Haas, Cr Flanagan, Cr McMullen, Cr Graham, Cr Starcevich, Cr Johnston,
Cr Davies, Cr Obourne, Pres Chambers*

12.4 EXECUTIVE SERVICES

Item: 12.4.1

Agenda Briefing and Ordinary Council Meeting Dates - 2025

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

File Ref: D24/27533

Applicant

Internal

Executive Summary

For Council to accept the proposed dates for the Agenda Briefing Session and Ordinary Council Meeting for 2025 as attached.

Recommendation in Brief

That Council agrees to the attached schedule of Agenda Briefing Session and Ordinary Council Meeting dates for 2025.

Background

Each year Council endorses proposed Agenda Briefing and Ordinary Council Meeting (OCM) dates for the following year which allows for public advertisement as per section 5.25(1)(g) of the *Local Government Act 1995* and 12(1) of the *Local Government Regulations 1996*.

Officer's Comment

Council meets on the third Tuesday of every month at 1pm for an Agenda Briefing Session and on the fourth Tuesday of every month at 4pm for the Ordinary Council Meeting. It is recommended that the practice continues with the exception of the December meetings, in order to accommodate the festive season. To accommodate these events, it is proposed that the December Agenda Briefing and OCM be held a week earlier.

The September 2024 OCM was held at the Grass Patch Community Hall and was reasonably well attended. It is recommended that Council have the next September OCM at another rural town site to allow those in the community to attend. Over the past four years Council have held an OCM at the following rural townsites:

2020	Cascade
2021	Condingup
2022	Salmon Gums
2023	Gibson

The preferred option is Scaddan.

Financial Implications

Nil

Asset Management Implications

Nil

Statutory Implications

Under Section 5.25(1)(g) of the *Local Government Act 1995* and 12(1) of the *Local Government Regulations 1996* Council must give public notice of the date and agenda for Council meetings.

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.

Environmental Considerations

Nil

Attachments

A¹. [Proposed Agenda Briefing Sessions and Ordinary Council Meeting Dates - 2025](#)

RECOMMENDATION AND DECISION

Item: 12.4.1 Agenda Briefing and Ordinary Council Meeting Dates - 2025

Moved: Cr Starcevich

Seconded: Cr McMullen

O1024-055

Council Decision

That Council:

1. **Agree to holding an Agenda Briefing at 1pm on the third Tuesday of every month commencing January 2025, with the following exception;**
 - **The December briefing, which will be moved forward one week**
2. **Agree to the attached schedule of Ordinary Council Meeting dates, commencing at 4pm from January 2025 until December 2025, with the following exceptions;**
 - **The September Ordinary Council Meeting, which will be moved back one week to accommodate for Local Government Week (22nd – 25th)**
 - **The December Ordinary Council Meeting, which will be moved forward one week**
3. **Agree to hold the September Ordinary Council Meeting at Scaddan, and**
4. **Request the Chief Executive Officer to undertake all statutory advertising in this regard.**

CARRIED

F9 - A0

*For: Cr de Haas, Cr Flanagan, Cr McMullen, Cr Graham, Cr Starcevich, Cr Johnston,
Cr Davies, Cr Obourne, Pres Chambers*

Item: 12.4.2

Information Bulletin - October 2024

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

File Ref: D24/28090

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 - September 2024
- B. Council Priorities Summary - Corporate Performance - September 2024
- C. Status Report - Open Council Resolutions - October 2024
- D. Comparison on Collection of Rates for 2024-2025
- E. Small Grants Program - September 2024

RECOMMENDATION AND DECISION

Item: 12.4.2 Information Bulletin - October 2024

Moved: Cr Flanagan
Seconded: Cr Starcevich

O1024-056

Council Decision

That Council accepts:

- 1. Information Bulletin – September 2024**
- 2. Council Priorities Summary – Corporate Performance – September 2024**
- 3. Status Report – Open Council Resolutions – October 2024**
- 4. Comparison on Collection of Rates for 2024-2025**
- 5. Small Grants Program – September 2024**

CARRIED
F9 - A0

*For: Cr de Haas, Cr Flanagan, Cr McMullen, Cr Graham, Cr Starcevich, Cr Johnston,
Cr Davies, Cr Obourne, Pres Chambers*

Item: 12.4.3

Common Seal Usage March 2024 to August 2024

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

File Ref: D24/28192

Applicant

Internal

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.

Officer's Comment

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.

Consultation

WALGA

Financial Implications

Nil

Asset Management Implications

Nil

Statutory Implications

Local Government Act 1995 – 9.49a Execution of Documents

Policy Implications

POL 0036: Execution of Documents and Common Seal Usage

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. Shire of Esperance Common Seal Usage - March 2024 to August 2024

RECOMMENDATION AND DECISION

Item: 12.4.3 Common Seal Usage March 2024 to August 2024

Moved: Cr McMullen

Seconded: Cr de Haas

O1024-057

Council Decision

That Council receive the report entitled Shire of Esperance Common Seal Usage for the period of March 2024 to August 2024.

**CARRIED
F9 - A0**

*For: Cr de Haas, Cr Flanagan, Cr McMullen, Cr Graham, Cr Starcevich, Cr Johnston,
Cr Davies, Cr Obourne, Pres Chambers*

Item: 12.4.4

WALGA Elections Advocacy Position

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

File Ref: D24/28280

Applicant

WALGA

Location/Address

Internal

Executive Summary

For Council to consider their position on a number of topics to inform WALGA's advocacy position as they relate to Local Government Elections.

Recommendation in Brief

Council are being asked by WALGA to consider the Shire of Esperance position on 6 topics in relation to Local Government Elections being: participation, terms of office, voting methods, internal elections, voting accessibility and method of election of mayor.

Background

The *Local Government Amendment Act 2023* introduced a range of electoral reforms that came into effect prior to the 2023 Local Government ordinary elections:

- the introduction of Optional Preferential Voting (OPV);
- extending the election period to account for delays in postal services;
- changes to the publication of information about candidates;
- backfilling provisions for extraordinary vacancies after the 2023 election;
- public election of the Mayor or President for larger Local Governments;
- abolishing wards for smaller Local Governments; and
- aligning the size of councils with the size of populations of each Local Government (change to representation)

Following requests from several Zone's, WALGA undertook a comprehensive review and analysis of 5 ordinary election cycles up to and including the 2023 Local Government election against the backdrop of these legislative reforms. The review and report focused on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), with the analysis finding evidence of the rising cost and a reduction in service of conducting Local Government elections in Western Australia.

Officer's Comment

The Elections Analysis Review and Report was presented to State Council 4 September 2024, with State Council supporting a review of WALGA's Local Government Elections Advocacy Positions.

WALGA is requesting Councils consider the current and alternative Elections Advocacy Positions and provide a response back to WALGA for the December 2024 State Council meeting.

The following is a summary of WALGA's current Advocacy Positions in relation to Local Government Elections:

2.5.15 ELECTIONS

Position Statement	<p>The Local Government sector supports:</p> <ol style="list-style-type: none">1. Four year terms with a two year spill2. Greater participation in Local Government elections3. The option to hold elections through:<ul style="list-style-type: none">• Online voting• Postal voting, and• In-person voting4. Voting at Local Government elections to be voluntary5. The first past the post method of counting votes <p>The Local Government sector opposes the introduction of preferential voting, however if 'first past the post' voting is not retained then optional preferential voting is preferred.</p>
Background	<p>The first past the post (FPTP) method is simple, allows an expression of the electorate's wishes and does not encourage tickets and alliances to be formed to allocate preferences.</p>
State Council Resolution	<p>February 2022 – 312.1/2022 December 2020 – 142.6/2020 March 2019 – 06.3/2019 December 2017 – 121.6/2017 October 2008 – 427.5/2008</p>
Supporting Documents	<p>Advocacy Positions for a New Local Government Act WALGA submission: Local Government Reform Proposal (February 2022)</p>

2.5.16 METHOD OF ELECTION OF MAYOR

Position Statement	<p>Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.</p>
State Council Resolution	<p>February 2022 – 312.1/2022 March 2019 – 06.3/2019 December 2017 – 121.6/2017</p>

2.5.18 CONDUCT OF POSTAL ELECTIONS

Position Statement	<p>The <i>Local Government Act 1995</i> should be amended to allow the Australian Electoral Commission (AEC) and any other third party provider including Local Governments to conduct postal elections.</p>
Background	<p>Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market.</p>
State Council Resolution	<p>May 2023 – 452.2/2023 March 2019 – 06.3/2019 December 2017 – 121.6/2017 March 2012 – 24.2/2012</p>

WALGA has requested the following advocacy positions be considered by Councils:

1. PARTICIPATION

- (a) The sector continues to support voluntary voting at Local Government elections.
OR
- (b) The sector supports compulsory voting at Local Governments elections.

2. TERMS OF OFFICE

- (a) The sector continues to support four-year terms with a two year spill;
OR
- (b) The sector supports four-year terms on an all in/all out basis.

3. VOTING METHODS

- (a) The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general elections
OR
- (b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.

4. INTERNAL ELECTIONS

- (a) The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.
OR
- (b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections.

5. VOTING ACCESSIBILITY

The sector supports the option to hold general elections through:

- (a) Electronic voting; and/or
- (b) Postal voting; and/or
- (c) In-Person voting.

6. METHOD OF ELECTION OF MAYOR

The sector supports:

- (a) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors method), with regulations preventing a change in this method.
- (b) Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.
- (c) Apply current provisions to all Bands of Local Governments – apply the election by electors method to all classes of local governments.

Consultation

Nil

Financial Implications

The financial implications arising from this report are nil although any changes to the election process can have flow on financial impacts

Asset Management Implications

Nil

Statutory Implications

Local Government Act 1995

Policy Implications

Nil

Strategic Implications

Council Plan 2022 – 2032

Leadership

Community confidence and trust in Council

Encourage community participation and insight into activities and decisions

Environmental Considerations

Nil

Attachments

Nil

RECOMMENDATION AND DECISION

Item: 12.4.4 WALGA Elections Advocacy Position

Moved: Cr Johnston

Seconded: Cr Flanagan

O1024-058

Council Decision

That the Shire of Esperance recommends that WALGA adopt the following Local Government Election Advocacy Positions:

- 1. Participation- Council support advocacy position (b)**
- 2. Terms of Office- Council support advocacy position (a)**
- 3. Voting Methods- Council support advocacy position (a)**
- 4. Internal Elections- Council support advocacy position (a)**
- 5. Voting Accessibility- Council support advocacy position (a) and (b) and (c)**
- 6. Method of Election of Mayor- Council support advocacy position (b)**

**CARRIED
F9 - A0**

*For: Cr de Haas, Cr Flanagan, Cr McMullen, Cr Graham, Cr Starcevich, Cr Johnston,
Cr Davies, Cr Obourne, Pres Chambers*

13. REPORTS OF COMMITTEES

Nil

14. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

15. MEMBERS QUESTIONS WITH OR WITHOUT NOTICE

Cr Johnston asked, could we please have an update on the CEO's communications with the owners of 2 Andrew Street and if we are any closer to reaching an agreement for improving the amenity of this block please?

The CEO advised he contacted Mr Lewis last Wednesday to ask again if he and his family had considered the Shire offer but he has not yet responded. I'm not sure if we are any closer on reaching an agreement but I will give him some time and I will follow up again later.

Cr Flanagan asked, just following up on the date when we first met with Mr Lewis, how long ago was it?

The CEO advised we met with Mr Lewis on Friday 5 July 2024.

Cr Flanagan advised, it has been 3-4 months since contact.

The CEO responded yes, and we followed up with a letter about week after our meeting.

Cr Flanagan advised, it is disappointing that it's been 3-4 months and we still haven't received a response.

Cr Johnson asked, I would like to know how the Shire of Esperance can work with the relevant State Government departments to ensure future incidents are managed more efficiently and with increased public safety at the forefront of decision making. For example in this case to allow the whale carcass to be towed while still afloat out at sea, rather than waiting for the carcass to beach which then became our responsibility and hence to the cost of the ratepayer and an increase risk to public safety. What are we as a council able to do moving forward to ensure we have a better procedure in place to allow us to avoid this scenario happening again.

The CEO advised he had a meeting with Department of Primary Industries and Regional Development, and DBCA over that particular incident and essentially how we are hamstrung to respond to those types of incidents. They are prepared to have a look at their internal processes and maybe come up with draft processes. I'm hopeful that there might be some changes coming in the future. But until we see something and what they are proposing, it might be difficult, but there is some pressure getting put on them, and I know the Minister in Parliament with the question from the National Party did commit to also having a look at their current policies. There is good signs, so we will wait and see the outcome.

Cr Starceвич advised she would like to thank the Shire President, the CEO and everyone else that was involved because it was a big task and I think all those parties involved did a really great job.

16. URGENT BUSINESS APPROVED BY DECISION

Nil

17. PUBLIC QUESTION TIME

Mr Derrick thanked Council and advised they are new to Esperance and since moving to town to have the opportunity to put their caravan on their block while they build has been a huge help especially with the rental crisis Esperance is facing, they have found it difficult to find a rental.

18. **MATTERS BEHIND CLOSED DOORS**

Officer's Comment:

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

Moving behind closed doors

Moved: Cr Graham
Seconded: Cr McMullen

O1024-059

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 0595-24 – Supply, Delivery and Licencing of One New Motor Grader

This report is considered confidential in accordance with the Local Government Act 1995, as it relates to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting (Section 5.23(2)(c)).

17.2 Lease - Old Sergeants Quarters Lot 100 Dempster Street, Museum Village

This report is considered confidential in accordance with the Local Government Act 1995, as it relates to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting (Section 5.23(2)(c)).

17.3 Extractive Industries Local Law 2024 Joint Standing Committee Undertakings

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

**CARRIED
F9 - A0**

*For: Cr de Haas, Cr Flanagan, Cr McMullen, Cr Graham, Cr Starcevich, Cr Johnston,
Cr Davies, Cr Obourne, Pres Chambers*

All members of the public left the Chambers at 4:40pm

17.1 0595-24 – Supply, Delivery and Licencing of One New Motor Grader

Moved: Cr Starcevich

Seconded: Cr de Haas

O1024-060

Council Decision

That Council accept quotation 0595-24 for the supply, delivery and licensing of One New 2024 Western Australian Compliant new motor grader from Westrac Pty Ltd for the CAT 140 model, as per the lump sum price.

**CARRIED
F9 - A0**

*For: Cr de Haas, Cr Flanagan, Cr McMullen, Cr Graham, Cr Starcevich, Cr Johnston,
Cr Davies, Cr Obourne, Pres Chambers*

Cr de Haas declared a Financial Interest in the following item and left the meeting at 4:44pm

17.2 Lease - Old Sergeants Quarters Lot 100 Dempster Street, Museum Village

Moved: Cr Starcevich
Seconded: Cr Graham

O1024-061

Council Decision

That Council;

- 1. Enter into a lease with Leonie de Haas for the Old Sergeant's Quarters at the Museum Village, portion of Lot 100 Dempster St, Esperance, subject to;**
 - a) Lease term to be two years with option of three one year options;**
 - b) Lease rental to be \$19,538.20 Inc GST per annum, and that Council consider this value to be a true indication of the current market rental rate;**
 - c) Lease rental to be subject to annual increases based on CPI;**
 - d) All lease terms and conditions being as per Council's standard commercial lease (retail shop); and**
 - e) The disposition being advertised in accordance with s3.58 of the *Local Government Act 1995* for Disposing of Property.**
- 2. Surrender the lease with Leonie de Haas for the Old Station Master's Ticket Box, portion of Lot 103 Dempster Street;**
- 3. Charge a lease surrender fee of \$245 inc GST;**
- 4. Advertise the Old Station Master's Ticket Box for expressions of interest; and**
- 5. Offer the Old Station Master's Ticket Box for an annual rent of \$110 inc GST to reflect the allowed land use for the premises.**

CARRIED
F7 – A1

*For: Cr de Haas, Cr Flanagan, Cr McMullen, Cr Graham, Cr Starcevich, Cr Davies,
Cr Obourne, Pres Chambers*
Against: Cr Johnston

Cr de Haas returned to the Chambers at 4:53pm

17.3 Extractive Industries Local Law 2024 Joint Standing Committee Undertakings

Moved: Cr McMullen

Seconded: Cr Davies

O1024-062

Council Decision

That Council undertake to the Joint Standing Committee on Delegated Legislation that;

- 1. When the local law is next reviewed:**
 - **change the clause reference in clause 1.3 (1)(e) from clause 1.3 to clause 1.4;**
 - **replace the word 'The' in clauses 2.3(3)(a) and (b) with 'the'.**
- 2. All consequential amendments arising from undertaking 1 will be made.**
- 3. All relevant penalties will not be enforced in a manner contrary to undertaking 1.**
- 4. Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking**

CARRIED

F9 - A0

*For: Cr de Haas, Cr Flanagan, Cr McMullen, Cr Graham, Cr Starcevich, Cr Johnston,
Cr Davies, Cr Obourne, Pres Chambers*

Coming from behind closed doors

Moved: Cr McMullen

Seconded: Cr Starcevich

O1024-063

Council Decision

That the meeting come from behind closed doors.

CARRIED

F9 - A0

*For: Cr de Haas, Cr Flanagan, Cr McMullen, Cr Graham, Cr Starcevich, Cr Johnston,
Cr Davies, Cr Obourne, Pres Chambers*

The Shire President summarised aloud the above resolutions for the public gallery.

19. CLOSURE

The President declared the meeting closed at 4:57pm.

These Minutes were confirmed at a meeting held on _____

Signed _____

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

Dated _____