



14 FEBRUARY 2025

Shire of Esperance

NOTICE OF MEETING AND AGENDA

An Agenda Briefing Session of the Shire of Esperance will be held at Council Chambers on 18 February 2025 commencing at 1:00 PM to brief Council on the matters set out in the attached agenda.

An Ordinary Council meeting of the Shire of Esperance will be held at Council Chambers on 25 February 2025 commencing at 4:00 PM to consider the matters set out in the attached agenda.

M Walker

Acting Chief Executive Officer

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Esperance for any act, omission or statement or intimation occurring during Council or Committee meetings. The Shire of Esperance disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

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

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

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

ATTACHMENTS

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

RECORDINGS

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



DISCLOSURE OF INTERESTS

Agenda Briefing Ordinary Council Meeting Special Meeting

Name of Person Declaring an interest

Position Date of Meeting

This form is provided to enable members and officers to disclose an Interest in the matter in accordance with the regulations of Section 5.65, 5.70 and 5.71 of the Local Government Act 1995 and Local Government (Administration) Regulations 1996 34C.

INTEREST DISCLOSED

Item No Item Title

Nature of Interest

Type of Interest Financial Proximity Impartiality

INTEREST DISCLOSED

Item No Item Title

Nature of Interest

Type of Interest Financial Proximity Impartiality

INTEREST DISCLOSED

Item No Item Title

Nature of Interest

Type of Interest Financial Proximity Impartiality

DECLARATION

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

Signature Date



DISCLOSURE OF INTERESTS

Notes for Your Guidance

IMPACT OF A FINANCIAL INTEREST (s. 5.65. & s. 67. Local Government Act 1995)

A member who has a **Financial Interest** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest:

- a. In a written notice given to the Chief Executive Officer before the Meeting or;
- b. At the Meeting immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- a. Preside at the part of the Meeting relating to the matter or;
- b. Participate in, or be present during, any discussion or decision making procedure relative to the matter, unless and to the extent that, the disclosing member is allowed to do so under *Section 5.68* or *Section 5.69* of the *Local Government Act 1995*.

INTERESTS AFFECTING FINANCIAL INTEREST

The following notes are a basic guide for Councillors when they are considering whether they have a **Financial Interest in a matter**.

1. A Financial Interest, pursuant to s. 5.60A or 5.61 of the *Local Government Act 1995*, requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are expectations in the *Local Government Act 1995* but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e sporting, social, religious etc, and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e, if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors and ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **must** be given when the matter arises in the Agenda, and immediately before the matter is discussed. Under s. 5.65 of the *Local Government Act 1995* failure to notify carries a penalty of \$10 000 or imprisonment for 2 years.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) of the *Local Government Act 1995*; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the *Local Government Act 1995*, with or without conditions.



INTERESTS AFFECTING PROXIMITY (s. 5.60b Local Government Act 1995)

1. For the purposes of this subdivision, a person has a proximity interest, pursuant to s.5.60B of the Local Government Act 1995, in a matter if the matter concerns;
 - a. a proposed change to a planning scheme affecting land that adjoins the person's land; or
 - b. a proposed change to the zoning or use of land that adjoins the person's land; or
 - c. a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.
2. In this section, land (the proposal land) adjoins a person's land if;
 - a. The proposal land, not being a thoroughfare, has a common boundary with the person's land; or
 - b. The proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
 - c. The proposal land is that part of a thoroughfare that has a common boundary with the person's land.
3. In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

INTERESTS AFFECTING IMPARTIALITY

Definition: An interest, pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'.

A member who has an **Interest Affecting Impartiality** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- a. In a written notice given to the Chief Executive Officers before the Meeting or;
- b. At the Meeting, immediately before the matter is discussed

IMPACT OF AN IMPARTIALITY DISCLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote.

With the declaration of this type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.

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SHIRE OF ESPERANCE

AGENDA

**ORDINARY COUNCIL MEETING
TO BE HELD IN COUNCIL CHAMBERS ON 25 FEBRUARY 2025
COMMENCING AT 4:00 PM**

1. OFFICIAL OPENING

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

.2. ATTENDANCE

Members

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

Shire Officers

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

Members of the Public & Press

3. APOLOGIES & NOTIFICATION OF GRANTED LEAVE OF ABSENCE

Mr S Burge	Leave
Cr S McMullen	Granted Leave of Absence

4. APPLICATIONS FOR LEAVE OF ABSENCE

5. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

6. DECLARATION OF MEMBERS INTERESTS

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

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

6.3 Declarations of Impartiality Interests – Admin Regulations Section 34c

7. PUBLIC QUESTION TIME

8. PUBLIC ADDRESSES / DEPUTATIONS

9. PETITIONS

Nil

10. CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Council Meeting of the 28 January 2025 be confirmed as a true and correct record.

Voting Requirement

Simple Majority

11. DELEGATES' REPORTS WITHOUT DISCUSSION

From October 2023 to September 2025				
	Agenda Briefing Sessions (16)	Ordinary Council Meetings (16)	Special Council Meetings (2)	Annual Electors Meeting (2)
Ron Chambers Shire President	15	15	2	1
Cr Jennifer Obourne Deputy Shire President	13	13	2	2
Cr Shayne Flanagan	15	15	2	2
Cr Connor Davies	13	14	2	2
Cr Steve McMullen	11	10	1	1
Cr Leonie de Haas	14	16	2	2
Cr Wes Graham	15	15	1	2
Cr Sam Starceвич	16	15	2	2
Cr Gemma Johnston	15	15	2	2

12. MATTERS REQUIRING A DETERMINATION OF COUNCIL

12.1 EXTERNAL SERVICES

Nil

12.2 ASSET MANAGEMENT

Item: 12.2.1

Myrup Waste Management Facility

Author/s	Mathew Walker	Acting Chief Executive Officer
Authoriser/s	Mathew Walker	Acting Chief Executive Officer

File Ref: D25/3628

Applicant

Internal

Location/Address

Reserve 51287, Lot 1885 Myrup Road, Myrup.

Executive Summary

For Council to consider making a final commitment to the Myrup Waste Management Facility

Recommendation in Brief

That Council:

1. Commit to the Myrup Waste Management Facility in its current form;
2. Allocate the additional \$22.1 million for the project over the next two annual budgets; and
3. Request the CEO to seek an extension to the Wylie Bay Landfill closure date.

Background

Brief history:

- In 2006 the Shire was informed by the Department of Environment and Conservation that Wylie Bay Landfill site was not suitable for continued use as a Class II landfill.
- In 2012 Council resolved to start the process to find a new landfill site.
- Initial search for a landfill site was undertaken on Crown Land. This was suspended due to the Native Title determination in 2014, as this would have delayed access to land for a number of years.
- In 2015 the search for a landfill site then targeted freehold land.
- A number of freehold land sites were investigated, resulting in the purchase of Kirwan Road in 2017.
- Kirwan Road was abandoned by Council in 2020 due to environmental risks.
- Focus was then directed to find a freehold land site in the Mallee country (Scaddan and above)
- The Shire was approached by the Shire of Coolgardie (SoC) in 2020 to consider landfill disposal at an upgraded facility near the town of Coolgardie. The Shire commissioned the Waste Transport Cost v Landfill Assessment Report to assess the proposal.
- At the February 2021 Ordinary Council Meeting (OCM), Council resolved to negotiate with SoC to enter into a long-term contract for waste disposal.
- At the May 2021 OCM, Council resolved to enter into a long-term agreement for waste disposal with SoC as this offered the best value for future waste disposal.

- Also at the May 2021 OCM, Council resolved to build a Waste Transfer Station at the Myrup Truck Wash site, after assessing a number of proposed sites, with the following resolution:

That Council;

- 1) *Identify Myrup Truck Wash site, Reserve 51287 at Lot 1885 Myrup Rd, Myrup as the preferred location for the Community Drop-off and Waste Transfer Station Site and request the CEO to:*
 - a. *Apply to Department of Planning Lands and Heritage Lands to have Reserve 51287 vesting amended to include the uses of Waste Transfer and Composting,*
 - b. *Engagement of a suitably qualified consultant to developed a detailed concept design and costings; and*
 - c. *Commence the application process for approval with Department of Water and Environmental Regulation criteria for a Community Drop-off Point and Waste Transfer Station.*
- In 2021 The Shire engaged GHD to develop a detailed concept design and report for the Myrup Waste Management Facility. At the January 2022 OCM Council resolved to endorse the design and next steps with the following resolution:

That Council;

1. *Endorse the Detailed Concept Design for the Myrup Community Drop Off and Waste Management Transfer Station as prepared by GHD Consultants;*
2. *Request the Chief Executive Officer to commence procurement processes, including a Request for Tender, for Detailed Construction Drawings, Quantity Survey and all associated reports required for a Works Approval and Licence Application under Part V of the Environmental Protection Act 1986 for the Facility;*
- At the May 2022 OCM, Council awarded a contract to Talis Consultants for the Detailed Design Development of the Myrup Waste Transfer Station.

As part of the contract Talis reworked the site plan to: separate out the community drop off and commercial / heavy vehicle traffic, include a Hazardous Household Waste area and relocate the admin and amenities out of the Material Recovery Facility (MRF). This reworked site plan was used to as the basis for the detailed design of the Waste Management and the Works Approval application required from Department of Water and Environmental Regulation (DWER). The final site plan is included in attachment A.

DWER released the Guideline - Better Practice Organics Recycling in December 2022, given the new guidelines and more detailed requirements to operate and composting facility it was decided stage the project and include the FOGO component in the next stage as to not hold up the main project. FOGO has been progressing with the technology review now complete.

On the 9 May 2024 the Shire received the required Works Approval, for the for construction and time limited operations of a waste management facility including a community recycling and waste transfer centre on the premise, Works Approval Number W6838/2023/1. The detailed design for the Myrup WMF has been substantially completed with only the workshop and storage sheds still outstanding.

Given the size and scale of the works, the project has been broken up into components with the Shire taking the lead to bring these together. The Shire, using sub-contractors, has already substantially completed the baulk earthworks for the site ready for the construction of building and site servicing.

In November 2024, the Shire released three major tenders for the Myrup WMF: Major Buildings and Concrete Works, Materials Recovery Facility Equipment and Waste Compactor & Trailer's. The Tenders are included in this month's agenda for Council to consider awarding contracts. Now that Officers have assessed the tenders, a full project budget has been able to be put together including the know costs and detailed estimates for the other components, a full project breakdown is provided in the table below including contingencies.

Description	Estimated Cost
Temporary Site Services and Preliminaries	\$411,600
Bulk Earthworks	\$1,100,000
Site Drainage	\$357,100
Site Sewerage / Leachate System	\$235,300
Site Water and Fire Water Supply	\$905,500
Site Electrical and Power Upgrades	\$1,813,500
Roads, Carparks and Pathways	\$1,429,500
Admin Building	\$2,138,800
Hazardous Household Waste Building and Recycling Drop Off	\$1,213,500
Multi-Tier Drop Off	\$718,800
Waste Transfer Station Building	\$3,557,500
Material Recovery Facility Building	\$2,804,700
Workshop Building	\$367,100
Storage Sheds x 3	\$379,500
Waste Transfer Station Compactor and Trailers x 4	\$2,582,000
Material Recovery Facility Equipment	\$2,694,100
Fire Suppression system	\$747,500
Mobile Plant	\$1,500,000
Site Bins	\$259,200
Site Fencing	\$393,500
Weighbridge	\$282,300
Fuel Bowser	\$63,600
Landscaping	\$90,000
Documentation / As Constructed Drawings	\$57,500
Total Budget Inc. Contingencies	\$26,102,100

The Current Wylie Bay Landfill is licensed to accept Class II waste until 1 July 2026. The anticipated project construction and commissions is estimated to be completed by the end of 2026. The Shire will need to seek a further extension to the licence for the Wylie Bay Landfill to bridge this gap. Post the closure of Wylie Bay Landfill, it will continue to operate as a Class I facility accepting for Asbestos and Clean fill.

Officer's Comment

The Myrup WMF will provide a fully integrated facility offering a range of recycling and waste management services for the Esperance town as well as the wider region. The Project will provide a centralised location for these services, consisting of the existing Truck Wash and Liquid Waste Facility, a new modern Community Drop Off, a new Waste Transfer Station and a relocated Materials Recovery Facility from the Shire's Wylie Bay Waste Management Facility. The Myrup WMF will accommodate a 50% future increases in throughput to future proof the facility for more than 30 years.

The Community Drop Off will include a Tip Shop and Education building, on-grade drop-off for hazardous household waste, recyclable materials, and bulk items, and a split-level drop-off area for mixed waste

(refuse, scrap metal and green waste). The Waste Transfer Station will allow for the consolidation of the mixed/putrescible waste material collected from the Shire's kerbside collections and commercial operators into bulk-haulage vehicles for transport to Coolgardie Landfill. The Materials Recovery Facility will allow for the continued recyclable processing services for the mixed recyclables collected from the Shire's kerbside collections, commercial operations, and the Community drop-off area in one integrated facility.

Given the substantial cost of the project, officers have investigated a number of options on how the project could be scaled back, these options are detailed below, with the cost, changes and the pros and cons discussed, noting previous Council decisions have already committed the Shire to providing a Waste Transfer Station located at Myrup:

Option & Cost	Changes	Pros	Cons
Full \$26,102,000	<ul style="list-style-type: none"> • Nil 	<ul style="list-style-type: none"> • State of the art Waste transfer Facility • Complete project 	<ul style="list-style-type: none"> • Cost
Minor Exclusions \$25,948,000	<ul style="list-style-type: none"> • Remove emergency generator • Fuel Bowser replaced with a fuel trailer 	<ul style="list-style-type: none"> • Still deliver the complete project • Changes can be added later at minimal costs 	<ul style="list-style-type: none"> • Decrease control on fuel and increased spillage risk • No backup generator
Relocated Existing MRF \$23,929,000	<ul style="list-style-type: none"> • Use existing MRF plant with modifications • Remove emergency generator • Fuel Bowser replaced with a fuel trailer 	<ul style="list-style-type: none"> • Reduction in cost • Could buy MRF plant in the future 	<ul style="list-style-type: none"> • MRF equipment is 25 years old and at the end of life • Working conditions for MRF staff are not improved • Proposed new MRF is anticipated to reduce the number of staff required to operate • The cost move the existing MRF is estimated at \$670,000
Remove non-critical buildings \$23,652,000	<ul style="list-style-type: none"> • Admin building replaced by transportable buildings (site office) • No workshop • Only one storage shed 	<ul style="list-style-type: none"> • Reduction in cost • Can do the buildings in the future 	<ul style="list-style-type: none"> • Storage of some recycled products outside • Mobile plant servicing done outside or off site • White goods and Mattress recycling done out side • Cost of doing the buildings in the future will be higher • There is a cost to provide transportable buildings
Remove non-critical buildings & Relocate Existing MRF \$21,633,000	<ul style="list-style-type: none"> • Use existing MRF plant with modifications • Admin building replaced by transportable buildings (site office) • No workshop • Only one storage shed 	<ul style="list-style-type: none"> • Reduction in cost • Can do the buildings and MRF in the future 	<ul style="list-style-type: none"> • Storage of some recycled products outside • Mobile plant servicing done out side or off site • White goods and Mattress recycling done out side • Cost of doing the buildings and MRF in the future will be higher

Option & Cost	Changes	Pros	Cons
MRF at Wylie Bay \$20,290,000	<ul style="list-style-type: none"> • Leave MRF operations at Wylie Bay • MRF building and storage sheds not required 	<ul style="list-style-type: none"> • Cost Saving • Existing recycling operation already setup 	<ul style="list-style-type: none"> • Requirement to run two sites additional OPEX required • Logistics issues i.e. transport of recycling from Myrup to Wylie Bay • Working conditions for MRF staff are not improved • MRF equipment is 25 years old and at the end of life • Proposed new MRF is anticipated to reduce the number of staff required to operate

The Myrup WMF will be fundamental to how the Shire undertakes waste management for the next 30+ years. The significant cost to construct a modern Waste Management facility needs to be considered as a long-term investment in core Shire business. It is recommended Council proceed with the full project, as scaling back to project would not realise the full benefits and the cost to deliver the components left out will only increase in the future.

Consultation

Talis Consultants
Department of Water and Environmental Regulation
Internal – Waste Management Team
Internal – Project Managers

Financial Implications

The Shire has allocated \$4.0m in the current annual budget for the Myrup WMF. The financial implications arising from this report will require Council to commit a further \$22.1m over the next two financial years for a total project cost of \$26.1m.

To fund the required \$26.1m, a combination of Reserve Funds, Municipal allocations and Loans will be required. The funding strategy will be detailed in the next Annual Budget and Long-Term Financial Plan.

Asset Management Implications

The Asset Management implications from the report are detailed in the following table.

	Capital	Annual	Comments
Capital	26,102,054		
Interest (economic cost)		1,044,082	4% pa
Depreciation (ongoing costs)		522,041	Over 50 years
Maintenance (ongoing cost)		261,021	1% of capital cost
TOTAL		1,827,144	Per year

Statutory Implications

To forward commit funds for future annual budgets requires an absolute majority.

Policy Implications

Nil

Strategic Implications

Council Plan 2022 – 2032

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

Objective 5.2. Develop a sustainable, low waste, circular economy.

Priority Project 5.2.1. Provide a Community Drop Off and Transfer Station at Myrup Truck Wash and Liquid Waste Facility to encourage sustainable waste management.

Environmental Considerations

The environmental considerations arising from this report have been assessed by the Department of Water and Environmental Regulation through the Works Approval process.

Attachments

A₁. Myrup WMF - Site Plan

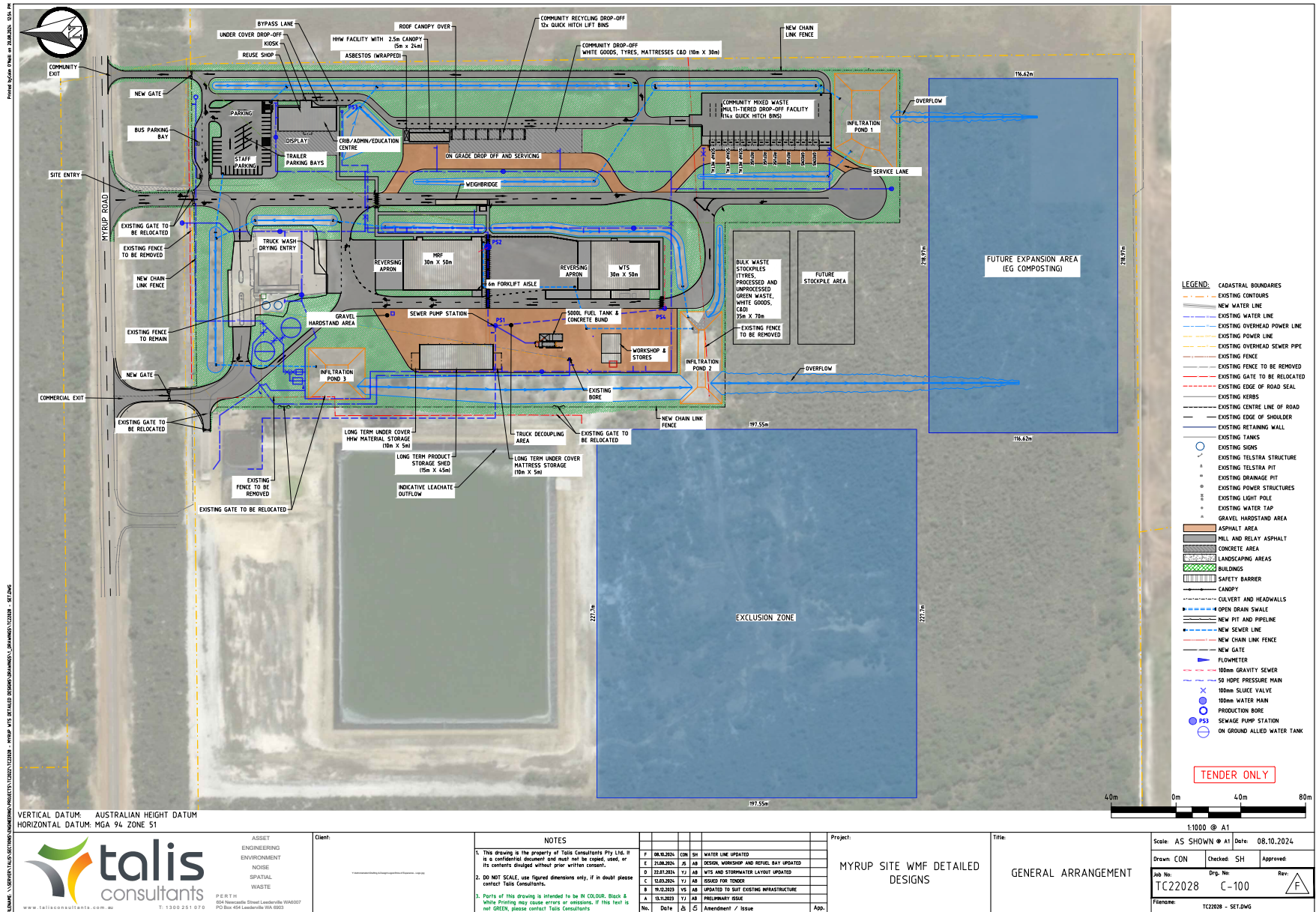
Officer's Recommendation

That Council:

- 1. Commit to the full Myrup Waste Management Facility, for a \$26.1 million project;**
- 2. Allocate an additional \$22.1 million for the project over the next two annual budgets; and**
- 3. Request the CEO to seek an extension to the Wylie Bay Landfill closure date.**

Voting Requirement

Absolute Majority



VERTICAL DATUM: AUSTRALIAN HEIGHT DATUM
HORIZONTAL DATUM: MGA 94 ZONE 51



ASSET	Client:
ENGINEERING	
ENVIRONMENT	
NOISE	
SPATIAL	
WASTE	

NOTES				
1.	This drawing is the property of Talis Consultants Pty Ltd. If it is a confidential document and must not be copied, used, or its contents divulged without prior written consent.			
2.	DO NOT SCALE, use figured dimensions only, if in doubt please contact Talis Consultants.			
3.	Parts of this drawing is intended to be in colour. Black & white printing may cause errors or omissions. If this text is not GREEN, please contact Talis Consultants.			
No.	Date	By	Amendment / Issue	App.
1	08.10.2024	CON	WATER LINE UPDATED	
2	21.08.2024	YS	DESIGN, WORKSHOP AND RESERVE BAY UPDATED	
3	22.01.2024	YS	WTS AND STORAGE LAYOUT UPDATED	
4	02.03.2024	YS	ISSUED FOR TENDER	
5	09.02.2025	VS	UPDATED TO SUIT EXISTING INFRASTRUCTURE	
6	19.10.2023	YS	PRELIMINARY ISSUE	

Project: MYRUP SITE WMF DETAILED DESIGNS

Title: GENERAL ARRANGEMENT

Scale: AS SHOWN @ A1	Date: 08.10.2024
Drawn: CON	Checked: SH
Approved: [Signature]	
Job No: TC22028	Dwg No: C-100
Filename: TC22028 - SET.DWG	

12.3 CORPORATE & COMMUNITY SERVICES

Item: 12.3.1

Local Government Elections 2025

Author/s	Sarah Walsh Blaise Graham	Coordinator Governance & Corporate Support Governance and Corporate Support Officer
Authorisator/s	Felicity Baxter	Director Corporate and Community Services

File Ref: D25/1675

Applicant

Shire of Esperance

Location/Address

Windich Street Esperance

Executive Summary

For Council to determine how the Local Government Elections 2025 will be conducted.

Recommendation in Brief

That Council appoints the Western Australian Electoral Commission (WAEC) to hold a Postal Election for the Shire of Esperance on 18 October 2025.

Background

As per the *Local Government Act 1995* (the Act), all local Governments in Western Australia will hold elections to elect members to their respective Councils on 18 October 2025 (Election Day). At the Shire of Esperance, there will be a minimum of four vacancies to be filled due to terms expiring, being –

- Cr Shayne Flanagan (Town Ward);
- Cr Steve McMullen (Town Ward);
- Cr Leonie De Haas (Town Ward); and
- Cr Sam Starcevich (Rural Ward).

Part 4 of the Act sets out the methods for Local Government Elections and offers Council options in the manner the Election will be conducted and who will conduct the Election (Returning Officer), however these decisions must be made at minimum 80 days prior to Election Day.

Under section 4.20 of the Act, the Chief Executive Officer of the Local Government is, by default, the Returning Officer. The Local Government can appoint another person, subject to the approval of the Western Australian Electoral Commissioner (s.4.20(2)) or, should Council declare the WAEC responsible for the Election, an independent Returning Officer will be appointed. The Returning Officer's role is to effectively manage the entire election process, and ensure compliance with the Local Government Electoral process and procedures.

Council must also decide the method of Election used. Under section 4.61 of The Act, there are two methods of conducting the election, In-person (default) or Postal. If Postal Election is the chosen method, the WAEC must be made responsible for conduct of the election (4.61(4)).

At the 2023 Local Government Election, a postal election for the Shire President position was held for the first time, with a turnout of 37.01%. The Town Ward election for 2023 resulted in a turnout of 31.27%.

Rural Ward candidates were elected unopposed. The last In-person election was held in 2005 and resulted in a 13.5% turnout of eligible voters.

On 12 December 2024, the WAEC wrote to the Shire of Esperance and provided a quote of \$67,056 ex GST to run a postal election in October 2025 (Attached).

The process for engaging the WAEC to conduct local government elections has changed following recent reforms, and now the administration is required to confirm that the Shire is happy to take their cost estimate to Council before the WAEC will provide written agreement to conduct the election. Correspondence was sent to this effect on 16 December 2024.

The WAEC has now provided written agreement to conduct the 2025 local government elections (Attached).

Officer's Comment

The biennial (every two years) Local Government Election process is the most direct method residents and ratepayers have in determining the future and direction of their respective Local Governments, by electing their representatives to Council.

Council must consider which method to use for the October 2025 Election. In determining which method to adopt, Council should consider the following points regarding each alternative –

In-Person Election and CEO Returning Officer:

- Lower direct costs, however indirect costs (staff) are difficult to estimate or capture;
- Consistent with Federal and State Government Election process;
- Greater "Local Feel" to election process;
- Generally, a lower Voter turnout (13.5% turnout in 2005);
- Potential conflict of interest between Shire Administration and Candidates (potential to politicise the Administration)

Postal Election and Independent Returning Officer:

- Generally, a greater Voter turnout (48.81% in 2019, 32.71% in 2021 & 31.27% in 2023);
*Town Ward figures used for reference.
- High direct costs (very few indirect costs);
- Separation of the Shire Administration and Election process, especially if there are conflicts with Candidates;
- WAEC specialises in managing Elections, resulting in fewer compliance issues;
- Possible perception of election being impersonal and lack of focus on actual election day;
- Inconsistent with Federal and State Government election process (i.e. In-Person voting).

Given the potential for higher Elector turnouts and ability to more accurately estimate the cost of election, it is recommended that the October 2025 Election be a Postal Election managed by the Electoral Commissioner. It should also be noted that the annual Esperance and District Agricultural Show is generally scheduled at the same time, which could affect the turnout rate of an in-person vote.

Even though the WAEC (and their appointed Returning Officer) will manage the election, it does not prevent the Shire assisting in the electoral process, especially in the early stages. The Administration will work with the Returning Officer on matters such as electoral advertising and holding the following forums with the community to help promote the Local Government Elections –

- Candidates Information Session (potential Candidates and Councillors)
- Ballot Allocation (Public, Candidates, Councillors)
- Meet the Candidates (Public and Candidates)
- Election Day and Count

It is noted that two elections will be held this year, for the Town Ward and Rural Ward vacancies. The term of the Shire President position is not due to end until the 2027 election.

Consultation

Western Australian Electoral Commission (WAEC)
Chief Executive Officer

Financial Implications

There are different financial implications for the two possible methods, as below:

Postal Vote

The quoted cost submitted by the WAEC to conduct a post vote is \$67,056 ex GST with the possibly another \$5,000 for incidentals, totalling \$79,000 inc GST in the 2025/26 Annual Budget.

In-person Vote

Should Council decide to run an in-person election, then potentially a lower budget of \$35,000 - \$40,000 (no mailing costs etc.) will need to be provided, however as previously stated it will be difficult to capture all indirect costs (staffing) associated with running an Election.

Asset Management Implications

Nil

Statutory Implications

Local Government Act 1995
Part 4 – Elections and Other Polls
Local Government (Election) Regulations 1997

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.
Provide transparent and accountable leadership

Environmental Considerations

Nil

Attachments

- A. WAEC Cost Estimate 2025
- B. WAEC Written Agreement to Conduct Election 2025

Officer's Recommendation

That Council:

1. Declare in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2025 ordinary election together with any other elections or polls which may be required; and
2. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the 2025 Local Government Election will be as a postal election.

Voting Requirement

Absolute Majority



WESTERN AUSTRALIAN
Electoral Commission

Mr Shane Burge
Chief Executive Officer
Shire of Esperance
PO Box 507
ESPERANCE WA 6450

Dear Mr Burge,

Cost Estimate Letter: 2025 Local Government Ordinary Election

As you are aware, the next local government ordinary election will be held on 18 October 2025. This letter is your Cost Estimate for the Western Australian Electoral Commission to conduct your election, should you proceed with making a declaration under the *Local Government Act 1995* for us to do so.

Cost Estimate

The Commission has estimated the cost to conduct your Council's election in 2025 as a postal election at approximately \$67,056 (ex GST).

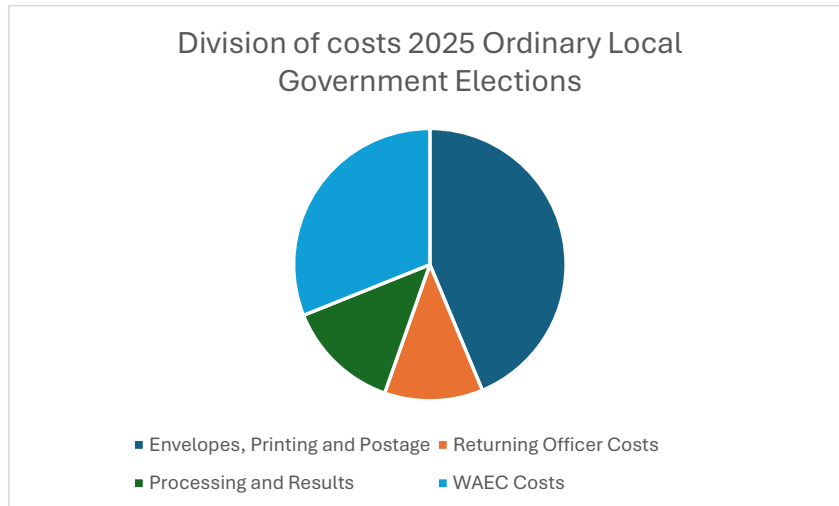
This cost has been based on the following assumptions:

- The method of election will be postal;
- 5 Councillor(s) vacancies;
- 9900 electors;
- response rate of approximately 40%
- appointment of a local Returning Officer; and
- count to be conducted at your office using CountWA.

If any of these assumptions are not correct, please contact us and we can provide a new cost estimate.

Cost Methodology

To provide your estimate, the Commission has estimated the costs of all aspects of the election, from supply of materials to staffing costs. For the 2025 Local Government elections, we have applied the following apportionment across the State:



For individual local Governments the exact apportionment of costs may differ slightly from the above, as the cost categories are determined by applying the following variables:

- Envelopes, Printing and Postage, and WAEC Costs are determined by the number of electors in your Local Government;
- Processing and Results is determined by the expected response rate for your election; and
- Returning Officer Costs are determined by the complexity of the election for the Returning Officer; we classify Local Governments into bands depending on a number of factors including number of Wards, number of vacancies and the number of candidates, and then we pay our Returning Officers a rate which reflects this band.

Estimated Cost of 2025 Local Government Elections

The Commission estimates that the total cost of conducting the Local Government Elections across Western Australia in 2025 will increase by \$1.3 million, compared to 2023. The key drivers for this cost increase are as follows:

- a 45% cost increase from Australia Post, comprising of a 25% increase which came into effect in March 2024, and an additional 20% proposed increase currently being considered by the Australian Competition and Consumer Commission, which if approved will take effect in July 2025; and
- a 9% increase in the salaries paid to Returning Officers as required by the Public Sector CSA Agreement 2024.

Variations to the final costs for your Council

In accordance with the *Local Government (Elections) Regulations 1997*, the Commission conducts elections on the basis of full accrual cost recovery. This means that should the actual costs incurred to conduct the election be less or greater than what we have estimated, the final cost may differ from the cost estimate you have been provided.

Whilst we aim to keep additional costs at a minimum wherever possible, the following are examples of where cost increases may arise:

- If a Returning Officer is selected that is not local to your area;
- If you elect for Australia Post Priority Service for the lodgement of your election package;
- If casual staff are required for the issuing of Replacement Election Packages;
- If casual staff are required to assist the Returning Officer on election day or night; or
- Unanticipated cost increases from our suppliers.

We will endeavour to keep you informed of any unanticipated cost increases as they are incurred during the election.

Service Commitment

The Commission is committed to conducting elections impartially, effectively, efficiently and professionally. Following each election event, we review our performance and identify ways to improve our service delivery.

The Commission acknowledges that during the 2023 Local Government Ordinary Elections, the results for many Local Governments were delayed. Since this time we have improved our Count Processes, and as demonstrated through extraordinary elections conducted in 2024, we are now able to finalise our results more quickly whilst still retaining accuracy and integrity.

If you have any suggestions for improvements we can make to deliver your election, your feedback is welcome at all times.

Next Steps

Should you wish to accept this cost estimate and proceed with the Electoral Commission undertaking this election, there are specific steps that must be taken under the *Local Government Act 1995*. These steps are summarised in the attached flow chart (Attachment A).

As outlined in the flow chart, if you accept this Cost Estimate then please advise of us this in writing, so that we can issue a Written Agreement letter. Both the Cost Estimate letter, and the Written Agreement letter then need to be taken to Council for a decision.

If you have any queries, please contact lgelections@waec.wa.gov.au .

Yours sincerely,



Robert Kennedy
ELECTORAL COMMISSIONER

12 December 2024



WESTERN AUSTRALIAN
Electoral Commission

Mr Shane Burge
Chief Executive Officer
Shire of Esperance
PO Box 507
ESPERANCE WA 6450

Dear Mr Burge,

Written Agreement: 2025 Local Government Ordinary Election

I refer to your correspondence dated 16 December 2024 in which you accept the Western Australian Electoral Commission's Cost Estimate for the 2025 Local Government Ordinary Election, as outlined in my letter to you dated 12 December 2024 (the Cost Estimates Letter).

This letter is my written agreement to be responsible for the conduct of the local government ordinary election for the Shire of Esperance. In order to finalise this agreement, you are required under *the Local Government Act 1995* to submit the following motions to Council for a postal election:

1. declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2025 ordinary election, together with any other elections or polls which may be required;
2. decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a Postal election.

Please note that:

- the above motion/s must be presented to Council as drafted and cannot be amended in any way;
- both the Cost Estimates Letter, and this Written Agreement Letter should be attached to the item for Council consideration; and
- the above motion/s must be passed by an absolute majority.

Once the Council passes the above mentioned motion/s, please forward confirmation to the Commission to the email address below. The Commission can then proceed with arrangements for your ordinary election.

If you have any queries, please contact lgelections@waec.wa.gov.au.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'R Kennedy'.

Robert Kennedy
ELECTORAL COMMISSIONER

9 January 2025

Item: 12.3.2

Rates Exemption Application

Author/s	Bronwyn McLeod	Coordinator Revenue
Authorisor/s	Roselyn Hamilton Felicity Baxter	Manager Financial Services Director Corporate and Community Services

File Ref: D25/2403

Applicant

Advance Housing Limited

Location/Address

24 Freeman Street, Sinclair
Lot 167 Plan 59293

Executive Summary

For Council to consider granting a rates exemption to a property under Section 6.26(2)(g) land used exclusively for charitable purposes and is not rateable land under the *Local Government Act 1995*.

Recommendation in Brief

That Council grant a rates exemption under Section 6.26(2)(g) of the *Local Government Act 1995* to Advance Housing Limited, 24 Freeman Street, Sinclair (Assessment 111443) from 1st July 2024.

Background

An application for rates exemption under Section 6.26(2)(g), for controlled properties used for charitable purposes was received from Dearne Germain, Finance & Administration Assistant, on the 11th December 2024.

Advance Housing Limited was formally Great Southern Community Housing Association and was established in 1997 in the City of Albany. The change of name to Advance Housing Limited occurred in 2017. Advance Housing Limited is a managing agent for the Department of Housing and manages properties throughout Western Australia. The City of Albany has granted exemptions to all like properties managed by Advance Housing Limited for charitable purposes.

The property at 24 Freeman Street, Sinclair was purchased in 2012. Since the time of purchase the property is utilised as social housing for eligible tenants. Tenants are provided with a significant discount to market rents. This contributes to the alleviation of poverty and disadvantage for eligible people on low incomes. This is the first instance of Advance Housing Limited applying for an exemption at the Shire of Esperance.

The operation of this dwelling for a charitable activity as defined by the Australian Charities and Not for Profits Commission (ACNC) has been confirmed by officers. The 2023/2024 Annual Report for Advance Housing Limited can be found on the ASIC website. A copy of the Final Constitution with Department of Housing has been captured and stored in the Shire's record management system for future reference.

Officer's Comment

Section 6.26(2)(g) of the act provides that "land used exclusively for charitable purposes" is deemed not rateable by a local government. Advance Housing Limited has supported this application with the following: -

1. Completed application for rates exemption
2. Organisational Statement
3. Copy of Certificate Australian Charities & Not-for-Profits Commission
4. Copy of Tax Exemption Certificate from the ATO

Officers are satisfied that due diligence for this application has been satisfied. It is recommended that Advance Housing Limited be granted rates exemption under Section 6.26(2)(g) from 1st July 2024 and any rates already paid be refunded.

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

Consultation

Advance Housing Limited (Dearne Germain)
Local Government Act 1995

Financial Implications

2024/25 Rates GRV	\$1,696.69
2024/25 Rates Waste Rate	\$ 80.00

Asset Management Implications

Nil

Statutory Implications

The statutory implications associated with this item are Section 6.26(2)(g) land used for charitable purposes, the *Local Government Act 1995*.

Policy Implications

Nil

Strategic Implications

Council Plan 2022 – 2032
Leadership

A financially sustainable and supportive organisation achieving operational excellence

Environmental Considerations

Nil

Attachments

- A. ATO Charitable Status 2010
- B. Registration Certificate
- C. SoE Completed Application
- D. Rates Exemption Organisation Statement

Officer's Recommendation

That Council grant a rates exemption under Section 6.26(2)(g) of the *Local Government Act 1995* to the Advance Housing Limited, 24 Freeman Street, Sinclair (Assessment 111443) from 1st July 2024.

Voting Requirement

Simple Majority

PO Box 3373, Albury NSW 2640



Australian Government
Australian Taxation Office

Client enquiries
Telephone: 1300 130 248

19 February 2010

GREAT SOUTHERN COMMUNITY HOUSING
ASSOCIATION INC
(GREAT SOUTHERN COMMUNITY HOUSING ASSOC)
PO BOX 5695
ALBANY WA 6332

Dear Organisation Manager

**Notification of endorsement for charity tax concessions
For your information**

Enclosed is your organisation's *Notice of endorsement for charity tax concessions*.

Please note the following points.

- Your organisation's endorsement to access charity tax concessions, together with the date or period of effect, is entered in the public register maintained by the Australian Business Registrar at www.abn.business.gov.au
- Your organisation's endorsement is based on the information it has supplied. Your organisation is required by law to notify the Tax Office in writing if its circumstances change and it ceases to be entitled to endorsement.
- The tax laws do not require any particular intervals between self-reviews, but we recommend a yearly review. Your organisation should also carry out a review if there are major changes to its structure or operations.

! The government has announced that it will amend the 'in Australia' requirements in Division 50 of the *Income Tax Assessment Act 1997* to ensure that Parliament retains the ability to fully scrutinise those organisations seeking to pass money to overseas charities and other entities. The proposed measure will have effect from the date of Royal Assent of the amending legislation. For more information on this proposal refer to the 2009-10 Budget, Budget Paper No. 2 available at www.budget.gov.au

For more information

We have a range of publications and services for non-profit organisations. Copies of the *Income tax guide for non-profit organisations* (NAT 7967) and other publications are available on the non-profit area of our website at www.ato.gov.au/nonprofit or by phoning us on **1300 130 248** between 8.00am and 6.00pm, Monday to Friday.

To keep up to date on key tax issues affecting the non-profit sector subscribe to receive our free electronic news service by using the subscribe link on our homepage at www.ato.gov.au

If your organisation has also applied for other endorsements you will receive separate notification.

Yours faithfully

Michael D'Ascenzo
Commissioner of Taxation and
Registrar of the Australian Business Register



Australian Government
Australian Taxation Office

19 February 2010

Notice of endorsement for charity tax concessions

This endorsement notice has been issued to:

Name	GREAT SOUTHERN COMMUNITY HOUSING ASSOCIATION INC
Australian business number	59 521 407 058

GREAT SOUTHERN COMMUNITY HOUSING ASSOCIATION INC, a public benevolent institution, is endorsed to access the following tax concessions from the dates shown:

- **Income tax exemption** from **1 July 2000** under Subdivision 50-B of the *Income Tax Assessment Act 1997*.
- **GST concessions** from **1 July 2005** under Division 176 of *A New Tax System (Goods and Services Tax) Act 1999*.
- **FBT exemption** from **1 July 2005** under section 123C of the *Fringe Benefits Tax Assessment Act 1986*.

Your organisation's endorsement to access charity tax concessions, together with the date or period of effect, is entered in the public register maintained by the Australian Business Registrar at www.abn.business.gov.au

Your organisation must notify the Tax Office in writing if it ceases to be entitled to endorsement.

A handwritten signature in black ink that reads "Michael D'Ascenzo".

Michael D'Ascenzo
Commissioner of Taxation and
Registrar of the Australian Business Register

PO Box 3373, Albury NSW 2640



Australian Government
Australian Taxation Office

Client enquiries
Telephone: 1300 130 248

19 February 2010

GREAT SOUTHERN COMMUNITY HOUSING
ASSOCIATION INC
(GREAT SOUTHERN COMMUNITY HOUSING ASSOC)
PO BOX 5695
ALBANY WA 6332

Dear Organisation Manager

**Notification of endorsement as a deductible gift recipient
For your information**

Enclosed is your organisation's *Notice of endorsement as a deductible gift recipient* (DGR).

Please note the following points.

- Your organisation's endorsement as a deductible gift recipient, together with the date or period of effect, is entered in the public register maintained by the Australian Business Registrar at www.abn.business.gov.au
- Your organisation's endorsement is based on the information it has supplied. Your organisation is required by law to notify the Tax Office in writing if its circumstances change, and it ceases to be entitled to endorsement.
- The tax laws do not require any particular intervals between self-reviews, but we recommend a yearly review. Your organisation should also carry out a review if there are major changes to its structure or operations.

For more information

We have a range of publications and services for non-profit organisations. Copies of *GiftPack* (NAT 3132) and other publications are available on the non-profit area of our website at www.ato.gov.au/nonprofit or by phoning us on **1300 130 248** between 8.00am and 6.00pm, Monday to Friday.

To keep up to date on key tax issues affecting the non-profit sector subscribe to receive our free electronic news service by using the subscribe link on our homepage at www.ato.gov.au

If your organisation has also applied for other endorsements you will receive separate notification.

Yours faithfully

Michael D'Ascenzo
Commissioner of Taxation and
Registrar of the Australian Business Register



Australian Government
Australian Taxation Office

19 February 2010

Endorsement as a deductible gift recipient

Endorsement as a deductible gift recipient under Subdivision 30-BA of the *Income Tax Assessment Act 1997* is provided as detailed below.

Name	GREAT SOUTHERN COMMUNITY HOUSING ASSOCIATION INC
Australian business number	59 521 407 058
Endorsement date of effect	1 July 2000
Provision for gift deductibility	item 1 of the table in section 30-15 of the <i>Income Tax Assessment Act 1997</i>
Item(s) in Subdivision 30-B of the <i>Income Tax Assessment Act 1997</i>	4.1.1 public benevolent institution

Your organisation's endorsement as a deductible gift recipient, together with the date or period of effect, is entered in the public register maintained by the Australian Business Registrar at www.abn.business.gov.au

Your organisation must notify the Tax Office in writing if it ceases to be entitled to endorsement.

Michael D'Ascenzo
Commissioner of Taxation and
Registrar of the Australian Business Register



Australian
Charities and
Not-for-profits
Commission



THIS CERTIFIES THAT

Advance Housing Limited

ABN: 59521407058

IS A REGISTERED CHARITY
AND HAS BEEN TRANSFERRED FROM THE

Australian Taxation Office

TO THE

Australian Charities and Not-for-profits Commission

ON THE DATE OF

03/12/2012

CERTIFIED BY

A handwritten signature in black ink, appearing to read "Sue Woodward".

Sue Woodward AM

Commissioner

Australian Charities and Not-for-profits Commission

Copy only. Original available on request





Email admin@advancehousing.com.au
Phone + 61 (08) 9845 9697
Office 121 Serpentine Road, Albany WA 6330
Mail PO Box 5695, Albany WA 6332

ABN: 59 521 407 058 | ACN: 617 285 159

ATTN: Vicki Thompson
Rates Officer
Shire of Esperance
Esperance, WA, 6450

RATES EXEMPTION REVIEW – ADVANCE HOUSING LIMITED APPLICATION

Please find enclosed an application for rate exemption.
As per the requirement of the application the following supporting documentation is enclosed;

Supporting Documents;

- Application Form
- Certificate from the ACNC
- Tax Exemption Certificate from the ATO
- Constitution
- Written Statement
- Audited Financials

Should you have any questions, please do not hesitate to contact myself on 08 9845 9697.

Regards,

A handwritten signature in blue ink, appearing to read "Dearne Germain".

Dearne Germain
Finance & Administration Assistant
Advance Housing Limited

Foundation for opportunity

AdvanceHousing.com.au

Rates Exemption Application Form

Local Government Act 1995 - Section 6.26



PRIVACY

The personal information collected on the form will only be used by the Shire of Esperance for the sole purpose of providing requested and related services. Information will be stored securely by us and will not be disclosed to any third parties without your expressed written consent.

This application form is to be used by ratepayers seeking exemption from rates, pursuant to the provisions of Section 6.26 of the Local Government Act 1995. In doing so you are objecting to the rate book under Section 6.76 of the Local Government Act 1995. The application for exemption will be checked based on the information you have provided, and you will be advised of the outcome in due course. Please attach any supporting documents requested, as failure to do so may result in the application being refused.

Please note that where exemption from rates is approved, the property will still be subject to the Emergency Services Levy and any other service fees or charges, if applicable, such as rubbish collection charges. All properties granted a rate exemption, are subject to periodic reviews to ensure continued approval.

PROPERTY DETAILS

Street Address:
24 Freeman St

Suburb: Esperance

Rates Assessment Number (if known): A 111443

USE OF PROPERTY

What is the Current use of the Property:
Please provide full details:

Department of Communities owned property - Combined Capital Bid Disability Services Commission Properties (CCB DSC) – operated by Advance Housing Ltd.
Advance Housing Ltd (AHL) controlled properties are used for charitable purposes and are not rateable land under the Local Government Act 1995. The operation of these dwellings as social housing at a large discount to market contributes extensively to the alleviation of poverty and disadvantage for those people on low income, a charitable activity as defined by the Australian Charities and Not for Profits Commission (ACNC).

Benefits to the Community:
Please provide details of how the Shire of Esperance residents benefit from the activities of your organisation:

Alleviates poverty and disadvantage for those people on low income.

23 March 2022
Reviewed
Rates Exemption Application Form
FINS-16

OWNER DETAILS

Property Owner/s: **Contact Number:**

Postal Address:

Email:

OCCUPIER DETAILS IF DIFFERENT FROM ABOVE

Contact Person: **Contact Number:**

Postal Address:

Email:

ORGANISATIONAL INFORMATION

- Yes No **Is the organisation an incorporated body?** *If yes, provide a Certificate of Incorporation.*
- Yes No **Is the organisation considered not-for-profit and registered under the Australian Charities and Not for Profit Commission (ACNC) and Public Benevolent Institution Status?** *If yes, provide the registration number and provide a copy of the registration certificate.*
- Yes No **Does the organisation have a Charity Tax Exemption from the Australian Tax Office (ATO)?** *If yes, provide a certificate of tax exemption from the ATO.*
- Yes No **Does the organisation lease the property?** *If yes, provide a copy of the lease and confirm if the lessee is responsible for payment of rates.*
- Yes No **Does the organisation have planning approval for the land use of the property?** *A site inspection may be required and if found to be non-compliant with the approval use, the application may be disallowed.*

DOCUMENTATION REQUIREMENTS

Please provide a copy of (in addition to those specified above):


- Organisation's Constitution**
- Written statement outlining the nature of the Organisation's operations. It should include the following details:**
 - Use and occupancy of the property
 - Type of service provided (e.g. food, accommodation etc)
 - Frequency of service provision (e.g. full-time, daily, weekly etc)
 - Detailed information as to whether payment is received for the service.
- A plan of the property, showing all building and outbuildings; OR**
- A floor plan of the leased property area, if only part of the property is the subject of this application**
- A copy of the current years audited financial statements for the Organisation** *(if this exemption applies to only a portion of land owned by this Organisation, provide the relevant statements for the land this application applies to)*

AUTHORISATION

By signing this application, I hereby certify that the information provided is true and correct to the best of my knowledge.

Name: **Position:**

Organisation:

Signature
Applicant 

Date
11/12/24

23 March 2022

Reviewed

Rates Exemption Application Form

FINS-16

Attachment 1 Statutory Declaration

Oaths, Affidavits and Statutory Declarations Act 2005



Application for rates exemption under Section 6.26 of the Local Government Act 1995.

STATEMENT OF PROPERTY USE FOR THE YEAR ENDING 30 JUNE 2024

(1) Christian Name/s:

(a) | Arthur John Lysaught

(2) Address:

(a) of 121 Serpentine Road, Albany WA 6330

(3) Occupation:

(a) Chief Executive Officer in the State of Western Australia

Sincerely declare as follows:-

The property located at 24 Freeman St, Esperance 6450
is used by Advance Housing Limited
for the purposes of alleviating poverty and disadvantage of those people on low income

for the period from _____ to _____

The applicant agrees to advise the Shire as soon as there is ANY change to the purpose/s as stated above.

The declaration is made under the Oaths, Affidavits and Statutory Declarations Act 2005

Declared at:

Advance Housing Albany

(a)

11/12/24 Date

(a) Signature
Applicant

In the presence of

Name of Witness: Julie Anne de Jong

Qualification of Witness:

Registered Architect #2285

Signature
Witness

11/12/24 Date

Reviewed 23 March 2022
Rates Exemption Application Form
FINS-16

***IMPORTANT** This Declaration must be made before any of the following persons:-

Academic (post-secondary institution)
Accountant
Architect
Australian Consular Officer
Australian Diplomatic Officer
Bailliff
Bank Manager
Chartered Secretary
Chemist
Chiropractor
Company Auditor or Liquidator
Court Officer (Judge, magistrate, registrar or clerk)
Defence Force Officer (Commissioned, Warrant or NCO (with 5 year continuous service))
Dentist
Doctor
Electorate Officer (State - WA only)
Engineer
Industrial Organisation Secretary
Insurance Broker
Justice of the Peace (any State)
Lawyer
Local Government CEO or deputy CEO
Local Government Councillor
Loss Adjuster
Marriage Celebrant
Member of Parliament (State or Commonwealth)
Minister of Religion
Nurse
Optometrist
Patent Attorney
Physiotherapist
Podiatrist
Police Officer
Post Office Manager
Psychologist
Public Notary
Public Servant (State or Commonwealth)
Real Estate Agent
Settlement Agent
Sheriff or Deputy Sheriff
Surveyor
Teacher
Tribunal Officer
Veterinary Surgeon

Or any person before whom, under the *Statutory Declarations Act 1959* of the Commonwealth, a Statutory Declaration may be made.

FOR INFORMATION

Any authorised witness for the state of Western Australia may also witness a Commonwealth Statutory Declaration, as long as they are in Western Australia at the time of witnessing {Schedule 2, item 231 of the *Commonwealth Statutory Declarations Regulations 1993*}.

IMPORTANT

As of 1 January 2006, there is no provision for commissioners for declarations in the state of Western Australia.

FINS-16 Rates Exemption Application Form Reviewed 23 March 2022

Attachment 2

OFFICE USE ONLY

Yes No Approval with town planning scheme?

Yes No Has the property been inspected?

Yes No Recommend for non-rateable status?

Applicant / Owner Name:

Advance Housing Limited

Section of Local Government Act 1995:

6.26(2)

Exemption Description:

To offer social housing at a large discount to market and contribute to alleviate poverty and disadvantage to people on low incomes.

Reason for non-rateable status:

New Application Review of Exemption

Amount of rates to be exempted and dates to be applicable from (application date). The approval will be for a period of three years, unless circumstances change.

Amount:

\$1,776.96

Date (from):

01/07/2024

Rubbish bin changes to be levied and dates to be applicable

Amount:

Nil

Date (from):

23 March 2022

Reviewed

Rates Exemption Application Form

FINS-16

Organisational Statement on Council Rates- Advance Housing Ltd

Advance Housing Ltd (AHL), previously Great Southern Community Housing Association (GSCHA), was originally established as an Incorporated Association in November 1997 with the goal of alleviating poverty through social and affordable housing. Whilst the legal form of the entity has changed to a not-for-profit company limited by guarantee, this goal has not changed, and remains AHL's core purpose.

Between 2009 and 2022 AHL grew from managing 109 dwellings to 370 social and affordable housing dwellings, representing 239% in growth in provision of social housing over that time. The vast majority of these dwellings are located within the City of Albany.

AHL provides housing to the Esperance community's most vulnerable people from a wide variety of backgrounds including people on very low, or low income, people with disability or mental health support needs, youth, seniors, and people experiencing or at risk of experiencing domestic violence.

AHL's registration and charitable status includes:

- Being a Registered Charity with The Australian Charities and Not for Profits Commission (ACNC)
- Being a Public Benevolent Institution and holding not for profit status with the Australian Tax Office (ATO)
- Holding Tier 2 Community Housing Provider status with the WA State Government
- Being a National Disability Insurance Scheme (NDIS) registered provider of Specialist Disability Accommodation (SDA)

The Australian Charities and Not for Profits Commission has published a *Commissioner's Interpretation Statement: Provision of housing by Charities* that provides clarity on the charitable nature of the provision of social housing by a charity. It can be found in full at [Commissioners interpretation statement provision of housing by charities](#).

Critically, it states that:

"The Charities Act provides that the purpose of advancing social or public welfare includes, without limitation, the purposes of:

- *relieving the poverty, distress or disadvantage of individuals or families;*^[3]
- *caring for and supporting the aged or individuals with disabilities;*^[4] and
- *caring for, supporting, and protecting children and young individuals."*

AHL's provision of social housing satisfies all of these statements indirectly, but dot point 1 above in particular is satisfied in a direct way.

As the Commissioner views the relief of poverty, distress, or disadvantage as mentioned in dot point 1 above as equally important alternatives rather than being required in combination with each other, each of these criteria falls within *"the purpose of advancing social or public welfare"*.

The rents charged by AHL are based on social housing eligibility requirements as set by the WA Department of Communities and include limited household wealth or assets and limited household income. Additionally, AHL must maintain its charitable status to continue having access to WA State government owned dwellings for social housing delivery.

Social and affordable rents are set at 25-30% of household income. 30% of household income being spent on rent is the widely accepted upper limit of household income before housing stress becomes

Organisational Statement on Council Rates- Advance Housing Ltd

untenable, particularly for people on low incomes or with other forms of relative disadvantage. Whilst not formulated to achieve this comparison to full market rent, AHL's rents in the aggregate generally sit below 60% of the full market rent for our portfolio regardless of any given dwelling typology and location.

This dramatically lower than full market rent is set in an effort to alleviate poverty through providing affordable, stable, and sustainable housing for the community's most in need people. All revenue generated by AHL is applied to achieving this end.

Further, AHL provides a number of dwellings specifically to people that are aged or experience disability. The Commissioner's interpretation Statement provides that:

"The purpose of advancing social or public welfare, includes the purposes of caring for and supporting:

- *the aged, or*
- *individuals with disabilities."*

This, combined with also assisting people experiencing, or at risk of experiencing domestic and family violence and/or homelessness, supports AHL's satisfaction of the need to relieve distress or disadvantage as a charity.

Individually and in combination, these characteristics of AHL and its contribution to the public good, support AHL's provision of housing as a genuinely charitable activity.

The dwelling currently occupied and utilised in the Shire of Esperance is a dwelling transferred to operations under head lease from the Department of Communities (Housing).

The rents charged by AHL reflect social housing eligibility requirements as set by the WA Department of Communities and, whilst not formulated that way, in practice generally sit below 60% of the full market rent for those particular properties and represent 25-30% of household income. This dramatically lower than market rent is set in an effort to alleviate poverty and provide relief from disadvantage through providing affordable, stable, and sustainable housing. All revenue generated by AHL is applied to achieving this charitable end and there are no commercial or for-profit activities undertaken other than those that financially support AHL's charitable purpose (these are minor in nature). How rents are calculated is explained in the attached guide.

It is clear from the above information that AHL's housing is provided as a charitable purpose. This is relevant to AHL's request to have concessional fees applied on the basis that the properties we operate, whether under our own ownership or under management contracts on behalf of the state government, are **not rateable land** under S6.76 (1)(ii) of the Local Government Act 1995.

This position is based on the definition of rateable land under S6.26 (2) (II) (g) of the Act that provides an exemption where the *owner* as defined in S1.4(f) uses the land *"exclusively for charitable purpose"*.

Ownership under S1.4 (f) is clear for the properties AHL hold title over, but also covers the properties we manage and operate on behalf of the WA State government (for our charitable purpose) under S1.4 (f) parts (a)(ia)(iv) and (d).

Viewing these elements in combination, it is clear that all dwellings operated by AHL **are not rateable land under the Act** and therefore are **exempt from rate charges**.

In support of this position and request we have attached the following documents:

1. Advance Housing Ltd Constitution 2017.

Organisational Statement on Council Rates- Advance Housing Ltd

2. How we calculate your Rent information sheet.
3. 2022 Annual Report.

This organisational statement should be read in conjunction with the applications for rates exemption being lodged contiguously.

For more information, or an expanded discussion, please contact:

John Lysaught
CEO
Advance Housing Ltd
121 Serpentine Rd
ALBANY WA 6330
john@advancehousing.com.au
08-9845 9697

Item: 12.3.3

Payment of Accounts Listing - February 2025

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

File Ref: D25/3648

Executive Summary

To present the list of accounts paid by the Chief Executive Officer under delegated authority and the list of payments made by authorised employees using credit cards and other purchasing cards for the month 1 – 31 January 2025.

Background

Recent reviews of the *Local Government Financial Management Regulations (1996)* by Moore Australia recommends that the payments listing (*Reg 13*) and the list of payments made by authorised employees using credit cards or other purchasing cards (*Reg 13A*) to be presented to Council in a separate agenda item to the financial reports as they relate to a different part of the Financial Management Regulations.

Consultation

Moore Australia – Chartered Accountants, Auditors and Business Advisors

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 - January 2025
- B. Transaction Cards Report - January 2025

Officer's Recommendation

That Council:

- 1. Receive the list of accounts paid for the period 1 – 31 January 2025 as listed in the attachment.**
- 2. Receive the list of accounts paid using credit cards and other purchasing cards for the period 1 – 31 January 2025 as listed in the attachment.**

Voting Requirement

Simple Majority

SHIRE OF ESPERANCE
THE ACCOUNTS REFERRED TO IN THE SCHEDULE AND SUMMARISED BELOW HAVE BEEN PAID
FOR THE PERIOD ENDING 31 JANUARY 2025

MUNICIPAL FUND

Cheques

ACTUAL PAYMENTS:	Cheques: 27770 - 27771	\$1,297.63
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EFT

ACTUAL PAYMENTS:	Transaction No's: E4733 - E4743	\$3,543,189.68
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Credit Cards

ACTUAL PAYMENTS:	Transactions: 25/12/2024 - 24/01/2025	\$18,107.75
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Paid under the delegated authority to the CEO

MUNICIPAL TOTAL:	\$3,562,595.06
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Estimated % local payments (including credit cards)

\$1,300,347.20	36.50%
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TRUST FUND

Cheques

ACTUAL PAYMENTS:	Cheques : -	\$0.00
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EFT

ACTUAL PAYMENTS:	Transaction No's:	\$0.00
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TRUST TOTAL:	\$0.00
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TOTAL:	\$3,562,595.06
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Shire of Esperance

List of accounts due by Council submitted to the Ordinary Council Meeting held on 25 February 2025 for confirmation in respect to accounts already paid.

Municipal Fund - Cheque Payments

EFT Ref / Cheque No	Date	Creditor	Payee	Description	Amount
C27770	09/01/2025	11704	G F & W M Kennedy	Refund	\$ 429.23
C27771	24/01/2025	386	Shire of Esperance - Petty Cash	Petty cash recoup - Civic Centre, Library & EHC	\$ 868.40
Total Creditor payments made by Cheque from Municipal Fund					\$ 1,297.63

Municipal Fund - EFT Payments

EFT Ref / Cheque No	Date	Creditor	Payee	Description	Amount
E4733	03/01/2025	33	Australian Services Union (ASU)	Payroll deduction	\$ 371.00
E4733	03/01/2025	140	Esperance Shire Staff Jackpot	Payroll deduction	\$ 600.00
E4733	03/01/2025	144	Esperance Staff Social Club	Payroll deduction	\$ 224.00
E4733	03/01/2025	154	LGRCEU	Payroll deduction	\$ 88.00
E4733	03/01/2025	1963	Child Support Agency	Payroll deduction	\$ 3,647.94
E4734	03/01/2025	32	Australia Post	Postage charges	\$ 1,246.78
E4734	03/01/2025	260	Horizon Power	Electricity charges	\$ 1,999.16
E4734	03/01/2025	290	Telstra	Telephone charges	\$ 1,822.36
E4734	03/01/2025	314	WA Treasury Corporation	Loan repayment	\$ 45,876.63
E4734	03/01/2025	2562	Commonwealth Bank of Australia	Merchant fees	\$ 4,639.44
E4734	03/01/2025	7576	Les Mills Asia Pacific	Contract fees - Body Combat and Body Pump	\$ 588.66
E4734	03/01/2025	9321	Superchoice Services Pty Limited	Superannuation - December 2024	\$ 269,766.38
E4734	03/01/2025	11364	Ezidebit Pty Ltd	Ezidebit services - BOILC	\$ 347.79
E4735	09/01/2025	1	Australian Taxation Office	Payroll deduction	\$ 364,512.00
E4735	09/01/2025	62	Building And Construction Industry	BCITF - December 2024	\$ 3,362.56

Item: 12.3.4

Financial Services Report - February 2025

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

File Ref: D25/3828

Executive Summary

To present to Council the Monthly Financial Report for the period ending 31 January 2025.

Strategic Implications

Council Plan 2022 – 2032

Leadership

A financially sustainable and supportive organisation achieving operational excellence

Attachments

A₁. Monthly Financial Report - January 2025

Officer's Recommendation

That Council receive the attached report entitled Monthly Financial Report for the month of January 2025.

Voting Requirement Simple Majority

12.4 EXECUTIVE SERVICES

Item: 12.4.1

Information Bulletin - February 2025

Author/s	Chantelle Hoffrichter	Executive Assistant
Authorisor/s	Mathew Walker	Acting Chief Executive Officer

File Ref: D25/3436

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 - January 2025
- B↓. Council Priorities Summary - Corporate Performance - January 2025
- C↓. Small Grants - Community Grants Program

Officer's Recommendation

That Council accepts:

- 1. Information Bulletin – January 2025**
- 2. Council Priorities Summary – Corporate Performance - January 2025**
- 3. Small Grants – Community Grants Program**

Voting Requirement

Simple Majority

Item: 12.4.2

2025 Annual Meeting of Electors Motions

Author/s	Mathew Walker	Acting Chief Executive Officer
Authorisor/s	Mathew Walker	Acting Chief Executive Officer

File Ref: D25/3615

Applicant
Internal

Location/Address
N/A

Executive Summary

For Council to consider the motions from electors that were carried at the Annual Meeting of Electors, held on 4 February 2025.

Recommendation in Brief

That Council consider the below motions put forward at the Annual Elector's Meeting.

Background

Subsequent to accepting the 2023/24 Annual Report, the Shire of Esperance held its Annual Meeting of Electors (AME), on 4 February 2025, in accordance with the provisions of the *Local Government Act 1995* and associated regulations. At the AME, five (5) motions in General Business were moved with four (4) subsequently carried by electors at the meeting, being:

Motion 1

That Council commit to a landscaping plan with capital investment for the Esperance Cemetery.

Motion 2

That Council;

- 1. Publicly oppose the South Coast Marine Park; and*
- 2. An independent investigation into the community consultation process.*

Motion 4

That Council;

- 1. Consider putting ablutions facilities similar to Observatory Beach at Eleven Mile Beach; and*
- 2. Investigate putting bins at popular beach locations along Twilight Beach Road through to Eleven Mile Beach*

Motion 5

That Council join the section of Keenan's Road South to Keenan's Road North.

Please note, Motion 3 was not carried at the AME and is therefore not included.

Officer's Comment

As discussed in the Item background, Section 5.33 *Local Government Act 1995* (LGA) provides for what occurs with decisions made at an Electors' meeting. Section 5.33(1) deals with when Council is required to consider decisions from the AME, while Section 5.33(2) deals with what Council must do, should it make a response to a decision (or motion) at the AME. Under this section, the LGA provides no power to an electors' meeting to direct the Council or Shire to take any action or not to take any action on specific or general issue. Council is simply required to consider the motions passed, and if it chooses to make a decision (or resolution) in response to these motions, then the reason for these decisions is to be recorded in the minutes. Council has a variety of options available being:

1. Reject the motion(s)
2. Support the motion(s)
3. Amending the motion(s)
4. Note the motion(s)
5. Or a combination of the above

Council, however, is also required to ensure all actual Council decisions are lawful, in accordance with the relevant provisions of the LGA and related regulations, other legislation and law (such as contract and industrial), with reference to Council policies, local laws and currently uncompleted Council resolutions. This can create conflict between motions moved and passed at electors' meetings, as there is no expectation for electors to have regard to these obligations (as they are not elected members nor may have access to all information regarding a specific matter). Council's role is to balance the views that are expressed at the electors meeting, with those of the greater community and Council's statutory obligations. This regrettably may result in motions at electors meeting being significantly modified or unable to be implemented, due to them being considered "ultra vires" (beyond the authority of Council).

Councillors have the ability to move their own motions, which may or may not be representative of the Officer's recommendation. Council also has the option to deal with each recommendation separately or collectively.

Consultation

The attendance of 58 electors at the AME is considered to be the community consultation on this matter.

Financial Implications

There are no financial implications arising from this report.

Asset Management Implications

Nil

Statutory Implications

The statutory implications associated with this item are:

Section 2.7 The Role of the council, Local Government Act 1995

Section 5.33 Decisions made at electors' meetings, Local Government Act 1995

Policy Implications

Nil

Strategic Implications

Strategic Community 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

Nil

Officer Recommendation - Motion 1

That Council:

1. **Note Motion 1 from the Annual Meeting of Electors (February 2025); and**
2. **Advise an Esperance Cemetery Masterplan is currently being developed, which will include a landscaping plan and a required budget allocation with identified projects.**

Officer Recommendation - Motion 2

That Council:

1. **Note Motion 2 from the Annual Meeting of Electors (February 2025);**
2. **In line with the Shire's submission to the State Government, acknowledges the diverse views around the South Coast Marine Park; and**
3. **Advises the Shire will not undertake an independent investigation into the community consultation process, for the South Coast Marine Park, as this is a State Government process.**

Officer Recommendation - Motion 4

That Council:

1. **Note Motion 4 from the Annual Meeting of Electors (February 2025);**
2. **Consider the construction of an ablution facility at Eleven Mile Beach as part of the 2025/26 budget process; and**
3. **Consider putting bins at popular beach locations along Twilight Beach Road through to Eleven Mile Beach as part of the 2025/26 budget process.**

Officer Recommendation - Motion 5

That Council:

1. **Note Motion 5 from the Annual Meeting of Electors (February 2025); and**
2. **Consider the construction of 1.5km of Keenan Road to a fire access track standard, joining Keenan Road, as part of the 2025/26 budget process.**

Voting Requirement

Simple Majority

13. REPORTS OF COMMITTEES

Nil

14. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

15. MEMBERS QUESTIONS WITH OR WITHOUT NOTICE

16. URGENT BUSINESS APPROVED BY DECISION

17. 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.

Item: 17.1

0604-24 - Myrup Waste Management Facility - Materials Recovery Facility Equipment

CONFIDENTIAL ITEM

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)).

Item: 17.2

0605-24 - Myrup Waste Management Facility - Waste Compactor & Trailer's

CONFIDENTIAL ITEM

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)).

Item: 17.3

EOI Esperance Town Foreshore Sauna

CONFIDENTIAL ITEM

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)).

Item: 17.4

0603-24 Myrup Waste Management Facility - Building and Concrete Works

CONFIDENTIAL ITEM

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)).

18. PUBLIC QUESTION TIME

19. CLOSURE