
Shire of Esperance

ORDINARY COUNCIL

TUESDAY 28 MAY 2019

MINUTES

DISCLAIMER

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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.

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SHIRE OF ESPERANCE

MINUTES

**ORDINARY COUNCIL MEETING HELD IN COUNCIL CHAMBERS ON
28 May 2019.
COMMENCING AT 4PM**

1. OFFICIAL OPENING

The Shire President declared the meeting open at 4.00pm

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

2. ATTENDANCE

Members

Cr V Brown	President	Rural Ward
Cr N Bowman	Deputy President	Rural Ward
Cr J Parsons		Town Ward
Cr S McMullen		Town Ward
Cr S Payne		Town Ward
Cr L McIntyre		Town Ward
Cr R Padgurskis		Town Ward
Cr D Piercey, JP		Town Ward
Cr B Parker		Rural Ward

Shire Officers

Mr W M (Matthew) Scott	Chief Executive Officer
Mr S Burge	Director Corporate Resources
Mr M Walker	Director Asset Management
Mr T Sargent	Director External Services
Mr R Hindley	Manager Strategic Planning & Land Projects
Miss A McArthur	Administration Officer - Executive Services
Ms P Davies	Manager Executive Services

Members of the Public & Press

Mr P Griffiths	Item 12.1.1
Mr P Mayfield	Item 12.1.1
Ms J ODonnell	Item 12.1.1
Dr H McCarthy	Item 8
Ms K Milligan	Item 8
Mrs S Parsons	Observer
Mrs J Archer	Item 8
Ms C Wardel	Item 8
Mr G Johnson	Item 8
Mr K Mills	Observer
Ms J Burton	Esperance Express
Ms J Mulcock	Item 12.3.3
Mr G Mumford	Item 12.1.1(entered at 4.08pm)
Ms J Obourne	Observer (entered at 4.40pm)

3. APOLOGIES & NOTIFICATION OF GRANTED LEAVE OF ABSENCE

Nil

4. APPLICATIONS FOR LEAVE OF ABSENCE

MOTION

Moved: Cr McMullen

Seconded: Cr Piercey

O0519-074

That Council approve the following leave of absence:

Cr Bowman 25 July until 6 August 2019

Cr McIntyre 6 June until 19 June 2019

Cr Parker 1 June until 8 June 2019

**CARRIED
F9 - A0**

5. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Cr Brown wanted to acknowledge the Esperance Public Library for their recent achievement in receiving a Commendation in the Library Board of Western Australia Award for Innovation and Collaboration category. Cr Brown explained they greatly deserve this recognition for the work they have achieved in providing technology and learning to the community.

Cr Brown announced that the 2015 Bushfire Recovery book is completed and printed. She explained that the book was collated using stories from the 2015 bushfires and the launch of the book will be held next month.

Cr Brown lastly announced that the Shire had received a letter from the Heritage Council of Western Australia, supporting the Detailed Design for the replacement jetty. Cr Brown read aloud the letter:

TANKER JETTY, ESPERANCE

We received an email from H+H Architects on 30 April 2019 regarding the following proposed development at:

Place Number P0831

Place Name Tanker Jetty, Esperance

Street Address The Esplanade & Norseman Road, Esperance

Development Description Detailed Design Drawings

We received the following architectural drawings prepared by H+H Architects dated 29 April 2019:

A0.1 General Notes & Design Criteria

A1.0 Site Location / Context Plan

A1.1 Interp. Site Location Plan

A2.0 Jetty Section Type 1

A2.1 Jetty Section Type 2A

A2.2 Jetty Section Type 2B

A2.3 Jetty Section Type 3

A2.4 Jetty Section Type 4

A2.4 Jetty Section Type 4

A5.0 Typical Pile Frame Details

A5.1 Typical Hand Rail Details

A5.2 Typical Fishability Details

We also received the following interpretation elements drawings prepared by H+H Architects dated 29 April 2019:

A6.1 Interp. Element 1 – Insert Railway

A6.2 Interp. Element 2 – Fishing Info Panel

A6.3 Interp. Element 3 – Entry Sculpture

A6.4 Interp. Element 4 – Railway Strip Seat

A6.5 Interp. Element 5 – Headstock Seat

A6.6 Interp. Element 6 – Stringer Deck Seat

A6.7a Interp. Element 7 – Huts

A6.7b Interp. Element 7 – Huts

A6.7c Interp. Element 7 – Huts

A6.8 Interp. Element 8 – Fishing Seat

A6.9 Interp. Element 9 – Buffer Stop Seat

A6.10 Interp. Element 10 – Balustrade Signage

A6.11 Interp. Element 11 – Balustrade Signage

As Tanker Jetty, Esperance is in the State Register of Heritage Places, the proposed development has been considered in the context of its identified cultural significance and the Heritage Council resolved to advise the Shire of Esperance that the proposed detailed design and the interpretation elements are supported.

Mr Mumford entered the Chamber at 4.08pm

6. DECLARATION OF MEMBERS INTERESTS

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

Cr McMullen declared a financial interest in item 12.3.5 as he is a part owner in a recreational gym.

Cr Payne declared a financial interest in item 12.3.5 as she may operate a food van at some point of time.

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

Nil

6.3 Declarations of Impartiality Interests – Admin Regulations Section 34c

Cr Brown declared an impartiality interest in item 12.2.2 as current contractor for the demolition is a family member.

Cr Brown declared an impartiality interest in item 12.2.3 as current contractor for the demolition is a family member.

Cr Brown declared an impartiality interest in item 12.1.1 as her daughter currently has temporary work at the Esperance Chamber of Commerce & Industry (ECCI) and the landowner is the President of ECCI.

Cr McIntyre declared an impartiality interest in item 12.2.2 as she was formerly married to the current contractor for the demolition.

Cr McIntyre declared an impartiality interest in item 12.2.3 as she was formerly married to the current contractor for the demolition.

Cr Padgurskis declared an impartiality interest in item 12.3.5 as he is a member of the Esperance Golf Club.

Cr Parsons declared an impartiality interest in item 12.3.5 as he is a member of the Esperance Golf Club.

Mr Walker declared an impartiality interest in item 17.10 as he was involved in the development of one of the tenders.

Mr Burge declared an impartiality interest in item 12.3.5 as he is a member of the Esperance Golf Club.

Cr McMullen declared an impartiality interest in item 12.1.1 as he works next door to the landowner.

7. PUBLIC QUESTION TIME

1. Ms J O'Donnell – Item 12.1.1

Ms O'Donnell is the secretary for the Esperance Ratepayers Association and read aloud a question provided to her by a ratepayer. She questioned if people live close to electromagnetic fields such as a telecommunications tower, what is the long term effect on the person or people.

Mr Scott responded that emissions from the proposed telecommunications infrastructure are within current health and safety standards.

8. PUBLIC ADDRESSES / DEPUTATIONS

1. Dr H McCarthy on behalf of Local Environmental Action Forum (LEAF)

Dr McCarthy gave a presentation to Council regarding the seismic testing and offshore drilling in the Great Australian Bight. LEAF has grave concerns that if there was to be an oil spill the affects would be catastrophic and would also affect the Recherche Archipelago. The Shire has stated in the Strategic Community Plan that it will protect our natural assets. Dr McCarthy explained that if the Shire of Esperance was to oppose the lease, they would be the second Local Government in Western Australia to do so, the first being the Shire of Ravensthorpe.

Dr McCarthy tabled a letter on behalf of LEAF requesting the Council to oppose seismic testing and offshore drilling in the Great Australian Bight. The letter states:

RE: Request Esperance Shire Council to oppose seismic testing and offshore drilling in the Great Australian Bight

LEAF wish to present our grave concerns to Council regarding the proposed oil and gas exploration in the Great Australian Bight undertake by the Norwegian state company Equinor.

We believe that seismic testing; off shore drilling for oil exploration and the consequent industrialisation in the Great Australian Bight will hold potential detrimental consequences for our marine and coastal environments.

Enacting our Esperance Local Government Coastal Management Plan (2014) as well as the Strategic Community Plan 2017-2027 is now timely.

As a community of concerned residents we want to value and protect our natural environment and recognise the importance of protecting our Recherche Archipelago.

The undersigned signatories request council to pledge in principle support for the other South Australian, Victorian Local Councils and now Ravensthorpe Shire who have joined in opposing Equinor.

2. Mr P Mayfield – Item 12.1.1

Mr Mayfield explained that he is relying on Council to oppose the development of the telecommunications tower on Downes Street. Mr Mayfield explained that his house would be facing directly towards the tower, and he doesn't want to walk out of his house and look at a 40m high tower every day. Mr Mayfield believed telecommunications towers should not be near residential areas.

3. Mr P Griffiths – Item 12.1.1

Mr Griffiths read aloud a statement from Ms H Oldfield, who was unable to attend this meeting. Ms Oldfield's statement included reasons why the Council should not approve the development for Telecommunication infrastructure. Some of the reasons put forward included the proximity to the Esperance Senior High School and Residential College, the proximity to residential properties, and the affects it could have on the environment and health of closely residing Community members. Ms Oldfield urged Councillors to use their right to reject this development.

Mr Griffiths then added that he had been investigating this issue, and has been in contact with Vision Stream (Telstra's contractor) who have stated that colocation with current already developed telecommunication sites is possible. Mr Griffiths questioned if there is a reason colocation isn't happening.

Mr Griffiths mentioned that his property on Downes Street offered tourist accommodation and had between 450-500 people stay at his business last year. Mr Griffiths stated his concern that if the development goes ahead the visual impact could affect his business. Mr Griffiths explained that the planning department needs to have policies in place to better handle telecommunication infrastructure.

Mr Griffiths finished his presentation by stating that the recent international online petition to stop the development of the Telecommunications Infrastructure on Downes St has received around 300 signatures, not including the 30 on the petition he presented to Council in March 2019.

9. PETITIONS

Nil

Dr McCarthy, Mrs Archer, Ms Wardel, Mr Johnson left the Chamber at 4.27pm and did not return.

10. CONFIRMATION OF MINUTES

Moved: Cr Bowman
Seconded: Cr McMullen

O0519-075

That the Minutes of the Ordinary Council Meeting of the 23 April 2019 be confirmed as a true and correct record.

CARRIED
F9 - A0

11. DELEGATES' REPORTS WITHOUT DISCUSSION

Cr Lara McIntyre

6 May Official Sod Turning
6 May Murray - After the Official Sod Turning
14 May Long Term Financial Plan Forum
23 May Serving at the volunteer lunch
28 May Tjaltjarrak Coastal Management project workshop
27 May Attended flag raising ceremony for reconciliation week

Cr Basil Parker

23 May Attended the Esperance extension to State Barrier Fence Commencement Ceremony
27 May Attended flag raising ceremony for reconciliation week

Cr Shelley Payne

10 May Completed Diploma in Local Government

Cr Natalie Bowman

26 Apr Esperance Youth Advisory Council youth week celebrations on the foreshore
29 Apr Phone conference KPMG re black spot programme evaluation
6 May Turning of the 'sod' Esperance Indoor Stadium
6 May Attended Activ My Kitchen Rules
13 May Attended Activ My Kitchen rules
14 May Long Term Financial Plan Forum
18 May Gibson Football Club - defib box
20 May Attended Activ My Kitchen rules
24 May Met with Hon Colin de Grussa MLC

Cr Ron Padgurskis

14 May Long Term Financial Plan Forum

Cr Dale Piercey

17 May Tor Youth Shed
9 May Business After Hours at ENAC
21 May Museum & Visitor Centre Meeting
23 May Volunteer Luncheon

Cr Victoria Brown

13 Apr Attended Activ Industries 'My Kitchen Rules' Round 2
24 Apr Met with Hon Rick Mazza MLC
23 Apr Attended State Barrier Fence Esperance Extension launch at Ravensthorpe with Minister MacTiernan
25 Apr Attended Anzac Service and laid wreath for the Shire
29 Apr Attended GEDC board meeting
30 Apr Attended Jetty Replacement Detailed Design workshop with Julie de Jong
3 May Attended GVROC teleconference meeting
6 May Met with Minister for Sport & Recreation Hon Mick Murray MLA for turning of sod at Indoor Sports Stadium
6 May Attended Activ Industries 'My Kitchen Rules' Round 1
8 May Met with Esperance Netball Association
10 May Attended Seniors' Concert at the Bijou Theatre
14 May Long Term Financial Plan Forum
15 May Chaired Local Emergency Management Committee Meeting
24 May Met with Hon Colin de Grussa MLC

12. MATTERS REQUIRING A DETERMINATION OF COUNCIL

Ms Milligan left the Chamber at 4.37pm and returned at 4.38pm

Ms Obourne entered the Chamber at 4.40pm.

12.1 EXTERNAL SERVICES

12.1.1 Development Application - Telecommunications Infrastructure - Lot 100 Downes Street, Pink Lake

Officers Recommendation

That Council approve Development Application 10.2018.3995.1 for Telecommunications Infrastructure at Lot 100 Downes Street, Pink Lake subject to the following conditions:

1. Development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved plan(s) unless otherwise required or agreed in writing by the Shire of Esperance (Planning Services).
2. The development of the telecommunications infrastructure and associated ancillary works and the ongoing use must not cause erosion or degradation of the subject or surrounding land to the satisfaction of the Shire.
3. During construction stage, adjoining lots are not to be disturbed without the prior written

consent of the affected owner(s).

4. The vehicle crossover is to be constructed, drained and sealed to the satisfaction and specifications of the Shire of Esperance (Asset Management Division) – refer enclosed vehicle crossover application form.
5. The driveway/accessway shall be constructed and maintained to an all-weather standard (e.g. gravel, crushed rock) to facilitate access to the development by 2 wheel drive vehicles.
6. The works involved in the implementation of the development must not cause sand drift and/or dust nuisance. In the event that the Shire of Esperance is aware of, or is made aware of, the existence of a dust problem, measures such as installation of sprinklers, use of water tanks, mulching, or other land management systems as appropriate may be required to be installed or implemented within the time and manner directed by the Shire of Esperance (Health Services)
7. Whilst undertaking site preparation works, all areas of exposed sand must be sufficiently treated against possible sand drift through the use of sprinklers or other suitable means. All sand must be contained on-site to the satisfaction of Council.
8. All stormwater and drainage run off from all roofed and impervious areas is to be retained on-site to the satisfaction of the Shire of Esperance (Building Services).
9. The provision of all services, including augmentation of existing services, necessary as a consequence of any proposed development shall be at the cost of the developer and at no cost to the Shire of Esperance
10. The development hereby approved must not create community safety concerns, or otherwise adversely affect the amenity of the subject locality by reason of (or the appearance or emission of) smoke, fumes, noise, vibration, odour, vapour, dust, waste water, waste products or other pollutants.
11. The works involved in the implementation of the development must not cause sand drift and/or dust nuisance. In the event that the Shire of Esperance is aware of, or is made aware of, the existence of a dust problem, measures such as installation of sprinklers, use of water tanks, mulching, or other land management systems as appropriate may be required to be installed or implemented to prevent or control dust nuisance, and such measures shall be installed or implemented within the time and manner directed by the Shire of Esperance (Environmental Health Services).
12. The proposed operations, during and after construction, are required to comply with the *Environmental Protection (Noise) Regulations 1997*.
13. All fencing must comply with the Shire of Esperance Local law pertaining to Fencing.

AND the following advice notes:

1. THIS IS NOT A BUILDING PERMIT. An application for a building permit is required to be submitted and approved by the Shire of Esperance (Building Services) prior to any works commencing on-site.
2. The development is to comply with the *Building Code of Australia, Building Act 2011, Building Regulations 2012* and the *Local Government Act 1995*.
3. It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Esperance will take no responsibility for incorrectly located buildings or

structures.

4. It is the responsibility of the developer to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.
5. Horizon Power has requested the Shire to advise Applicants that Horizon Power has certain restrictions regarding the installation of conductive materials near its network assets. Applicants are advised to contact Horizon Power's Esperance office to ascertain whether any of Horizon Power's restrictions affect their proposed development.
6. The developer is to liaise with Shire of Esperance (Statutory Compliance) to determine any requirement for additional approvals for any signage proposed to be erected on site.
7. Advice should be sought from a Licensed Electrical Contractor as the electricity supply to the premises needs to comply with the *Electricity Act 1945, Electricity Regulations 1947*.
8. If the development of the subject of this approval is not substantially commenced within the period of 2 years, or other such period as specified in the approval after the date of determinations, the approval shall lapse and ne of not further effect.
9. Where the approval has so lapsed, no development shall be carried out without the further approval of the local governments having first been sought and obtained.
10. If an applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the Planning and Development Act 2005. An application for review must be lodged within 28 days of the determination.

MOTION

Moved: Cr Payne
Seconded: Cr Piercey

That Council lay this matter on the table to get a better outcome for the community.

LOST

F3 – A6

(Against Cr Brown, Cr Bowman, Cr Padgurskis,
Cr McIntyre, Cr McMullen & Parsons)

Moved: Cr McIntyre
Seconded: Cr McMullen

O0519-076

Council Resolution

That Council approve Development Application 10.2018.3995.1 for Telecommunications Infrastructure at Lot 100 Downes Street, Pink Lake subject to the following conditions:

1. Development shall be carried out and fully implemented (with a circular headframe in lieu triangular headframe) in accordance with the details indicated on the stamped approved plan(s) unless otherwise required or agreed in writing by the Shire of Esperance (Planning Services).
2. The development of the telecommunications infrastructure and associated ancillary works and the ongoing use must not cause erosion or degradation of the subject or surrounding land to the satisfaction of the Shire.
3. During construction stage, adjoining lots are not to be disturbed without the prior written consent of the affected owner(s).
4. The vehicle crossover is to be constructed, drained and sealed to the satisfaction

and specifications of the Shire of Esperance (Asset Management Division) – refer enclosed vehicle crossover application form.

5. The driveway/accessway shall be constructed and maintained to an all-weather standard (e.g. gravel, crushed rock) to facilitate access to the development by 2 wheel drive vehicles.
6. The works involved in the implementation of the development must not cause sand drift and/or dust nuisance. In the event that the Shire of Esperance is aware of, or is made aware of, the existence of a dust problem, measures such as installation of sprinklers, use of water tanks, mulching, or other land management systems as appropriate may be required to be installed or implemented within the time and manner directed by the Shire of Esperance (Health Services)
7. Whilst undertaking site preparation works, all areas of exposed sand must be sufficiently treated against possible sand drift through the use of sprinklers or other suitable means. All sand must be contained on-site to the satisfaction of Council.
8. All stormwater and drainage run off from all roofed and impervious areas is to be retained on-site to the satisfaction of the Shire of Esperance (Building Services).
9. The provision of all services, including augmentation of existing services, necessary as a consequence of any proposed development shall be at the cost of the developer and at no cost to the Shire of Esperance
10. The development hereby approved must not create community safety concerns, or otherwise adversely affect the amenity of the subject locality by reason of (or the appearance or emission of) smoke, fumes, noise, vibration, odour, vapour, dust, waste water, waste products or other pollutants.
11. The works involved in the implementation of the development must not cause sand drift and/or dust nuisance. In the event that the Shire of Esperance is aware of, or is made aware of, the existence of a dust problem, measures such as installation of sprinklers, use of water tanks, mulching, or other land management systems as appropriate may be required to be installed or implemented to prevent or control dust nuisance, and such measures shall be installed or implemented within the time and manner directed by the Shire of Esperance (Environmental Health Services).
12. The proposed operations, during and after construction, are required to comply with the *Environmental Protection (Noise) Regulations 1997*.
13. All fencing must comply with the Shire of Esperance Local law pertaining to Fencing.

AND the following advice notes:

1. **THIS IS NOT A BUILDING PERMIT.** An application for a building permit is required to be submitted and approved by the Shire of Esperance (Building Services) prior to any works commencing on-site.
2. The development is to comply with the *Building Code of Australia, Building Act 2011, Building Regulations 2012* and the *Local Government Act 1995*.
3. It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Esperance will take no responsibility for incorrectly

located buildings or structures.

4. It is the responsibility of the developer to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.
5. Horizon Power has requested the Shire to advise Applicants that Horizon Power has certain restrictions regarding the installation of conductive materials near its network assets. Applicants are advised to contact Horizon Power's Esperance office to ascertain whether any of Horizon Power's restrictions affect their proposed development.
6. The developer is to liaise with Shire of Esperance (Statutory Compliance) to determine any requirement for additional approvals for any signage proposed to be erected on site.
7. Advice should be sought from a Licensed Electrical Contractor as the electricity supply to the premises needs to comply with the *Electricity Act 1945, Electricity Regulations 1947*.
8. If the development of the subject of this approval is not substantially commenced within the period of 2 years, or other such period as specified in the approval after the date of determinations, the approval shall lapse and ne of not further effect.
9. Where the approval has so lapsed, no development shall be carried out without the further approval of the local governments having first been sought and obtained.
10. If an applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the Planning and Development Act 2005. An application for review must be lodged within 28 days of the determination.

**CARRIED
F5 – A4**

(Against Cr Payne, Cr Piercey, Cr Padgurskis & Cr Parker)

Reason: Council wanted to ensure the development had a circular head rather than a triangular head.

Mr Griffiths, Mr Mayfield, Mr Mumford, Ms ODonnell & Mr Hindley left the Chamber at 4.46pm.

12.1.2 Treatment of Organic Waste via 3rd Bin System

Moved: Cr Bowman

Seconded: Cr McMullen

O0519-077

Council Resolution

That Council direct the CEO to:

1. Commence planning for the introduction of a 3rd bin system for FOGO waste and processing via composting early in the 20/21 financial year
2. Actively Pursue grant funding to assist with the required capital outlay, and
3. Submit applications to The Department of Water and Environmental Regulation for works approval. and licences to operate a composting facility.

**CARRIED
F9 - A0**

Cr Padgurskis left the Chamber at 4.57pm.

Ms Obourne left the Chamber at 4.57pm and did not return.

12.1.3 Nomination for Membership of the Youth Advisory Council

Moved: Cr Piercey

Seconded: Cr Parker

O0519-078

That Council appoint Daena Selway to the Shire of Esperance Youth Advisory Council.

**CARRIED
F8 - A0**

12.1.4 Development Area 3 - Counter Offer Received - Lot 81 Synnot Street

Moved: Cr Parker

Seconded: Cr Piercey

O0519-079

That Council reject the counter offer of \$6,000 made by Mr Harvey for Lot 81 Synnot St, Sinclair and reiterate the existing Council offer for all lots in this area of \$3,000 plus a waiver of the current year's rates and waste levy.

**CARRIED
F8 - A0**

Cr Padgurskis returned to the Chamber at 4.59pm.

12.2 ASSET MANAGEMENT

12.2.1 Disposal of Toyota HiAce Commuter Bus

Moved: Cr Parsons

Seconded: Cr McMullen

O0519-080

That Council dispose of the Toyota HiAce Commuter Bus to Esperance Care Services Inc. as per the offer of \$49,750 Ex GST, via a Public Notice as per section 3.58(3)(a) of the Local Government Act 1995.

**CARRIED
F9 - A0**

12.2.2 Tanker Jetty Deconstruction Methodology

Moved: Cr Parsons

Seconded: Cr McMullen

O0519-081

Council Resolution

That Council:

- 1. Accepts and agrees to the comments from the Heritage Council of Western**

Australia correspondence dated 2 May 2019 on the Esperance Tanker Jetty deconstruction methodology; and

- 2. Allocates funding in the 2019/20 Annual Budget to engage a heritage architect to implement the requested changes in the deconstruction methodology.**

**CARRIED
F6 – A3**

(Against Cr Payne, Cr Piercey & Cr Padgurskis)

12.2.3 Tanker Jetty Replacement Process

MOTION

Moved: Cr Piercey

Seconded: Cr Payne

That Council table this matter for further consideration and discussion.

**LOST
F2 – A7**

*(Against Cr Brown, Cr Bowman, Cr Padgurskis,
Cr McIntyre, Cr McMullen, Cr Parsons & Cr Parker)*

Moved: Cr Brown

Seconded: Cr Bowman

O0519-082

Council Resolution

That Council:

- 1. Agrees to and endorses the proposed necessary next steps for progressing the replacement of the Esperance Tanker Jetty, as outlined in the correspondence from the Department of Planning Lands and Heritage, dated 13 May 2019, subject to the Minister for Heritage issuing a Section 64 permit under the *Heritage of Western Australia Act 1990* by the 30 June 2019; and**
- 2. Authorises the Chief Executive Officer to negotiate and execute the necessary licences, agreements, requests and other legal instruments necessary to enact the above point, subject to no material impact to the replacement jetty project, endorsed design or budget.**

**CARRIED
F7 – A2**

(Against Cr Payne & Cr Piercey)

12.3 CORPORATE RESOURCES

12.3.1 Financial Services Report - April 2019

Moved: Cr Padgurskis

Seconded: Cr Parker

O0519-083

That the report entitled Monthly Financial Management Report (incorporating the Statement of Financial Activity) for the month of April 2019 as attached be received.

**CARRIED
F9 - A0**

12.3.2 Lease - Multi Sports Management Committee

Moved: Cr McMullen

Seconded: Cr Piercey

O0519-084

That Council, subject to Department of Lands approval, agrees to;

- 1. Lease portion of Lot 500 Black Street to Esperance Multi Sports Pavilion Management Committee Incorporated;**
- 2. Term of the lease being 5 years;**
- 3. Lease preparation fee of \$125 Inc GST;**
- 4. Annual rent being \$110 Inc GST; and**
- 5. Inclusion of a clause to reinforce that vehicle access to the oval and building must only be through official vehicle access gates.**

**CARRIED
F9 - A0**

12.3.3 Reconciliation Action Plan

Moved: Cr Brown

Seconded: Cr McMullen

O0519-085

Officers Recommendation

That Council agrees to

1. Endorse the draft Reconciliation Action Plan; and
2. Submit the draft Reconciliation Action Plan to Reconciliation Australia for review and endorsement.

Council Resolution

That Council agrees to

- 1. Endorse the draft Reconciliation Action Plan as amended; and**
- 2. Submit the draft Reconciliation Action Plan to Reconciliation Australia for review and endorsement.**

**CARRIED
F9 - A0**

Reason: Council wanted to add "as amended in the resolution to reflect that there were minor changes made.

Ms Davies left the Chamber at 5.32 and did not return.

12.3.4 Memorandum of Understanding - Esperance Volunteer Fire and Rescue Service - Running Track Training Facility

Moved: Cr Parker
Seconded: Cr Piercey

O0519-086

Council Resolution

That Council, subject to Department of Lands approval, agrees to;

- 1. Enter into a Memorandum of Understanding with the Esperance Volunteer Fire and Rescue Services for portion of Lot 955 Sims Street, Reserve 9677; and**
- 2. The agreement being on a perpetual basis unless terminated upon mutual agreement between the parties.**

**CARRIED
F9 - A0**

Cr Payne & Cr McMullen declared their financial interests and left the Chamber at 5.34pm.

12.3.5 Schedule Fees and Charges 2019/2020

Moved: Cr McIntyre
Seconded: Cr Bowman

O0519-087

Council Resolution

That Council endorse the attached Draft Schedule of Fees and Charges to be included within the 2019/2020 budget adoption.

**CARRIED
F5 – A2
(Against Cr Padgurskis & Cr Piercey)**

Cr Payne & Cr McMullen returned to the Chamber at 5.37pm.

12.3.6 Notice of Intention to Impose Differential Rates for the 2019/20 Financial Year

Moved: Cr Padgurskis
Seconded: Cr Parker

O0519-088

Council Resolution

That Council

- 1. Endorse the following differential rates across all categories to form the basis of proposed rate setting for the 2019/2020 budget.**

Differential Rate Category	Cents in the Dollar	Minimum Rate
GRV Residential	0.098740	\$1166
GRV Commercial/Industrial	0.098740	\$1166
GRV Vacant	0.098740	\$1166
UV Commercial/Industrial	0.007702	\$1166
UV Rural	0.007702	\$1166
UV Mining	0.093950	\$583

2. Adopt the objects and reasons for each of the proposed differential rates and minimum payments (as attached).
3. Authorise the Chief Executive Officer to advertise the differential rate and call for submissions in accordance with the *Local Government Act 1995, Section 6.36* for a minimum of 21 days.
4. Authorise the Chief Executive Officer to seek Ministerial approval under Section 6.33 of the *Local Government Act 1995* to impose differential rates for those rates that are more than twice the lowest differential rate.

CARRIED
F9 - A0

12.4 EXECUTIVE SERVICES

12.4.1 WALGA Annual General Meeting and WA Local Government Convention 2019

Moved: Cr Brown

Seconded: Cr Parker

O0519-089

Council Resolution

1. That Council nominate Councillors Brown and Bowman as the Shire's Voting Delegates for the WALGA Annual General Meeting to be held in Perth on 7 August 2019.
2. That Councillor/s Brown, Parker, Bowman & McMullen and the CEO to attend the 2019 Western Australian Local Government Convention held in Perth on 8 and 9 August 2019.

CARRIED
F9 - A0

12.4.2 Information Bulletin - April 2019

Moved: Cr Bowman

Seconded: Cr Brown

O0519-090

Council Resolution

That Council accepts the Information Bulletin for April 2019 and;

1. Register - Delegations Discharge - Corporate Resources
2. Corporate Performance Report - April 2019
3. Appreciation Letter - Department of Fire & Emergency Services - Esperance Airport
4. WALGA - Quarterly Report - Shire of Esperance - January-March 2019

CARRIED
F9 - A0

12.4.3 Member Appointments - South Coast Management Group

Moved: Cr McIntyre

Seconded: Cr Parsons

O0519-091

Officer's Recommendation

That Council

1. Appoint _____ as a Community Member for the Shire of Esperance on the South Coast Management Group Inc until the 2019 Local Government Election.
2. Request the CEO write to the South Coast Management Group Inc. to advise them of the above appointments.

Council Resolution

That Council lay the matter on the table until the South Coast Management Group has held Special Meeting to determine their restructure.

**CARRIED
F9 - A0**

Reason: Council wanted to wait to appoint a community member until South Coast Management has their Special Meeting to determine their restructure.

13. REPORTS OF COMMITTEES

13.1 Minutes of Committees

Moved: Cr Bowman

Seconded: Cr Piercey

O0519-092

Officers Recommendation

That Council receive the following unconfirmed committee minutes:

1. Esperance Roadwise Committee - 29 April 2019
2. Off Road Vehicle Working Party - 10 May 2019

Council Resolution

That Council receive the following unconfirmed committee minutes:

1. **Esperance Roadwise Committee - 29 April 2019**
2. **Off Road Vehicle Working Party - 10 May 2018**

**CARRIED
F9 - A0**

Reason: Council corrected the administration error for the Off Road Vehicle Working Party.

13.2 Bush Fire Advisory Committee - Appointment of Bush Fire Control and Fire Weather Officers

Moved: Cr Bowman
Seconded: Cr Brown

O0519-093

Council Resolution

That Council authorise the following appointments in accordance with the *Bush Fires Act 1954* as Bush Fire Control and Fire Weather Officers for the Shire of Esperance:

Chief Bush Fire Control Officer	Ashley Stewart
Deputy Chief Bush Fire Control Officer	Gavin Egan
Deputy Chief Bush Fire Control Officer	Will Carmody
Senior Fire Control Officer – West Zone	Will Carmody
Senior Fire Control Officer – West Coast Zone	Kingsley Scott
Senior Fire Control Officer – North Zone	Rory Graham
Senior Fire Control Officer – East Zone	Lyndon Mickel
Senior Fire Control Officer – East Coast Zone	Simon Fowler
Senior Fire Control Officer – Urban Rural Zone	Peter Rowe
Deputy Senior Fire Control Officer – West Zone	Tomas Carmody
Deputy Senior Fire Control Officer – West Coast Zone	Peter Luberda
Deputy Senior Fire Control Officer – North Zone	Chris Hallam
Deputy Senior Fire Control Officer – East Zone	Phil Longmire
Deputy Senior Fire Control Officer – East Coast Zone	Adrian Perks
Deputy Senior Fire Control Officer – Urban Rural Zone	Ron Chambers

**CARRIED
F9 - A0**

14. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

15. MEMBERS QUESTIONS WITH OR WITHOUT NOTICE

Nil

16. URGENT BUSINESS APPROVED BY DECISION

Nil

Mr Mills, Ms Mulcock, Mrs Parsons left the Chamber at 4.50 and did not return.

17. MATTERS BEHIND CLOSED DOORS

Moving behind closed doors

Moved: Cr Bowman
Seconded: Cr Piercey

O0519-094

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 0200-19 Prequalified Supplier Panel - Wild Dog Control

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 0199-19 Prequalified Supplier Panel - Professional Services

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 0198-19 Prequalified Supplier Panel - Traffic Management

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)).

17.4 0197-19 Prequalified Supplier Panel - Parks & Reserves Management

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)).

17.5 0196-19 Prequalified Supplier Panel - Workshop Services

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)).

17.6 0195-19 Prequalified Supplier Panel - Building Services

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)).

17.7 0194-19 Prequalified Supplier Panel - Plant Hire

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)).

17.8 0205-19 Design & Construct Quarry Road Urban Rural Bush Fire Brigade Facility

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)).

17.9 0206-19 Supply, Installation & Repair Tyres

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)).

17.10 Expression of Interest 0173-19 Esperance Seafront Caravan Park

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

**CARRIED
F9 - A0**

EN BLOC

Moved: Cr McIntyre
Seconded: Cr Bowman

O0519-095

That Council adopt the Officers Recommendations for the following items:

- 17.1 0200-19 Prequalified Supplier Panel - Wild Dog Control**
- 17.2 0199-19 Prequalified Supplier Panel - Professional Services**
- 17.3 0198-19 Prequalified Supplier Panel - Traffic Management**
- 17.4 0197-19 Prequalified Supplier Panel - Parks & Reserves Management**
- 17.5 0196-19 Prequalified Supplier Panel - Workshop Services**
- 17.6 0195-19 Prequalified Supplier Panel - Building Services**
- 17.7 0194-19 Prequalified Supplier Panel - Plant Hire**

CARRIED
F8 – A1
(Against Cr Padgurskis)

17.1 0200-19 Prequalified Supplier Panel - Wild Dog Control

Moved: Cr McIntyre
Seconded: Cr Bowman

O0519-096

Council Resolution

That Council

- 1. Accept the following applicants for appointment to 0200-19 Prequalified Supplier Panel – Wild Dog Control as per the rates detailed in the attachment “Schedule of Rates, conditional upon the applicant’s compliance with the Shire of Esperance Contractor Management System**
 - i. Animal Pest Management**
 - ii. CMS Contracting**
 - iii. Esperance Tjaltjraak Services Pty Ltd**
 - iv. Mobile Windmill Service and Maintenance**
 - v. Terrestrial Ecosystems**
- 2. Advise all Applicants in their notice of acceptance that the mere existence of a Panel does not compel the Shire to purchase exclusively from such Panel, thus, the Shire reserves the right to purchase equivalent goods and/or services available under the Panel from the open market during the period of which the Panel is established and they make no guarantee that any goods and/or services will be purchased from pre-qualified suppliers on the Panel during the 2019/20 financial year.**

CARRIED
F9 - A0

17.2 0199-19 Prequalified Supplier Panel - Professional Services

Moved: Cr McIntyre

Seconded: Cr Bowman

O0519-097

Council Resolution

That Council

- 1. Accept the following applicants for appointment to 0199-19 Prequalified Supplier Panel – Professional Services as per the rates detailed in the attachment “Schedule of Rates, conditional upon the applicant’s compliance with the Shire of Esperance Contractor Management System**
 - i. Bluemar Pty Ltd**
 - ii. BMT WA Pty Ltd**
 - iii. Cardno WA Pty Ltd**
 - iv. Drafting Solutions Australia**
 - v. Ecoscape Australia Pty Ltd**
 - vi. Ecotones**
 - vii. Esperance Surveys Pty Ltd**
 - viii. Esperance Tjaltjraak Services Pty Ltd**
 - ix. GHEMS Holdings Pty Ltd**
 - x. Talis Consultants Pty Ltd**
 - xi. Tilo Massenbauer**
 - xii. Triple K Projects T/A Bio Diverse Solutions**
 - xiii. Vision Environment**
 - xiv. Water Technology Pty Ltd**
 - xv. Wells Building Designers and Consultants**
 - xvi. Wood & Grieve Engineers Limited**
- 2. Advise all Applicants in their notice of acceptance that the mere existence of a Panel does not compel the Shire to purchase exclusively from such Panel, thus, the Shire reserves the right to purchase equivalent goods and/or services available under the Panel from the open market during the period of which the Panel is established and they make no guarantee that any goods and/or services will be purchased from pre-qualified suppliers on the Panel during the 2019/20 financial year.**

**CARRIED
F9 - A0**

17.3 0198-19 Prequalified Supplier Panel - Traffic Management

Moved: Cr McIntyre

Seconded: Cr Bowman

O0519-098

Council Resolution

That Council

- 1. Accept the following applicants for appointment to 0198-19 Prequalified Supplier Panel – Traffic Management as per the rates detailed in the attachment “Schedule of Rates, conditional upon the applicant’s compliance with the Shire of Esperance Contractor Management System**
 - i. Jacka Trenching & Fencing**
 - ii. Murrpar Pty Ltd T/A MLP Civil**
 - iii. Swan Traffic Management**
- 2. Advise all Applicants in their notice of acceptance that the mere existence of a Panel does not compel the Shire to purchase exclusively from such Panel, thus, the Shire reserves the right to purchase equivalent goods and/or services available under the Panel from the open market during the period of which the Panel is established and they make no guarantee that any goods and/or services will be purchased from pre-qualified suppliers on the Panel during the 2019/20 financial year.**

**CARRIED
F9 - A0**

17.4 0197-19 Prequalified Supplier Panel - Parks & Reserves Management

Moved: Cr McIntyre

Seconded: Cr Bowman

O0519-099

Council Resolution

That Council

- 1. Accept the following applicants for appointment to 0197-19 Prequalified Supplier Panel – Parks & Reserves as per the rates detailed in the attachment “Schedule of Rates, conditional upon the applicant’s compliance with the Shire of Esperance Contractor Management System**
 - i. Activ Foundation Inc**
 - ii. Ballantyne Earthmoving**
 - iii. Esperance Tjaltjraak Services Pty Ltd**
 - iv. Esperance Tree Lopping**
 - v. Esperance Turf & Landscape**
 - vi. ETS Vegetation Management**
 - vii. GHEMS Holdings**
 - viii. Key Pest & Weed Control**

- ix. Mara Crann Pty Ltd**
- x. MJ & JL Scheer**
- xi. MT Constructions**
- xii. TD Contractors**
- xiii. The Organic Mechanic Garden Service**
- xiv. The Weed Terminator**
- xv. Titan Contracting Australia Pty Ltd**

- 2. Advise all Applicants in their notice of acceptance that the mere existence of a Panel does not compel the Shire to purchase exclusively from such Panel, thus, the Shire reserves the right to purchase equivalent goods and/or services available under the Panel from the open market during the period of which the Panel is established and they make no guarantee that any goods and/or services will be purchased from pre-qualified suppliers on the Panel during the 2019/20 financial year.**

**CARRIED
F9 - A0**

17.5 0196-19 Prequalified Supplier Panel - Workshop Services

**Moved: Cr McIntyre
Seconded: Cr Bowman**

O0519-100

Council Resolution

That Council

- 1. Accept the following applicants for appointment to 0196-19 Prequalified Supplier Panel – Workshop Services as per the rates detailed in the attachment “Schedule of Rates, conditional upon the applicant’s compliance with the Shire of Esperance Contractor Management System**
- i. CPC Engineering**
 - ii. GMN Mechanical**
 - iii. Mike Henley**
 - iv. Southern Suspension & 4x4 Centre**
- 2. Advise all Applicants in their notice of acceptance that the mere existence of a Panel does not compel the Shire to purchase exclusively from such Panel, thus, the Shire reserves the right to purchase equivalent goods and/or services available under the Panel from the open market during the period of which the Panel is established and they make no guarantee that any goods and/or services will be purchased from pre-qualified suppliers on the Panel during the 2019/20 financial year.**

**CARRIED
F9 - A0**

17.6 0195-19 Prequalified Supplier Panel - Building Services

Moved: Cr McIntyre

Seconded: Cr Bowman

O0519-101

Council Resolution

That Council

- 1. Accept the following applicants for appointment to 0196-19 Prequalified Supplier Panel – Building Services as per the rates detailed in the attachment “Schedule of Rates, conditional upon the applicant’s compliance with the Shire of Esperance Contractor Management System**
 - i. Activ Foundation Incorporated**
 - ii. Bay of Isles Mini Excavators**
 - iii. Bills Doors & Servicing**
 - iv. Cleanaway Pty Ltd**
 - v. CPC Engineering**
 - vi. Digby Hancey Plumbing & Gas Fitting**
 - vii. Dunn’s Cleaning Service Pty Ltd**
 - viii. Esperance Electrical Service**
 - ix. Esperance Fire Services**
 - x. Esperance Glass Service Pty Ltd**
 - xi. G & J Wilson Plumbing and Gas Service**
 - xii. Key Pest & Weed Control**
 - xiii. Mackenzies Electrical Service**
 - xiv. MCM Protection Pty Ltd**
 - xv. MT Constructions**
 - xvi. Ratcliff Carpentry T/A CR Carpentry**
 - xvii. South Coast Test and Tag**
 - xviii. TG & SM Pumbing**
 - xix. ThermoAir**
 - xx. Tion Construction and Granite Work**
 - xxi. Trinity Painting & Decorating**
 - xxii. Wayne Herbert**
 - xxiii. Wormald Australia Pty Ltd TA Wormald**
 - xxiv. Esperance Cabinets**
- 2. Advise all Applicants in their notice of acceptance that the mere existence of a Panel does not compel the Shire to purchase exclusively from such Panel, thus, the Shire reserves the right to purchase equivalent goods and/or services available**

under the Panel from the open market during the period of which the Panel is established and they make no guarantee that any goods and/or services will be purchased from pre-qualified suppliers on the Panel during the 2019/20 financial year.

**CARRIED
F9 - A0**

17.7 0194-19 Prequalified Supplier Panel - Plant Hire

Moved: Cr McIntyre

Seconded: Cr Bowman

O0519-102

Council Resolution

That Council

- 1. Accept the following applicants for appointment to 0194-19 Prequalified Supplier Panel – Plant Hire as per the rates detailed in the attachment “Schedule of Rates, conditional upon the applicant’s compliance with the Shire of Esperance Contractor Management System**
 - i. AF&SP Ridgway**
 - ii. AJ Russell Grader Hire Pty**
 - iii. Ballantyne Earthmoving**
 - iv. Conplant Pty Ltd**
 - v. Esperance Earthworks**
 - vi. Beachwind Enterprises TA Larmour Earthmoving**
 - vii. Lindsay Burnett Bulldozing Pty Ltd**
 - viii. M&M Rural Transport**
 - ix. Mara Crann Pty Ltd**
 - x. McD Contracting**
 - xi. Murrpar Pty Ltd TA MLP Civil**
 - xii. NC Contracting Group**
 - xiii. Palmer Earthmoving Pty Ltd**
 - xiv. RB & DP Schmitt Bobcat and Truck**
 - xv. Sidetippers Australia**
 - xvi. Stabilised Pavements of Australia Pty Ltd**
 - xvii. TD Contractors**
 - xviii. The Mining Pty Ltd**
 - xix. WJ&V Easton**
- 2. Advise all Applicants in their notice of acceptance that the mere existence of a Panel does not compel the Shire to purchase exclusively from such Panel, thus, the Shire reserves the right to purchase equivalent goods and/or services available under the**

Panel from the open market during the period of which the Panel is established and they make no guarantee that any goods and/or services will be purchased from pre-qualified suppliers on the Panel during the 2019/20 financial year.

**CARRIED
F9 - A0**

17.8 0205-19 Design & Construct Quarry Road Urban Rural Bush Fire Brigade Facility

**Moved: Cr Parker
Seconded: Cr McMullen**

O0519-103

Council Resolution

That Council awards the Request for Tender 0205-19 Design & Construct Quarry Road Urban Rural Bush Fire Brigade Facility to Greg Horan Construction Pty Ltd as per the Lump Sum Price.

**CARRIED
F9 - A0**

17.9 0206-19 Supply, Installation & Repair Tyres

**Moved: Cr Parsons
Seconded: Cr McMullen**

O0519-104

Council Resolution

That Council awards the Request for Tender 0206-19 Supply, Installation & Repair Tyres to Goodyear & Dunlop Tyres Pty Ltd TA Beaurepaires as per the schedule of rates, for a period of one year with a one-year option to extend subject to satisfactory performance.

**CARRIED
F9 - A0**

Mr Walker declared his impartiality interest and left the Chamber at 5.58pm.

17.10 Expression of Interest 0173-19 Esperance Seafront Caravan Park

**Moved: Cr Parsons
Seconded: Cr Piercey**

O0519-105

Council Resolution

That Council invite tenders for the lease of the Esperance Seafront Caravan Park from those parties that submitted bids in accordance with Expression of Interest 0173-19.

**CARRIED
F9 - A0**

Coming from behind closed doors

Moved: Cr Brown

Seconded: Cr Bowman

O0519-106

That the meeting come from behind closed doors.

**CARRIED
F9 - A0**

18. PUBLIC QUESTION TIME

Nil

19. CLOSURE

The President declared the meeting closed at 6.01pm.

These Minutes were confirmed at a meeting held on _____

Signed _____

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

Dated _____