



7 JUNE 2019

Shire of Esperance

SPECIAL COUNCIL NOTICE OF MEETING AND AGENDA

A Special Council meeting of the Shire of Esperance will be held at Council Chambers on 11 June 2019 commencing at 2pm to consider the matters set out in the attached agenda.

W M (Matthew) Scott

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.



Disclosure of Financial, Proximity or Impartiality Interests

**Local Government Act 1995 – Section 5.65, 5.70 and 5.71 and Local Government
(Administration) Regulation 34C**

Agenda Briefing ☐

Ordinary Council Meeting ☐

Both Meetings ☐

Name of Person Declaring the 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 and Local Government (Administration) Regulation 34C.

Interest Disclosed

Item No: _____

Subject: _____

Nature of Interest: _____

Type of Interest: Financial Proximity Impartiality

Interest Disclosed

Item No: _____

Subject: _____

Nature of Interest: _____

Type of Interest: Financial Proximity Impartiality

Interest Disclosed

Item No: _____

Subject: _____

Nature of Interest: _____

Type of Interest: Financial Proximity Impartiality

Signature: _____ Date: _____

Office Use Only:

Entered into interest Register: _____

Officer

Date



Declaration of Interest (Notes for Your Guidance)

*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 Officers 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:

- c) Preside at the part of the Meeting, relation to the matter or;
- d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless 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*.

Notes on Financial Interest (For your Guidance)

*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 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 ect, 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 need to be considered.
4. If in doubt declare.
5. As stated in (b) above, 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.
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; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

Interests Affecting Proximity

- 1) For the purposes of this subdivision, a person has a proximity interest in a matter if the matter concerns;
 - a) a proposed change to a planning scheme affecting land that adjoins the person's land;
 - 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;
 - 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 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 Closure

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 new 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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TABLE OF CONTENTS

1.	OFFICIAL OPENING	8
2.	ATTENDANCE	8
3.	APOLOGIES & NOTIFICATION OF GRANTED LEAVE OF ABSENCE	8
4.	DECLARATIONS OF INTERESTS:	8
4.1	Declarations of Financial Interests – Local Government Act Section 5.60a	8
4.2	Declarations of Proximity Interests – Local Government Act Section 5.60b	8
4.3	Declarations of Impartiality Interests – Admin Regulations Section 34c	8
5.	PUBLIC QUESTION TIME	8
6.	PURPOSE OF MEETING	9
6.1	Community Grants Program - 2018/19 Budget Allocation	9
7.	CLOSURE	13

SHIRE OF ESPERANCE

AGENDA

**SPECIAL COUNCIL MEETING
TO BE HELD IN COUNCIL CHAMBERS ON 11 JUNE 2019
COMMENCING AT 2PM**

1. OFFICIAL OPENING

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

Members of the Public & Press

3. APOLOGIES & NOTIFICATION OF GRANTED LEAVE OF ABSENCE

4. DECLARATIONS OF INTERESTS:

- 4.1 Declarations of Financial Interests – Local Government Act Section 5.60a**
- 4.2 Declarations of Proximity Interests – Local Government Act Section 5.60b**
- 4.3 Declarations of Impartiality Interests – Admin Regulations Section 34c**

5. PUBLIC QUESTION TIME

6. PURPOSE OF MEETING

Item: 6.1

Community Grants Program - 2018/19 Budget Allocation

Author/s	Trevor Ayers	Manager Community & Economic Development
Authorisator/s	Matthew Scott	Chief Executive Officer

File Ref: D19/13203

Applicant

Internal Report

Location/Address

N/A

Executive Summary

For Council to consider the applications received under the Community Grants Program and determine allocations in the 2018/2019 budget.

Recommendation in Brief

That Council includes funds into the 2018/2019 Annual Budget, to be distributed in accordance with the criteria and guidelines of the Community Grants Program.

Background

The Community Grants Program is the Shire's principal community investment program. Through this program Council contributes to community wellbeing by:

- Supporting and stimulating diverse and dynamic projects, programs and activities;•
- Encouraging collaboration through engagement and participation in the community;•
- Facilitating stronger, more sustainable and resilient communities; and•
- Supporting the maintenance and upgrade of community facilities.

The guidelines and application forms for the Community Grants Program are available on the Shire's website. The guidelines state that "The grants program is designed to provide limited financial assistance and is not intended to be relied upon as a primary or recurrent source of funding", and "All funding requests must not exceed 50% of the total project cost (with the exception of the Support category)."

Among other requirements, part of the guiding assessment criteria states that applicants need to demonstrate the community need for the project, benefit to the community, alignment to the Shire of Esperance Strategic Community Plan, organisational ability to effectively manage the project and capacity to make a financial and in-kind contribution towards the project.

A total of 24 applications, requesting \$367,835 were received under the 3 annual grant categories of the Community Grants Program:

- Assistance category (9 applications)
- Development category (10 applications)
- Events category (5 applications)

Previously there has also been a contribution to Esperance Community Arts (with the funds to be shared between Esperance Community Arts and the Cannery) identified separately as it has been resolved by Council earlier. This year this money is being considered as part of the Community Grants Program process and is included within the Development category applications.

The value of approved funding in previous years is as per the following table.

	Category	Value of Approved Applications
2016/2017	Support	20,000
	Assistance	13,475
	Development	71,809
	Events	37,500
	ECA	43,296
	TOTAL	186,080
2017/2018	Support	20,000
	Assistance	23,236
	Development	97,005
	Events	10,500
	ECA	43,296
	TOTAL	150,741
2018/2019	Support	25,000
	Assistance	22,949
	Development	84,500
	Events	36,820
	ECA	43,296
	TOTAL	212,565

Officer's Comment

The Community Grants Program Matrix has been previously supplied to Council along with a copy of the full applications, for individual assessments of applications received.

Total applications this year were valued at \$367,835 (which is an increase on the \$324,780 applied for last year). There was an additional large application for the Condingup District Recreation Association which has not been included as it is being dealt with by Council separately to the Community Grants Program.

An annual allocation for the Support Category also needs to be approved for the 2018/19 budget. It has been proposed that this be set at \$25,000, which is consistent with the 2018/19 financial year. The funds in this category lasted through until 31 May this year.

It would be appropriate for Council to specify any conditions it wishes to attach to any of the allocations.

Consultation

Community & Economic Development Team
Executive Management Team
Councillors (through Council Briefings)
Acting Manager Community Support

Financial Implications

Allocations approved in this agenda item will be factored into Council's 2019/20 Annual Budget.

Asset Management Implications

N/A

Statutory Implications

The statutory implications associated with this item are contained within Local Government Act 1995, Section 6.2 - Local Government to prepare annual budget

Policy Implications

N/A

Strategic Implications

Strategic Community Plan 2017 - 2027

Community Connection

A variety of arts and cultural activities that can be exhibited and pursued by all
Facilitate and promote events, arts, heritage and cultural activities for all ages and abilities

Environmental Considerations

N/A

Attachments

Nil

Officer's Recommendation

That Council

1. Includes \$_____ into the 2018/2019 Annual Budget, to be distributed in accordance with the criteria and guidelines of the Community Grants Program:
 - a. Support category budget of \$25,000.00 allocated during the year in accordance with the criteria and guidelines of the Community Grants Program;
 - b. Assistance category budget of \$_____, allocated as follows:
 - c. Development category budget of \$_____, allocated as follows:
 - d. Events category budget of \$_____, allocated as follows:

Cat	Organisation	Project Name	Application Amount (\$)	Council Allocation (\$)
A	103.9HopeFM Community Radio	Equipment Installation	2,500.00	
A	Esperance Soccer Association	Renew Portable Goals	2,500.00	
A	Pink Lake Golf Club	Electricity Source Re-alignment	4,000.00	
A	Recfish	Esperance Reef Vision STEM Program	5,000.00	
A	Esperance Volunteer Fire and Rescue Service	Upgrade firefighting equipment	2,773.00	
A	Cannery Arts Centre	Exhibition Fees, Professional Development	4,638.00	
A	Esperance Nyungar Aboriginal Community	Bush Tucker Garden	5,000.00	
A	Esperance Brass Band	Operating Costs	5,000.00	
A	Rotary Club of Esperance Bay	Adventure Camp Esperance 2020	5,000.00	
	Subtotal Assistance		36,411.00	
D	TOR Youth Shed Inc	TOR Youth Shed Multicourt	15,000.00	
D	Esperance Cycling Club	Veledrome Fence Upgrade	7,985.59	
D	Esperance Regional Tourism Inc	Feature Film	51,902.00	
D	Esperance Care Services	Waste Management	19,708.00	
D	Esperance Professional Fishermen's Association	Public Memorial Gazebo and Beach Access Ramp	40,000.00	
D	Esperance Tennis Club	Boundary Fencing Replacement	30,000.00	
D	Esperance and Agricultural Society Inc	Community Tiered Seating	12,000.00	
D	Condingup Districts Recreation Association	Condingup Memorial Wall	20,000.00	
D	Cannery Arts Centre	Arts	45,000.00	
D	Esperance Community Arts	Arts	43,296.00	
	Subtotal Development		284,891.59	
E	Condingup Fair	Condingup Fair 2020	2,000.00	
E	Grass Patch Community Development Association	Grass Patch Yabbie Classic	2,000.00	
E	Rotary Club of Esperance Bay	Esperance Foreshore Festival & Fireworks	5,436.00	
E	Escare (auspicing on behalf of the Kids Fun Day Out)	Kids Fun Day Out 2019	10,000.00	
E	Moving Movies	Moving Movies Season 2019/20	2,097.00	
	Subtotal Events		21,533.00	
	Subtotal Support		25,000.00	
	Total		367,835.59	

Voting Requirement

Simple Majority

7. CLOSURE