

**Shire of Esperance**

**ORDINARY COUNCIL**

**TUESDAY 25 FEBRUARY 2020**

**MINUTES**

### **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.

## Table of Contents / Index

ITEM NO.	ITEM HEADING	PAGE
1.	OFFICIAL OPENING	5
2.	ATTENDANCE	5
3.	APOLOGIES & NOTIFICATION OF GRANTED LEAVE OF ABSENCE	6
4.	APPLICATIONS FOR LEAVE OF ABSENCE	6
5.	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	6
6.	DECLARATION OF MEMBERS INTERESTS	6
6.1	Declarations of Financial Interests – Local Government Act Section 5.60a	6
6.2	Declarations of Proximity Interests – Local Government Act Section 5.60b	6
6.3	Declarations of Impartiality Interests – Admin Regulations Section 34c	6
7.	PUBLIC QUESTION TIME	6
8.	PUBLIC ADDRESSES / DEPUTATIONS	7
9.	PETITIONS	7
10.	CONFIRMATION OF MINUTES	8
11.	DELEGATES' REPORTS WITHOUT DISCUSSION	8
12.	MATTERS REQUIRING A DETERMINATION OF COUNCIL	10
12.1	EXTERNAL SERVICES	10
12.1.1	Proposed Landfill at Lot 12 Kirwan Road	10
12.1.2	Amendment of Holiday Homes Local Planning Policy	11
12.1.3	Development Application - Additions to Outbuilding (Shed) - Lot 12 (33) Mitchell Street, Castletown	11
12.2	ASSET MANAGEMENT	12
12.2.1	Disposal of Esperance Tanker Jetty Grade 3 Timbers	12
12.3	CORPORATE RESOURCES	13
12.3.1	Policy Review - Human Resources	13
12.3.2	Toowacka Camp Site - Future Land Use	13
12.3.3	Financial Services Report - January 2020	14
12.3.4	Proposed Delegation - Varying Prohibited Burning Period	14
12.3.5	Lease Surrender - Old Sergeant's Quarters - Sally Nevin	14
12.4	EXECUTIVE SERVICES	15
12.4.1	Information Bulletin - January 2020	15
12.4.2	Goldfields Designated Area Migration Agreement	15
12.4.3	2020 Annual Meeting of Electors Motions	15
12.4.4	Community Grants Program 2020 - 2021	16
13.	REPORTS OF COMMITTEES	16

---

<b>14. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN</b>	<b>16</b>
<b>15. MEMBERS QUESTIONS WITH OR WITHOUT NOTICE</b>	<b>16</b>
<b>16. URGENT BUSINESS APPROVED BY DECISION</b>	<b>17</b>
<b>17. MATTERS BEHIND CLOSED DOORS</b>	<b>17</b>
17.1 Local Government Sale - Rates Write Off Ass# 69104	
17.2 Future Gas Supply for the Bay of Isles Liesure Centre	
17.3 0249-19 Refurbishment Noel White Pavilion	
17.4 Outstanding Rates: Request to Review Back Rating	
17.5 Proposed Drainage Works Gibson Road	
<b>18. PUBLIC QUESTION TIME</b>	<b>20</b>
<b>19. CLOSURE</b>	<b>20</b>

## SHIRE OF ESPERANCE

### MINUTES

#### **ORDINARY COUNCIL MEETING HELD IN COUNCIL CHAMBERS ON 25 February 2020. COMMENCING AT 4PM**

#### **1. OFFICIAL OPENING**

The Shire President declared the meeting open at 4.01pm and did an acknowledgement to country.

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

#### **2. ATTENDANCE**

##### **Members**

Cr I Mickel	President	Rural Ward
Cr B Parker	Deputy President	Rural Ward
Cr J O'Donnell		Town Ward
Cr S McMullen		Town Ward
Cr S Payne		Town Ward
Cr J Obourne		Town Ward
Cr R Chambers		Town Ward
Cr D Piercey, JP		Town Ward
Cr W Graham		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
Mr S McKenzie	Manager Council Enterprises
Miss S Shaddick	Manager Marketing & Communications (entered at 4.02pm)
Miss A McArthur	Administration Officer - Executive Services
Mr J Sudmeyer	Media & Communications Officer
Ms C Smith	Marketing & Communications Officer (entered at 4.08pm)

##### **Members of the Public & Press**

Mr G Mitchell	Item 17.4
Mrs A Parker	Observing
Dr K Nieukerke	Observing
Ms D Witt	Item 12.1.1
Mrs N Bowman	Item 12.1.1
Mr J Parsons	Item 12.1.1
Mrs S Parsons	Item 12.1.1
Mrs D Johnson	Item 12.1.1
Mr A Johnson	Item 12.1.1
Mr G Hard	Item 12.1.1
Mrs E Siemer	Item 12.4.3
Mr C Siemer	Item 12.4.3
Ms A Vincent	Item 12.4.3 (entered at 5.14pm)
Mr P Chalmer	Item 12.1.1 (entered at 4.24pm)
Mrs J Fitzpatrick	Item 12.1.1 (entered at 4.05pm)
Ms T Ibrahim	Observing (entered at 4.15pm)
Ms L Birch	ABC Goldfields / Esperance (entered at 4.05pm)

Miss S Makse                      Esperance Express  
Miss I Lysaght                    Kalgoorlie Miner

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

Nil

Miss Shaddick entered the Chamber at 4.02pm.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

**MOTION**

Moved:            Cr McMullen  
Seconded:       Cr O'Donnell

**O0220-038**

**That Council accept the following leave of absence:**

**Cr Piercey            9 March until 9 June 2020**  
**Cr Graham           26 February until 5 March 2020**

**CARRIED  
F9 - A0**

Miss Lysaght & Mrs Fitzpatrick entered the Chamber at 4.05pm

**5. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

Nil

**6. DECLARATION OF MEMBERS INTERESTS**

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

Cr Payne declared a financial interest in item 12.1.2 as she currently has an application in progress for a holiday home.

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

Nil

**6.3 Declarations of Impartiality Interests – Admin Regulations Section 34c**

Cr Obourne declared an impartiality interest in item 12.3.5.

Cr Graham declared an impartiality interest in item 12.1.1.

Miss Smith entered the Chamber at 4.08pm.

**7. PUBLIC QUESTION TIME**

**1. Dr K Nieukerke - Item 12.1.1**

Dr Nieukerke referred to the fact that there are two items on the Agenda relating to the proposed new waste facility. Dr Nieukerke questioned if Council could change the order of the Agenda to deal with the motion carried at the Annual Electors Meeting first.

*Cr Mickel responded that Council will deal with the order laid out in the Agenda.*

Mrs Siemer & Mr Siemer entered the Chamber at 4.10pm.

**2. Mr D Eltringham**

*The following questions were provided in advance to the meeting by Mr Eltringham on behalf of the Friends of the Esperance Tanker Jetty. These questions were taken on notice by the Shire*

*President. A response will be provided to Mr Eltringham in writing and will be included in the March Ordinary Council Meeting Agenda as per Section 3.3 of the Standing Orders.*

From information sourced through emails, freedom of information, agenda meetings and minutes of Council meetings, it is reasonable to conclude that Esperance Shire Council did not have the authority in 2016 to demolish the Tanker jetty.

ESC **knew** that it did not have the express consent of the licensor under the jetty Licence when it resolved and did award a contract for the Jetty's demolition.

**In the RFT, AS 4000 – 1997 General Conditions of Contract, it states – UNTIL A FORMAL INSTRUMENT OF AGREEMENT IS EXECUTED BY THE PARTIES, DOCUMENTS EVIDENCING THE PARTIES' CONSENSUS SHALL CONSTITUTE THE CONTRACT.**

The Local Government Act states – If a Local Government has entered into a contract for the supply of goods or services with a successful tenderer, the contract must not be varied unless – The variation is necessary and does not change the scope.

Questions for Mr. Scott (CEO)

- a. Correspondence I received from you dated 4/6/2019 stated that the scope of the contract has not changed vastly and the tender to demolish has always been a deconstruction methodology.

Why then, Mr. Scott is every reference made to DEMOLITION in the Request for Tender, the **Demolition** Scope of Works included?

- b. Do you now reconsider the 'scope of work' changes and still maintain that it has not vastly changed? If so, please explain and reply with substantiated documentation to support your claim.

Ms Ibrahim entered the Chamber at 4.15pm.

## **8. PUBLIC ADDRESSES / DEPUTATIONS**

### **1. Mr G Mitchell - Item 17.4**

Mr Mitchell stated he would've liked to have had the opportunity to address Council at the Agenda Briefing Session but he was unaware his request had been received and that it was going to Council for consideration. Mr Mitchell stated that it would be unreasonable to back rate crown land which has never been rated. Mr Mitchell also stated Council would be making a decision with limited information.

*Cr Mickel thanked Mr Mitchell for his statement and apologised he did not receive any notification of his request being considered by Council.*

### **2. Mrs Bowman - Item 12.1.1**

Mrs Bowman stated that Councillors represent the entire community and should make decisions based on facts. Mrs Bowman discussed that walking away from the Kirwan Road site without completing all the tests would an extreme cost to Shire. Mrs Bowman explained that the new site will also have new upset neighbours and the process will start again. Mrs Bowman stated that to date there has been no scientific reason that the Kirwan Road site cannot be used, and Council has to rely on expert advice. Mrs Bowman stated that the money spent of this site is only wasted if Council walks away.

## **9. PETITIONS**

Nil

**10. CONFIRMATION OF MINUTES**

Cr Obourne, Cr Piercey & Cr O'Donnell agreed to the proposed rescindment of resolution number O0120-002 Confirmation of Minutes.

**MOTION**

Moved: Cr Obourne  
Seconded: Cr Piercey  
Cr O'Donnell

O0220-039

That Council rescind resolution O0120-002 to Confirm the Minutes of the 17 December 2019 Ordinary Council Meeting.

**CARRIED  
F9 - A0**

**MOTION**

Moved: Cr Chambers  
Seconded: Cr McMullen

O0220-040

That the Minutes of the Ordinary Council Meeting of the 17 December 2019 be confirmed as a true and correct record with the amendment of Cr Mickel voting for item 4 - Application for Leave of Absence.

**CARRIED  
F9 - A0**

Moved: Cr Parker  
Seconded: Cr Obourne

O0220-041

That the Minutes of the Ordinary Council Meeting of the 28 January 2020 be confirmed as a true and correct record.

**CARRIED  
F9 - A0**

Mr Chalmer entered the Chamber at 4.24pm.

**11. DELEGATES' REPORTS WITHOUT DISCUSSION**

**Cr Chambers**

30 Jan Attended Southern Sardines Meet and Greet with the Minister for Regional Development  
30 Jan Attended GVROC Dinner  
31 Jan Attended GVROC Meeting  
31 Jan Attended Opening of Lucky Bay Brewery  
3 Feb Attended WALGA Elected Member Training  
4 Feb Attended WALGA Elected Member Training

**Cr Obourne**

29 Jan Attended Adventureland Park Committee Meeting  
7 Feb Attended Met BOICO CEO to discuss transition of Activ participants  
7 Feb Attended Constituent Meeting regarding a noise complaint  
9 Feb Attended Cannery Arts Centre Future Planning Consultations Session  
11 Feb Attended Constituent Meeting regarding supporting local businesses  
24 Feb Attended Senior Citizens Board Meeting



**Cr O'Donnell**

30 Jan Attended Southern Sardines Meet and Greet with the Minister for Regional Development  
30 Jan Attended GVROC Dinner  
31 Jan Attended GVROC Meeting  
3 Feb Attended WALGA Elected Member Training  
4 Feb Attended WALGA Elected Member Training  
9 Feb Attended Cannery Arts Centre Future Planning Consultations Session  
17 Feb Attended New Indoor Sports Stadium and Old Stadium Tours  
18 Feb Attended ECCI Business After Hours with Horizon Power  
21 Feb Attended MRC Graphite Information Session

**Cr Parker**

30 Jan Attended GVROC Dinner  
31 Jan Attended GVROC Meeting  
3 Feb Attended WALGA Elected Member Training  
4 Feb Attended WALGA Elected Member Training  
18 Feb Attended ECCI Business After Hours with Horizon Power

**Cr Graham**

30 Jan Attended GVROC Dinner  
31 Jan Attended GVROC Meeting  
3 Feb Attended WALGA Elected Member Training  
4 Feb Attended WALGA Elected Member Training  
17 Feb Attended New Indoor Sports Stadium and Old Stadium updates

**Cr Payne**

30 Jan Attended Southern Sardines Meet and Greet with the Minister for Regional Development  
30 Jan Attended GVROC Dinner  
31 Jan Attended GVROC Meeting  
31 Jan Attended opening of Lucky Bay Brewery  
4 Feb Attended WALGA Elected Member Training  
18 Feb Attended ECCI Business After Hours with Horizon Power  
21 Feb Attended MRC Graphite Information Session

**Cr Piercey**

30 Jan Attended Southern Sardines Meet and Greet with the Minister for Regional Development  
30 Jan Attended GVROC Dinner  
31 Jan Attended GVROC Meeting  
31 Jan Attended Opening of Lucky Bay Brewery  
3 Feb Took part in WAWA Zoom call  
4 Feb Attended WALGA Elected Member Training  
4 Feb Attended Tourism Esperance Meeting  
9 Feb Attended Cannery Arts Centre Future Planning Consultations Session  
9 Feb Attended Climate Action Group Meeting  
18 Feb Attended ECCI Business After Hours with Horizon Power  
17 Feb Attended New Indoor Sports Stadium and Old Stadium updates  
21 Feb Attended MRC Graphite Information Session

**Cr Mickel**

30 Jan Attended GVROC Dinner  
31 Jan Attended GVROC Meeting  
3 Feb Attended WALGA Elected Member Training  
4 Feb Attended WALGA Elected Member Training  
13 Feb Attended Regional Capital Alliance WA Meeting  
18 Feb Attended ECCI Business After Hours with Horizon Power

Miss Smith left the Chamber at 4.42pm and did not return.

## **12. MATTERS REQUIRING A DETERMINATION OF COUNCIL**

### **12.1 EXTERNAL SERVICES**

#### **12.1.1 Proposed Landfill at Lot 12 Kirwan Road**

**Moved: Cr Parker**

**Seconded: Cr Graham**

#### **O0220-042**

Officer's Recommendation

That Council continue to progress with the required works within the Endorsed Environmental Scoping Document from the Environmental Protection Agency as per motion O0219-038 from the February 2019 Ordinary Council Meeting.

#### **Council Resolution**

**That Council:**

- 1. Abandon the proposed Waste Facility Site at Lot 12 Kirwan Road, Merivale;**
- 2. Instruct the Chief Executive Officer (CEO) to inform the Environmental Protection Authority (EPA) of Council decision as soon as possible;**
- 3. Instruct the CEO to investigate options for the disposal of Lot 12 Kirwan Road, Merivale, and present the results to Council before the March'20 Ordinary Council meeting (OCM);**
- 4. Instruct the CEO to investigate a one hundred (100) hectare portion of land on Lot 39 Logan Road on Plan 138984, Grass Patch for a waste facility site and present the outcome of these investigations to Council; and**
- 5. Instruct the CEO to investigate other land in the Mallee, North of Speddingup East Road, for a suitable Waste Facility Site, should Lot 39 on Plan 138984 Logan Road, Grass Patch be deemed unsuitable by Council.**

**CARRIED**  
**F8 – A1**  
*(Against Cr McMullen)*

Reason: Council believed the environmental risk of the Kirwan Road site is far too great compared to a site in the Mallee North of Speddingup East Road.

Mrs Bowman, Mr Parsons, Mrs Parsons, Mrs Witt, Mr Chalmer, Mrs Fitzpatrick, Mrs Johnson, Mr Johnson & Mr Hard left the Chamber at 4.50pm and did not return.

Cr Payne declared her financial interest in item 12.1.2 and left the Chamber at 4.51pm.

**12.1.2 Amendment of Holiday Homes Local Planning Policy**

**Moved: Cr McMullen**

**Seconded: Cr Parker**

**O0220-043**

**Council Resolution**

**That Council in accordance with Clause 4.(1) of the Deemed Provisions (set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2) amend the Holiday Homes – Development Requirements Local Planning Policy as contained in Attachment A.**

**CARRIED**

**F6 – A2**

*(Against Cr Piercey & Cr O'Donnell)*

Cr Payne returned to the Chamber at 4.53pm.

Mr Sudmeyer & Miss Shaddick left the Chamber at 4.58pm and did not return.

**12.1.3 Development Application - Additions to Outbuilding (Shed) - Lot 12 (33)  
Mitchell Street, Castletown**

**Moved: Cr McMullen**

**Seconded: Cr Piercey**

**O0220-044**

**Officer's Recommendation**

That Council refuse development application Development Application 10.2019.4272.1 for Additions to an Outbuilding (Shed) at Lot 12 (33) Mitchell Street, Castletown on the following grounds:

1. The proposal is inconsistent with the provisions of Local Planning Policy: Outbuildings.

**Council Resolution**

**That Council approve development application Development Application 10.2019.4272.1 for Additions to an Outbuilding (Shed) at Lot 12 (33) Mitchell Street, Castletown subject to the following conditions:**

- a. Development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved plans unless otherwise required or agreed in writing by the Shire of Esperance (Planning Services).
- b. The approved outbuilding(s) shall be used for purposes incidental and ancillary to the enjoyment of the dwelling on the land only, and shall not be used for human habitation, commercial or industrial uses.
- c. 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).
- d. 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.
- e. 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).

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

And the following advice notes:

- a. **THIS IS NOT A BUILDING PERMIT.** An application for a building permit or building approval certificate is required to be submitted and approved by the Shire of Esperance (Building Services) prior to any works commencing on-site.
- b. The development is to comply with the Building Code of Australia, Building Regulations and the Local Government Act.
- c. 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.
- d. 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.
- e. 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.

**CARRIED  
F9 - A0**

Reason: Council wanted to approve the development application subject to conditions.

Ms Vincent entered the Chamber at 5.14pm.

## **12.2 ASSET MANAGEMENT**

### **12.2.1 Disposal of Esperance Tanker Jetty Grade 3 Timbers**

#### MOTION

Moved: Cr Piercey

Seconded: Cr O'Donnell

That Council donates Historic Esperance Tanker Jetty Grade 3 Timber to the Esperance Senior High School as per the requested amounts.

#### AMENDMENT

Moved: Cr Obourne

Seconded: Cr Chambers

That Council:

1. Donates Historic Esperance Tanker Jetty Grade 3 Timber to the Esperance Senior High

- School and the Kambalda Men's Shed as per the requested amounts; and
2. Reconsider all unsuccessful applicants at a future Council Meeting.

CARRIED  
F7 – A2  
(Against Cr Piercey & Cr O'Donnell)

*The amendment became the substantive motion...*

**O0220-045**

**Council Resolution**

**That Council:**

1. Donates Historic Esperance Tanker Jetty Grade 3 Timber to the Esperance Senior High School and the Kambalda Men's Shed as per the requested amounts; and
2. Reconsider all unsuccessful applicants at a future Council Meeting.

CARRIED  
F7 – A2  
(Against Cr Piercey & Cr O'Donnell)

Reason: Council wanted to donate the timbers to two community groups and reconsider all unsuccessful applications at a future Council Meeting.

**12.3 CORPORATE RESOURCES**

**12.3.1 Policy Review - Human Resources**

**Moved:** Cr Payne  
**Seconded:** Cr Obourne

**O0220-046**

Officer's Recommendation

That Council endorse the Human Resources Policies inclusive of amendments, inclusions and deletions as reviewed.

**Council Resolution**

**That Council lay this matter on the table until Council next briefing session.**

CARRIED  
F9 - A0

Reason: Council wanted to lay the matter of the table to allow for a detailed workshop on the policies.

**12.3.2 Toowacka Camp Site - Future Land Use**

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

**O0220-047**

**Council Resolution**

**That Council agrees to;**

1. Finalise the current lease arrangement with the Toowacka Committee; and
2. Request that the CEO publically advertise for Expressions of Interest to lease the Toowacka Camp Site, Portion of Reserve 37535.

CARRIED  
F9 - A0

**12.3.3 Financial Services Report - January 2020**

**Moved:** Cr Piercey  
**Seconded:** Cr McMullen

**O0220-048**

**Council Resolution**

**That the report entitled Monthly Financial Management Report (incorporating the Statement of Financial Activity) for the month of January 2020 as attached be received.**

**CARRIED  
F9 - A0**

**12.3.4 Proposed Delegation - Varying Prohibited Burning Period**

**Moved:** Cr Parker  
**Seconded:** Cr Chambers

**O0220-049**

**Council Resolution**

**That Council**

- 1. Delegate joint authority to the Shire President and Chief Bush Fire Control Officer, to determine a variation of the prohibited burning times after consultation with an authorised CALM Act officer, where seasonal conditions warrant it.**
- 2. Endorse the proposed delegation (Attachment A) and include it in the *Delegated Authority Register 2019/2020 - Council to Chief Executive Officer & Authorised Persons*.**

**CARRIED  
F9 - A0**

**12.3.5 Lease Surrender - Old Sergeant's Quarters - Sally Nevin**

**Moved:** Cr Piercey  
**Seconded:** Cr O'Donnell

**O0220-050**

**Council Resolution**

**That Council agrees to;**

- 1. Surrender the lease with Sally Nevin for the Old Sergeant's Quarters Museum Village, portion of Lots 58 and 59 Dempster Street, Esperance;**
- 2. Lease Surrender fee of \$215 Inc GST being payable;**
- 3. The walls of the two front rooms being painted to a neutral colour; and**
- 4. All outstanding invoices being paid prior to the surrender being finalised.**

**CARRIED  
F9 - A0**

## **12.4 EXECUTIVE SERVICES**

### **12.4.1 Information Bulletin - January 2020**

**Moved:** Cr Chambers

**Seconded:** Cr Piercey

**O0220-051**

**Council Resolution**

**That Council accepts the Information Bulletin for January 2020:**

- 1. Corporate Performance Report - January 2020**
- 2. Register - Delegations Discharge - Corporate Resources**

**CARRIED  
F9 - A0**

### **12.4.2 Goldfields Designated Area Migration Agreement**

**Moved:** Cr Obourne

**Seconded:** Cr McMullen

**O0220-052**

**Council Resolution**

**That Council**

- 1. Support the Esperance Chamber of Commerce and Industry Inc. request to endeavor to have the Shire of Esperance included within the Goldfields Designated Area Migration Agreement; and**
- 2. Request the Chief Executive Officer to work with the City of Kalgoorlie-Boulder and Shires of Coolgardie, Leonora and Menzies to have the current geographical boundaries of the Goldfields Designated Area Migration Agreement extended to include the Shire of Esperance, as well as additional occupations included as per the request from the Esperance Chamber of Commerce and Industry Inc.**

**CARRIED  
F9 - A0**

### **12.4.3 2020 Annual Meeting of Electors Motions**

**Moved:** Cr Chambers

**Seconded:** Cr McMullen

**O0220-053**

**Council Resolution - Motion 1**

**That Council:**

- 1. Note Motion 1 from the Annual Meeting of Electors (February 2020);**
- 2. Request the CEO investigate forming a Streetscape Committee; and**
- 3. Instruct the CEO to advise the Mover and Seconder of the Motion of Council's resolution.**

**CARRIED  
F9 - A0**

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

**O0220-054**

**Council Resolution - Motion 2**

**That Council note Motion 2 from the Annual Meeting of Electors (February 2020) and instruct the CEO to advise the Mover and Seconder of Motion of Council's resolution.**

**CARRIED  
F9 - A0**

**12.4.4 Community Grants Program 2020 - 2021**

**Moved:** Cr McMullen  
**Seconded:** Cr Graham

**O0220-055**

**Council Resolution**

**That Council**

- 1. Endorse the amendments to the Community Grants Program and Application Forms; and**
- 2. Advertise for applications for the 2020-2021 Community Grants Program during March and April 2020.**

**CARRIED  
F9 - A0**

**13. REPORTS OF COMMITTEES**

Nil

**14. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil

**15. MEMBERS QUESTIONS WITH OR WITHOUT NOTICE**

**1. Cr Parker**

Cr Parker questioned if the Scaddan Restoration Tender for the Country Club has been completed and released.

*Mr Walker responded that hasn't been released but will be within the next month.*

**2. Cr Obourne**

Cr Obourne questioned when the CBD upgrade would be complete.

*Mr Walker responded that the upgrades are due to be completed at the end of the financial year, and there will be no major disruptions.*

**3. Cr O'Donnell**

Cr O'Donnell questioned when the final two urban nodes will be completed.

*Mr Walker responded that the Shire is currently in discussion with Loose Goose regarding their liquor licence for the node, and Downtown is currently doing consultation to confirm if they would like theirs installed.*

Cr O'Donnell questioned if the nodes are a 6 month trial.



*Mr Walker responded that it is not a 6 month trial, the trial will end in June.*

**16. URGENT BUSINESS APPROVED BY DECISION**

**MOTION**

**Moved:** Cr Parker  
**Seconded:** Cr Graham

**O0220-056**

**That Council accept the following late item:**

**17.5 Proposed Drainage Works Gibson Road**

**CARRIED  
F9 - A0**

**17. MATTERS BEHIND CLOSED DOORS**

Mr Mitchell, Dr Nieukerke, Mrs Siemer, Mr Siemer, Mrs Vincent, Mrs Parker, Ms Birch, Miss Makse & Miss Lysaght left the Chamber at 5.40pm and did not return.

**Moving behind closed doors**

**Moved:** Cr Chambers  
**Seconded:** Cr Parker

**O0220-057**

**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 Local Government Sale - Rates Write Off Ass# 69104**

*This report is considered confidential in accordance with the Local Government Act 1995, as it relates to a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government (Section 5.23(2)(e)(iii)).*

**17.2 Future Gas Supply for the Bay of Isles Leisure Centre**

*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 0249-19 Refurbishment Noel White Pavilion**

*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 Outstanding Rates: Request to Review Back Rating**

*This report is considered confidential in accordance with the Local Government Act 1995, as it relates to a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government (Section 5.23(2)(e)(iii)).*

**17.5 Proposed Drainage Works Gibson Road**

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

**CARRIED  
F9 - A0**

**17.1 Local Government Sale - Rates Write Off Ass# 69104**

Moved: Cr Piercey  
Seconded: Cr O'Donnell

**00220-058**

**Council Resolution**

That Council write off the debt of \$22,937.24 from Assessment 69104 following the public auction of the property as this debt is considered unrecoverable.

**CARRIED  
F9 - A0**

**17.2 Future Gas Supply for the Bay of Isles Leisure Centre**

Moved: Cr Parker  
Seconded: Cr Graham

**00220-059**

**Council Resolution**

That Council:

1. Note the Notice of Termination from Esperance Gas Distribution Company (EGDC) of the current gas supply agreement, executed on 1 March 2005, as of 1 April 2020;
2. Agree that there is no other reticulated gas supplier in Esperance, creating an inability to invite tenders for the supply of reticulated gas to the Bay of Isle Leisure Centre (BOILC), as per regulation 11(2)(f), Local Government (Functions and General) Regulations 1996;
3. Agree to enter into a new gas supply contract with Esperance Gas Distribution Company, as per their revised proposal, commencing 1 April 2020 to 31 December 2021; and
4. Include the following budget variations in the March Budget Review:
  - a. \$21,000 for the supply of gas to the BOILC;
  - b. \$20,000 to review and recommend an alternative heating method for the BOILC

**CARRIED  
F9 - A0**

**SUSPENSION OF STANDING ORDERS**

Moved: Cr Payne  
Seconded: Cr Obourne

**00220-060**

That Section Nine (9.5) of the Standing Orders be suspended to allow for discussion of item 17.3 as per section 19.1 of the Standing Orders.

**CARRIED  
F9 - A0**

### **RESUMPTION OF STANDING ORDERS**

Moved: Cr McMullen  
Seconded: Cr Parker

O0220-061

That Standing Orders be resumed.

**CARRIED**  
**F9 - A0**

### **17.3 0249-19 Refurbishment Noel White Pavilion**

Moved: Cr Parker  
Seconded: Cr McMullen

O0220-062

Council Resolution

That Council:

1. Awards the Request for Tender 0249-19 Refurbishment Noel White Pavilion to Sime Building Company Pty Ltd as per the Lump Sum Price; and
2. Approves a budget variation as detailed below:

Description		Budget Figure	Amended Figure	Variation
Noel White Pavilion Redevelopment	W3546	580,000	1,480,000	900,000
Building Maintenance Reserve		0	(900,000)	(900,000)
Net result				0

**CARRIED**  
**F8 – A1**  
*(Against Cr Piercey)*

### **17.4 Outstanding Rates: Request to Review Back Rating**

Moved: Cr Piercey  
Seconded: Cr Parker

O0220-063

Council Resolution

That Council

1. Does not approve the applicant's request to back rate for assessment 62687 to the date of registration with Department of Planning, Lands and Heritage instead of the lease commencement date.
2. Acknowledge the financial impact of back rates and offer a payment arrangement to the applicant to pay the outstanding rates.

**CARRIED**  
**F8 – A1**  
*(Against Cr Payne)*

**17.5 Proposed Drainage Works Gibson Road**

**Moved:** Cr McMullen

**Seconded:** Cr Piercey

**O0220-064**

**Council Resolution**

**That Council approves the final design for the Gibson Road (as per the attached design).**

**CARRIED  
F9 - A0**

**Coming from behind closed doors**

**Moved:** Cr Piercey

**Seconded:** Cr O'Donnell

**O0220-065**

**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 6.18pm.

**These Minutes were confirmed at a meeting held on \_\_\_\_\_**

**Signed \_\_\_\_\_**

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

**Dated \_\_\_\_\_**