

**Shire of Esperance**

**ORDINARY COUNCIL**

**TUESDAY 28 APRIL 2020**

**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 VIA ZOOM ON  
28 April 2020.  
COMMENCING AT 4PM**

**1. OFFICIAL OPENING**

The Shire President declared the meeting open at 4.00pm and did an acknowledgement to country.

The President welcomed Councillors and staff to the meeting.

**2. ATTENDANCE**

**Members**

Cr I Mickel	President	Rural Ward	Council Meeting Room
Cr B Parker	Deputy President	Rural Ward	Residence
Cr J O'Donnell		Town Ward	Residence
Cr S McMullen		Town Ward	Residence
Cr S Payne		Town Ward	Residence
Cr J Obourne		Town Ward	Residence
Cr R Chambers		Town Ward	Residence
Cr W Graham		Rural Ward	Council Meeting Room

**Shire Officers**

Mr W M (Matthew) Scott	Chief Executive Officer	Shire Office
Mr S Burge	Director Corporate Resources	Shire Office
Mr M Walker	Director Asset Management	Residence
Mr R Hindley	Acting Director External Services	Shire Office
Miss A McArthur	Administration Officer - Executive Services	Council Meeting Room

**Members of the Public & Press**

Ms L Birch	ABC Esperance/Goldfields (entered at 4.08pm)	Council Meeting Room
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**3. APOLOGIES & NOTIFICATION OF GRANTED LEAVE OF ABSENCE**

Cr D Piercey, JP	Town Ward	Granted Leave
Mr T Sargent	Director External Services	Granted Leave

**SUSPENSION OF STANDING ORDERS**

Moved: Cr Parker  
Seconded: Cr Payne

**00420-098**

That Section Nine (9.5) of the Standing Orders be suspended to allow for discussion on allowing a member of the press to attend the meeting as per section 19.1 of the Standing Orders.

**CARRIED  
F8 - A0**

**RESUMPTION OF STANDING ORDERS**

Moved: Cr Parker  
Seconded: Cr McMullen

**00420-099**

**That Standing Orders be resumed.**

**CARRIED  
F8 - A0**

**MOTION**

Moved: Cr Chambers  
Seconded: Cr Graham

**00420-100**

**Council Resolution**

**That Council allow Ms L Birch from ABC Goldfields/Esperance to attend the Ordinary Council Meeting.**

**CARRIED  
F8 - A0**

Ms Birch entered the Council Meeting Room at 4.08pm.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**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 12.1.1 as she has an application for a holiday home currently with the Shire.

Cr Chambers declared a financial interest in item 12.3.3 as his business is a supplier of the Shire.

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

Cr Chambers declared a proximity interest in item 12.2.1 as he leases a property on Pink Lake Road.

Cr McMullen declared a proximity interest in item 12.3.7 as he owns a business on Dempster Street.

Cr Graham declared a proximity interest in item 12.3.7 as he owns a business on Dempster Street.

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

Cr Mickel declared an impartiality interest in item 12.1.4 as he is a life member and current volunteer of the Condingup District Recreational Association.

Cr Mickel declared an impartiality interest in item 12.3.8 as he is a life member and current volunteer of the Condingup District Recreational Association.

Mr Burge declared an impartiality interest in item 12.3.7 as he is a member of the Esperance Golf Club.

## **7. PUBLIC QUESTION TIME**

**All members of the public provided questions electronically in advance to the meeting. All public who provided questions will receive a written response from the CEO.**

### **1. Dr K Nieukerke**

In the light that the WA Premier has eased the restrictions on meetings to 10 people, while still distancing at 1.5m as of Monday April 27, can I assume

- That the Council meeting today will still be held via electronic means, as per the notice on the Shire website
- That the public can come to the chambers to view proceedings on the large computer screen

Can you confirm when the recording of this meeting will be able for viewing by the public and the link to this.

I would like to put the following questions to the Ordinary Council Meeting of April 28:

### **Question 1**

Jetty: Can shire provide information on the quantity, dimensions, type of grade 1 and grade 2 timber recovered from the jetty.

### **Response**

*Mr Scott responded that the Shire won't have an exact figure on the quantity grade 1 and 2 timber until the deconstruction is complete.*

### **Question 2**

Electronic meetings: I like to understand how Council came to hold its briefing session via electronic means last Tuesday.

### **Response**

*Mr Scott responded that on 7 April 2020, the State Emergency Coordinator issued a direction under the Emergency Management Act 2005. Mr Scott explained this direction notice sought closure of certain facilities, inclusive of Affected Places which contains Local Government Facilities that are not essential for the continued function of the Local Government. These facilities must remain closed while the direction is in effect (Closure and Restriction Limit the Spread) Directions, 7 April 2020, para 10 & 14(ee)).*

*Mr Scott added that there has since been a subsequent direction notice that increased the number of people from two (2) to ten (10) in a public place, the rest of the direction remains in same in relation to an Affected Place (Closure and Restriction (Limit the Spread) Directions (no.2), 26 April 2020, para 11 and 15(ee)). Mr Scott explained that he has had confirmation from WALGA that E-Meetings are an appropriate way for the Shire to operate Council Meetings.*

Cr Payne questioned if a response is going to be given and if the answers will appear in the Minutes.

*Mr Scott responded that if a response is given during the meeting it will appear in the Minutes of that meeting.*

Cr Payne questioned why doesn't administration know the quantity of grade 1 and 2 timbers.

*Mr Scott responded that we waiting until the Shire has the final stockpile.*

*Mr Mickel questioned if we have an amount of timber so far.*

*Mr Scott stated that the Shire could get a calculation done, but his understanding was that Council was more concerned of the final figure.*

Cr Payne questioned how the Shire will respond to Dr Nieukerke and who makes the decision to respond.

*Cr Mickel stated that this will be discussed later in the Agenda.*

## **2. Mr D Eltringham**

1. To the Senior Staff and Council – Jetty Timber. On 26<sup>th</sup> March 2020 4.54pm a Scania semi left town heading north with no ID plates at the rear. Curious, I followed it for 5km before I could overtake and gain enough ground to stop and take pictures as it came towards me. I had ample time to determine that the load was not Grade 4 Timber. `

The pictures show beyond doubt that the load was Grade 1 timbers. Three stringers lay flat with another three on top. Two half caps also made up the load. The most decisive observation from the pictures is the top load which are rail corbels....in pristine condition having been protected under double stringers for the duration of their purpose, resilient to screw driver penetration. They were strapped in a pack of 9 as is the case when they are sorted on site and I have pictures to illustrate this.

Two tie-downs would not secure a semi load of Grade 4 SPLINTERED and BROKEN timbers. The whole stringers occupied most of the trailer's length which is 12.3m long so these timbers were not Grade 4 as claimed by the CEO and several Councillors who made unqualified comments from speculative assumptions on social media and who requested that the issue be put to rest.

I do not support ESC using the sale of Grade 4 timbers by Men In Sheds in mid - March as being a distraction to cover up the dispersal of timbers that left town on 26<sup>th</sup> March 2020 and nor do they.

I have since consulted with three (MIS) Committee members, each stating that they have not had full length stringers or timbers of Grade 1 nature on site. MIS closed two weeks prior to the National Covid19 ruling (25<sup>th</sup> March 11.59pm). MIS disposed of Grade 4 timbers to a farmer on 12<sup>th</sup> March 2020. Once again, the mystery load in question left Esperance on 26<sup>th</sup> march.

Where was this load going? Was crossview or esc responsible for the timbers at that time? How many people were involved in the process and was this the only load stolen?

### **Question 1**

N.B. Given the Historical value of the fabric, you cannot overlook the random dispersal of any of the timbers by either Crossview or ESC. It should be catalogued/recorded and accounted for, after all, why is ESC paying for a Heritage Watch Brief when it was to be the Contractor's responsibility until transferred to the Shire's storage in the RFT Scope of Works 3.1.11?

### **Response**

*Mr Scott responded that the watching brief by H&H Architects is not to catalogue or a record of the timber and this was not a requirement from the Heritage Council of WA.*

Cr Mickel questioned when the Shire received these questions from Mr Eltringham.

*Mr Scott responded the Shire received the questions this morning.*

*Mr Scott took this question on notice. A response will be given to Mr Eltringham and will be published in the May Ordinary Council Meeting Agenda.*

2. Under the terms of RFT, \$1.521m was allocated for the Demolition Tender. The CEO informs me that the Scope of Works has not VASTLY CHANGED and the price is firm. The procurement process has been a contractual disaster and still we see Maritime Constructions starting operations whilst the deconstruction process has not finished.



### **Question 2**

How does the project manager and the CEO explain that the remaining deconstruction of the jetty will not involve yet another variation? When esc awarded a tender to maritime constructions (1st October 2019), just days after the contract was signed by Crossview (19<sup>th</sup> September 2019), did this involve some level of negotiation between all three parties?

Given the delay of 4 weeks without progress on the deconstruction, it would be reasonable to suggest that maritime will complete the deconstruction instead of Crossview. Please clarify.

### **Response**

*Mr Scott stated that it was agreed by the Shire and the two contractors that construction could commence while deconstruction was still occurring as the contractors would be working on opposite ends of the Jetty.*

*Mr Walker added that the two contractors have had discussions and they are both happy for the two projects to overlap.*

*Cr Mickel questioned when this was agreed.*

*Mr Walker explained that it was agreed during the Start Up Meeting in November 2019.*

### **3. Mr R Smoker**

In the 2016 document Request for Tender: Demolition of Esperance Tanker Jetty, on page 6 of Scope of Work and Specification, under the sub-heading "2.2.2 Demolition Work", the following requirement is listed as a bullet-point:

- Clearance of all loose debris from the sea bed in the immediate vicinity of the Jetty footprint.

On page 51 of Ordinary Council Agenda, 28 May 2019, "Item 12.2.2, Tanker Jetty Deconstruction Methodology", under the sub-heading "Background", the following statement is printed:

The Shire's lawyers have confirmed that there is still a valid contract and there is no need to re-tender the works.

This page also notes attachments A, B, C, D, and E which I was unable to obtain.

On page 9 of Ordinary Council: Minutes, 17 December 2019, you responded to a question from Dr Nieukerke with the following statement:

Mr Scott added that anything that falls onto the ocean floor (sic) will remain there as stated in the deconstruction methodology.

This statement conflicts with the bullet-point above, from the 2016 Request for Tender document. My questions are:

### **Question 1**

Was this requirement deleted prior to the Demolition Contract executed on 3 September 2019?

### **Question 2**

If so, was this amendment included in any of the attachments from Ordinary Council Agenda 28 May 2019?

### **Question 3**

For archival reasons, is it possible to obtain any, or all, of the attachments?

### **Response**

*Mr Scott responded that the original tender was released and awarded in the middle of 2016. Due to the stop works order, no deconstruction could occur. Mr Scott added that in early 2019 the methodology was approved on by the Heritage Council of WA, this methodology included that if*

*materials were to land on the seabed they would remain there. Mr Scott added that the contract does state they have to meet all approval requirements.*

*Mr Walker added that the methodology proposed to leave fallen jetty material on the seafloor to minimise risk.*

*Cr Mickel questioned if the Shire could provide evidence of this when the administration responds to Mr Smoker.*

*Mr Scott responded that will not be an issue.*

*Cr Mickel took this question(s) on notice. A response will be given to Mr Smoker and will be published in the May Ordinary Council Meeting Agenda.*

*Cr Payne questioned why there are several variations of the methodology.*

*Mr Walker responded that the structure has been there for an additional three (3) years, so the jetty has deteriorated further since the original methodology was created in 2016.*

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

Nil

## **9. PETITIONS**

Nil

## **10. CONFIRMATION OF MINUTES**

**Moved: Cr O'Donnell**

**Seconded: Cr McMullen**

**O0420-101**

**That the Minutes of the Ordinary Council Meeting of the 24 March 2020 be confirmed as a true and correct record.**

**CARRIED  
F8 - A0**

## **11. DELEGATES' REPORTS WITHOUT DISCUSSION**

### **Cr Chambers**

16 Apr Attended an ISG Meeting

23 Apr Attended an ISG Meeting

### **Cr Obourne**

27 Feb Attended Esperance Chamber Commerce & Industry Breakky Bites

28 Feb Met with Men in Sheds

29 Feb Attended Adult & Teen Challenge 2020 Graduation

2 Mar Attended RFDS Mural Launch & BBQ

2 Mar Hosted Community Cuppa & Chat

9 Mar Attended Constituent Meeting

11 Mar Attended Constituent Meeting

13 Mar Attended Meet & Greet with HMAS Farncomb & Esperance RSL

15 Mar Attended ABC interview regarding: CCTV upgrade and extension

23 Apr Attended GoToWebinar – What's been happening in waste?

25 Apr Attended Anzac Day Driveway at Dawn Service

### **Cr O'Donnell**

20 Apr Attended a SEGRA Meeting regarding COVID-19

### **Cr Piercey**

20 Apr Attended Tourism Australia webinar for post COVID-19

20 Apr Attended a SEGRA Meeting regarding COVID-19

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

### **12.1 EXTERNAL SERVICES**

Cr Payne declared her financial interest and was moved into the meeting waiting room at 4.33pm.

#### **12.1.1 Holiday Homes - Development Requirements Local Planning Policy**

**Moved:** Cr Parker

**Seconded:** Cr Chambers

**O0420-102**

##### **Council Resolution**

**That Council in accordance with Clause 4(3) of the Deemed Provisions (set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2) proceed with the Holiday Homes – Development Requirements Policy without modification as contained in Attachment A.**

**CARRIED  
F6 – A1  
(Against Cr O'Donnell)**

Cr Payne was admitted back into the meeting at 4.40pm.

#### **12.1.2 Minor Amendment - Outbuildings Local Planning Policy**

**Moved:** Cr Obourne

**Seconded:** Cr Payne

**O0420-103**

##### **Council Resolution**

**That Council, in accordance with Clauses 4 and 5(2) of the Deemed Provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2*), proceed to amend the Outbuildings Local Planning Policy as shown in Attachment A.**

**CARRIED  
F8 - A0**

#### **12.1.3 Development Application - Oversized Outbuilding (Shed) - Lot 159 (12) Treasure Road, Sinclair**

**Moved:** Cr Obourne

**Seconded:** Cr O'Donnell

**O0420-104**

##### **Officers Recommendation**

That Council refuse development application Development Application 10.2020.4299.1 for an Oversized Outbuilding (Shed) at Lot 159 (12) Treasure Road, Sinclair on the following grounds:

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

##### **Council Resolution**

**That Council lay this matter of the table to give the application the opportunity to address Councils concerns.**

**CARRIED  
F7 – A1  
(Against Cr Parker)**

**Reason:** Council wanted to allow for the applicant to address all concerns of Council and objectors to the development.

**12.1.4 Request to Waive Planning and Building Fees - Condingup District Recreation Association - Proposed Community & Sporting Facilities Redevelopment**

Moved: Cr Payne  
Seconded: Cr McMullen

**00420-105**

**Council Resolution**

**That Council waive the Development Application Fee for Application 10.2020.4318.1 and any associated Certified Building Permit Application Fee (Note the BCITF and Building Services Levies cannot be waived) for the Proposed Community & Sporting Facilities Redevelopment undertaken by the Condingup District Recreation Association on Reserve 27225.**

**CARRIED  
F8 - A0**

**12.2 ASSET MANAGEMENT**

Cr Chambers declared his proximity interest and was moved into the meeting waiting room at 4.56pm.

**12.2.1 Pink Lake Road Corridor - Shared Path Concept Design**

Moved: Cr Graham  
Seconded: Cr McMullen

**00420-106**

**Council Resolution**

**That Council endorse the Pink Lake Road Shared Path Concept Design for public consultation.**

**CARRIED  
F7 - A0**

Cr Chamber was admitted back into the meeting at 5.00pm.

**12.2.2 Disposal of Esperance Tanker Jetty Grade 3 Timbers**

**Officer's Recommendation**

That Council donates Historic Esperance Tanker Jetty Grade 3 Timber to the following as per the requested amounts:

1. \_\_\_\_\_;
2. \_\_\_\_\_;
3. \_\_\_\_\_: and
4. \_\_\_\_\_

**MOTION**

Moved: Cr Payne  
Seconded: Cr O'Donnell

That the CEO provide Council with information on the quantity of Grade 3 timber currently available for distribution and notify the applications of the reason for delay in decision making.

**AMENDMENT**

Moved: Cr Obourne  
Seconded: Cr Graham

That Council

1. Reject all current and previously declined submissions due to the commercial nature of those requests and refer them to Men in Sheds for purchase.
2. Close the EOI process until deconstruction has finished and reevaluate.

CARRIED  
F6 – A2

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

The amendment became the substantive motion...

Moved: Cr Obourne  
Seconded: Cr Graham

**O0420-107**

**Council Resolution**

That Council

1. Reject all current and previously declined submissions due to the commercial nature of those requests and refer them to Men in Sheds for purchase.
2. Close the EOI process until deconstruction has finished and reevaluate.

CARRIED  
F7 – A1

*(Against Cr Payne)*

Reason: Council wanted to reject all submissions and close the EOI process.

**MOTION**

Moved: Cr Payne  
Seconded: Cr O'Donnell

That the CEO provide Council with information on the quantity of Grade 3 timber currently available for distribution.

LOST  
F2 – A6

*(Against Cr Chambers, Cr Obourne,  
Cr Mickel, Cr Parker, Cr Graham & Cr McMullen)*

## **12.3 CORPORATE RESOURCES**

### **12.3.1 Review of Wards and Representation**

**Moved:** Cr Parker

**Seconded:** Cr Payne

**O0420-108**

#### **Council Resolution**

**That Council agrees to;**

- 1. Commence the review of its ward boundaries and representation in accordance with Schedule 2.2 of the *Local Government Act 1995*; and**
- 2. Authorise the Chief Executive Officer to undertake the steps required to facilitate the review.**

**CARRIED  
F8 - A0**

### **12.3.2 Policy Review - Human Resources**

**Moved:** Cr O'Donnell

**Seconded:** Cr Chambers

**O0420-109**

#### **Council Resolution**

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

**CARRIED  
F8 - A0**

Cr Chambers declared a financial interest and was moved into the meeting waiting room at 5.32pm.

### **12.3.3 New Policy - Regional Price Preference**

**Moved:** Cr Payne

**Seconded:** Cr O'Donnell

**O0420-110**

#### **Officers Recommendation**

**That Council agrees to:**

- 1. Endorse the draft Regional Price Preference Policy;**
- 2. Request the CEO to arrange for required advertising.**

#### **Council Resolution**

**That Council agrees to:**

- 1. Endorse the draft Regional Price Preference Policy;**
- 2. Request the CEO to arrange for required advertising.**
- 3. Review COR 007 Procurement Policy to include more focus on buying local.**

**CARRIED  
F7 - A0**

Reason: Council wanted to review the Procurement Policy to focus on buying local.

Cr Chambers was admitted back into the meeting at 5.41pm

#### **12.3.4 Financial Services Report - March 2020**

**Moved:** Cr O'Donnell

**Seconded:** Cr Graham

**O0420-111**

##### **Council Resolution**

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

**CARRIED  
F8 - A0**

#### **12.3.5 Committee Appointments - External Representation**

**Moved:** Cr McMullen

**Seconded:** Cr Chambers

**O0420-112**

That Council agrees to;

1. Remove Anaelle Talelo Donjio as a Community Representative on the Twin Towns Committee;
2. Appoint Organisational Representatives as members of Council Committees as per the following table;

Committee	Organisation	Representative
Museum Management Reference Group	Esperance Family History Society	David Smallwood
Esperance Twin Towns Committee	Esperance Senior High School	Anaelle Talelo Donjio
Esperance Roadwise Committee	Esperance Police Department of Transport	Sgt Blake Ashurst John Jose
Greater Sports Ground Redevelopment Committee	Esperance District Recreation Association	Erica Austen

3. Appoint Deputy Organisational Representatives as members of Council Committees as per the following table;

Committee	Organisation	Deputy Representative
Museum Management Reference Group	Esperance Family History Society	Penny Smallwood
Esperance Roadwise Committee	Esperance Police Department of Transport Main Roads	S/C Matt Gulland Shelley Shortland Sardar Khan
Greater Sports Ground Redevelopment Committee	Esperance District Recreation Association	Fiona McDonald

**AMENDMENT**

Moved: Cr Payne  
Seconded: Cr O'Donnell

That Council include a fourth dot point stating -

*Call for Expressions of Interest for Council committee in advance of next council election with a view of appointing people to committees immediately following the Council Election.*

CARRIED  
F8 - A0

The amendment became the substantive motion...

**Council Resolution**

**That Council agrees to;**

- 1. Remove Anaelle Talelo Donjio as a Community Representative on the Twin Towns Committee;**
- 2. Appoint Organisational Representatives as members of Council Committees as per the following table;**

Committee	Organisation	Representative
Museum Management Reference Group	Esperance Family History Society	David Smallwood
Esperance Twin Towns Committee	Esperance Senior High School	Anaelle Talelo Donjio
Esperance Roadwise Committee	Esperance Police Department of Transport	Sgt Blake Ashurst John Jose
Greater Sports Ground Redevelopment Committee	Esperance District Recreation Association	Erica Austen

- 3. Appoint Deputy Organisational Representatives as members of Council Committees as per the following table;**

Committee	Organisation	Deputy Representative
Museum Management Reference Group	Esperance Family History Society	Penny Smallwood
Esperance Roadwise Committee	Esperance Police Department of Transport Main Roads	S/C Matt Gulland Shelley Shortland Sardar Khan
Greater Sports Ground Redevelopment Committee	Esperance District Recreation Association	Fiona McDonald

- 4. Call for Expressions of Interest for Council committee in advance of next Council Election with a view of appointing people to committees immediately following the Council Election.**

CARRIED  
F8 - A0

Reason: Council wanted to ensure members are appointed to Council Committees immediately following the next Local Government Election.



### 12.3.6 Committee Appointments - Community Representatives

**Moved:** Cr Payne  
**Seconded:** Cr Chambers

**O0420-113**

Officer's Recommendation

That Council agrees to;

1. Remove Daniel Ball, Corinne Waight, Corey Bennier and Rachel Hoey as Community Representatives for the Greater Sports Ground Redevelopment Committee; and
2. Appoint the following persons as Community Representatives to the following Council Committees:

Name	Committee
1. 2. 3.	Greater Sports Ground Redevelopment Committee

#### Council Resolution

**That Council amend the Terms of Reference for the Greater Sports Ground Committee to allow for five community representatives to be appointed.**

**CARRIED  
F8 - A0**

Reason: Council wanted to amend the Terms of Reference so all Community Members who nominated for the Committee could be appointed.

### 12.3.7 COVID-19 Business and Community Relief Initiatives

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

**O0420-114**

#### Council Resolution

**That Council:**

1. **Adopt the COVID-19 Financial Hardship Policy.**
2. **Remove outstanding rates penalty interest from 1 April till 30 June 2020.**
3. **Waive commercial lease fees and traders permits for 6 months from 1 April 2020 for lessees who apply to the Shire and who meet the *JobKeeper* criteria as outlined by the Federal Government.**
4. **Waive community lease fees for 6 months for lessees who apply to the Shire and can demonstrate that they have been significantly impacted by the effects of COVID-19.**
5. **Waive community fees and charges for 6 months from 1 April 2020 to those groups who apply to the Shire and can demonstrate that they have been significantly impacted by the effects of COVID-19.**
6. **Relax the requirement on Policy COR 007: Procurement for 6 months to require one written quote when there is only one local supplier for purchases under \$75,000.**

7. **Amend the Policy COR 007: Procurement to increase the tender threshold to \$250,000 in line with recently amended Local Government (Functions and General) Regulations.**
8. **Conduct a one off residential bulk verge waste collection.**
9. **Request the CEO prepare the draft 2020/2021 budget with a 0% rates and fees increase.**
10. **Request the CEO develop a COVID-19 Recovery Plan for the Esperance community in consultation with the Esperance Incident Support Group.**

**CARRIED  
F8 - A0**

Cr McMullen declared proximity interests in Cr Obournes motion and was moved into the meeting waiting room at 6.05pm.

Cr Graham declared proximity interests in Cr Obournes motion and left the Council Meeting Room at 6.05pm.

Cr Mickel left the Council Meeting Room at 6.07pm.

Cr Parker took the chair.

Cr Mickel returned to the Council Meeting Room at 6.09pm.

Cr Mickel took the chair.

**MOTION**

Moved: Cr Obourne  
Seconded: Cr Chambers

That Council

1. Approve \$400,000 as a budget amendment to commence CBD Landscaping Upgrade Stage 2 to liven up the CBD so it attracts people back once the Pandemic is over.
2. Decrease Rural Road Construction by \$400,000 to be reallocated within the next financial year.

**LOST  
F2 – A4**

*(Against Cr Parker, Cr Mickel, Cr Payne & Cr O'Donnell)*

Cr McMullen & Cr Graham were admitted back into the meeting at 6.23pm.

**MOTION**

Moved: Cr Payne  
Seconded: Cr O'Donnell

**O0420-115**

**Council Resolution**

**That Council:**

1. Request the CEO to draft a Terms of Reference for the Streetscape Committee.
2. Call for expressions of interest for a streetscape committee.

**CARRIED  
F8 - A0**

**12.3.8 Self Supporting Loan - Condingup District Recreation Association**

Moved: Cr Payne

Seconded: Cr Parker

O0420-116

Council Resolution

That Council

1. Provide a self-supporting loan of \$500,000 to Condingup District Recreation Association for a term of 5 years for the purpose of completing construction on lawn bowls facility, tennis courts, playground relocation, memorial wall and associated infrastructure;
2. Provide one month's public notice of the proposed borrowings; And
3. Approves the loan subject to Condingup District Recreation Association providing personal guarantors.

CARRIED  
F8 - A0

**12.3.9 Local Government House Trust- Deed of Variation**

Moved: Cr Chambers

Seconded: Cr Parker

O0420-117

Council Resolution

That Council

1. Provide consent to the Deed of Variation to the Local Government House Trust as attached.
2. Request the CEO advise WALGA of this consent in writing.

CARRIED  
F8 - A0

**12.4 EXECUTIVE SERVICES**

**12.4.1 Information Bulletin - March 2020**

Moved: Cr Payne

Seconded: Cr O'Donnell

O0420-118

Council Resolution

That Council accepts the Information Bulletin for March 2020 (inclusive of):

1. Corporate Performance Report – Quarterly Report January-March 2020
2. Register - Delegations Discharge - Corporate Resources
3. Outstanding Council Resolutions - Quarterly Report

CARRIED  
F8 - A0

**13. REPORTS OF COMMITTEES**

Nil

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

**MOTION 1 - PURCHASED JETTY PLANKS**

Moved: Cr O'Donnell  
Seconded: Cr Payne

O0420-119

**Council Resolution**

That Council provide to all persons who purchased a jetty plank in 1989, upon receipt of documented evidence of purchase, a grade 1 piece of timber from the stockpile of timber recovered from the Esperance Tanker Jetty.

**CARRIED**  
**F7 – A1**  
*(Against Cr Obourne)*

**MOTION 2 - AUDIO RECORDING OF COUNCIL MEETINGS**

Moved: Cr Payne  
Seconded: Cr O'Donnell

When Ordinary Council Meetings are held via video link and are not open to the public, that a copy of the audio recording be placed on the Shire of Esperance website alongside the associated agenda and minutes for 30 days.

**LOST**  
**F3 – A5**  
*(Against Cr Chambers, Cr Obourne,  
Cr Parker, Cr Graham & Cr McMullen)*

**MOTION 3 - WELCOME BACK THE GOLDFIELDS COMMITTEE**

Moved: Cr Payne  
Seconded: Cr O'Donnell

O0420-120

That Council create a 'Welcome back the Goldfields committee' with an aim to plan for a special weekend inviting Goldfields residents to visit Esperance after the current lockdown ceases.

1. That Council appoint Cr \_\_\_\_\_, Cr \_\_\_\_\_ and Cr \_\_\_\_\_ to the committee and seek to invite expressions of interest for community members to join the committee.
2. That the CEO prepare the draft terms of reference for the committee and table it at the May 2020 Ordinary Council meeting.

**Council Resolution**

That Council supports a special weekend inviting goldfields residents to visit Esperance after the current lockdown ceases and recommend this matter to the Economic Sub Committee of the Local Recovery Committee.

**CARRIED**  
**F6 – A2**  
*(Against Cr Obourne & Cr Graham)*

**MOTION 4 – INVESTIGATION - TRANSPORT OF TIMBERS**

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

**O0420-121**

That Council direct the CEO to:

1. Provide Council with an investigation report into the transport of jetty timbers north of town on 26 March.
2. Provide Council with a report detailing the timber quantities on the jetty prior to demolition; timber recovered to date from the demolition including types and grades; timber donated including types and grades; timber reported lost including reasons for this loss; timber remaining on the jetty not yet removed; and accounting for any discrepancies.

**Council Resolution**

**That Council direct the CEO to provide Council with an investigation report, with the involvement of investigative committee, made up of Councillors Parker, Graham and O'Donnell, into the transport of timbers north of town on 26 March 2020.**

**CARRIED  
F5 – A3**

*(Against Cr Chambers, Cr Obourne & Cr McMullen)*

**MOTION**

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

That the CEO provide Council with quantity and sizes of Grade 1 and 2 timbers recovered from the Jetty to date and provide this information to Dr Nieukerke.

**LOST  
F3 – A5**

*(Against Cr Chambers, Cr Obourne, Cr Parker, Cr Mickel & Cr McMullen)*

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

**SUSPENSION OF STANDING ORDERS**

**Moved:** Cr Obourne  
**Seconded:** Cr Parker

**O0420-122**

**That Section Nine (9.5) of the Standing Orders be suspended to allow for discussion of Cr Obourne's motion as per section 19.1 of the Standing Orders.**

**CARRIED  
F8 - A0**

**RESUMPTION OF STANDING ORDERS**

**Moved:** Cr Obourne  
**Seconded:** Cr Parker

**O0420-123**

**That Standing Orders be resumed.**

**CARRIED  
F8 - A0**

**MOTION**

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

**O0420-124**

**Council Resolution**

**That Council:**

- 1. Acknowledge and thank the Shire of Esperance employees for giving up their pay increase which funded approximately 25% of the Phase One (1) COVID-19 Business & Community Relief Initiatives.**
- 2. Refuse any increase of Councillor payments until after the next Local Government Election.**

**CARRIED  
F8 - A0**

**Question 1 – Cr Chambers**

Cr Chambers questioned when COVID-19 Recovery Committee and Sub Committees would be formed, as he hoped that could be created as soon as possible.

*Mr Scott responded that the Recovery Committee and Sub Committees need to be signed off by the Incident Support Group (ISG) which will happen on Thursday 30 April 2020. Mr Scott explained after which the Administration can organise Terms of Reference and a Special Council Meeting within one (1) to two (2) weeks.*

**16. URGENT BUSINESS APPROVED BY DECISION**

Nil

**17. MATTERS BEHIND CLOSED DOORS**

**Moving behind closed doors**

**Moved:** Cr Parker  
**Seconded:** Cr Payne

**O0420-125**

**That the meeting proceed behind closed doors and cease recording 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 Outstanding Rates - Relinquishment of Land**

*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)).*

**CARRIED  
F8 - A0**

### **17.1 Outstanding Rates - Relinquishment of Land**

**Moved: Cr Chambers**

**Seconded: Cr Parker**

**O0420-126**

**Council Resolution**

**That Council**

- 1. Acknowledges the owner's proposal**
- 2. Authorise a Contract of Sale to be drawn up by the Shire of Esperance in lieu of outstanding rates for assessment 71001**
- 3. Engage Chris Buckley Conveyancing to process the sale/purchase of the land**
- 4. Write off outstanding debt on assessment 71001**

**CARRIED**  
**F7 – A1**  
*(Against Cr Payne)*

**Coming from behind closed doors**

**Moved: Cr Parker**

**Seconded: Cr Chambers**

**O0420-127**

**That the meeting come from behind closed doors and resume recording.**

**CARRIED**  
**F8 - A0**

**The Presiding Member read aloud the following Resolution;**

### **18. PUBLIC QUESTION TIME**

Nil

### **19. CLOSURE**

The President declared the meeting closed at 7.31pm.

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

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

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

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