



EAST PILBARA SHIRE COUNCIL

LATE REPORTS

ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN that an
Ordinary Meeting of the Council will be held
in Council Chambers, Newman,
10.30AM, Friday, 15 December 2023.

Emma Landers
ACTING CHIEF EXECUTIVE OFFICER

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of East Pilbara for any act, omission or statement or intimation occurring during Council or Committee Meetings. The Shire of East Pilbara 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 any planning application or application of a licence, any statement or intimation of approval made by any member or Officer of the Shire of East Pilbara during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of East Pilbara.

The Shire of East Pilbara warns that anyone who has any application lodged with the Shire of East Pilbara 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 East Pilbara in respect of the application.

Please be advised this Agenda may include the names of people who are deceased.

Emma Landers
Acting Chief Executive Officer

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15 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN

Notice of the below question was given by Cr Wendy McWhirter-Brooks

What Business Continuity Insurance does the Shire carry, particularly with reference to the closure of the Recreation Centre please?

The response from the Acting Chief Executive Officer follows:

The Shire expects it should be able to make a claim for any losses arising from the forced closure of the Newman Recreation Centre under its LGIS Property Policy.

16 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF COUNCIL

16.1.1 NOTICE OF MOTION – WA GOVERNMENT OWNED AND LOCAL GOVERNMENT OPERATED FACILITIES

Responsible Officer: Emma Landers
Acting Chief Executive Officer

Author: Joshua Brown
Manager Governance, Risk and Procurement

Proposed Meeting Date: 15 December 2023

Author Disclosure of Interest: Nil

MOTION

Notice of the following motion was received by **Councillor Wendy McWhirter-Brooks** on 11 December 2023. It may be considered as urgent new business by way of decision of the council in accordance with the *Shire of East Pilbara Meeting Procedures Local Law 2019*:

NOTICE OF MOTION:

That Council requests the Pilbara County Zone to request that WALGA:

- 1. Investigates built infrastructure owned by Western Australian State Government entities that is operated by Local Governments;**
- 2. Reports on the known intentions of State Government entities and Local Governments to transact the sale/purchase of those properties;**
- 3. Reports on the financial sustainability of these properties**
- 4. Considers an advocacy Policy Position on State owned/Local Government operated properties.**

OFFICER'S RESPONSE

Council may put forward matters for consideration by the WA Local Government Association (WALGA) through the Pilbara Country Zone. Council's two delegates to the Country Zone are the Shire President and Deputy President. Cr McWhirter-Brooks is also the Chair of the Country Zone.

Given the recent advice from the WA Department of Education concerning the closure of the building accommodating the Newman Recreation Centre, it is recommended that Council give consideration to the notice of motion.

It is understood that facilities operated by other local governments are housed in buildings owned by the State Government and its agencies, through a variety of tenure and management arrangements. State funding for the maintenance and upgrade of this built infrastructure is understood in many cases not to have kept

pace with the needs of that infrastructure, which may pose a risk to the safety of the community and interruption to the provision of services such buildings have been dedicated to support.

WALGA is the peak industry body for local government in WA. A key function of the organisation is its advocacy program to seek consistent improvements for local government and the communities they serve through action from State and Federal Government. The proposed motion seeks WALGA's consideration of the issue as part of its advocacy program going forward.

STATUTORY IMPLICATIONS/REQUIREMENTS

No known statutory implications.

POLICY IMPLICATIONS

No known policy implications.

STRATEGIC COMMUNITY PLAN

5: Governance

G1 Vibrant local democracy, forward-thinking civic leadership, and transparent stewardship of the community's assets and resources.

G1.1 Continued focus on good governance, transparency and community and stakeholder engagement in significant decisions, including place-based plans.

G1.4 Ensure a high standard of organisational management and effectiveness

RISK MANAGEMENT CONSIDERATIONS

Reputation - Minor

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple Majority.

PROPOSED MOTION

That Council requests the Pilbara County Zone to request that WALGA:

- 1. Investigates built infrastructure owned by Western Australian State Government entities that is operated by Local Governments;**
- 2. Reports on the known intentions of State Government entities and Local Governments to transact the sale/purchase of those properties;**
- 3. Reports on the financial sustainability of these properties**
- 4. Considers an advocacy Policy Position on State owned/Local Government operated properties.**

16.1.2 NEWMAN RECREATION CENTRE CLOSURE

Responsible Offer: Emma Landers
Acting Chief Executive Officer

Author: Paul Miller
Acting Director Community Experience

Proposed Meeting Date: 15 December 2023

Author Disclosure of Interest: Nil

REPORT PURPOSE

The purpose of this report is for Council to authorise the Chief Executive Officer to prepare the necessary correspondence for the Shire President to make urgent representations to the State Minister for Education and the Minister for Finance, request that the works on the Newman Recreation Centre be expedited in order to allow for the rapid restoration of service and access to facilities for the Newman community.

BACKGROUND

The Newman Recreation Centre facility is owned by the Department of Education, and the Shire operates the facility including, sports courts, fitness/gymnasium, crèche and administration under a license agreement.

The building has developed cracking within the external masonry in the exterior wall of the sports courts which has been identified by the Department of Education over a period of time extending back to 2014.

COMMENTS/OPTIONS/DISCUSSIONS

The Newman Recreation Centre has over 2,000 attendances per week for community participation in gymnasium and fitness, sports competitions, crèche usage, children's and adult leisure programs as well as facility hire. In addition the centre has seven fulltime/permanent part time staff plus twenty casual staff.

The building issues with the Newman Recreation Centre have been identified in multiple structural assessments from 2014 to 2023.

In May 2023 under instruction for the Department of Education the storage rooms, external entry, female change room and car park at the western end of the sports courts were boarded up and cordoned off to restrict public access, due to the concerns of the cracking and structural integrity of the wall.

A further assessment was undertaken by the Department of Education in November 2023 which lead to the closure of the entire facility on 8 December 2023. The closure continues to have a significant impact on the liveability of Newman and the community's ability to access recreation, rehabilitation and leisure programs and services.

A second opinion is currently being sourced by the Department of Finance to assess options to allow parts of the building to reopen for public use. It is expected the Department of Education will share the outcome of this report with the Shire in January 2024.

The Department will finalise a plan on how remediation works can be staged and implemented once options have been reviewed and considered.

It is recommended that Council authorises the President to make urgent representations to the State Minister for Education and Minister for Finance and that the Chief Executive Officer prepare the necessary correspondence.

STATUTORY IMPLICATIONS/REQUIREMENTS

No known statutory implications.

POLICY IMPLICATIONS

No known policy implications.

STRATEGIC COMMUNITY PLAN

2: Social

- 2.4 Promote healthy and safe lifestyle choices, and uphold public health and safety
- 2.5. Provide facilities, services, and programs that provide opportunities for participation in sport, recreation and fitness
- 2.6. Support local sporting clubs and community organisations to grow their capacity to increase healthy activity and cohesion

RISK MANAGEMENT CONSIDERATIONS

Reputation – Moderate

FINANCIAL IMPLICATIONS

The average total monthly income for the Newman Recreation Centre is \$50,000 however the full financial implications are still under investigation, particularly should the Centre be closed for an extended period of time.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council:

- 1. Authorises the Shire President to make urgent representations on behalf of the Shire to the Hon Dr Tony Buti MLA, Minister for Education and to the Hon Sue Ellery MLC, Minister for Finance seeking the works on the Newman Recreation Centre to be expedited in order to allow for the rapid restoration of service and access to facilities for the Newman community; and**
- 2. Authorises the Chief Executive Officer to prepare the necessary correspondence.**

16.1.3 BUDGET AMENDMENT – GRANT FUNDING APPLICATION

Responsible Officer: Emma Landers
Acting Chief Executive Officer

Author: Nikki Archer
Coordinator Grants and Partnerships

Proposed Meeting Date: 15 December 2023

Author Disclosure of Interest: Nil

REPORT PURPOSE

For Council to consider accepting funding awarded to the Shire under BHP’s Social Investment Grants program for East Newman Activation, and making consequential budget amendments.

BACKGROUND

BHP under the Social Investment Grants program, provides funding to eligible applicants to work in partnership to achieve long-term social, environmental and economic outcomes. The funding seeks to create and contribute lasting social value to the societies where they operate, reside or have an interest through the positive social and economic benefits generated by their core business, constructive engagement and advocacy on important issues and through voluntary social investment.

At the June 2023 Ordinary Council Meeting, Council endorsed the transition of the East Newman Activation program from Creating Communities to the Shire of East Pilbara as a new program, subject to external funding being secured to support any resource implications on the Shire.

COMMENTS/OPTIONS/DISCUSSIONS

Since May 2023, the Shire has been working in partnership with Creating Communities and BHP to develop and implement a program to support the transition of the East Newman Activation program from Creating Communities to the Shire. The transition is now complete and the Shire is continuing to deliver this program with limited resources and has applied to BHP for funding to continue to deliver a quality program in East Newman.

The East Newman Activation program aims to engage and connect through a place based approach in East Newman as an effective and essential delivery model to building connection and trust through the community. The Shire embraces a community development approach to the activations in East Newman, which will be underpinned by the principles of citizenship, self-determination and empowerment, meaning it will be informed by the local community, specifically by children and young people with respect to their aspirations and needs.

The Shire will lead this program and will engage and develop the activities based on the suggestions provided and adopt a multi-stakeholder approach to facilitate and engage with young people. The stakeholder groups will be representative of a cross section of the community in a targeted approach including health providers, educators, government and non-government agencies and sport and recreation groups. This approach provides opportunities for stakeholders to be collaborative

with each other and link their resources and objectives for a positive outcome for the community. In addition to maximising inter-agency connection and strengthening local capacity, knowledge and shared resources to benefit share purpose, in this case the East Newman community.

To support the transition of the Activation program to the Shire, an application was made to BHP's Social Investment Grants program for funding. That application has been successful, and a grant of \$98,790 has been approved for 0.72 FTE towards an Activation Lead and Event Officer, together with the purchase of equipment including a trailer, speakers, sporting gear and portable generator. It is recommended that Council accept the grant and amend the 2023/24 Annual Budget accordingly.

STATUTORY IMPLICATIONS/REQUIREMENTS

Consistent with s.6.8 of the *Local Government Act 1995*

POLICY IMPLICATIONS

Consistent with Council's Budget Amendments Policy

STRATEGIC COMMUNITY PLAN

2: Social

Safe, connected and family-friendly communities where all people thrive, and have their needs met at all ages and stages of life.

- 2.1 Advocacy, partnerships and delivery of children's, family and young people's services.
- 2.3 Advocacy and partnerships for addressing issues impacting safety of communities, and improving information sharing and coordination.
- 2.4 Promote healthy and safe lifestyle choices, and uphold public health and safety.
- 2.5 Provide facilities, services, and programs that provide opportunities for participation in sport, recreation and fitness.
- 2.6 Support local sporting clubs and community organisations to grow their capacity to increase healthy activity and cohesion.
- 2.7 Support art and culture, and events and activities that bring people together in shared experience and celebration.
- 2.8 Improve inclusion and harmony across the diverse groups in the population.

5: Governance

Vibrant local democracy, forward-thinking civic leadership, and transparent stewardship of the community's assets and resources.

- 5.1 Continued focus on good governance, transparency and community and stakeholder engagement in significant decisions, including place-based plans.
- 5.2 Facilitate collaboration and partnerships with industry and government in key issues for the Shire (such as transport, housing, economic development and tourism, social wellbeing, public spaces etc.).

RISK MANAGEMENT CONSIDERATIONS

Reputational – Moderate

Financial – Major

FINANCIAL IMPLICATIONS

The BHP Social Investment Grants program will provide the Shire with \$98,790.00 in funding.

It is recommended that an adjustment be made to the current Community Development budget as follows:

Account	Current Budget	Amendment	Revised Budget
NEW-Revenue for East Newman Activation	\$0	\$98,790.00	\$98,790.00
NEW-Expenditure for East Newman Activation	-\$0	\$98,790.00	\$98,790.00

VOTING REQUIREMENTS

Absolute Majority.

OFFICER RECOMMENDATION

That Council:

1. Accepts the offer of a grant of \$98,970 from BHP under its Social Investment Grants program and authorises the Chief Executive Officer to sign the Grant Agreement to accept the funding.
2. Pursuant to s6.8 of the *Local Government Act 1995*, amends the 2023/24 annual budget as follows:

Account	Current Budget	Amendment	Revised Budget
NEW-Revenue for East Newman Activation	\$0	\$98,790.00	\$98,790.00
NEW-Expenditure for East Newman Activation	-\$0	\$98,790.00	\$98,790.00

ABSOLUTE MAJORITY REQUIRED

**16.1.4 LEASE OVER LAND - NEWMAN AIRPORT - CONSIDERATION OF
SUBMISSION**

Responsible Officer: Emma Landers
Acting Chief Executive Officer

Author: Joshua Brown
Manager Governance, Risk and Procurement

Proposed Meeting Date: 15 December 2023

Author Disclosure of Interest: Nil

REASONS FOR CONFIDENTIALITY

That in accordance with section 5.23 (2) of the *Local Government Act 1995* the meeting is closed to members of the public with the following aspect(s) of the Act being applicable to this matter:

- (c) A contract entered into or which may be entered into by the Local Government and relates to matters to be discussed at the meeting.