

**SHIRE OF EAST PILBARA**

These minutes were confirmed by the council  
as a true and accurate record at the ordinary  
council meeting held on 25 / 02 / 2022



**EAST PILBARA SHIRE COUNCIL**

**MINUTES**

**ORDINARY COUNCIL MEETING**

**NOTICE IS HEREBY GIVEN** that an  
ORDINARY Meeting of the Council was held,  
in Council Chambers, Newman,  
10:30AM, FRIDAY, 17 DECEMBER 2021.

**Steven Harding**  
**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.

Signed: \_\_\_\_\_  
Steven Harding  
Chief Executive Officer

## TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	1
2	ATTENDANCE BY INSTANTANEOUS COMMUNICATIONS.....	1
3	RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE .....	1
3.1	ATTENDANCES .....	1
3.2	APOLOGIES .....	1
3.3	LEAVE OF ABSENCE .....	2
4	DISCLOSURES OF INTEREST .....	2
5	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE .....	2
6	PUBLIC QUESTION TIME .....	2
7	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	2
8	APPLICATIONS FOR LEAVE OF ABSENCE .....	2
9	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING.....	2
9.1	CONFIRMATION OF MINUTES.....	2
10	MEMBERS REPORTS .....	3
10.1	ITEMS FOR RECOMMENDATION .....	5
10.2	ITEMS FOR INFORMATION .....	5
11	OFFICER'S REPORTS .....	6
11.1	CHIEF EXECUTIVE OFFICER.....	6
11.1.1	DELEGATIONS AND AUTHORISATIONS REGISTER .....	6
11.1.2	MINUTES OF THE AUDIT, RISK AND GOVERNANCE COMMITTEE MEETING - 16 DECEMBER 2021 .....	9
11.1.3	POLICY REVIEW .....	11
11.1.4	STATUS OF COUNCIL DECISIONS.....	16
11.1.5	TEMPORARY AUTHORITY TO APPROVE TENDERS.....	18

---

<b>11.2</b>	<b>CORPORATE SERVICES.....</b>	<b>21</b>
11.2.1	BUDGET REVIEW AS AT 31 OCTOBER 2021.....	21
11.2.2	LOCAL GOVERNMENT REFORMS SUBMISSION.....	26
11.2.3	MONTHLY FINANCIAL STATEMENTS AND INVESTMENT REPORT FOR PERIOD ENDING OCTOBER 2021 .....	29
11.2.4	CREDITORS FOR PAYMENT .....	32
<b>11.3</b>	<b>CUSTOMER &amp; COMMUNITY SERVICES .....</b>	<b>35</b>
11.3.1	DRAFT RECONCILIATION ACTION PLAN - REFLECT .....	35
<b>11.4</b>	<b>COMMERCIAL SERVICES.....</b>	<b>38</b>
11.4.1	PARDOO STATION CARAVAN PARK .....	38
11.4.2	AFFIXING OF THE COMMON SEAL .....	45
<b>12</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>47</b>
12.1.1	NOTICE OF MOTION - RADIO HILL SHARED PATHWAY .....	47
12.1.2	NOTICE OF MOTION – NEWMAN AQUATIC CENTRE .....	49
<b>13</b>	<b>QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN .....</b>	<b>51</b>
<b>14</b>	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF COUNCIL .....</b>	<b>53</b>
<b>15</b>	<b>CONFIDENTIAL MATTERS BEHIND CLOSED DOORS .....</b>	<b>53</b>
<b>15.1</b>	<b>CORPORATE SERVICES.....</b>	<b>54</b>
15.1.1	SHIRE STAFF HOUSING.....	54
<b>15.2</b>	<b>COMMERCIAL SERVICES.....</b>	<b>56</b>
15.2.1	STRATEGIC INDUSTRIAL LAND PROPOSAL.....	56
<b>16</b>	<b>DATE OF NEXT MEETING .....</b>	<b>58</b>
<b>17</b>	<b>CLOSURE .....</b>	<b>58</b>

## **1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Shire President (Presiding Member) declared the meeting open at **10.30am** and welcomed Councillors and Staff and acknowledged the Nyamal People, Nyiyaparli and Martu peoples being the traditional custodians of the lands across which we all meet.

We also pay our respects to Elders, both past, present and emerging.

## **2 ATTENDANCE BY INSTANTANEOUS COMMUNICATIONS**

No attendance using virtual platform for this meeting.

## **3 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE**

### **3.1 ATTENDANCES**

#### Councillors

Cr Anthony Middleton	Shire President
Cr Wendy McWhirter-Brooks	Deputy Shire President
Cr Holly Pleming	Councillor
Cr Karen Lockyer	Councillor
Cr Langtree Coppin OAM	Councillor
Cr Adrienne Mortimer	Councillor
Cr Matthew Anick	Councillor
Cr Annabell Landy	Councillor
Cr Stacy Smith	Councillor
Cr Peta Bear	Councillor

#### Officers

Mr Steven Harding	Chief Executive Officer
Mr Eric Plet	Director Community Services
Ms Emma Landers	Acting Director Community Services
Mr Bart Servaas	Director Infrastructure Services
Mr Bill Burke	Director Commercial Services
Mr Steve Leeson	Director Corporate Services
Mr Joshua Brown	Manager Governance and Risk
Ms Sally Fry	Governance Support
Ms Tehsin Ali	Governance Administration Officer

#### Public Gallery

Nil

### **3.2 APOLOGIES**

#### Councillor Apologies

Cr Anita Grace

Officer Apologies

Nil

**3.3 LEAVE OF ABSENCE**

Nil

**4 DISCLOSURES OF INTEREST**

Director Corporate and Customer Services, Mr Steve Leeson declared an interest in items 11.1.2 and 11.4.2 of the Agenda.

In 11.1.2, Mr Leeson declared an impartiality interest as he is associated with an individual named in the report and in 11.4.2, Mr Leeson is resident in one of the relevant properties.

**5 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

None received for this meeting.

**6 PUBLIC QUESTION TIME**

No public questions received for this meeting.

**7 PETITIONS/DEPUTATIONS/PRESENTATIONS**

None received.

**8 APPLICATIONS FOR LEAVE OF ABSENCE**

No new applications for leave of absence received at this meeting.

**9 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING**

**9.1 CONFIRMATION OF MINUTES**

[Minutes November 19 2021 council.DOCX](#)

**COUNCIL RESOLUTION**

(Resolution No: 202021/315)

**Moved:** Cr McWhirter-Brooks

**Seconded:** Cr Bear

**That the Minutes of the Ordinary Meeting of Council held on 19 November 2021, be confirmed as a true and correct record of proceedings.**

**CARRIED UNANIMOUSLY**

**RECORD OF VOTE 10/0**

**For:** Shire President, Deputy Shire President, Councillors Fleming, Mortimer, Anick, Landy, Coppin, Lockyer, Baer and Smith

**Against:** Nil

**10 MEMBERS REPORTS**

**Cr Mortimer**

- Warralong Community Meeting - COVID related
- Lightening of the Xmas Tree Marble Bar
- Marble Bar Shire Staff Party
- Marble Bar Xmas Pool Party.

**Cr Lockyer**

- Audit Risk and Governance Committee Meeting
- Plant Committee Meeting
- Community Wellbeing Working Group
- Xmas Party
- Xmas Light Judging
- Meeting with Business Owners regarding crime sprees
- Conversation with Councillor from Town of Port Hedland - Florence Bennett

**Cr Fleming**

- Christmas Light Competition
- Carols and Bus Light tour
- Martumili Art Sale
- Plant Committee Meeting

**Cr McWhirter-Brooks**

- Met with Kevin Michel MLA - Discussed crime; land order; housing; tourism; geo heritage; availability of labour; population economics; PDC; agriculture,

- mining, commercial; industrial and indigenous business and cultural opportunities and road blocks of the East and greater Pilbara; water use
- Marble Bar Public School came second in the Governor's STEM Awards
  - Working with Pilbara Tourism Association (of which she is a member) to promote the East Pilbara region.
  - Pilbara Sports Awards: Greeted Spoke and Congratulated
  - Community Consultation 10year Community Strategic Plan: Media provided speech - Gallop Hall Nullagine.
  - Community Consultation 10year Community Strategic Plan: Media provided speech - Marble Bar Civic Centre.
  - Pilbara Country Zone
  - Marble Bar CRC Committee Meeting
  - Shire of East Pilbara: 16 Days in WA (Domestic Violence) Morning Tea.
  - Marble bar LEMC: Forwarded grant funding information to CEO for showers at Marble Bar Civic Centre to facilitate evacuation centres on east and west sides of Sandy Creek.
  - Marble Bar Race Club: Planning for visit of event management team
  - ATL, Sharon Dale, Greg McNeil: Marble Bar Race Club Event Management.
  - Shire of East Pilbara: Community Volunteer Awards and Lighting of Christmas tree.
  - Shire of East Pilbara: Staff Christmas Party - Media provided speech.
  - C3 Church Port Hedland: Spoke with B Hodder re: event production for MB RC.
  - Port Hedland School of the Air: Spoke: Greet and Congratulate. Was asked a public question: 'When is the Marble Bar Airport going to be started' answered: After the Wet Season.
  - Town of Port Hedland: Quick 'Hello' and agreed to have a coffee one day.
  - Marble Bar CRC Committee Strategic Planning (1)
  - Pilbara Tourism Association - Board Meeting
  - Marble Bar CRC - Pioneers and Pensioners Xmas Lunch
  - Marble Bar CRC Committee - Strategic Planning (2)
  - Chris McNamara Shire of EP - Tourism in NEP, PTA, Warlu Way App, Tourism Business Development, CRC
  - Shire of East Pilbara: Marble Bar Xmas at the Swimming Pool
  - WALGA Webinar – Zoom
  - Shire of East Pilbara - Audit Governance and Risk Committee
  - Sire of East Pilbara - Plant Committee
  - Shire of East Pilbara - OCM

**Cr Smith**

- Attended Christmas Lights in Nullagine

**Cr Coppin**

- Attended Global Lithium meeting in Marble Bar – it looks like they now have a resource a little out of Marble Bar



**Cr Middleton**

- Attended meetings with Oasis, BHP, Mia Mia
- Met with Police, BHP and Newman Futures to discuss increase in criminal activity
- Met with RDA concerning Federal Government support for youth crime issues
- Met with Chamber of Commerce
- Met with Mayor Peter Carter from Town of Port Hedland

**10.1 ITEMS FOR RECOMMENDATION**

Nil

**10.2 ITEMS FOR INFORMATION**

## 11 OFFICER'S REPORTS

### 11.1 CHIEF EXECUTIVE OFFICER

#### 11.1.1 DELEGATIONS AND AUTHORISATIONS REGISTER

**Responsible Officer:** Mr Steven Harding  
Chief Executive Officer

**Author:** Mr Joshua Brown  
Manager Governance

**Proposed Meeting Date:** 17 December 2021

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

#### COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No: 202021/316)

**Moved:** Cr McWhirter-Brooks

**Seconded:** Cr Lockyer

1. That Council adopts the Shire of East Pilbara Delegations and Authorisations Register as per Attachment 1; and
2. The Chief Executive Officer convene a Councillor Workshop in February prior to the February Ordinary Council Meeting to review the Shire of East Pilbara Delegations and Authorisations Register.

**CARRIED BY AN ABSOLUTE MAJORITY  
RECORD OF VOTE 10/0**

**For:** Shire President, Deputy Shire President, Councillors Fleming, Mortimer, Anick, Landy, Coppin, Lockyer, Baer and Smith

**Against:** Nil

#### REPORT PURPOSE

For Council to consider a review of the Shire's Delegations and Authorisations.

#### BACKGROUND

Sections 5.18 and 5.46 of the *Local Government Act 1995* ("the Act") requires that the Chief Executive Officer keeps a register of the delegations made under Division 5 of the Act.

Following the election of the new Council and an internal review of the Shire's Authorisations and Delegations Manual 2021-22 ("Manual"), Council Officers have

prepared a revised Delegations and Authorisations Register ("Register") with a recommendation that it be adopted by Council.

### **COMMENTS/OPTIONS/DISCUSSIONS**

Officers conducted a whole of organisation review of the delegations and authorisations arrangements and their suitability for, and relevance to the organisation's day-to-day operations. The review has resulted in a revised document (**Attachment 1**). It is intended that a further review be undertaken prior to the usual annual review scheduled for June 2022.

The review considered the full range of powers available to Council to delegate under the *Local Government Act 1995* and other Acts, together with the Shire's Local Laws and policies of the Council.

It is not proposed to delegate any powers to Committees as permitted by s.5.18 of the Act, however the revised Register recommends the delegation of a range of additional powers to the Chief Executive Officer, which are omitted in the current Manual. The proposed Register also incorporates delegations and sub-delegations to other officers as authorised by the Chief Executive Officer, so as to provide a single volume of delegations and authorisations. This reflects best practice across the Western Australian local government sector.

The proposed Register has been benchmarked against WALGA's template delegation register and the registers of neighbouring local governments.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Sections 5.18 and 5.46 of the Act requires that the Chief Executive Officer keeps a register of the delegations made under Division 5 of the Act. The recommended review is consistent with these provisions.

### **POLICY IMPLICATIONS**

Delegations authorised by Council policy are incorporated into the revised Register.

### **STRATEGIC COMMUNITY PLAN**

#### **5: Governance**

Demonstrated accountability and corporate governance.

G1 Provide efficient, accountable and ethical governance.

G1.1 Enhance governance capability to deliver sustainable outcomes, roads and buildings

### **RISK MANAGEMENT CONSIDERATIONS**

Adoption of the revised Register will eliminate the financial, legal, compliance and reputational risks associated with a non-optimised delegations and authorisations regime.

### **FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Absolute.

**11.1.2 MINUTES OF THE AUDIT, RISK AND GOVERNANCE COMMITTEE  
MEETING - 16 DECEMBER 2021**

**Responsible Officer:** Mr Steven Harding  
Chief Executive Officer

**Author:** Mr Joshua Brown  
Manager Governance

**Proposed Meeting Date:** 17 December 2021

**Location/Address:**

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

Mr Steve Leeson, Director Corporate Services, declared an impartiality interest in this item. Mr Leeson is associated with an individual named in the report. Mr Leeson remained in the Chambers during consideration of this Item and did not participate in the discussion.

**COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION**

(Resolution No: 202021/317)

**Moved:** Cr McWhirter-Brooks

**Seconded:** Cr Lockyer

**That Council:**

- 1. Notes the unconfirmed minutes of the Audit, Risk and Governance Committee meeting held 16 December 2021; and**
- 2. Endorses the Committee's decisions.**

**CARRIED BY ABSOLUTE MAJORITY**

**RECORD OF VOTE 10/0**

**For:** Shire President, Deputy Shire President, Councillors Pleming, Mortimer, Anick, Landy, Coppin, Lockyer, Baer and Smith

**Against:** Nil

**REPORT PURPOSE**

The purpose of this report is for Council to receive the minutes of the most recent meeting of the Audit, Risk and Governance Committee and to note its decisions.

**BACKGROUND**

The Audit, Risk and Governance Committee is established in accordance with Part 7 of the *Local Government Act 1995* as an advisory committee appointed by the Council and responsible to the Council. The Committee does not have executive powers or authority to implement actions and has no delegated authority.

**COMMENTS/OPTIONS/DISCUSSIONS**

The unconfirmed minutes of the meeting of the Audit, Risk and Governance Committee of 16 December 2021 will be circulated to Councillors prior to the meeting, and published on the Shire's website.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Consistent with Part 7 of the *Local Government Act 1995*.

**POLICY IMPLICATIONS**

No policy implications.

**STRATEGIC COMMUNITY PLAN**

**5: Governance**

Demonstrated accountability and corporate governance.

G1 Provide efficient, accountable and ethical governance.

G1.1 Enhance governance capability to deliver sustainable outcomes, roads and buildings

**RISK MANAGEMENT CONSIDERATIONS**

There are no risk management considerations associated with this item. The ARG Committee is however an important tool in the Shire's risk management and assurance function.

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**VOTING REQUIREMENTS**

Simple.

*Cr Landy left the Chamber at 11.06 am and returned to Chamber at 11.11.am*

### 11.1.3 POLICY REVIEW

**Attachments:** [1 Work Health and Safety Policy](#)  
[2 Councillor Allowances and Expenses Policy Review](#)  
[3 Appointment of Acting Chief Executive Officer Policy Review](#)  
[4 Execution of Documents Policy Review](#)  
[5 Designated Senior Employees and Contracted Employees Policy Review](#)  
[6 Policies recommended for revocation](#)

**Responsible Officer:** Mr Steven Harding  
Chief Executive Officer

**Author:** Mr Joshua Brown  
Manager Governance

**Proposed Meeting Date:** 17 December 2021

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

#### COUNCIL DECISION

(Resolution No: 202021/318)

**Moved:** Cr McWhirter-Brooks

**Seconded:** Cr Mortimer

**That Council:**

1. Adopts the new Work Health and Safety Policy as per Attachment 1;
2. Adopts the revised Councillor Allowances and Expenses Policy as per Attachment 2;
3. Adopts the revised Execution of Documents Policy as per Attachment 3;
4. Adopts the revised Designated Senior Employees Policy (formerly Designated Senior Employees and Contracted Employees Policy) as per Attachment 4; and
5. Revokes the Citizenship Ceremonies Dress Code Policy, Distribution of Council Agendas and Minutes Policy, Use of Council Chambers Policy, Formal Communications Policy – Elected Members, and Access to Local Government Provided Services Policy.
6. Authorises the Chief Executive Officer to develop a separate 'Fit for Work' Policy to be presented to Council at the Ordinary Council Meeting to be held on 25 February 2022.

**CARRIED BY AN ABSOLUTE MAJORITY  
RECORD OF VOTE 10/0**

**For:** Shire President, Deputy Shire President, Councillors Fleming, Mortimer, Anick, Landy, Coppin, Lockyer, Baer and Smith

**Against:** Nil

## **REPORT PURPOSE**

The purpose of this report is for Council to consider adopting a new Work Health and Safety Policy and the review of several other existing policies.

## **BACKGROUND**

Council may from time to time adopt policies to establish agreed positions and to provide a framework for consistent decision making. Section 2.7(2)(b) of the *Local Government Act 1995* ("the Act") provides that a key role for a Council to determine the local government's policies.

Policies should be subject to timely reviews to ensure they are relevant and fit for purpose.

## **COMMENTS/OPTIONS/DISCUSSIONS**

Officers have conducted a review of the following policies:

- Work Health and Safety Policy (**Attachment 1**)
- Councillor Allowances and Expenses Policy (**Attachment 2**)
- Appointment of Acting Chief Executive Officer Policy (**Attachment 3**)
- Execution of Documents Policy (**Attachment 4**)
- Designated Senior Employees and Contracted Employees (**Attachment 5**)
- Citizenship Ceremonies Dress Code (**Attachment 6**)
- Distribution of Council Agendas and Minutes (**Attachment 6**)
- Use of Council Chambers(**Attachment 6**)
- Formal Communications Policy – Elected Members (**Attachment 6**)
- Access to Local Government Provided Services (**Attachment 6**)

Changes to each policy are recommended to Council, each of which is detailed in the respective attachments.



#### Work Health and Safety Policy

The new Work Health and Safety Policy is recommended for adoption in preparation for the commencement of the new *Work Health and Safety Act 2020* (the WHS Act) and Work Health and Safety (General) Regulations.

The new legislative regime overhauls the State's WHS system and the proposed policy will transition the Shire into the new arrangements. It is noted that Council revoked its previous Occupational Health and Safety Policy at its June 2021 Ordinary Council Meeting.

#### Councillor Allowances and Expenses Policy

Minor changes, including the deletion of tables of travel reimbursement amounts, are proposed to reflect the current Salaries and Allowances Tribunal Determination and to align some language within the policy to that of the Act.

The policy also amends the payment of fees and allowances from a quarterly to a monthly cycle; removes the prescription of corporate uniform types available to Councillors; and updates the provisions relating to electronic equipment.

#### Appointment of Acting Chief Executive Officer Policy

Amendments to the Policy are recommended updating the titles of 'Executive Manager' to 'Director', together with a number of minor corrections.

#### Execution of Documents Policy

A major review of the Policy has been undertaken with recommendations to clarify the authority by which the Common Seal is used, and the circumstances in which it is used.

The current practice as supported by the current Policy frequently results in unnecessary delays in the execution of certain documents that should in the ordinary course be able to be authorised by the CEO under delegation.

The current policy is unclear in some sections and has probably lead to unnecessary reporting to Council of contracts and agreements not for the purpose of approval of funds or terms, but to effect the physical execution of the document. The recommended changes will reduce the volume of documents being affixed with the Common Seal unnecessarily (in accordance with s.9.49 of the Act), streamline the process, and provide the CEO and officers with clarity as to which documents are authorised for execution and the manner of the execution that is permitted.

The policy retains the requirement of monthly reporting to Council of the use of the Common Seal.

#### Designated Senior Employees and Contracted Employees

Amendments to the Policy are recommended updating the titles of 'Executive Manager' to 'Director', together with a number of minor corrections, including the removal of references to other Contracted Employees, for which Council has no power to give direction. A consequential change in policy title to 'Designated Senior Employees' is also recommended.

#### Citizenship Ceremonies Dress Code

The *Australian Citizenship Act 2007* and associated regulations and instruments supersedes this policy. It is recommended that it be revoked.

Distribution of Council Agendas and Minutes

This policy is considered unnecessary as it replicates the provisions of the *Shire of East Pilbara Meeting Procedures Local Law 2019*. It is recommended that it be revoked.

Use of Council Chambers

This policy is recommended for revocation. A strict following of the policy places unreasonable limits on the operational capacity of the organisation. Respectful use of the Council Chambers for meetings and training by Council staff is considered necessary for operational purposes.

Formal Communications Policy – Elected Members

This policy has been superseded by the Shire of East Pilbara Code of Conduct for Councillors, Committee Members and Candidates. It is recommended that the policy be revoked.

Access to Local Government Provided Services

This policy is considered to be extraneous and has no work to do that is not already provided for by the Local Government Act 1995, its regulations and the Integrated Planning and Reporting Framework.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Council may from time to time adopt policies to establish agreed positions and to provide a framework for consistent decision making pursuant to s.2.7(2)(b) of the Act.

**POLICY IMPLICATIONS**

Adoption of the new and reviewed policies will provide a framework for future decision making in a number of areas.

**STRATEGIC COMMUNITY PLAN**

**5: Governance**

Demonstrated accountability and corporate governance.

G1.1 Enhance governance capability to deliver sustainable outcomes, roads and buildings.

G1.2 Strengthen customer service.

G1.3 Provide a great place to work.

**RISK MANAGEMENT CONSIDERATIONS**

There are a significant financial and compliance risks associated with a refusal to adopt the recommended Work Health and Safety Policy. Each of the other policies carry minor compliance and reputational risks, which will be eliminated by their adoption.

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**VOTING REQUIREMENTS**

Absolute.

#### 11.1.4 STATUS OF COUNCIL DECISIONS

**Responsible Officer:** Mr Steven Harding  
Chief Executive Officer

**Author:** Mr Joshua Brown  
Manager Governance

**Proposed Meeting Date:** 17 December 2021

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

#### COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No: 202021/319)

**Moved:** Cr Anick

**Seconded:** Cr Lockyer

**That Council notes the report.**

**CARRIED UNANIMOUSLY  
RECORD OF VOTE 10/0**

**For:** Shire President, Deputy Shire President, Councillors Fleming, Mortimer, Anick, Landy, Coppin, Lockyer, Baer and Smith

**Against:** Nil

#### REPORT PURPOSE

To inform Council of the action taken in relation to Council decisions.

#### BACKGROUND

Council has previously requested to be informed of the progress and completion of its previous decisions.

#### COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included as an attachment to this report.

#### STATUTORY IMPLICATIONS/REQUIREMENTS

Part 2 - Constitution of local government (Division 2 - Local governments and councils of local governments) 2.7. Role of council (pg 15)

(1) The Council:

- (a) Governs the local government's affairs; and
  - (b) Is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to -
  - (a) Oversee the allocation of the local government's finances and resources; and
  - (b) Determine the local government's policies.

## **POLICY IMPLICATIONS**

As applicable

## **STRATEGIC COMMUNITY PLAN**

### **5: Governance**

Demonstrated accountability and corporate governance.

G1 Provide efficient, accountable and ethical governance.

G1.1 Enhance governance capability to deliver sustainable outcomes, roads and buildings

## **RISK MANAGEMENT CONSIDERATIONS**

In order to remain transparent and to facilitate timely and appropriate decision-making it is necessary that actions items be reviewed at each Council meeting.

## **FINANCIAL IMPLICATIONS**

No financial resource impact.

## **VOTING REQUIREMENTS**

Simple.

#### 11.1.5 TEMPORARY AUTHORITY TO APPROVE TENDERS

Responsible Officer: Mr Steven Harding  
Chief Executive Officer

Author: Mr Joshua Brown  
Manager Governance

Proposed Meeting Date: 17 December 2021

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

#### COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No: 202021/320)

**Moved:** Cr Anick

**Seconded:** Cr Lockyer

1. That for the purposes of s.5.43(b) of the *Local Government Act 1995*, Council determines a limit of \$8,000,000 as the maximum value for tenders that may be accepted by the Chief Executive Officer by delegated authority, subject to the following conditions:
  - (a) Any tender accepted must be within budget and represent best value for money;
  - (b) Except in the case of the following tenders:
    - Construct new liquid waste facility/waste management facility Solar Power System (incorporating Emergency Pond requirements);
    - Newman Netball Courts Upgrade (Construction);
    - Newman Housing Capital works.a limit of \$249,999 continue to apply for all other tenders;
  - (c) The Chief Executive Officer must consult with the Shire President prior to accepting a tender with a price in excess of \$249,999; and
  - (d) The Chief Executive Office must provide a report to the February Ordinary Council Meeting with details of all tenders awarded; and
2. That the delegation approved in (1) expire on 25 February 2022 and a limit of \$249,999 be reinstated for the purposes of s.5.43(b) of the *Local Government Act 1995*;
3. That Council authorises the Chief Executive Officer and Shire President to affix the Common Seal and sign all necessary documents to execute contracts relating to those tenders referred to in 1(b).

**CARRIED BY AN ABSOLUTE MAJORITY  
RECORD OF VOTE 10/0**

**For:** Shire President, Deputy Shire President, Councillors Pleming, Mortimer, Anick, Landy, Coppin, Lockyer, Baer and Smith

**Against:** Nil

**REPORT PURPOSE**

To consider granting temporary authority to the Chief Executive Officer to approve tenders between the December 2021 and February 2022 Ordinary Council Meetings.

**BACKGROUND**

There is no Ordinary Council Meeting scheduled for January 2022 on account of the Christmas and New Year holidays and the generally low volumes of items requiring Council's attention.

**COMMENTS/OPTIONS/DISCUSSIONS**

In order to avoid the need to call an unscheduled Special Council Meeting during the Christmas/New Year period for the purposes of awarding time sensitive tenders, it is recommended that pursuant to s.5.43(b) of the *Local Government Act 1995*, Council determine an amount of \$8 million as the maximum value for which the Chief Executive Officer may accept a tender on the local government's behalf, with the determination limited to \$249,999 from 25 February 2022.

It is noted that any tender that were to be awarded by the Chief Executive Officer must have funds authorised by Council in the 2021/22 budget.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

The recommended action is permitted by s.5.43(b) of the *Local Government Act 1995*.

**POLICY IMPLICATIONS**

No known policy implications.

**STRATEGIC COMMUNITY PLAN**

**5: Governance**

*Demonstrated accountability and corporate governance.*

G1 Provide efficient, accountable and ethical governance.

G1.1 *Enhance governance capability to deliver sustainable outcomes, roads and buildings*

**RISK MANAGEMENT CONSIDERATIONS**

Approval of the recommendation with mitigate reputational and operational risks associated with delays in approving tenders, which may arise in project delivery.

**FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**VOTING REQUIREMENTS**

Absolute.



## 11.2 CORPORATE SERVICES

### 11.2.1 BUDGET REVIEW AS AT 31 OCTOBER 2021

**Attachments:** [Budget Review - October 2021.pdf](#)  
**Responsible Officer:** Mr Steve Leeson  
Director Corporate and Customer Services  
**Author:** Mrs Lisa Davis  
Manager Corporate Services  
**Proposed Meeting Date:** 17 December 2021  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

#### COUNCIL DECISION/ OFFICER'S RECOMMENDATION

(Resolution No: 202021/321)

**Moved:** Cr McWhirter-Brooks

**Seconded:** Cr Smith

**That Council:**

1. **Accept the Budget Review report as at the 31<sup>st</sup> of October 2021;**
2. **Adopt the Shire of East Pilbara revised Annual Budget 2021-2022 financial activity statements included as Attachment 1.**

**CARRIED BY AN ABSOLUTE MAJORITY  
RECORD OF VOTE 10/0**

**For:** Shire President, Deputy Shire President, Councillors Pleming, Mortimer, Anick, Landy, Coppin, Lockyer, Baer and Smith

**Against:** Nil

#### REPORT PURPOSE

For Council to consider and accept the Shire of East Pilbara (the Shire) budget review as of 31 October 2021.

#### BACKGROUND

The Shire's 2021-2022 Annual Budget was adopted at the Ordinary Council Meeting (OCM) on 23 July 2021 being a net balanced budget forecast position for 30 June 2022.

Several modifications were introduced into the budgeting approach, as reported previously:

- 1 *Each annual budget to stand alone:*
  - a. *Unlike previous budgets, all prior year carry forward projects are excluded from the proposed 2021/22 annual budget, pending further review and confirmation of any amounts necessary for project completion. These items are intended for consideration as part of a later budget review report.*
  - b. *Reliance upon prior year surplus funds has been limited to \$400,000 for specific project purposes only. It is with the intention that all surplus funds be transferred to Shire reserves at year end.*

At the 27 August 2021 OCM, adopted report 9.2.4 Budget Review as at 14 August 2021 introduced prior year 2020-2021 carry forward project expenditure and any relevant income not yet received, as an amendment into the current 2021-2022 financial year annual budget.

Subsequent monthly financial reports to Council have also adopted further consequential amendments as they arise. This approach maintains a timely and responsive practice towards managing the Shire's annual budget and its forecast year end net surplus / deficit.

## **COMMENTS/OPTIONS/DISCUSSIONS**

These are 4 sections to the 2021/2022 annual budget review included as Attachment 1, being:

1. Financial Statements prepared as per the Local Government Act (LGA) 1995 and regulations and in accordance with Accounting Standards.
2. Amendments to the Capital works program and associated external sources of funding.
3. Amendments to the Shire's Reserves
4. Operating Expenditure / Revenue summary by LGA Function

### **Year-end forecast surplus / deficit**

The adopted and current budget as amended, is in a balanced position where all sources of revenues and expenditures (both operating and capital in nature) result in a nil surplus or deficit.

The proposed budget review will result in a deficit of \$(161,500) which represents a 0.184% variance over combined total operating and expenditure. This amount will continue to be considered towards maintain a nil surplus or deficit in further upcoming budget reviews, the next planned for March 2022 to meet LGA requirements.

### **Summary of Amendments**

#### **Operating Expenditure / Revenue**

##### **Function 4 Governance**

###### **Members of council**

Decrease from \$929,200 to \$913,300 due to reduction in Salaries & Wages

Increase in Training, Plane Hire and Council Function

**Governance — general**

Risk & Governance Project - \$65,000 matched by a reduction in Salaries & Wages

Reduction in Special Projects from \$1,039,700 to \$921,000

Asset Management Planning – Airport, funded from reserve \$82,100

**Function 8 Education and Welfare**

**Community Services**

Increase in Community Assistance Grants – from \$40,000 to \$60,000

Reduction in Planning & Strategies - \$50K – Disability Action and Inclusion Plan  
- Double Budgeted

**Function 9 Housing**

Increase of \$35,000 for additional housing expenditure

**Function 10 Community Amenities**

Reduction in \$1,000,000 for Liquid Waste Disposal – Offset by Reserve Transfer.

**Function 11 Recreation and Culture**

Increase in Nardoo Loop Playground - \$25,000, due to insufficient insurance

**Function 13 Economic services**

Increase in Newman Caravan Park Maintenance - \$50,000

Increase in Newman Caravan Park Income - \$160,000

**Function 14 Other property and services**

Reduction in Project Delivery – WWTP - \$1,350,000 moved to Capital

Capital Expenditure / Revenue

**Function 9 Housing**

New Housing - \$150,000 as previously endorsed by council for additional unit

Staff Housing - \$71,000 for new housing works

**Function 10 Community Amenities**

Reduction in Newman Landfill Bore – \$146,000 - Offset by Reserve Transfer

Increase in Project Delivery – WWTP - \$1,350,000 – From Operating

**Function 12 Transport**

Reduction in Airport Capital Works from \$21,695,000 to \$8,395,000 – Offset  
Increase in plant replacement \$34,000

**Function 13 Economic services**

Increase in Newman Caravan Park by \$45,000

Reserves

Reserve	2021-22 Current Forecast Balance as at 30 June 2022	2021-22 Amended Forecast Balance as at 30 June 2022
Newman Airport	\$29,659,500	\$42,494,800
Staff Housing	\$869,500	\$720,200
Waste Management	\$1,887,000	\$986,500
Martumili Operations	\$787,400	\$803,900
Insurance Reserve	\$500,000	\$405,300

**STATUTORY IMPLICATIONS/REQUIREMENTS**

Local Government Act 1995 - Part 6 - Financial management s6.2 - Local government to prepare annual budget.

Local Government (Financial Management) Regulations 1996 – s33A Review of Budget:

- i) Between 1 January and 31 March in each year a Local Government is to carry out a review of its annual budget for that year.*
- ii) Within 30 days after a review of the annual budget of a Local Government is carried out, it is to be submitted to the Council.*
- iii) A Council is to consider a review submitted to it, and is to determine\* whether or not to adopt the review, any parts of the review, or any recommendations made in the review. \*Absolute majority required.*
- iv) Within 30 days after a Council has made a determination, a copy of the review and determination is to be provided to the Department.*

Local Government Act 1995 - Part 6 - Financial management s6.11 – Reserve Accounts:

- (1) To set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.*

**POLICY IMPLICATIONS**

3.4 Budget Amendments

3.5 Budget Management – Capital Acquisitions

**STRATEGIC COMMUNITY PLAN**

**5: Governance**

Demonstrated accountability and corporate governance.

G1 Provide efficient, accountable and ethical governance.

G1.1 Enhance governance capability to deliver sustainable outcomes, roads and buildings

**RISK MANAGEMENT CONSIDERATIONS**

Compliance - Medium

**FINANCIAL IMPLICATIONS**

This budget review amends the 30 June 2022 forecast current position from \$0 to \$(161,500). This amount shall be considered further within the next upcoming budget review, to be offset by expenditure reductions or windfall gains on revenues, so to maintain a balanced budget position.

**VOTING REQUIREMENTS**

Absolute.

*Cr McWhirter-Brooks left the Chamber at 11.33am and returned to Chamber at 11.34am*

## 11.2.2 LOCAL GOVERNMENT REFORMS SUBMISSION

**Attachments:** [Local-Government-Reform-Summary-of-Proposed-Reforms \(1\).docx](#)

**Responsible Officer:** Mr Steve Leeson  
Director Corporate and Customer Services

**Author:** Mr Steve Leeson  
Director Corporate and Customer Services

**Proposed Meeting Date:** 17 December 2021

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

### COUNCIL DECISION / OFFICER'S RECOMMENDATION

(Resolution No: 202021/322)

**Moved:** Cr McWhirter-Brooks

**Seconded:** Cr Anick

**That Council endorse Attachment 1 as amended, as the Shire's submission on Local Government Reform for lodgement by the CEO, noting the Council is not supportive of preferential voting.**

**CARRIED UNANIMOUSLY  
RECORD OF VOTE 10/0**

**For:** Shire President, Deputy Shire President, Councillors Pleming, Mortimer, Anick, Landy, Coppin, Lockyer, Baer and Smith

**Against:** Nil

### REPORT PURPOSE

To recommend a submission for Council's consideration in response to the State Government's proposed reforms to local government.

### BACKGROUND

The State Government has announced the most significant package of major reforms for WA local government since the Local Government Act 1995 was passed more than 25 years ago.

The proposed reforms have been developed on the basis of findings identified as part of the Local Government Act Review and recommendations of various reports, including the Local Government Review Panel Final Report.

The proposed reforms are based on six themes:

- 1) Earlier intervention, effective regulation and stronger penalties
- 2) Reducing red tape, increasing consistency and simplicity
- 3) Greater transparency and accountability
- 4) Stronger local democracy and community engagement
- 5) Clear roles and responsibilities
- 6) Improved financial management and reporting.

The Department of Local Government, Sport and Cultural Industries (DLGSC) is inviting comments from local governments and the wider community to inform implementation of the proposed reforms. The feedback received will inform the drafting of legislation. The consultation period runs between 10 November 2021 and 4 February 2022.

### **COMMENTS/OPTIONS/DISCUSSIONS**

Included as Attachment 1 is the Local Government Reform Summary, along with draft submission comments for Council to consider.

Council may agree with, edit or remove the proposed submission comment.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

### **POLICY IMPLICATIONS**

The Shire has in place certain policies and strategies referred to within the reform proposals.

### **STRATEGIC COMMUNITY PLAN**

#### **5: Governance**

Demonstrated accountability and corporate governance.

G1 Provide efficient, accountable and ethical governance.

G1.1 Enhance governance capability to deliver sustainable outcomes, roads and buildings

### **RISK MANAGEMENT CONSIDERATIONS**

Reputation: Low

Making a response submission demonstrates the Shire's interest to participate within local government reform.

**FINANCIAL IMPLICATIONS**

There are no current resources allocated, will need to be considered as part of next budgetary process.

**VOTING REQUIREMENTS**

Simple.



*Cr Peta Baer left the Chamber at 11.42am and returned to Chamber at 11.44am.*

**11.2.3 MONTHLY FINANCIAL STATEMENTS AND INVESTMENT REPORT FOR  
PERIOD ENDING OCTOBER 2021**

**Responsible Officer:** Mr Steve Leeson  
Director Corporate and Customer Services

**Author:** Mrs Lisa Davis  
Manager Corporate Services

**Proposed Meeting Date:** 17 December 2021

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

**COUNCIL DECISION / OFFICER'S RECOMMENDATION:**

(Resolution No: 202021/323)

**Moved:** Cr Coppin

**Seconded:** Cr Mortimer

**That Council:**

1. **Accepts the Monthly Financial Statements for the period 1 July 2021 to 31 October 2021 of the 2021/22 financial year as included in the attachments.**
2. **Accepts a grant of \$300,000 in Main Roads WA Supplementary Funding for Improving Access Roads to Remote Aboriginal Communities for inclusion in the 2021/22 Budget; and**
3. **Pursuant to section 6.8(b) of the *Local Government Act 1995*, authorises the additional capital expenditure of \$300,000 on the Warralong Road project from the municipal fund.**

**CARRIED BY AN ABSOLUTE MAJORITY**

**RECORD OF VOTE 10/0**

**For:** Shire President, Deputy Shire President, Councillors Fleming, Mortimer, Anick, Landy, Coppin, Lockyer, Baer and Cr Smith

**Against:** Nil

## **REPORT PURPOSE**

The Monthly Financial Statements provides details of the Shire of East Pilbara's (the Shire's) current year to date financial position in relation to the 2021-2022 Annual Budget, as maybe amended, including the reporting of material variances.

## **BACKGROUND**

The reporting of monthly financial information is a requirement under Section 6.4 of the Local Government Act 1995 (Act) and Regulation 34 of the Local Government (Financial Management) Regulations 1996 (Regulations).

Attachment 1 details the financial activities of the Shire for the period 1 July 2021 to 31 October 2021 of the current financial year.

There are 4 sections of the monthly report:

1. Monthly Health Checks and Summary Graphs;
2. Statutory Reports – Rate Setting Statement, Operating Statement, Cash Flow;
3. Various other Notes to give Council an overview of the Shire's current financial situation, including Material Variances for Programs and Nature and Type as per Council's adopted variance threshold limits of 10% or \$10,000 whichever is greater; and
4. A Capital Projects schedule detailing all expenditure.

Attachment 2 is the Monthly Investments Report.

Any immediate annual budget considerations are also presented within the monthly financial report.

## **COMMENTS/OPTIONS/DISCUSSIONS**

### Variances

Material variances in the Shire 2021-2022 annual budget are disclosed within the attachments.

### Investments

The portfolio accrued \$25,757 in interest and returned 0.40%pa versus the bank bill benchmark of 0.07%pa for the month.

For the past 12 months, the portfolio returned 0.32%pa, exceeding the bank bill index benchmark's 0.02%pa by 0.30%pa.

Council's investment portfolio is within policy limits across total credit exposures, individual institutional exposures and term to maturity limits.

## **STATUTORY IMPLICATIONS/REQUIREMENTS**

Local Government Act 1995

Part 6 Financial Management

Division 4 General financial provisions

Section 6.4(2)

*“The financial report is to –*

- (a) be prepared and presented in the manner and form prescribed; and*
- (b) contain the prescribed information.”*

Section 6.8 (1)(b)

*“Expenditure from municipal fund not included in annual budget is to be authorised in advance by resolution”. \*Absolute majority required.*

## **POLICY IMPLICATIONS**

3.1 Accounting Policies

3.5 Budget Management – Capital Acquisitions

3.9 Investments Policy

## **STRATEGIC COMMUNITY PLAN**

### **5: Governance**

Demonstrated accountability and corporate governance.

## **RISK MANAGEMENT CONSIDERATIONS**

Legislative - Medium

## **FINANCIAL IMPLICATIONS**

Legislative - Medium

## **VOTING REQUIREMENTS**

Absolute.

*Cr Holly Pleming left the Chamber at 11.47am and returned to Chamber at 11.48am.*

#### 11.2.4 CREDITORS FOR PAYMENT

**File No:** FIN-23-9

**Attachments:** [Direct Payments - December 21.pdf](#)  
[EFT Payments - December 21.pdf](#)  
[Mastercard - December 21.pdf](#)  
[Cheque Payments December 21 .pdf](#)

**Responsible Officer:** Mr Steve Leeson  
Director Corporate and Customer Services

**Author:** Ms Sian Appleton  
Senior Finance Officer

**Proposed Meeting Date:** 17 December 2021

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

#### COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION (Resolution No: 202021/324)

**Moved:** Cr McWhirter-Brooks  
**Seconded:** Cr Anick

**THAT Council endorse the payments:**

FUND	VOUCHER	AMOUNT
EFT Payments	EFT60714 – EFT61129	3,701,502.01
Mastercard		12,496.54
	<b>Total</b>	<b>\$3,713,998.55</b>
Cheque Payments	25184 – 25185	359.85
Direct Payments	DD15702.1 – DD15799.1	126,870.46
	<b>Total</b>	<b>\$ 127,230.31</b>
	<b>GRAND TOTAL</b>	<b><u>\$3,841,228.86</u></b>

**CARRIED UNANIMOUSLY  
RECORD OF VOTE 10/0**

**For:** Shire President, Deputy Shire President, Councillors Pleming, Mortimer, Anick, Landy, Coppin, Lockyer, Baer and Cr Smith

**Against:** Nil

## REPORT PURPOSE

Council endorsement of payment to creditors.

## BACKGROUND

As per the attachment list, outlines payments made to creditors since the Council meeting on the 19/11/2021.

## COMMENTS/OPTIONS/DISCUSSIONS

FUND	VOUCHER	AMOUNT
EFT Payments	EFT60714 – EFT61129	3,701,502.01
MasterCard		12,496.54
	<b>Total</b>	<b>\$3,713,998.55</b>
Cheque Payments	25184 – 25185	359.85
Direct Payments	DD15702.1 – DD15799.1	126,870.46
	<b>Total</b>	<b>\$ 127,230.31</b>
	<b>GRAND TOTAL</b>	<b><u>\$3,841,228.86</u></b>

*Please note the computer system allows for only a limited field for the description of goods/services purchased, therefore the description shown on the attached Schedule of Accounts may not show the entire description entered for the goods/services purchased.*

## CANCELLED AND UNUSED CHEQUES:

### UNUSED CHEQUES

Nil

### CANCELLED CHEQUES & EFTS

EFT60817, EFT61056, EFT61083

## STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government (Financial Management) Regulations 1996  
Part 2 – General financial management  
Reg 11

- (1) *A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of –*
- (a) *cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and*
  - (b) *petty cash systems.*

Local Government (Financial Management) Regulations 1996  
Part 2 – General financial management

Reg 12

- (1) *A payment may only be made from the municipal fund or the trust fund –*  
(a) *if the local government has delegated to the CEO the exercise of its power to make payments from those funds – by the CEO; or*  
(b) *otherwise, if the payment is authorised in advance by a resolution of the council.*
- (2) *The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

## **POLICY IMPLICATIONS**

### **3.12 CORPORATE CREDIT CARD**

### **3.14 PROCUREMENT AND TENDER PROCEDURES POLICY**

## **STRATEGIC COMMUNITY PLAN**

Nil

## **5: Governance**

Demonstrated accountability and corporate governance.

G1 Provide efficient, accountable and ethical governance.

G1.1 Enhance governance capability to deliver sustainable outcomes, roads and buildings

## **RISK MANAGEMENT CONSIDERATIONS**

Legislative – Medium - Breach of Local Government Act 1995.

## **FINANCIAL IMPLICATIONS**

Total expenses of \$3,841,228.86

## **VOTING REQUIREMENTS**

Simple.

### 11.3 CUSTOMER & COMMUNITY SERVICES

#### 11.3.1 DRAFT RECONCILIATION ACTION PLAN - REFLECT

**Attachments:** [Reflect RAP](#)

**Responsible Officer:** Ms Emma Landers  
Acting Director Community Services

**Author:** Ms Samantha Hawkins  
Community Development Officer

**Proposed Meeting Date:** 17 December 2021

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

#### COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No: 202021/325)

**Moved:** Cr Baer

**Seconded:** Cr Lockyer

**That Council:**

1. **Adopts** the Shire of East Pilbara Reconciliation Action Plan – Reflect as detailed in Attachment 1;
2. **Notes** the Shire of East Pilbara Reconciliation Action Plan – Reflect is required to be submitted to Reconciliation Australia for endorsement prior to implementation.

**CARRIED UNANIMOUSLY  
RECORD OF VOTE 10/0**

**For:** Shire President, Deputy Shire President, Councillors Fleming, Mortimer, Anick, Landy, Coppin, Lockyer, Baer and Cr Smith

**Against:** Nil

### REPORT PURPOSE

The purpose of this report is for Council to consider the draft Reconciliation Action Plan – Reflect, to be endorsed by Reconciliation Australia.

### BACKGROUND

A Reconciliation Action Plan (RAP) is a strategic document that supports an organisation's Business Plan.

It includes practical actions that will drive an organisation's contribution to reconciliation both internally and in the communities in which it operates.

The Shire of East Pilbara's RAP is a Reflect RAP, which clearly sets out the steps to be taken to prepare the organisation for reconciliation initiatives in successive RAP'S. The Shire of East Pilbara's Reflect RAP focuses internally within the organisation.

Committing to a Reflect RAP allows the Shire to spend time scoping and developing relationships with Aboriginal and Torres Strait Islander stakeholders, while deciding on the Shire's vision for reconciliation and exploring its sphere of influence, before committing to specific actions or initiatives.

### **COMMENTS/OPTIONS/DISCUSSIONS**

In March 2021, the RAP Working Group (RAPWG) facilitated consultation sessions with Shire staff to scope the understanding around the relationships, respect and opportunities in terms of the East Pilbara's Aboriginal and Torres Strait Islander people and culture. From these consultation sessions, key deliverables and actions were identified that shaped the Reflect RAP document.

The RAP document is presented for Council endorsement prior to it being sent to Reconciliation Australia, noting they have the final determination on its approval.

Since 2006, RAPs have enabled organisations to sustainably and strategically take meaningful action to advance reconciliation.

Based around the core pillars of relationship, respect and opportunities, RAPs provide tangible and substantive benefits for Aboriginal and Torres Strait Islander peoples, increasing economic equity and supporting First Nations self-determination. RAPs are commitments made within an organisation's spheres of influence, with the aim to make an impact and improve the lives and experience of Australian's Aboriginal and Torres Strait Islander peoples.

If Council endorse the RAP, officers will commence discussions with Aboriginal corporations within the Shire to seek their guidance and support to implement the RAP.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Nil

### **POLICY IMPLICATIONS**

The Shire has an Aboriginal Affairs Policy (No.8.4). The guiding principles of the Policy are;

1. "create a better understanding in the general community of Aboriginal and Torres Strait Islander history and culture
2. Improve co-ordination and cooperation between the three spheres of government and recognises Aboriginal Community Organisations to assist in the development of Aboriginal and Torres Strait Islander people aspirations



## **STRATEGIC COMMUNITY PLAN**

### **1: Economic**

A diverse and sustainable regional economy.

E2 The Shire is a great place for tourists.

E2.2 Facilitate, support and promote the Shire's unique Arts, Culture and History.

### **2: Social**

Harmonious communities sharing strong community connections.

S2 Build a vibrant community.

S2.1 Facilitate community connectedness and inclusion.

### **4: Natural Environment**

Valued iconic Pilbara environmental assets and biodiversity.

N2 Preserve the unique local ecological biodiversity and ecosystems.

N2.2 Lobby for the protection of environmental assets and sites of indigenous significance.

### **5: Governance**

Demonstrated accountability and corporate governance.

G2 Strong Shire identity and regional capacity.

G2.1 Increase the Shire's identity and profile through communication, partnerships and lobbying/advocacy.

G2.2 Preserve, enhance and celebrate the Shire's history and culture

## **RISK MANAGEMENT CONSIDERATIONS**

There is a minor to moderate reputational risk to the Shire if it is not seen as being proactive by having an established a Reconciliation Action Plan, with actions that positively contribute to 'Reconciliation' within the Shire.

## **FINANCIAL IMPLICATIONS**

Current resource requirements are in accordance with existing budgetary allocation.

An additional FTE will need to be considered in the 2022/23 workforce planning to support the ongoing implementation of the RAP.

## **VOTING REQUIREMENTS**

Simple.

## 11.4 COMMERCIAL SERVICES

### 11.4.1 PARDOO STATION CARAVAN PARK

**Attachments:** [Appendix 1 Rowe Group FIG08B 20211004 Pardoo New Caravan Bays A3L latest version 2 pdf](#)

**Responsible Officer:** Mr Bill Burke  
Director Commercial Services

**Author:** Mr Vic Etherington  
Manager Development Services

**Proposed Meeting Date:** 19 November 2021

**Location/Address:** Pardoo Station, GT Northern Highway Port Hedland  
WA 6721

**Name of Applicant:** Pardoo Beef Corporation

**Author Disclosure of Interest:** Nil

#### **COUNCIL DECISION / OFFICER'S RECOMMENDATION** (Resolution No: 202021/326)

**Moved:** Cr Coppin  
**Seconded:** Cr Fleming

**That Council approves the application from Pardoo Beef Corporation (PO42/21) for the installation of 44 additional Caravan Parking Bays, Internal access road, Children's Playground and Lawn Area subject to the following conditions:**

- 1) Prior to occupation / use of the additional caravan parking bays an amended approval to the Caravan Camping Grounds Licence be submitted and approved by the Senior Environmental Health Officer and Manager of Development Services.**
- 2) The development and / or use hereby approved must be substantially commenced within 24 months of the date of this decision unless extended prior to its expiry.**
- 3) Prior to commencement of development a landscaping plan of the new playground area is to be prepared for the approval of Council's Manager Development Services. The landscaping is to be installed prior to occupancy of the new bays and maintained thereafter.**
- 4) Prior to occupation, all vehicle movement / circulation areas, caravan / camp sites and designated parking areas shall be line marked and sign posted appropriately to ensure the safe and efficient movement of vehicle traffic within the site to the new bays.**

- 5) Prior to occupation of the development, a minimum of six (6) visitor parking bays shall be provided on site, and these bays maintained thereafter. These bays shall be available to visitors to the site without restriction.
- 6) Prior to occupation of the development, the approved liquid waste disposal facility shall be inspected by the Shire and maintained thereafter.
- 7) All bin / waste storage areas shall be screened from view of public areas where practicable.

**CARRIED UNANIMOUSLY  
RECORD OF VOTE 10/0**

**For:** Shire President, Deputy Shire President, Councillors Fleming, Mortimer, Anick, Landy, Coppin, Lockyer, Baer and Smith

**Against:** Nil

## REPORT PURPOSE

The purpose of this report is to seek Council approval to install 44 new caravan parking bays, children's playground and internal access road at the Pardoo Caravan Park.

## BACKGROUND

Pardoo Station is a 200,000-hectare working cattle property covering a diverse range of landscapes from rich tidal flats to rolling spinifex plains.

In addition to being a working cattle Station, the Station includes the Pardoo Caravan Park operations, which is based at the property's historic homestead and caters for domestic and international experience seekers, caravaners, campers, families, backpackers and corporate clients.

The caravan park is located adjoining the Station workers accommodation and private recreation buildings.

The Caravan Park is a recognised tourist attraction for the area as well as a generator for Local Employment. Facilities include large campground and caravan park, swimming pool, shared amenities blocks, laundry, barbeque area, camp kitchen, fire pit, wash down bay and two dump stations.

Further discussion as to the merits of the proposal and applicable planning provisions are set out in the Officer's assessment section of this report.

## COMMENTS/OPTIONS/DISCUSSIONS

The Pardoo Station Caravan Park is part of the Pardoo Beef Station situated on the Great Northern Highway Lot 1556 on deposited plan 70856. The site is located 13 kilometres off the Great Northern Highway

The existing Caravan Park is recognised as tourist attraction in the area attracting visitors both local and interstate. As well as being a successful commercially run cattle business, the Caravan Park provides an important recreational activity in the area.

Due to recognition of the Caravan Park as a desirable tourist attraction and an increase in demand for caravan parking bays, the operators are proposing an increase (44 powered bays) in the number of caravan park bays available on the site.

The caravan park has approval for 125 short stay caravan sites and 10 camping sites.

The applicant is proposing to increase the quality of experience to families visiting by constructing a Children's Playground and lawn area. The proposal also incorporates a new internal road to provide access to the new bays.

Attached at appendix 1 is a copy of the proposed works / use.

The applicant, Pardoo Beef Corporation, has described the proposed development as follows:

*Licence to use existing additional caravan park bays. Pardoo Caravan Park is a popular location for inter and intra state travellers, the amenities are considered very good and the proximity to the beach and fishing is an additional attractor, demand constantly exceeds supply, and we are unable to accommodate requests for bays. This has been exacerbated with increased regional travel during the Covid Pandemic. The bays are existing, so the application is for licence to cover the extra bays.*

The site is designated under Local Planning Scheme (LPS) No 4 as Reserve Recreation. Part 2 Reserves of LPS 4 prescribes the requirements to be considered by Council in considering development of a reserve and states as follows:

2.3.1 A person must not:

- (a) use a local reserve; or
- (b) commence or carry out development on a local reserve without first having obtained development approval under Part 8 of the deemed provisions.

2.3.2 In determining an application for development approval the local government is to have due regard to:

- (a) the matters set out in Part 9 of the deemed provisions.
- (b) the ultimate purpose intended for the Reserve.

2.3.3 In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for development approval.

The use of the portion of reserve as a caravan park has been previously determined to be consistent with the intent and ultimate purpose of the reserve for recreation. It is noted that there is already a land use approval in place for use of the site as a caravan park, so the proposal under TPS 4 as an existing approved land use on the reserve is considered to be a minor variation.

The proposed 44 bays were on the original development approval, however were never implemented as such the works are contained within an existing area identified for the use as caravan park.

The additional bays are considered minor in nature and are not considered to have any detrimental impact on the reserve. The use is considered to be consistent with the intent and purpose of the reserve.

Notwithstanding the existing use and previous approval of Council, it is considered appropriate that the approval of the use on the reserve is approved by Council.

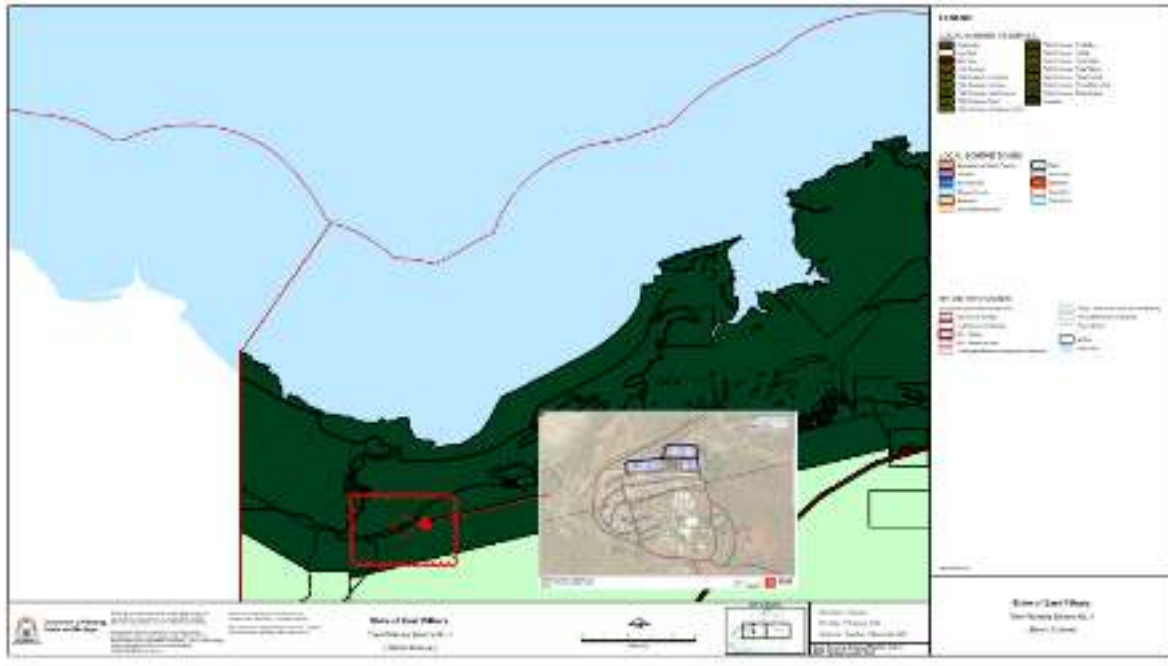


Figure 1: TPS 4 Extract

The site is subject to approval under the *Caravan Parks and Camping Grounds Act 1995* and *Caravan Parks and Camping Regulations 1997*.

With the proposed changes there will be a need for an amendment to be made under the above referenced legislation to reflect the changes being proposed. It is considered that this is a formality and does not raise any concerns and can be dealt with under delegated authority and can be actioned as a condition / notation of the development approval to be dealt with under delegated authority.

## **STATUTORY IMPLICATIONS/REQUIREMENTS**

### **LOCAL PLANNING SCHEME (LPS) NO 4**

### **CARAVAN PARKS AND CAMPING GROUNDS ACT 1995**

*Caravan Parks and Camping Regulations 1997*

## **POLICY IMPLICATIONS**

*Planning and Development (Local Planning Schemes) Regulations 2015* ("the Regulations")

Clause 67 of Schedule 2 of the Regulations sets out the matters to be considered by Council when determining an application for development approval.

*In considering an application for development approval (other than an application on which approval cannot be granted under subclause (1)), the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application:*

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) any approved State planning policy;*
- (d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- (e) any policy of the Commission;*
- (f) any policy of the State;*
- (fa) any local planning strategy for this Scheme endorsed by the Commission;*
- (g) any local planning policy for the Scheme area;*
- (h) any structure plan or local development plan that relates to the development;*
- (i) any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*
- (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- (k) the built heritage conservation of any place that is of cultural significance;*
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) the compatibility of the development with its setting, including: -*
  - (i) the compatibility of the development with the desired future character of its setting; and*
  - (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following: -*
  - (i) environmental impacts of the development;*

- (ii) *the character of the locality;*
    - (iii) *social impacts of the development;*
  - (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
  - (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
  - (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
  - (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
  - (s) *the adequacy of: -*
    - (i) *the proposed means of access to and egress from the site; and*
    - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
  - (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
  - (u) *the availability and adequacy for the development of the following —*
    - (i) *public transport services;*
    - (ii) *public utility services;*
    - (iii) *storage, management and collection of waste;*
    - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
  - (v) *access by older people and people with disability;*
  - (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
  - (w) *the history of the site where the development is to be located;*
  - (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
  - (y) *any submissions received on the application;*
  - (za) *the comments or submissions received from any authority consulted under clause 66;*
  - (zb) *any other planning consideration the local government considers appropriate;*
  - (zc) *include any advice of a Design Review Panel.”*
-

## **STRATEGIC COMMUNITY PLAN**

### **3: Built Environment**

Connected and accessible communities.

B1 Optimise places to live, work and enjoy.

B1.1 Improve local amenity.

B1.2 Provide and maintain open spaces for the community to recreate and connect

## **RISK MANAGEMENT CONSIDERATIONS**

Council may determine an application for development approval by:

- granting development approval without conditions;
- granting development approval with conditions;
- or
- refusing to grant development approval.

The applicant has a right of review against Council's decision, or any conditions included therein, in accordance with the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005*. A refusal of the application or conditioning the approval to the dissatisfaction of the applicant may expose the Shire to financial and reputational risks. These risks are rated as high.

## **FINANCIAL IMPLICATIONS**

The applicant has paid fees of \$147.00 (excluding GST) for the assessment of the application in accordance with the Shire's Schedule of Fees and Charges.

## **VOTING REQUIREMENTS**

Simple.



#### 11.4.2 AFFIXING OF THE COMMON SEAL

**Responsible Officer:** Mr Steven Harding  
Chief Executive Officer

**Author:** Mr Joshua Brown  
Manager Governance

**Proposed Meeting Date:** 17 December 2021

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

Mr Steve Leeson, Director Corporate Services, declared an impartiality interest in this item. Mr Leeson is resident in one of the relevant properties. Mr Leeson remained in the Chambers during consideration of this Item and did not participate in the discussion.

#### **COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION**

(Resolution No: 202021/327)

**Moved:** Cr McWhirter-Brooks

**Seconded:** Cr Lockyer

**That Council authorises the Chief Executive Officer and Shire President to affix the Common Seal and sign Form A5 Application and Form A6 being an Application for Title and Application for New/Balance of Title as required under the Transfer of Land Act 1893 for the land described as Lot 500, Wilara Street, Newman.**

**CARRIED UNANIMOUSLY  
RECORD OF VOTE 10/0**

**For:** Shire President, Deputy Shire President, Councillors Fleming, Mortimer, Anick, Landy, Coppin, Lockyer, Baer and Smith

**Against:** Nil

#### **REPORT PURPOSE**

To authorise the Chief Executive Officer and Shire President to sign documents being Form A5 - Application and Form A6- Application for New/Balance of Title, under the Shire of East Pilbara Common Seal.

## **BACKGROUND**

The Shire has been in the process of subdividing one freehold Lot 500, at 52 Wilara Street, Newman into two freehold lots as there are two staff houses on the subject land.

In order to complete the land transaction the Shire must provide a title for the land for which has been lost whereby a Statutory Declaration has been made to confirm such details.

## **COMMENTS/OPTIONS/DISCUSSIONS**

As there is no delegated authority to the Shire's Chief Executive Officer and Shire President to affix the Shire's Common Seal to such documents, Council authorisation is required.

## **STATUTORY IMPLICATIONS/REQUIREMENTS**

The two said documents are prescribed under the *Transfer of Land Act 1983* and include Form A5 – Application for Title and Form A6 - Application for New/Balance of Title, as advised by the Shire's nominated Conveyancer.

## **POLICY IMPLICATIONS**

The recommendation is in accordance with the Council's Execution of Documents Policy.

## **STRATEGIC COMMUNITY PLAN**

### **1: Economic**

A diverse and sustainable regional economy.

E1 Develop and promote a diverse and sustainable economy.

E1.2 Lobby, advocate and facilitate corporate partnerships to support economic growth opportunities

## **RISK MANAGEMENT CONSIDERATIONS**

There are no known risks to the Shire as a consequent of granting such permission.

## **FINANCIAL IMPLICATIONS**

The costs of the settlement and lodgement are approximately \$1500 and have been provided for in the Shire's annual budget of administration costs.

## **VOTING REQUIREMENTS**

Simple.

## 12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 12.1.1 NOTICE OF MOTION - RADIO HILL SHARED PATHWAY

**Responsible Officer:** Mr Steven Harding  
Chief Executive Officer

**Author:** Mr Joshua Brown  
Manager Governance & Risk

**Proposed Meeting Date:** 17 December 2021

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

#### **COUNCIL RESOLUTION** (Resolution No: 202021/328)

**Moved:** Cr Baer  
**Seconded:** Cr Landy

**That Council directs the Chief Executive Officer to undertake investigations into the feasibility and cost of the design and construction of a shared bicycle foot path to the Radio Hill lookout. Investigations should include public liability issues.**

**CARRIED**  
**RECORD OF VOTE 8/2**

**For:** Shire President, Councillors Pleming, Anick, Landy, Coppin, Lockyer, Baer and Smith

**Against:** Deputy Shire President and Councillor Mortimer

### **REPORT PURPOSE**

To consider a motion from Councillor Peta Baer to undertake investigations into a shared pathway to the lookout on Newman's Radio Hill.

### **BACKGROUND**

Notice of the following motion has been given by Councillor Baer for consideration at the December Ordinary Council Meeting:

*"That Council directs the Chief Executive Officer to undertake investigations into the feasibility and cost of the design and construction of a shared bicycle foot path to the Radio Hill lookout."*

**COMMENTS/OPTIONS/DISCUSSIONS**

Should Council agree to the motion, officers will prepare advice concerning the regulations and undertake investigations into the feasibility of the proposal for further consideration by Council.

This is to also include public liability investigations.

**12.1.2 NOTICE OF MOTION – NEWMAN AQUATIC CENTRE**

**Responsible Officer:** Mr Steven Harding  
Chief Executive Officer

**Author:** Mr Joshua Brown  
Manager Governance and Risk

**Proposed Meeting Date:** 17 December 2021

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

**COUNCIL RESOLUTION**  
(Resolution No: 202021/329)

**Moved:** Cr Baer  
**Seconded:** Cr Lockyer

**That Council directs the Chief Executive Officer to undertake investigations into the feasibility and cost of the installation of a fenced off area for use by children and carers within the Newman Aquatic Centre for consideration during the 2022/23 budget preparation.**

**CARRIED UNANIMOUSLY**  
**RECORD OF VOTE 10/0**

**For:** Shire President, Deputy Shire President, Councillors Fleming, Mortimer, Anick, Landy, Coppin, Lockyer, Baer and Smith

**Against:** Nil

**REPORT PURPOSE**

To consider a motion from Councillor Peta Baer to undertake investigations into the establishment of a fenced area within the Newman Aquatic Centre that is accessible for parents of young children.

**BACKGROUND**

Notice of the following motion has been given by Councillor Baer for consideration at the December Ordinary Council Meeting:

*“That Council directs the Chief Executive Officer to undertake investigations into the feasibility and cost of the installation of a fenced off play area within the Newman Aquatic Centre for consideration during the 2022/23 budget preparation.”*

**COMMENTS/OPTIONS/DISCUSSIONS**

Should Council agree to the motion, officers will prepare advice concerning the regulations and undertake investigations into the feasibility of the proposal for further consideration by Council.

## **13 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

### **13.1.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE**

**Responsible Officer:** Mr Steven Harding  
Chief Executive Officer

**Author:** Mr Joshua Brown  
Manager Governance

**Proposed Meeting Date:** 17 December 2021

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

---

### **BACKGROUND**

### **COMMENTS/OPTIONS/DISCUSSIONS**

Following are responses to questions taken on notice at the Ordinary Council Meeting held on 19 November 2021 or for which previous notice has been given. Responses have been provided in writing to Councillors.

#### **Councillors Baer and Anick**

Clarification was sought from Councillors Baer and Anick concerning a number of transactions detailed in Item 11.2.2 'Creditors for Payment' of the November 2021 Ordinary Council Meeting.

#### **Response provided by Director Corporate Services:**

- 60508 – Water Corp - 30 invoices for July to September 2021, various sites.
- 60607 - Sonic Health - 4 x staff skin screening invoices as part of Well Being program.
- 60612 – Woolworths - 14 x invoice - Multiple areas including Martumilli, community, office milk etc.
- 60670 - Which kiosk (WaterCorp) – Newman Aquatic Centre, 2 months charges plus 2 other smaller sites
- 60515 - Housing – Rent for a Shire employee. There is a corresponding payroll deduction as offset.
- 60611 – Water corp - 4 x invoices - various sites.
- 60691 – Woolworths – 8 x invoices. Multiple areas including Martumilli, rangers, community events, office milk etc.

#### **Councillor Langtree Coppin OAM**

The following questions were received with due notice from Cr Coppin:

1. Has FMG been granted the necessary approvals for to install a water pipeline from Shay Gap to Pardoo and Marble Bar to Hedland, including for the work camps?
2. Have the work camps been inspected to ensure compliance with Category 5 Cyclone rating?
3. Will the Shire be reclassifying the land use for that land the pipeline and associated infrastructure occupies, for the purpose of rating?

Response provided by Director Commercial Services:

1. FMG was granted a licence to install the pipeline by the Department of Mines, Industry Regulation and Safety. The licence was transferred by FMG to a company called Pilbara Water and Power Pty Ltd. There are three associated work camps, each have received Shire approval.
2. All three camps have been inspected by the Shire to determine if they can be occupied, this included the cyclone anchorage systems. The cyclone anchorage systems have also been inspected independently by the builders design engineer. Two occupancy permits have been issued, each with a condition that requires that the holding down systems are inspected each month throughout the life of the camp. The third camp was inspected on 26 November 2021 by the Shire and has yet to be issued an occupancy permit. The occupancy permit for this camp will also include the same monthly inspection condition in relation to the cyclone holding down system.

Response provided by Director Corporate Services:

3. Advice received from recent discussions with LandGate concerning the rating of infrastructure associated with mining tenements (specifically the pipeline), is that to establish a 'UV spot rating' requires research into the tenement and or State agreement for the particular details of the approval issued. There is currently no capacity within Corporate Services to specifically pursue this. All available resources (one staff member) in addition to daily duties, are engaged in a Rating Reconciliation Project with the assistance of Tenement Administration Services. The intention of this project is to ensure the Shire's rate book matches the Department of Mines Industry and Regulatory Services (DMIRS) mining tenement data for the district of East Pilbara, to ensure a broader and equitable application of rating is in place. This pipeline infrastructure will be considered, following the next stage review upon mining camp infrastructure.



**14 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A  
DECISION OF COUNCIL**

Nil

**15 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS**

**COUNCIL RESOLUTION**  
(Resolution No: 202021/330)

**Moved:** Cr Baer

**Seconded:** Cr Pleming

**That the meeting go behind closed doors in accordance with 5.23(2) of the *Local Government Act 1995*.**

**CARRIED UNANIMOUSLY  
RECORD OF VOTE 10/0**

**For:** Shire President, Deputy Shire President, Councillors Pleming, Mortimer, Anick, Landy, Coppin, Lockyer, Baer and Smith

**Against:** Nil

**15.1 CORPORATE SERVICES**

**15.1.1 SHIRE STAFF HOUSING**

**Responsible Officer:** Mr Steve Leeson  
Director Corporate and Customer Services

**Author:** Mr Steve Leeson  
Director Corporate and Customer Services

**Proposed Meeting Date:** 17 December 2021

**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.

**COUNCIL DECISION / OFFICER'S RECOMMENDATION**

(Resolution No: 202021/331)

**Moved:** Cr Fleming

**Seconded:** Cr Lockyer

**That Council**

1. In accordance with s6.8 of the Local Government Act 1995 amend the Shire of East Pilbara 2021-2022 annual budget as follows:

Function	Account	Description	Purpose	Amount
9 - Expenditure	New	Staff Housing	Acquisition – Unit 7/1 Cowra Drive Newman	\$(150,000)
9 – Expenditure	New	Staff Housing	Negotiation, Stamp Duty and Settlement	\$(4,500)
9 – Expenditure	New	Staff Housing	Improvements – Unit 7/1 Cowra Drive Newman	\$(14,500)

9 – Revenue	99824	Transfer from Reserve:	Staff Housing Fund	\$169,000
			Net	\$0

2. Approves the expenditure outlined for the purchase of property as set out in the confidential report;
3. Authorises the Chief Executive Officer to negotiate the purchase of property up to an amount not exceeding the limits identified in the confidential report; and
4. Authorises the Chief Executive Officer to finalise the purchase of those properties and sign and execute the contract for sale.

**CARRIED BY AN ABSOLUTE MAJORITY**  
**RECORD OF VOTE 10/0**

**For:** Shire President, Deputy Shire President, Councillors Pleming, Mortimer, Anick, Landy, Coppin, Lockyer, Baer and Smith

**Against:** Nil

## 15.2 COMMERCIAL SERVICES

### 15.2.1 STRATEGIC INDUSTRIAL LAND PROPOSAL

**Responsible Officer:** Mr Steven Harding  
Chief Executive Officer

**Author:** Mr Joshua Brown  
Manager Governance

**Proposed Meeting Date:** 17 December 2021

## 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:

- (e) A matter that if disclosed would reveal, trade secrets, information of commercial value, information about the business, professional, commercial or financial affairs of a person.

## COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No: 202021/332)

**Moved:** Cr Mortimer

**Seconded:** Cr Anick

**That Council notes the report and adopts the Directions to the Chief Executive Officer as per Attachment 3.**

**CARRIED UNANIMOUSLY  
RECORD OF VOTE 10/0**

**For:** Shire President, Deputy Shire President, Councillors Pleming, Mortimer, Anick, Landy, Coppin, Lockyer, Baer and Smith

**Against:** Nil

### 15.2.2 PROPOSED DEED OF ASSIGNMENT - AIRPORT LEASE

**Responsible Officer:** Mr Bill Burke  
Director Commercial Services

**Author:** Ms Caitlin Lewis  
Contracts & Leasing Admin Officer

**Proposed Meeting Date:** 17 December 2021

**Location/Address:** N/A

**Name of Applicant:** N/A

**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:

- (e) A matter that if disclosed would reveal, trade secrets, information of commercial value, information about the business, professional, commercial or financial affairs of a person.

### COUNCIL DECISION / OFFICER'S RECOMMENDATION

(Resolution No: 202021/333)

**Moved:** Cr Fleming

**Seconded:** Cr McWhirter-Brooks

**That Council:**

1. Approves entering into a Lease Transfer (Deed of Assignment) with NBO Air Pty Ltd for Portion of Reserve 44775, Lease Area 9, Newman Airport commencing 1<sup>st</sup> January 2022 for the balance of the first Further Option Term of five years, expiring 30<sup>th</sup> April 2026 with a second Further Option Term of five years.
2. Approves the affixing of the Common Seal to the agreement between the Shire of East Pilbara and NBO Air Pty Ltd.
3. Authorises the Chief Executive Officer to seek necessary Ministerial approval.

**CARRIED BY AN ABSOLUTE MAJORITY**

**RECORD OF VOTE 10/0**

**For:** Shire President, Deputy Shire President, Councillors Fleming, Mortimer, Anick, Landy, Coppin, Lockyer, Baer and Smith

**Against:** Nil

**COUNCIL RESOLUTION**

(Resolution No: 202021/334)

**Moved:** Cr Baer

**Seconded:** Cr Fleming

**That the meeting return from behind closed doors in accordance with 5.23(2) of the *Local Government Act 1995*.**

**CARRIED UNANIMOUSLY  
RECORD OF VOTE 10/0**

**For:** Shire President, Deputy Shire President, Councillors Fleming, Mortimer, Anick, Landy, Coppin, Lockyer, Baer and Smith

**Against:** Nil

**16 DATE OF NEXT MEETING**

25 February 2022

**17 CLOSURE**

The Ordinary Meeting of Council on 19 November 2021 was declared closed by the Presiding Member at 12.20pm.