

**SHIRE OF EAST PILBARA
ORDINARY MEETING
25 October 2024**



Minutes to be confirmed at the next Ordinary Council Meeting on 29 November 2024.

"I hereby certify that these Minutes are a true and correct record as confirmed by Council at the Ordinary Council Meeting on 29 November 2024".

Presiding Member's Signature

Date

29/11/24

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President declared the Shire of East Pilbara Council Meeting of 25 October 2024 open at 10.30am at the Newman Council Chambers.

The President acknowledged the Traditional Owners of the land on which the Council met, the Nyiyaparli People, and their continuing connection to the land, waters and community. Council also acknowledged the Martu People as the Custodians of Jigalong which sits in Nyiyaparli Country.

The Council paid its respects to all their Elders, past, present and emerging.

All present were requested to turn off and refrain from using their mobile phones for the duration of the meeting. Tablets and Laptops were permitted for the purpose of accessing agenda items.

All present were also advised that the meeting was being live streamed and audio recorded which can be accessed by members of the public and the media, as such Council Members were reminded to refrain from making any defamatory statements.

Members of the public are advised that anyone who has any application lodged with the Shire of East Pilbara must obtain and should only rely on the 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.

2 ATTENDANCE BY ELECTRONIC MEANS

Requests to attend the meeting via a virtual platform were received from:

- Cr Karen Lockyer
- Cr Milton Chapman

and approved by the Shire President in accordance with regulation 14C of the *Local Government (Administration) Regulations 1996*.

3 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

3.1 ATTENDANCES

Council Members

Anthony Middleton	Shire President
Cr Wendy McWhirter-Brooks	Deputy Shire President / Councillor
Cr Lee Anderson	Councillor
Cr Peta Baer	Councillor
Cr David Evrett	Councillor
Cr David Kular	Councillor
Cr Karen Lockyer	Councillor (MS Teams)
Cr Annabell Landy	Councillor
Cr Milton Chapman	Councillor (MS Teams)

Executive Team

Steven Harding	Chief Executive Officer
Nicole O'Neill	Director Community Experience
Etienne Vorster	Director Infrastructure Services
Scott Greenhill	Acting Director Corporate Services
Malcolm Somers	Acting Director Regulatory Services

Shire Officers

Joshua Brown	Manager Governance, Risk and Procurement
Sally Fry	Governance Administration Officer (<i>MS Teams</i>)
Teshin Ali	Governance Administration Officer (<i>MS Teams</i>)

Public Gallery

Hayley Gamble
Franc Passante

3.2 APOLOGIES

Nil

3.3 LEAVE OF ABSENCE

Nil

4 DISCLOSURE OF INTEREST

Name	Chief Executive Officer, Steven Harding
Item No and Title of Report	12.1.6 Local Government Bank of Australia
Nature of Interest	Pursuant to Section of 5.60A of the Local Government Act 1995, the nature of the interest is: <u>'Financial'</u>
Reason	The Chief Executive Officer's Spouse is an Employee of Bank West.
Action Taken	The Chief Executive Officer will leave the Council Chamber and take no part in the deliberation or discussion for this item.

Name	Chief Executive Officer, Steven Harding
Item No and Title of Report	17.4.4 - Chief Executive Officer Annual Performance Review
Nature of Interest	Pursuant to Section of 5.60A of the Local Government Act 1995, the nature of the interest is: <u>'Financial'</u>
Reason	The Performance Review is my review of the last 12 Months and considers past and new KPI's, in addition to the consideration of financial remuneration.
Action Taken	The Chief Executive Officer will leave the Council Chamber and take no part in the discussion or vote for this item

Name	Manager Governance, Risk and Procurement, Joshua Brown
Item No and Title of Report	17.4.4 - Chief Executive Officer Annual Performance Review
Nature of Interest	Pursuant to Section of 5.60A of the Local Government Act 1995, the nature of the interest is: <u>'Impartiality'</u>
Reason	The Chief Executive Officer, the subject of the Report is my Employer.
Action Taken	The Manager Governance, Risk and Procurement will make an Impartiality Statement and take no part in the discussion of this item, but will remain in the Chamber to record the vote for the Minutes.

5 DECLARATIONS BY COUNCIL MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER BEFORE THE MEETING

The following declarations were made by the below listed Council Members:

"I have given due consideration to all matters that are contained in the Business Papers before this meeting."

Anthony Middleton	Shire President
Cr Wendy McWhirter-Brooks	Deputy Shire President / Councillor
Cr Lee Anderson	Councillor
Cr Peta Baer	Councillor
Cr David Evrett	Councillor
Cr David Kular	Councillor
Cr Karen Lockyer	Councillor
Cr Annabell Landy	Councillor
Cr Milton Chapman	Councillor

6 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

6.1 QUESTIONS TAKEN ON NOTICE FROM THE ORDINARY COUNCIL MEETING - 27 SEPTEMBER 2024

Item 12.1.5 Amendment to Delegations and Authorisations Register – Delegations under the *Public Health Act 2016*

The following question from Cr Evrett was taken on notice:

Should Delegation 16.1.6 be sub-delegated to the Director Regulatory Services?

Response from Chief Executive Officer:

Section 21 of the *Public Health Act 2016* provides that powers may only be delegated to the CEO or an Authorised Officer designated under section 24, which relates to Delegation 16.1.6. The delegation of Enforcement Orders - Implement and Recover Costs, cannot be sub-delegated and has to stay with either the CEO or an officer authorised under the *Public Health Act 2016*.

Item 12.2.1 Monthly Financial Statements, Insurance and Investment Report as at 31 August 2024

The following question from Cr McWhirter-Brooks was taken on notice:

Why are 48.7% of accounts outstanding for greater than 30 days, which equates to approximately \$5.5 million? Does the Shire send summons for payment to non-payers and at what stage does it do so? Do the figures represent receivables without arrangements to pay?

Response from Acting Director Corporate Services:

The sum of outstanding debtors aged over 30 days includes several large amounts that can be attributed to:

- Invoices raised for anticipated insurance claim;
- Companies in receivership that the Shire had previously invoiced;
- Several businesses where their terms are over 30 days.

An initial First, Second and Final reminder are sent where payment is not received within 30 days. Failing payment following the reminders, the debtor is referred to a Debt Collection agency where it is financially viable to do so.

There are some arrangements to pay that have been negotiated between the Shire and debtors. Payments are progressively monitored for adherence to arrangements.

The following question from Cr McWhirter-Brooks was taken on notice:

The Marble Bar – Installation of Guard Rail to Culvert referenced on page 16 of the financial report (attachment) is budgeted at \$764,000 for works along the Sandy Creek bridge in Marble Bar. Last year the \$400,000 cost was questioned when there was no guardrail on either side. Since then a guardrail has been installed on the south side of the bridge, and now the Shire has a budget for the guardrail on the north side at almost twice the cost. How can it now cost \$764,000?

The guard rail installed on the south side of the road that has been installed appears to be made up on component pieces bolted together. How can this be justified?

Response from Director Infrastructure:

- \$400,000 was allocated to the Marble Bar Guardrail capital project for the 2023/24 FY.
- \$6,000 was paid from the 2023/24 FY budget for scoping and consultancy of the work required.
- \$30,000 was incorrectly billed to this project and the Finance department is in the process of rectifying the anomaly.
- The balance of \$364,000 was carried forward to the 2024/25 FY.
- \$8,932.63 was also incorrectly allocated to this account on the 2024/25 FY budget and is being journalled across to the correct account.
- \$400,000 has incorrectly been added to this project for the 2024/25 FY and will be rectified this soon.

The following question from President Middleton was taken on notice:

Is the guard rail on the south side frangible? Does it meet Main Roads standards to collapse upon impact?

Response from Director Infrastructure:

The rail on the South side is a pedestrian handrail to prevent pedestrians walking along the footpath over the creek from falling into the creek. It is not guardrail to withstand vehicle impact loads.

Main Roads standards require guardrails to be installed along the edge of the road carriage way. Installing a guardrail on the South side of the creek crossing will require the footpath to be reconstructed entirely to make space for a guardrail.

The following question from Cr McWhirter-Brooks was taken on notice:

Was the cost of the guard rail on the south side of Sandy Creek Bridge in Marble Bar \$127,000?

Response from Director Infrastructure:

The entry of \$127,000 in the Monthly Financial Statement referred to in Item 12.2.1 above is the linear forecasted Year to Date expenditure on this project, calculated as follows: $\$764,000 \div 12 \times 2 = \$127,333$.

The cost of the handrail was \$7,920 and was undertaken as a maintenance job and booked to the Marble Bar Street Maintenance account on the 2023/24 FY budget.

The following question from Cr McWhirter-Brooks was taken on notice:

Can an outline of how \$41,666 has been spent to date on the Tourism Desert trail?

Response from Chief Executive Officer:

Current forecasted Year to Date expenditure is budgeted at \$41,666. Current actual expenditure is \$0. Project scope and Terms of Reference to be developed.

The following question from Cr McWhirter-Brooks was taken on notice:

The value of Martumili baskets \$17,000 held by the Shire was at around \$17,000 but now this has been reduced by half. Have we sold the stock or have they been archived?

Response from Director Community Experience:

Martumili will directly purchase completed baskets from Martu artists and sell them to customers through the gallery. The difference in value held by the Shire reflects the purchases made so far this financial year and will continue to increase as more baskets become available from the artists and acquired.

The Shire President, Cr McWhirter-Brooks and Cr Everett advised they were all satisfied with the Administration responses.

7 PUBLIC QUESTION TIME

Hayley Gamble

Question 1:

Why is the Shire using BHP Employees for Shire Work in conflict with Local Business. The Shire Trade Panel has BHP Employees as members and are running businesses from their BHP Housing premises.

Acting Director Regulatory Services, Malcolm Sommers responded and suggested a conversation off-line to progress and action.

Question 2:

Questioned the handling by the Shire of the tender process for Lee Lane and fact that the project is being managed internally, excluding Local Contractors who were not included in this process.

Director Infrastructure and the Chief Executive Officer responded and advised will further investigate. The CEO reiterated the Shire's commitment to work with, and support Local Businesses and advised will review processes in an effort to more effectively engage with local businesses.

8 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

9 APPLICATION FOR LEAVE OF ABSENCE

Resulting from a request for Leave of Absence from Cr Anderson, the below motion was moved:

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION (Resolution No: (2024 / 164)

Moved: Cr Baer

Seconded: Cr Landy

That Council approve a Leave of Absence for the 29 November 2024 Ordinary Council Meeting for Cr Lee Anderson.

**CARRIED
RECORD OF VOTE 9/0**

For: Shire President Middleton, Deputy Shire President McWhirter-Brooks, Cr Anderson, Cr Baer, Cr Chapman, Cr Everett, Cr Kular, Cr Landy, Cr Lockyer

Against: None

10 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No: (2024 / 165))

Moved: Deputy Shire President McWhirter-Brooks

Seconded: Cr Kular

That the Ordinary and Confidential Minutes of the Council meeting held on 27 September 2024 as published on the Shire Website and Councillor Portal be confirmed as true and correct records of proceedings.

**CARRIED
RECORD OF VOTE 9/0**

For: Shire President Middleton, Deputy Shire President McWhirter-Brooks, Cr Anderson, Cr Baer, Cr Chapman, Cr Everett, Cr Kular, Cr Landy, Cr Lockyer

Against: None

11 MEMBERS REPORTS

Councillors were advised that their reports should be sent to the Governance Team for inclusion in the Minutes for this meeting.

Cr Wendy McWhirter-Brooks reported attendance at the following during the months of **August/September 2024**:

- **August 23 2024** 5:30pm Etienne Vorster Director Infrastructure Services
 - Pilbara Regional Roads Group
- **August 26-28 2024** - Developing Northern Australia Conference held in Karratha
 - Key learnings – Social and modular housing options, remote community education model, human robotic interface for prosthetic limbs, REMPLAN economic database, Telstra NBN contact, networking, contact with Neil Thompson MLC, Susan Grylls – Pilbara Universities, LGA Elected Members
- **Sept 2 2024** 11:00am Nathan Cramer – Asset Manager Pilbara Main Roads WA - In person
 - In my role as Pilbara Regional Road Group Chair. Discussed format for meeting, challenges faced by MRWA Pilbara and remedies, challenges faced by MRWA in acquitting grants, Black Spot program.
- **Sept 4 2024** 5:00pm Steven Harding CEO SoEP Phone call
- **Sept 5 2024** 10:00am Simon Taylor CEO Pilbara Development Commission - TEAMS Meeting
 - In my role as Board Member PDC. Risk Evaluation
- **Sept 9 2024** 1:13pm and 5:41pm Richard Gratte Manager Karlka AC Ethel Creek and Marilana
 - Follow up on Roy Hill-Munjina Road Grading
- **Sept 11 2024** 10:00am Marble Bar Airport Emergency – Discussion Exercise – TEAMS
- **Sept 17-18 2024** - Pilbara Development Commission Board Meeting

- **Sept 18 2024** - 5:00pm Council Mid monthly Workshop - In person
- **Sept 20 2024** - 12:00pm Australian Citizenship Ceremony – In person

Cr McWhirter-Brooks reported attendance at the following during **October 2024**:

- Contact with Ratepayer concerning Marble Bar Tip Road.

12 OFFICER REPORTS

12.1 DIRECTORATE - EXECUTIVE

12.1.1 POLICY REVIEW GRANTS AND SPONSORSHIP

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION (Resolution No: (2024 / 166))

Moved: Deputy Shire President McWhirter-Brooks

Seconded: Cr Everett

That Council adopts the revised Grants and Sponsorship Policy.

**CARRIED
RECORD OF VOTE 9/0**

For: Shire President Middleton, Deputy Shire President McWhirter-Brooks, Cr Anderson,
Cr Baer, Cr Chapman, Cr Everett, Cr Kular, Cr Landy, Cr Lockyer

Against: None

12.1.2 IN-KIND SPONSORSHIP GRANT 2024/25

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION (Resolution No: (2024 / 167))

Moved: Cr Baer

Seconded: Cr Anderson

That Council approves the following In-Kind Support Grant:

Applicant Organisation	Event	Recommended Total Amount
Gumala Aboriginal Corporation	Gumala 3a Early Years Playgroup	\$4,620.00

**CARRIED
RECORD OF VOTE 9/0**

For: Shire President Middleton, Deputy Shire President McWhirter-Brooks, Cr Anderson,
Cr Baer, Cr Chapman, Cr Everett, Cr Kular, Cr Landy, Cr Lockyer

Against: None

12.1.3 COUNCIL MEETING DATES FOR 2024/25

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION
(Resolution No: (2024 / 168))

Moved: Deputy Shire President McWhirter-Brooks

Seconded: Cr Kular

That Council adopts the following dates, times and places for Ordinary Council Meetings to be published in accordance with regulation 12(2) of the Local Government (Administration) Regulations 1996:

<u>Date</u>	<u>Time</u>	<u>Location</u>
29 November 2024	10:30am	Newman
13 December 2024	10:30am	Newman
28 February 2025	TBA	Newman
28 March 2025	TBA	Marble Bar
2 May 2025	TBA	Newman
30 May 2025	TBA	First Nations Community
27 June 2025	TBA	Nullagine
25 July 2025	TBA	Newman
22 August 2025	TBA	Newman
26 September 2025	TBA	Marble Bar
24 October 2025	TBA	Newman
28 November 2025	TBA	Newman
12 December 2025	TBA	Newman

CARRIED
RECORD OF VOTE 9/0

For: Shire President Middleton, Deputy Shire President McWhirter-Brooks, Cr Anderson, Cr Baer, Cr Chapman, Cr Evrett, Cr Kular, Cr Landy, Cr Lockyer

Against: None

Cr McWhirter-Brooks proposed an adjustment to the motion which changed the commencement of all Ordinary Council Meetings to 1.30pm. There was a discussion around this proposal.

As a result of deliberation, and with the agreement of the Mover and Second, it was resolved to amend the original Officers Recommendation to retain the commencement times of 10.30am for the November and December 2024 Ordinary Council Meetings and to discuss the 2025 commencement times at a Council Workshop.

12.1.4 COMMITTEE MEETING DATES FOR 2024/25

**COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION
(Resolution No: (2024 / 169)**

Moved: Deputy Shire President McWhirter-Brooks

Seconded: Cr Kular

That Council:

1. Adopts the dates, times and places for Committee Meetings as listed below, to be published in accordance with regulation 12(2) of the *Local Government (Administration) Regulations 1996*.
2. Authorises the Shire President to change the date and time of Committee Meetings in accordance with the *Shire of East Pilbara Meetings Procedure Local Law 2019*.

Audit, Risk and Governance Committee:

Meeting Date	Time	Place
13 December 2024	10:00am	Newman
28 March 2025	TBA	Marble Bar
27 June 2025	TBA	Nullagine
26 September 2025	TBA	Marble Bar

CEO Performance Review Committee:

Meeting Date	Time	Place
5 September 2025	TBA	Newman

**CARRIED
RECORD OF VOTE 9/0**

For: Shire President Middleton, Deputy Shire President McWhirter-Brooks, Cr Anderson, Cr Baer, Cr Chapman, Cr Everett, Cr Kular, Cr Landy, Cr Lockyer

Against: None

To ensure consistency with the amended resolution in Item 12.1.3, with the agreement of the Mover and Seconder it was resolved to amend the original Officers Recommendation to retain the commencement time of 10.00am for the December 2024 Audit, Risk and Governance Committee Meeting, and to discuss the 2025 Committee Meeting commencement times at a Council Workshop.

**12.1.5 WALGA LOCAL GOVERNMENT ELECTIONS ADVOCACY POSITION
SUBMISSION**

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No: (2024 / 170))

Moved: Cr Baer

Seconded: Deputy Shire President McWhirter-Brooks

That Council endorses the draft submission attached as Appendix 1 to the WA Local Government Association concerning Local Government Election Advocacy Positions.

**CARRIED
RECORD OF VOTE 9/0**

For: Shire President Middleton, Deputy Shire President McWhirter-Brooks, Cr Anderson,
Cr Baer, Cr Chapman, Cr Everett, Cr Kular, Cr Landy, Cr Lockyer

Against: None

12.1.6 LOCAL GOVERNMENT BANK OF AUSTRALIA

The Chief Executive Officer having declared an interest in this item left the Council Chamber at 10.49 am and returned to Chamber at 10.53am.

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No: 2024 / 171)

Moved: Cr Baer

Seconded: Deputy Shire President McWhirter-Brooks

That Council:

- 1. Notes correspondence received from the Shire of Ashburton in relation to the establishment of a Local Government Bank of Australia.**
- 2. Endorses the submission to the 2024 Australian Local Government Association National General Assembly adopted by the Shire of Ashburton in support of the establishment of Local Government Bank of Australia.**
- 3. Endorses Resolution 118 of the 2024 Australian Local Government Association National General Assembly in relation to the establishment of a Local Government Bank of Australia.**
- 4. Authorises the Chief Executive Officer to participate in an Advocacy Group to inform a feasibility study in relation to regional banking solution for regional Australia.**

**CARRIED
RECORD OF VOTE 9/0**

For: Shire President Middleton, Deputy Shire President McWhirter-Brooks, Cr Anderson,
Cr Baer, Cr Chapman, Cr Everett, Cr Kular, Cr Landy, Cr Lockyer

Against: None

With the agreement of the Mover and Seconder the Officers Recommendation detailed above was amended in Point 4 by removing the wording 'commissioned by the Shire of East Pilbara'.

**12.1.7 SALARIES AND ALLOWANCES TRIBUNAL REMUNERATION INQUIRY FOR
LOCAL GOVERNMENT CHIEF EXECUTIVE OFFICERS AND ELECTED
MEMBERS - WALGA REQUEST FOR SUBMISSIONS**

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No: (2024 / 172))

Moved: Deputy Shire President McWhirter-Brooks

Seconded: Cr Everett

That Council endorses the draft submission (attached as Appendix 1) for consideration by the WA Local Government Association in its preparation of its submission to the Salaries and Allowances Tribunal Annual Remuneration Inquiry for Local Government Chief Executive Officers and Elected Members.

**CARRIED
RECORD OF VOTE 9/0**

For: Shire President Middleton, Deputy Shire President McWhirter-Brooks, Cr Anderson, Cr Baer, Cr Chapman, Cr Everett, Cr Kular, Cr Landy, Cr Lockyer

Against: None

12.1.8 STATUS OF COUNCIL DECISIONS

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No: (2024 / 173))

Moved: Deputy Shire President McWhirter-Brooks

Seconded: Cr Anderson

That Council notes the report.

**CARRIED
RECORD OF VOTE 9/0**

For: Shire President Middleton, Deputy Shire President McWhirter-Brooks, Cr Anderson, Cr Baer, Cr Chapman, Cr Everett, Cr Kular, Cr Landy, Cr Lockyer

Against: None

12.1.9 AFFIXING THE COMMON SEAL UNDER DELEGATED AUTHORITY

**COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION
(Resolution No: (2024 / 174))**

Moved: Deputy Shire President McWhirter-Brooks

Seconded: Cr Anderson

That Council notes the report.

**CARRIED
RECORD OF VOTE 9/0**

For: Shire President Middleton, Deputy Shire President McWhirter-Brooks, Cr Anderson, Cr Baer, Cr Chapman, Cr Everett, Cr Kular, Cr Landy, Cr Lockyer

Against: None

12.2 DIRECTORATE - CORPORATE SERVICES

**12.2.1 MONTHLY FINANCIAL STATEMENTS, INSURANCE AND INVESTMENT
REPORT AS AT 30 SEPTEMBER 2024**

**COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION
(Resolution No: (2024 / 175))**

Moved: Deputy Shire President McWhirter-Brooks

Seconded: Cr Baer

That Council adopts the Monthly Financial Statements for the period ending 30 September 2024 of the 2024/2025 financial year included as Appendices 1 and 2 to the report.

**CARRIED
RECORD OF VOTE 9/0**

For: Shire President Middleton, Deputy Shire President McWhirter-Brooks, Cr Anderson, Cr Baer, Cr Chapman, Cr Everett, Cr Kular, Cr Landy, Cr Lockyer

Against: None

12.2.2 LIST OF PAYMENTS - SEPTEMBER 2024

**COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION
(Resolution No:2024 / 176)**

Moved: Cr Baer

Seconded: Cr Anderson

That Council endorses the below payments for the period of 1 September 2024 to 30 September 2024:

EFT Payments \$4,216,414.16

MasterCard \$16,439.80

Cheque Payments \$914.10

Direct Payments Nil

**CARRIED
RECORD OF VOTE 9/0**

For: Shire President Middleton, Deputy Shire President McWhirter-Brooks, Cr Anderson,
Cr Baer, Cr Chapman, Cr Everett, Cr Kular, Cr Landy, Cr Lockyer

Against: None

13 COMMITTEE REPORTS

13.1 DIRECTORATE - EXECUTIVE

**13.1.1 MINUTES OF THE AUDIT, RISK AND GOVERNANCE COMMITTEE MEETING
- 27 SEPTEMBER 2024**

**COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION
(Resolution No: (2024 / 177)**

Moved: Cr Anderson

Seconded: Deputy Shire President McWhirter-Brooks

That Council notes the unconfirmed minutes of the Ordinary Meeting of the Audit, Risk and Governance Committee held on 27 September 2027 as published on the Shire's website.

**CARRIED
RECORD OF VOTE 9/0**

For: Shire President Middleton, Deputy Shire President McWhirter-Brooks, Cr Anderson, Cr
Baer, Cr Chapman, Cr Everett, Cr Kular, Cr Landy, Cr Lockyer

Against: None

14 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

15 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN

15.1 PUNMU COMMUNITY ROAD ACCESS

Notice was given of the following question by Cr Milton Chapman on 11 October 2024:

As the Punmu community prepares for the rainy season, months' worth of supplies must be trucked in to Punmu in advance. Road conditions to Punmu currently do not allow for a truck to use the road. Can the Shire advise when the road is to be graded, and if this will happen before the start of the rainy season?

Response from Director Infrastructure:

The Shire will commence maintenance grading on Punmu Road on Monday, 21 October 2024. Given the length of Punmu Road (143 km long), grader 1 will be supplemented by a second Shire owned grader on Wednesday, 23 October 2024.

Cr Chapman advised he was satisfied with the response from the Administration.

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

Nil

17 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS

The members of public named in Item 3.1 entered the Council Chamber at this point prior to the vote for closed session with questions for the Council. The Shire President allowed their questions which are detailed in Item 7.

COUNCIL RESOLUTION

(Resolution No:2024 / 178)

Moved: Cr Baer

Seconded: Cr Anderson

That the meeting be closed to the public in accordance with section 5.23(2) of the *Local Government Act 1995* to consider items:

17.1.1	Request to write off outstanding rates debts
17.1.2	Application for Rates Exemption - Newman Women's Shelter
17.2.1	Request to Distribute Estate Proceeds
17.3.1	Proposed Property Acquisitions - Staff Housing
17.4.1	Proposed Lease: Saints Football and Sporting Club Inc.
17.4.2	Award of Tender - RFT 02-2024/25 - Leasing Opportunities - Office Space, Newman House
17.4.3	Discontinuation of Procurement Process
17.4.4	Chief Executive Officer Annual Performance Review

CARRIED
RECORD OF VOTE 9/0

For: Anthony Middleton, Wendy McWhirter-Brooks, Lee Anderson, Peta Baer, Milton Chapman, David Evrett, David Kular, Annabell Landy, Lou Lockyer

Against: None

The meeting was closed to the public at 11:09am and live streaming of the meeting was interrupted by Governance Staff at this point.

Cr Lou Lockyer and Cr Milton Chapman attending this meeting via a virtual platform (MS Teams) both declared:

'In accordance with the regulation on members attending meetings by electronic means, I declare that I will maintain confidentiality during the closed part of the meeting in accordance with regulation'.

The Shire Present thanked the Councillors and advised that their declarations will be recorded in the Minutes.

17.1 DIRECTORATE - CORPORATE SERVICES

17.1.1 REQUEST TO WRITE OFF OUTSTANDING RATES DEBTS

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION
(Resolution No: (2024 / 179))

Moved: Cr Baer

Seconded: Deputy Shire President McWhirter-Brooks

That Council approves the request to write off small rates balances totalling \$941.68 across 375 assessments as detailed in Appendix 1.

CARRIED
RECORD OF VOTE 9/0

For: Shire President Middleton, Deputy Shire President McWhirter-Brooks, Cr Anderson,
Cr Baer, Cr Chapman, Cr Evrett, Cr Kular, Cr Landy, Cr Lockyer

Against: None

17.1.2 APPLICATION FOR RATES EXEMPTION - NEWMAN WOMEN'S SHELTER

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION
(Resolution No: (2024 / 180))

Moved: Cr Baer

Seconded: Deputy Shire President McWhirter-Brooks

That Council approves the application for rates exemption with respect to the Properties 1-5 identified in the report.

CARRIED
RECORD OF VOTE 9/0

For: Shire President Middleton, Deputy Shire President McWhirter-Brooks, Cr Anderson,
Cr Baer, Cr Chapman, Cr Evrett, Cr Kular, Cr Landy, Cr Lockyer

Against: None

17.2 DIRECTORATE - COMMUNITY EXPERIENCE

17.2.1 REQUEST TO DISTRIBUTE ESTATE PROCEEDS

The Shire President advised the meeting that this report names a deceased person.

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No: (2024 / 181))

Moved: Deputy Shire President McWhirter-Brooks

Seconded: Cr Evrett

That Council:

1. Authorises the distribution of funds to the seven (7) surviving beneficiaries named in the Last Will and Testament of the deceased person identified in the report.
2. Notes the proceeds of any sales of the Estate's art sales will be distributed only after the Estate's art is sold.
3. Reserves the right to refer any dispute concerning the distribution of the funds to the Estate's legal representatives.

CARRIED
RECORD OF VOTE 9/0

For: Shire President Middleton, Deputy Shire President McWhirter-Brooks, Cr Anderson, Cr Baer, Cr Chapman, Cr Evrett, Cr Kular, Cr Landy, Cr Lockyer

Against: None

17.3 DIRECTORATE - REGULATORY SERVICES

17.3.1 PROPOSED PROPERTY ACQUISITIONS - STAFF HOUSING

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No: (2024 / 182))

Moved: Cr Baer

Seconded: Deputy Shire President McWhirter-Brooks

That Council:

1. Pursuant to section 6.8 of the Local Government Act 1995, adopts the following budget amendment:

<u>Account</u>	<u>Amendment</u>
Reduction of projected FY24 Surplus Funds	(\$1,641,500)
Capital Expenditure	
Staff Housing - Acquisition of Property	\$1,641,500

2. Authorises the Chief Executive Officer to negotiate the purchase of the following properties detailed in the Confidential Report, up to amounts not exceeding the ceiling prices identified in Confidential Appendix 1:

- a. Property A
- b. Property B
- c. Property C
- d. Property D
- e. Property E
- f. Property F;

~~7777~~ 2. Authorises the Chief Executive Officer to finalise the purchase of the properties, to sign and ~~7777~~ execute the contract documents for sale, subject to undertaking all necessary due diligence, ~~7777~~ and within the ceiling prices identified in the Confidential Report.

CARRIED BY AN ABSOLUTE MAJORITY
RECORD OF VOTE 9/0

For: Shire President Middleton, Deputy Shire President McWhirter-Brooks, Cr Anderson, Cr Baer, Cr Chapman, Cr Everett, Cr Kular, Cr Landy, Cr Lockyer

Against: None

17.4 DIRECTORATE - EXECUTIVE

17.4.1 PROPOSED LEASE: SAINTS FOOTBALL AND SPORTING CLUB INC.

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION
(Resolution No: (2024 / 183))

Moved: Cr Baer

Seconded: Deputy Shire President McWhirter-Brooks

That Council:

1. Approves the proposed Lease between the Shire and Saints Football and Sports Club Inc. for the Capricorn Oval Grandstand Clubrooms, Newman, for a term of ten (10) years from 1 September 2024, with a second ten (10) year option;
2. Authorises the Chief Executive Officer to execute the agreement on behalf of the Shire of East Pilbara;
3. Gives local public notice in accordance with s.3.58 of *the Local Government Act 1995* of the proposed disposal of land in the form of a Lease between the Shire and Saints Football and Sports Club Inc. over the portion of land identified in the report, within Reserve 38372 comprising the Capricorn Oval Grandstand Clubrooms Building, for a period of ten (10) years from 1 September 2024, with a second ten (10) year option;
4. Delegates authority under s. 3.58(3)(b) of the *Local Government Act 1995* to the Chief Executive Officer to consider any submissions made in response to the local public notice given and to enter into a Lease on the terms of this resolution, subject to the necessary approval from the Minister for Lands;
5. Authorises the Chief Executive Officer to extend the Lease with the same conditions for the First Further Term of ten (10) years (2034 to 2044) on the expiry of the initial Lease period, subject to the Lessee not being in default; and
6. Authorises the Chief Executive Officer to enter into any minor variations to the Lease over the life of the Lease, in accordance with Council's Minor Variations Policy.

CARRIED
RECORD OF VOTE 9/0

For: Shire President Middleton, Deputy Shire President McWhirter-Brooks, Cr Anderson, Cr Baer, Cr Chapman, Cr Everett, Cr Kular, Cr Landy, Cr Lockyer

Against: None

**17.4.2 AWARD OF TENDER - RFT 02-2024/25 - LEASING OPPORTUNITIES -
OFFICE SPACE, NEWMAN HOUSE**

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION
(Resolution No:2024 / 184)

Moved: Deputy Shire President McWhirter-Brooks

Seconded: Cr Baer

That Council:

- 1. Awards Tender RFT 02-2024/25 – Leasing Opportunities – Office Space, Newman House to Advocate Incorporated for one 16m² office space area for an initial term of one (1) year, with the option of four (4) x one (1) year further option terms at the absolute discretion of the Chief Executive Officer. The maximum lease period will not exceed five (5) years.**
- 2. Authorises the Chief Executive Officer (or delegate) to enter into negotiations with the successful Tenderer to finalise the lease conditions, including commencement and expiry dates.**

CARRIED
RECORD OF VOTE 9/0

For: Shire President Middleton, Deputy Shire President McWhirter-Brooks, Cr Anderson, Cr Baer, Cr Chapman, Cr Everett, Cr Kular, Cr Landy, Cr Lockyer

Against: None

17.4.3 DISCONTINUATION OF PROCUREMENT PROCESS

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION
(Resolution No: (2024 / 185)

Moved: Deputy Shire President McWhirter-Brooks

Seconded: Cr Anderson

The Council:

- 1. Finalises WEQ 03-2022/23 - ERP Software Replacement;**
- 2. Revokes Resolution 2024/05 of Council's Special Meeting of 25 January 2024;**
- 3. Authorises the Chief Executive Officer to terminate further negotiations with Open Systems Technology Pty Ltd (CouncilFirst); and**
- 1. Authorises the Chief Executive Officer to commence a new procurement process for ERP Software Replacement.**

CARRIED
RECORD OF VOTE 9/0

For: Shire President Middleton, Deputy Shire President McWhirter-Brooks, Cr Anderson, Cr Baer, Cr Chapman, Cr Everett, Cr Kular, Cr Landy, Cr Lockyer

Against: None

17.4.4 CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW

The Shire President requested all Executive and Shire Staff to exit the Chamber for the deliberation and vote for this item.

The Manager Governance, Risk and Procurement had declared an interest in this item and submitted an Impartiality Statement, remained in Chamber to record the vote for the Minutes.

Cr Lockyer as a result of broken transmission disengaged remotely at 11.36am and re-engaged at 11.40am.

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No: (2024 / 186)

Moved: Cr Everett

Seconded: Cr Kular

That Council:

- 1. Authorises that Item 17.4.4 and its resolution remain confidential in accordance with Section 5.34(2)(a) of the Local Government Act 1995;**
- 2. Authorises the publication of the modified Performance Review Criteria Metrics agreed to for the 2024/25 performance period.**

CARRIED BY AN ABSOLUTE MAJORITY

RECORD OF VOTE 9/0

For: Shire President Middleton, Deputy Shire President McWhirter-Brooks, Cr Anderson, Cr Baer, Cr Chapman, Cr Everett, Cr Kular, Cr Landy, Cr Lockyer

Against: None

COUNCIL RESOLUTION

(Resolution No: 2024/187)

Moved: Cr Baer

Seconded: Cr McWhirter-Brooks

That the meeting return to Open Council in accordance with 5.23(2) of the Local Government Act 1995.

CARRIED

RECORD OF VOTE 9/0

For: Shire President Middleton, Deputy Shire President McWhirter-Brooks, Cr Anderson, Cr Baer, Cr Chapman, Cr Everett, Cr Kular, Cr Landy, Cr Lockyer

Against: None

18 DATE OF NEXT MEETING

The next Council Meeting of the Shire of East Pilbara will be held on **29 November 2024** in the Newman Council Chambers.

19 CLOSURE

The Council Meeting of the Shire of East Pilbara held on 25 October 2024 was declared closed by the Presiding Member closed at 12.01pm.

The Presiding Member thanked Council Members and Staff for their attendance.

[Please click for access to OCM 25 October 2024 Agenda and Attachments](#)