

**SHIRE of East PILBARA**

These Minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held on 24 September 2021.

Anthony Middleton – Shire President

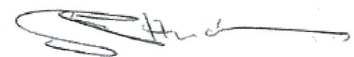


**EAST PILBARA SHIRE COUNCIL**

**MINUTES**

**ORDINARY COUNCIL MEETING**

**NOTICE IS HEREBY GIVEN** that an  
ORDINARY Meeting of the Council was held in,  
Council Chambers, Newman,  
12.30pm, FRIDAY, 27 AUGUST 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

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## 1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President (Presiding Member) declared the meeting open at 12.30pm and welcomed the Elected Members and Staff.

## 2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

### 2.1 ATTENDANCES

#### Councillors in attendance

Cr Anthony Middleton	Shire President
Cr Geraldine Parsons	Deputy Shire President
Cr Holly Fleming	Councillor
Cr Karen Lockyer	Councillor
Cr Langtree Coppin OAM	Councillor
Cr Adrienne Mortimer	Councillor
Cr Wendy McWhirter-Brooks	Councillor

#### Officers in attendance

Mr Steven Harding	Chief Executive Officer
Mr Ben Lewis	Deputy CEO / Director Commercial Services
Ms Lisa Clack	Director Community Services
Mr Ian Hamilton	Acting Director Infrastructure Services
Mr Steve Leeson	Director Corporate and Customer Services
Ms Cheryl Etherington	Governance Coordinator

#### Public Gallery

Nil

### 2.2 APOLOGIES

#### Councillor Apologies

Cr Stacey Smith	Absent on personal business
Cr Anita Grace	Absent on personal business

### 2.3 LEAVE OF ABSENCE

Nil

## 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

**4 PUBLIC QUESTION TIME**

Nil

**5 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING**

**7.1 CONFIRMATION OF MINUTES**

[Minutes July 23 2021 Council.DOCX](#)

**COUNCIL RESOLUTION**

(Resolution No: 202021/242)

**Moved:** Cr McWhirter-Brooks

**Seconded :** Cr Fleming

**THAT the minutes of the Ordinary Meeting of Council held on 23 July 2021, be confirmed as a true and correct record of proceedings.**

**CARRIED UNANIMOUSLY**

**RECORD OF VOTE 7/0**

**For:** Shire President, Deputy Shire President, Councillors Fleming, Lockyer, Coppin, Mortimer, McWhirter-Brooks

**Against:** Nil

**8 MEMBERS REPORTS**

**Councillor Holly Fleming**

Meeting with concerned rate payer

Visitor Centre Meeting

RDA Sundowner

Golf Club Meeting

Mine Tour

NCCI Meeting

**Councillor Gerry Parsons**

PDC Meeting  
NAIDOC Assembly – High School  
NCCI Meeting  
Vietnam Vets Day  
RDA Sundowner

**Councillor Stacey Smith**

BBQ at Nullagine park-Meet Shire President event.  
Roy Hill BBQ and seed collecting meeting at NPS.  
Martu Youth Festival Ngurra Kajungka  
Fortescue Festival

**Councillor Lou Lockyer**

Rowans Walk – Newman  
Newman Futures  
NSHS NAIDOC Assembly  
RDA Sundowner  
Meeting with Kevin Michell and Community Members

**Councillor Wendy McWhirter-Brooks**

WALGA - CEO Review Training  
Chris McNamara - Advising of visit to Marble Baron 16/08/2021  
Chris Morton - 4Wheel Driver Magazine - Advising that Variety were keen to visit Marble Bar in August 2022 and required a route east from Indi Station  
Anthony Middleton - Looked at Shire assets around Marble Bar and discussed opportunities for the Council to consider. Visited CRC and Lee Anderson new owner of Travellers' Rest  
Annmarie Kiernan - Tourist Bureau Marble Bar – Local Mining Registrar  
Anthony Anderson - Local Mining Registrar  
Ben Lewis - Caravan Park Overflow  
Amy Pfitzner - Marble Bar CRC  
WALGA - Infrastructure Asset Management Training  
Chris McNamara - Variety Bash 4WDers  
Josh' MGM Quad - Truck Driver - Parking Availability  
Customer Services  
Officers - DMIRS Marble Bar  
Chris McNamara - Economic Development and Tourism opportunities in the Shire of EP  
Ratepayer - Keen to meet CEO, is concerned over diminished services at DMIRS office Marble Bar  
Marble Bar VFES - Promotional event at Marble Bar  
Neil McGilp - Invitation to join board of PTA  
CEO – Shire of East Pilbara - Local Visit  
Anthony Anderson  
DMIRS - Phone Meeting  
Attended Pilbara Country Zone meeting via teleconference

**Shire President – Anthony Middleton**

Cape, Nullagine and marble Bar visits

Save the children event

Careers expo

Newman Futures and BHP

Radio / papers x 5

Arid agriculture

PRC

Pilbara Zone

RDA Pilbara meeting

RDA sundowner

PAMS operations manager

Phone calls, rate payers

Street Blitz - Newman Futures

Pilbara regiment information session

**8.1 ITEMS FOR RECOMMENDATION**

**8.2 ITEMS FOR INFORMATION**



## 9 OFFICER'S REPORTS

### 9.1 CHIEF EXECUTIVE OFFICER

#### 9.1.1 AFFIXING COMMON SEAL UNDER DELEGATED AUTHORITY

**Responsible Officer:** Mr Steven Harding CEO  
**Author:** Mr Steve Leeson  
Director Corporate and Customer Services  
**Proposed Meeting Date:** 27 August 2021  
**Location/Address:** N/A  
**Name of Applicant:** N/A  
**Author Disclosure of Interest:** Nil

#### REPORT PURPOSE

This report is to advise Council of the documents that have had the Shire of East Pilbara common seal affixed under delegated authority since the last Council meeting on the 24th July 2021.

#### BACKGROUND

There have been eight (8) documents having the Shire's common seal affixed under delegated authority since the last Council meeting.

#### COMMENTS/OPTIONS/DISCUSSIONS

Document	Details	Parties
Grant Application	Nullagine Community Gym Equipment	Small Grants Program
Contract of Sale	Marble Bar Vacant Land	Ratepayer
MOU	Service Agreement	Marble Bar Race Club
Service Contract	Remote Managed IT Support	ES2 PL
Lease	Lot 500 Iron Ore Parade	Neman Women's Shelter
Service Contract	Investment Advisory Services	Prudential Investments Services PL
Easement	Lot 500 Plan 420695	Newman Hospital
Lease	Deed of Extension	NRT Campus

#### STATUTORY IMPLICATIONS/REQUIREMENTS

*Local Government Act 1995*, Part 9, Division 3, s9.49A Execution of Documents  
Division 4 Local government employees  
Section 5.42

### **Delegation of some powers and duties to Chief Executive Officer**

(1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

\* *Absolute majority required.*

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

### **POLICY IMPLICATIONS**

#### **4.5 EXECUTION OF DOCUMENTS**

The Policy states the following:

All documents validly executed will have the common seal affixed and the President and the Chief Executive Officer's attestations affixing the seal. Use of the common seal is to be recorded in the common seal register and must have the Council resolution number included and the date that the seal was applied.

Given the circumstances that have occurred, there is a requirement for a Council Resolution number to be recorded in the common seal register in accordance with the Policy, hence the need for Council to resolve to approve the application of the common seal to the above agreements.

### **STRATEGIC COMMUNITY PLAN**

#### **5: Governance**

Demonstrated accountability and corporate governance.

G1 Provide efficient, accountable and ethical governance.

1.1 Enhance governance capability to deliver sustainable outcomes, roads and buildings

### **RISK MANAGEMENT CONSIDERATIONS**

Should Council not be informed of the documents that have had the Common Seal affixed under delegated authority, the Shire will fail to abide by Council's Execution of Documents Policy which clearly states that *Use of the common seal is to be recorded in the common seal register and must have the Council resolution number included and the date that the deal was applied.*

### **FINANCIAL IMPLICATIONS**

No financial resource impact.

### **VOTING REQUIREMENTS**

Simple.

**COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION** (Resolution No: 202021/243)

**Moved:** Cr Parsons

**Seconded :** Cr McWhirter-Brooks

**THAT Council note the application of the common seal of the Shire of East Pilbara to the following documents:**

Document	Details	Parties
Grant Application	Nullagine Community Gym Equipment	Small Grants Program
Contract of Sale	Marble Bar Vacant Land	Ratepayer
MOU	Service Agreement	Marble Bar Race Club
Service Contract	Remote Managed IT Support	ES2 PL
Lease	Lot 500 Iron Ore Parade	Neman Women's Shelter
Service Contract	Investment Advisory Services	Prudential Investments Services PL
Easement	Lot 500 Plan 420695	Newman Hospital
Lease	Deed of Extension	NRT Campus

**CARRIED UNANIMOUSLY**

**RECORD OF VOTE 7/0**

**For:** Shire President, Deputy Shire President, Councillors Fleming, Lockyer, Coppin, Mortimer, McWhirter-Brooks

**Against:** Nil

### 9.1.2 CEO PERFORMANCE MANAGEMENT FRAMEWORK

<b>Attachments:</b>	<a href="#">CEO Standards 2021 - FINAL.pdf</a> <a href="#">East Pilbara CEO Performance Management Framework.pdf</a>
<b>Responsible Officer:</b>	<b>Mr Steven Harding CEO</b>
<b>Author:</b>	<b>Mr Steve Leeson</b> <b>Director Corporate and Customer Services</b>
<b>Proposed Meeting Date:</b>	<b>27 August 2021</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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### REPORT PURPOSE

To adopt the WALGA model standard for CEO Performance Review.

### BACKGROUND

On 3 February 2021, the *Local Government (Administration) Amendment Regulations 2021 (CEO Standards)* introduced mandatory minimum standards for the recruitment, selection, and performance review and termination of employment in relation to local government Chief Executive Officers (CEOs).

At the 26<sup>th</sup> March 2021 Ordinary Council Meeting the Standards for CEO Recruitment, Performance and Termination were adopted and are included as Attachment 1.

WALGA have established a performance management framework, based on the model standards, which establishes the process by which Council measures and manages the CEO performance review annually. The process should be agreed upon by the CEO and Council. A 6 monthly or mid-term Performance Review report will be required from the CEO.

### COMMENTS/OPTIONS/DISCUSSIONS

The WALGA Performance Management Framework is included as Attachment 2. It is with the goals to:

- Review CEO Performance.
- Manage CEO performance expectations.
- Develop an opportunity to build relationships.
- Increase the effectiveness of individuals, systems and processes.

Through having a clearly defined, upfront process, better provides both Council and the CEO, greater clarity and consistency by which to manage their working relationship.

The Framework:

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- Sets objectives for the review process
- Is based upon engaging a facilitator / independent consultant
- Establishment of Key Performance Measures with defined deliverables
- Includes Elected Member feedback in the process
- Defines the process into Review / Future Planning / Reporting phases. and
- Recognises the importance of confidentiality in the process

## STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995:

s 5.38. Annual review of employees' performance

s 5.39. Contracts for CEO and senior employees

s 5.39A. Model standards for CEO recruitment, performance and  
Termination

s 5.39B. Adoption of model standards

Local Government (Administration) Regulations 1996, Schedule 2, Model Standards for CEO recruitment, performance and termination.

## POLICY IMPLICATIONS

### 12.1 CODE OF CONDUCT

## 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

Medium: Reputational / Financial

## FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

## VOTING REQUIREMENTS

Simple.

## COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION (Resolution No 244)

**Moved:** Cr McWhirter-Brooks

**Seconded :** Cr Mortimer

That Council adopts the Performance Management Framework as included as Attachment 2 of this report.

**CARRIED UNANIMOUSLY**  
**RECORD OF VOTE 7/0**

**For:** Shire President, Deputy Shire President, Councillors Fleming, Lockyer, Coppin, Mortimer, McWhirter-Brooks

**Against:** Nil

### 9.1.3 STATUS OF COUNCIL DECISIONS - JULY 2021

<b>Attachments:</b>	<a href="#">Council Resolutions Register July 2021.pdf</a>
<b>Responsible Officer:</b>	<b>Mr Steven Harding CEO</b>
<b>Author:</b>	<b>Mr Steve Leeson Director Corporate and Customer Services</b>
<b>Proposed Meeting Date:</b>	<b>27 August 2021</b>

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### REPORT PURPOSE

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

### BACKGROUND

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

### COMMENTS/OPTIONS/DISCUSSIONS

The status list of Council decisions is included as an attachment to the agenda.

### STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995  
Part 2 Constitution of local government  
Division 2 Local governments and councils of local governments  
Section 2.7

- (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.

**OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION (Resolution No: 245 )**

**Moved:** Cr Parsons  
**seconded :** Cr Fleming

**THAT the "Status of Council Decisions" Report for the month of July 2021 be received.**

**CARRIED UNANIMOUSLY**

**RECORD OF VOTE 7/0**

**For:** Shire President, Deputy Shire President, Councillors Fleming, Lockyer, Coppin, Mortimer, McWhirter-Brooks

**Against:** Nil



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## 9.2 DIRECTOR CORPORATE AND CUSTOMER SERVICES

### 9.2.1 CREDITORS FOR PAYMENT

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

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

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

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

**Proposed Meeting Date:** 27 August 2021

**Location/Address:** N/A

**Name of Applicant:** N/A

**Author Disclosure of Interest:** Nil

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### REPORT PURPOSE

For Council to endorse the payment of creditors.

### BACKGROUND

Pursuant to Regulation 13 of the Regulations, a list of payments made from the Municipal and Trust accounts is required to be presented to Council on a periodic basis. These details are included as Appendices 1, 2 and 3.

In accordance with Regulation 12 of the Regulations, the Chief Executive Officer has delegated authority to make these payments.

The attached documents outlines payments made to creditors since the Ordinary Council Meeting held on the 23<sup>rd</sup> July 2021.

### COMMENTS/OPTIONS/DISCUSSIONS

EFT Payments	EFT58235 – EFT59619	\$3,398,057.15
Mastercard	See attachment	\$12,948.04
	<b>Total</b>	<b>\$3,411,005.19</b>
Cheque Payments	25152 – 25158	\$39,528.55
Superannuation	DD15193.1 – DD15310.25	\$178,651.21
	<b>Total</b>	<b>\$218,179.76</b>
	<b>GRAND TOTAL</b>	<b><u>\$3,629,184.95</u></b>

*Please note the Shire's accounts payable 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 in its entirety.*

**CANCELLED AND UNUSED CHEQUES:**

**CANCELLED CHEQUES & EFTS**

Cheques – 25Nil

EFT's – EFT59110, 59131-32, 59292, 59349-50, 59486

**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)

- (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.*

Local Government (Financial Management) Regulations 1996

Part 2 – General financial management

Reg 13(1)

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared –*
- (a) *the payee's name; and*
  - (b) *the amount of the payment; and*
  - (c) *the date of the payment; and*
  - (d) *sufficient information to identify the transaction.*

**POLICY IMPLICATIONS**

3.12 Corporate Credit Card

3.14 Procurement and Tender Procedures Policy

**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**

Legislative - Medium

**FINANCIAL IMPLICATIONS**

Total expenses of \$3,629,184.95.

**VOTING REQUIREMENTS**

Simple.

**OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION (Resolution No: 246)**

**Moved:** Cr Lockyer

**Seconded :** Cr McWhirter-Brooks

**That Council endorse the following payments:**

EFT Payments	EFT58235 – EFT59619	\$3,398,057.15
MasterCard	See attachment	\$12,948.04
	<b>Total</b>	<b>\$3,411,005.19</b>
Cheque Payments	25161 – 25169	\$39,528.55
Superannuation	DD15193.1 – DD15310.25	\$178,651.21
	<b>Total</b>	<b>\$218,179.76</b>
	<b>GRAND TOTAL</b>	<b><u>\$3,629,184.95</u></b>

**CARRIED UNANIMOUSLY  
RECORD OF VOTE 7/0**

**For:** Shire President, Deputy Shire President, Councillors Pleming, Lockyer, Coppin, Mortimer, McWhirter-Brooks

**Against:** Nil

## 9.2.2 REVIEW OF CORPORATE SERVICES POLICIES

<b>Attachments:</b>	<a href="#">1 4 Citizenship Ceremonies Dress Code pdf</a> <a href="#">1 6 Council Meetings Dates Times pdf</a> <a href="#">1 7 Councillor Allowances Expenses pdf</a> <a href="#">1 8 Councillors and Vehicle Insurance Cover pdf</a> <a href="#">1 9 Distribution of Council Agendas and Minutes pdf</a> <a href="#">1 10 Dress Code for Councillors Representing Council on External Business and Events pdf</a> <a href="#">1 11 Dress Standard for Council Chambers Revised pdf</a> <a href="#">1 12 Elected Member Training pdf</a> <a href="#">1.14 Location of Council Meetings</a> <a href="#">1 19 Formal Communications Policy pdf</a> <a href="#">1 20 Fraud and Corruption Control pdf</a> <a href="#">1 23 Related Party Disclosure pdf</a>
<b>Responsible Officer:</b>	<b>Mr Steve Leeson</b> <b>Director Corporate and Customer Services</b>
<b>Author:</b>	<b>Mr Steve Leeson</b> <b>Director Corporate and Customer Services</b>
<b>Proposed Meeting Date:</b>	<b>27 August 2021</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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### REPORT PURPOSE

For Council to consider the further review of Corporate Services related policies.

### BACKGROUND

A Local Government's Council adopts policies as prescribed under the Local Government Act 1995 (the Act) and other policies to establish Council's position, view and outcomes for a range of other matters as required in governing the district.

At the Ordinary Council Meeting of 28 May 2021, the first report of a progressive review of Corporate Services related policies was presented. The approach being undertaken is to:

- Rescind (Where the policy objectives are already within Local Government Act 1995, other legislation)
- Redirect (Where the policy objectives are a management procedure or process being the responsibility of the Chief Executive Officer (CEO))
- Review (Where the policy objectives are meeting current needs for Council to have an established position on a matter to which provide guidance to Shire process and procedures)
- Retain (Where no change is recommended to the current policy).

This is the fourth report of the progressive review of Corporate Services policies.

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The scope of policy review has expanded to include. This follows the Shire organisational restructure and in consideration towards the upcoming October local government elections.

The following table outlines the policies for consideration:

<b>No.</b>	<b>Policy</b>	<b>Rescind</b>	<b>Redirect</b>	<b>Review</b>	<b>Retain</b>
1.4	Citizenship Ceremonies Dress Code				X
1.6	Council Meetings – Dates & Times				X
1.7	Councillor Allowances & Expenses			X	
1.8	Councillors & Vehicle Insurance Cover				X
1.9	Distribution of Council Agendas and Minutes			X	
1.10	Dress Code for Councillors Representing Council on External Business and Events	X			
1.11	Dress Standard for Council Chambers			X	
1.12	Elected Member Training			X	
1.19	Communications			X	
1.20	Fraud and Corruption Control				X
1.23	Related Party Disclosure				X

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

As part of preparing for the 17 October 2021 local government elections, related Shire policies have been reviewed ahead of inclusion within prospective candidates information packages, scheduled for progressive release from 25<sup>th</sup> August.

#### **1.4 Citizenship Ceremonies Dress Code Policy**

**Appendix 1**

Date Adopted: 18 September 2020

Recommendation: Retain

Reason: The attire of attendees at Citizenship Ceremonies should reflect the significance of the occasion. No changes are recommended.

#### **1.6 Council Meetings Dates and Times Policy**

**Appendix 2**

Date Adopted: 27 June 2003 (last reviewed 29 June 2018)

Recommendation: Retain

Reason: A routine approach towards holding Council meetings creates consistency in Shire Governance. No changes are recommended.

**1.7 Councillor Allowances & Expenses Policy**

**Appendix 3**

Date Adopted: 26 April 2019 (last reviewed 26 June 2020)

Recommendation: Review

Reason: Part 3 – Provision of Equipment makes reference to establishing iTunes accounts for Councillors linked to a Shire credit card. This is considered both a risk and unnecessary as software required for Council business is already provided.

**1.8 Councillors & Vehicle Insurance Cover Policy**

**Appendix 4**

Date Adopted: 27 June 2003 (last reviewed 28 June 2019)

Recommendation: Retain

Reason: Insurances coverage to be maintained at current policy amounts. No changes are recommended.

**1.9 Distribution of Council Agendas and Minutes Policy**

**Appendix 5**

Date Adopted: 27 June 2003 (last reviewed 28 June 2019)

Recommendation: Review

Reason: It has not been the practice to send a copy of the agenda and/or minutes to the Newman Boulevard Shopping Centre. No charge is applied for accessing the Shire's agenda and/or minutes.

**1.10 Dress Code for Councillors Representing Council on External Business and Events Policy**

**Appendix 6**

Date Adopted: 27 June 2003 (last reviewed 28 June 2019)

Recommendation: Rescind

Reason: Councillors uniform entitlements are already within policy 1.7 Councillor Allowances & Expenses. Dress code requirements is also covered with policy 1.10 Dress Standard for Council Chambers.

**1.11 Dress Standard for Council and Chambers Policy**

**Appendix 7**

Date Adopted: 27 June 2003

Recommendation: Review

Reason: It is recommended the dress standard apply to all people participating within meetings and social functions held in the Council Chambers. Dress standard references ideally described as non-gender specific.

**1.12 Elected Member Training Policy**

**Appendix 8**

Date Adopted: 25 October 2019

Recommendation: Retain

Reason: Supports appropriate information and training for Councillors to enable them to understand their responsibilities and obligations. No changes are recommended.

**1.14 Location of Council Meetings Policy**

**Appendix 9**

Date Adopted: 23 July 2003 (last reviewed 29 June 2018)

Recommendation: Retain

Reason: Supports appropriate information and training for Councillors to enable them to understand their responsibilities and obligations. No changes are recommended.

**1.19 Formal Communications Policy – Elected Members**

**Appendix 10**

Date Adopted: 24 May 2013 (last reviewed 26 June 2020)

Recommendation: Review

Reason: Establishes a process of communication for access to information by Elected Members. Recommended change being replacing Directors with Directors.

**1.20 Fraud and Corruption Control Policy**

**Appendix 11**

Date Adopted: 28 June 2013 (last reviewed 22 November 2019)

Recommendation: Retain

Reason: Supports commitment to the prevention, detection, response and monitoring of fraud and corrupt activities. No changes are recommended.

**1.23 Related Party Disclosure Policy**

**Appendix 12**

Date Adopted: 27 March 2020

Recommendation: Retain

Reason: Supports appropriate disclosing of related parties or transactions, in line with the requirements of AASB 124 – Related Party Disclosures. No changes are recommended.

**STATUTORY IMPLICATIONS/REQUIREMENTS**

*Local Government Act 1995*

**POLICY IMPLICATIONS**

Amendments and deletions to existing policies are recommended within this report.

**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**

Legislative - Medium

**FINANCIAL IMPLICATIONS**

No financial resource impact.

## VOTING REQUIREMENTS

Absolute.

### OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION (Resolution No: 247)

**Moved:** Cr McWhirter-Brooks

**Seconded :** Cr Lockyer

**That Council:**

#### 1. Rescind policies:

- 1.10 Dress Code for Councillors Representing Council on External Business and Events (Appendix 6)

#### 2. Retains policies:

- 1.4 Citizenship Ceremonies Dress Code (Appendix 1)
- 1.6 Council Meetings – Dates & Times (Appendix 2)
- 1.8 Councillors & Vehicle Insurance Cover (Appendix 4)
- 1.20 Fraud and Corruption Control (Appendix 11)
- 1.23 Related Party Disclosure (Appendix 12)

#### 3. Revises policies:

- 1.7 Councillor Allowances & Expenses (Appendix 3)
- 1.9 Distribution of Council Agendas and Minutes (Appendix 5)
- 1.11 Dress Standard for Council Chambers (Appendix 7)
- 1.12 Elected Member Training (Appendix 8)
- 1.19 Communications (Appendix 10)

**CARRIED UNANIMOUSLY**

**RECORD OF VOTE 7/0**

**For:** Shire President, Deputy Shire President, Councillors Fleming, Lockyer, Coppin, Mortimer, McWhirter-Brooks

**Against:** Nil



### 9.2.3 MONTHLY FINANCIAL STATEMENTS AND INVESTMENT REPORT FOR PERIOD ENDING JUNE 2021

<b>Attachments:</b>	<a href="#">Monthly Financial Statements – June 2021</a> <a href="#">Investment Summary Report July 2021</a>
<b>Responsible Officer:</b>	<b>Mr Steve Leeson</b> <b>Director Corporate and Customer Services</b>
<b>Author:</b>	<b>Mrs Lisa Davis</b> <b>Manager Corporate Services</b>
<b>Proposed Meeting Date:</b>	<b>27 August 2021</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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#### 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 2020-2021 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).

The attached report details the financial activities of the Shire for the period 1 July 2020 to 30 June 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 detailed Capital Projects schedule detailing all expenditure.

Also attached is a copy of the Monthly Investments and Reserves report.

#### COMMENTS/OPTIONS/DISCUSSIONS

The Investments Report is within a new format as the Shire transitions to relying on the advisory service systems for portfolio management.

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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
- 3.6 Management Accounts
- 3.9 Investments Policy

## **STRATEGIC COMMUNITY PLAN**

### **5: Governance**

Demonstrated accountability and corporate governance.

## **RISK MANAGEMENT CONSIDERATIONS**

Legislative - Medium

## **FINANCIAL IMPLICATIONS**

This report discloses financial activities for the period under review.

## **VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION (Resolution No: 248)**

**Moved:** Cr Parsons

**Seconded :** Cr McWhirter-Brooks

**That Council:**

1. **Accept the monthly financial statements for the period 1 July 2020 to 30 June 2021 of the 2020/2021 financial year as included in Attachment 1 be received.**

**CARRIED UNANIMOUSLY**

**RECORD OF VOTE 7/0**

**For:** Shire President, Deputy Shire President, Councillors Fleming, Lockyer, Coppin, Mortimer, McWhirter-Brooks

**Against:** Nil

#### 9.2.4 BUDGET REVIEW AS AT 14 AUGUST 2021

<b>Attachments:</b>	<a href="#">Budget Review August 2021</a>
<b>Responsible Officer:</b>	<b>Mr Steve Leeson</b> <b>Director Corporate and Customer Services</b>
<b>Author:</b>	<b>Mrs Lisa Davis</b> <b>Manager Corporate Services</b>
<b>Proposed Meeting Date:</b>	<b>27 August 2021</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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#### REPORT PURPOSE

For Council to consider and accept the Shire of East Pilbara (the Shire) budget review as at 14 August 2021.

#### BACKGROUND

The Shire's 2021-2022 Annual Budget was adopted at the Ordinary Council Meeting 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.*

This report introduces prior year 2020-2021 carry forward project expenditure and any relevant income not yet received, into the current 2021-2022 annual budget.

It also introduces prior year surplus funds, for the transfer to reserves.

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## COMMENTS/OPTIONS/DISCUSSIONS

These are three sections to the budget review attachment:

1. A financial activity report outlining variances against project actuals and the 2021/2022 project.
2. A reconciliation of projected actual capital expenditure against the 2021/2022 budget.
3. Projected net assets as at 30 June 2022.

### Carry forward projects

As at 14 August, carry forwards in the operating and capital budget forecasts for the Shire are as follows:

**Airport \$2.4M**

**Municipal \$1.4M** \*Major items according to Program are as follows:

#### **Governance – Function 4**

SP – Information Technology/ website	\$ 100,000
SP - Recreation Plan	\$ 100,000
Software	\$ 92,000
HR – Training & Professional Dev.	\$ 84,700

#### **Law, Order and Public Safety – Function 5**

SP – CCTV Project	\$ 444,500
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#### **Staff Housing – Function 9**

Housing Maintenance	\$ 50,500
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#### **Community Amenities – Function 10**

Newman Landfill Bore	\$ 150,000
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#### **Recreation & Culture – Function 11**

Marble Bar Swimming Pool	\$ 200,000
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#### **Transport – Function 12**

Airport – Access Roads	\$ 200,000
Airport - Water Inc RO	\$ 195,000
Airport – Safety & Security Lighting	\$2,000,000

#### **Economic Development – Function 13**

Cape Keraudren Reverse Osmosis	\$ 300,000
Newman Caravan Park	\$ 120,000

### Prior year surplus

Setting aside \$500,000 for end of financial year adjustments, the likely forecast 30 June 2021 year end surplus, net of carry over projects is estimated to be \$1.3M.

This is subject to annual audit confirmation.

In keeping with the current 2021-2022 budget approach that “*It is with the intention that all surplus funds be transferred to Shire reserves at year end*”, the following reserve transfers are proposed:

Reserve	2020-21 Surplus Transfer	Forecast 30 June 2022
Cape Keraudren	\$300,000	\$597,800
Staff Housing	\$300,000	\$869,500
Public Building	\$300,000	\$2,243,500
Future Infrastructure	\$300,000	\$2,754,200
Public Art	\$100,000	\$226,300

### 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.

**RISK MANAGEMENT CONSIDERATIONS**

Compliance - Medium

**FINANCIAL IMPLICATIONS**

This budget review maintains the 30 June 2022 balanced forecast position.

**VOTING REQUIREMENTS**

Absolute.

**OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION** (Resolution No: 249)

**Moved:** Cr Coppin

**Seconded :** Cr Mortimer

**That Council:**

1. **Accept the Budget Review report as at the 14<sup>th</sup> August 2021;**
2. **Adopt the Shire of East Pilbara revised Annual Budget 2021-2022 financial activity statements included as Attachment 1.**

***\*Absolute Majority Decision Required***

**CARRIED BY ABSOLUTE MAJORITY**

**RECORD OF VOTE 7/0**

**For:** Shire President, Deputy Shire President, Councillors Fleming, Lockyer, Coppin, Mortimer, McWhirter-Brooks

**Against:** Nil

### 9.3 DIRECTOR COMMERCIAL SERVICES

#### 9.3.1 DRAFT NEWMAN TOWN CENTRE STRATEGY

<b>Attachments:</b>	<a href="#">Draft Newman Town Centre Strategy</a>
<b>Responsible Officer:</b>	<b>Mr Ben Lewis</b> <b>Deputy CEO / Director Commercial Services</b>
<b>Author:</b>	<b>Mrs Lisa Edwards</b> <b>Manager Land Use and Strategy</b>
<b>Proposed Meeting Date:</b>	<b>27 August 2021</b>
<b>Location/Address:</b>	<b>Newman Town Centre</b>
<b>Name of Applicant:</b>	<b>Shire of East Pilbara</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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#### REPORT PURPOSE

For Council to endorse the draft Newman Town Centre Strategy (NTCS), undertaken by Planning Consultants Taylor Burrell Barnett (the Consultants), following Public Notice period.

The draft NTCS is attached as **Appendix 1**.

#### BACKGROUND

The NTCS is a component of the overall Project referred to as “*The Shire of East Pilbara Economic and Tourism Strategy and Land Use Strategy*”, which is a Regional Grant Funded project. Council, at its last Ordinary Meeting considered the Shire of East Pilbara Economic and Tourism Strategy. The NTCS forms the Land Use Strategy component of the overall Project.

The purpose of the NTCS is:

*To include social and economic considerations in assessing the suitability or otherwise of innovative methods resulting in attracting business to the study area. Further it will identify opportunities for alternate land uses and contemporary town centre design. Eg including residential living in the town centre design through residential/commercial, lot amalgamation. The Shire seeks ways to implement the overall strategy by encouraging private and public investment to improve both liveability and prosperity.*

The NTCS has two primary components being the Concept Development Plan (CDP) and a Development Incentivisation Plan (DIP). The Consultants were also required to consider the extensive body of work that was undertaken in the Newman Revitalisation Plan (2010) as the basis to establish the CDP. The DIP is required to be read in conjunction with the CDP.

In order for correct assumptions for future floorspace requirements the study also included a Commercial and Retail Needs Assessment which was conducted by

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Pracys. This indicated an additional area or adaptation of land in the town centre of approximately 3600 square metres by 2031. Further, the study identified gaps in office, health and bulky goods retailing space.

Council, at its Ordinary Meeting of July 2021, considered the dNTCDS and resolved to provide Public Notice including newspaper advertising, landowner correspondence, state agencies and on the Shire's website.

Given the extensive public consultation already provided by the Planning Consultants to this project little comment through this process was received.

The Department Planning Lands and Heritage advised as follows;

*If the proposed changes and improvements specified within the NTCS require any tenure to be granted or amended under the Land Administration Act 1997 (LAA), the Department will need to be consulted to conduct its standard due diligence investigation processes. This process includes referrals to external agencies and adherence to the Native Title Act 1993, Aboriginal Heritage guidelines and Aboriginal Heritage Act 1972.*

Aboriginal Heritage Site 15715 is located within the town centre which is located at or near Kiripirna Park.

## **COMMENTS/OPTIONS/DISCUSSIONS**

### **Part 1: Concept Development Plan**

The CDP focuses on the consideration of present land use, built form, movement and public realm to deliver alternate forms of development on both private and public land.

The CDP aims to:

- *Achieve community benefit through improving attractiveness and liveability in the town centre*
- *Enhance public spaces and streetscapes*
- *Improve built form outcomes and encourage innovative forms of development*
- *Diversify land uses to activate the town centre and stimulate economic development and investment attractions*
- *Evaluate and improve parking provisions and access.*

Stakeholder Consultation has, so far, been extensive and undertaken by the Consultants, including face to face sessions, online surveys, listening posts, targeted stakeholder consultation including community reference groups and land owners. Refer to Appendix A in the attachment.

Key messages from the community included:

- *Improved interpretation and way finding for heritage and culture*
-

- *Improved tourist information and access to it*
- *Consideration of residential development in town centre*
- *Establishment of art and cultural centre space (in town centre)*
- *Improve Lee Lane and Salmon Way to increase activation*
- *More shade*
- *Utilize vacant spaces*
- *Increase fashion and beauty offerings ie pop up shops*
- *Improvement to short stay accommodation offerings*
- *Increase provision for child care services*
- *Improve childrens play equipment in the town centre*

The Draft Concept Plan shows key opportunities to include:

1. Redevelopment areas for future multi storey buildings with retail on the ground floor and residential/short stay accommodation above
2. Future café fronting McCarthy Park
3. Additional car parking areas for cars and caravans/trailers including formalizing car park at Boomerang Oval
4. Streetscape to Lee Lane and extension of The Square
5. Closure of the Boulevard carpark access

The Draft Concept Plan illustration can be located at page 21 of the NTCS.

## **Part 2: Development Incentivisation Plan**

The DIP provides the Shire with five primary incentivisation streams for action and include:

1. Regulation and Planning Scheme Design Guidelines
2. Placemaking and Leadership
3. Infrastructure Investment and Management
4. Advocacy and Partnerships
5. Monitoring and Reviewing

Additionally, the DIP suggests that a governance structure would assist to implement the plan by appointing a steering committee in the short term, followed by appointment of a Place Manager in the medium term, of which would be subject to Council's annual budgetary considerations.

In most cases, where private land is included for alternate land uses, those proposals could be facilitated by either the Shire or the land owner and would generally require scheme amendments to be undertaken. Alternatively, the Local Planning Review may capture those zoning changes in consultation with landowners.

As such the NTCS suggests that if the Strategy is adopted, Council further consider revocation of its Local Planning Policy 9 – Newman Town Centre Guide and Design Guidelines and Local Planning Policy 5 – Newman Revitalisation Strategy.

Improvements to the public realm occur mostly on reserves in the care and control of the Shire of East Pilbara. Where this is suggested the next phase is for those Recommendations to be included in forward capital works projects and further considered by Council in terms of costs and delivery of that component.

Ultimately, the NTCS promotes activation of space and provides private land owners with opportunities to develop land in the town centre for higher and better land uses.

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

*Planning and Development Act 2005*

*Local Government Act*

*Shire of East Pilbara Local Planning Scheme 2005*

### **POLICY IMPLICATIONS**

**N/A**

### **STRATEGIC COMMUNITY PLAN**

#### **1: Economic**

*A diverse and sustainable regional economy.*

E1 Develop and promote a diverse and sustainable economy.

*E1.1 Actively support local businesses.*

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

#### **3: Built Environment**

*Connected and accessible communities.*

B1 Optimise places to live, work and enjoy.

*B1.3 Maintain and facilitate community infrastructure and urban heritage, including roads and buildings.*

#### **5: Governance**

*Demonstrated accountability and corporate governance.*

G2 Strong Shire identity and regional capacity.

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

### **RISK MANAGEMENT CONSIDERATIONS**

**N/A.**

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### FINANCIAL IMPLICATIONS

Funding for the project has been provided by the Pilbara Development Regional Development Grant Funding which also included the Shires Economic and Tourist Strategy recently considered by Council.

The NTCS includes improvements to Shire managed reserves including roads, carparking and recreation areas of which would incur costs to undertake the required works. These costs would need to be ascertained and considered further through Council's annual budget considerations.

The NTCS recommends that a Place/Project Manager is appointed for the continual development of the Town Centre and it is suggested that an internal staff appointment is considered due to the ongoing nature of the proposed development.

### VOTING REQUIREMENTS

Simple Majority.

#### **OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION (Resolution No: 250)**

**Moved:** Cr Parsons

**Seconded :** Cr Fleming

#### **THAT Council:**

1. **Adopt the draft Newman Town Centre Strategy, prepared by Taylor Burrell Barnett Planning Consultants, and acknowledge that;**
  - a) **Any proposed public infrastructure investment will be subject to budgetary considerations of Council in the future.**
  - b) **Review of the Shire's Local Planning Scheme No.4 will propose Actions as defined in the Table 1; Recommendations for actions to incentivise development, subject to approval of the Western Australian Planning Commission, where appropriate.**
  - c) **Heritage Site 15715 is to be included on the Concept Plan.**
  - d) **The Chief Executive Officer will be authorised to implement an appropriate Governance Structure to implement the Strategy.**
2. **Provide a copy of the Newman Town Centre Strategy 2021 to the Newman Chamber of Commerce for their information.**

**CARRIED UNANIMOUSLY**

**RECORD OF VOTE 7/0**

**For:** Shire President, Deputy Shire President, Councillors Fleming, Lockyer, Coppin, Mortimer, McWhirter-Brooks

**Against:** Nil

### 9.3.2 ADOPTION OF AMENDED PROCUREMENT & TENDER PROCEDURES POLICY

<b>Attachments:</b>	<a href="#">Amended Procurement Policy</a>
<b>Responsible Officer:</b>	<b>Mr Ben Lewis</b> <b>Director Commercial Services</b>
<b>Author:</b>	<b>Ms Dawn Ronchi</b> <b>Contract and Procurement Officer</b>
<b>Proposed Meeting Date:</b>	<b>28 August 2021</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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#### REPORT PURPOSE

For Council to adopt the amended Procurement and Tender Procedures Policy (*“the Policy”*) to be included within the SoEP Policy Manual. This will replace the existing Policy (*Policy item 3.14*).

#### BACKGROUND

At the Ordinary Council meeting held on the 23 October, 2020, Council adopted the amended Policy which had been amended as a result of changes to the thresholds under the Act due to COVID-19. (**Resolution: 202021/66**).

No further amendments have been made to the Policy since this date.

Following an internal review of the Policy, the Shire’s Procurement thresholds have been amended to assist with procuring services at low end of the scale where the majority of the day to day procurement takes place.

#### COMMENTS/OPTIONS/DISCUSSIONS

Refer to the attached updated Procurement and Tender Procedures Policy with tracked changes.

#### 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), 2.7.(2)(b): The Council is to determine the local government’s policies.

Part 3 – Functions of local governments (Division 3 – Executive functions of local governments (Subdivision 6 – Various executive functions) 3.57 Tenders for providing goods or services.

#### POLICY IMPLICATIONS

3.14 Procurement and Tender Procedures Policy

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## STRATEGIC COMMUNITY PLAN

### Goal 1 – Civic Leadership – Planned Actions

The Shire of East Pilbara seeks to deliver high quality corporate governance and demonstrate accountability to its constituents. All decisions are informed by community engagement – leading to the effective allocation of the Shire’s resources – that deliver optimum benefits to the community.

- 1.1 Efficient and effective local government
  - 1.1.1 Ethical, accountable and transparent decision-making

### RISK MANAGEMENT CONSIDERATIONS

This Procurement and Tender Procedures Policy will mitigate probity risk, by establishing consistent and demonstrated processes that promotes openness, transparency, fairness and equity to all potential suppliers and will ensure that the Shire is compliant with relevant legislations, including the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996 (as amended)*, and *State Records Act 2000* in relation to procurement and tenders.

### FINANCIAL IMPLICATIONS

No financial resource impact.

### VOTING REQUIREMENTS

Simple.

#### OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION (Resolution No: 251)

**Moved:** Cr Coppin  
**Seconded :** Cr Mortimer

**That Council adopt the amended Procurement and Tender Procedures Policy as attached at Appendix 1.**

**CARRIED UNANIMOUSLY  
RECORD OF VOTE 7/0**

**For:** Shire President, Deputy Shire President, Councillors Fleming, Lockyer, Coppin, Mortimer, McWhirter-Brooks

**Against:** Nil

## 10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

## 11 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Question received from Cr McWhirter-Brooks which reads as follows:

DPIRD are inviting from organisations to operate a new Community Centre in the Pilbara. Would a Community Resource Centre be an asset to the Town of Newman?

Response from the Chief Executive Officer as follows:

Applications close for a new Community Centre in the Pilbara end of November 2021. Advice for this item to go back to Council to consider at a future meeting. The CEO also advised that there could be a lack of resources to operate a centre in Newman and the start-up costs may be considerable.

## 12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF COUNCIL

### 12.1 COUNCIL RESOLUTION

(Resolution No: 252)

**Moved:** Cr McWhirter-Brooks

**Seconded:** Cr Coppin

**That the Shire of East Pilbara writes to the Director General DMIRS requesting the office in Marble Bar to accept payments by EFTPOS / Cash and in person walk in enquiries for Mining Tenements, DOJ and DOT.**

**CARRIED UNANIMOUSLY**

**RECORD OF VOTE 7/0**

**For:** Shire President, Deputy Shire President, Councillors Pleming, Lockyer, Coppin, Mortimer, McWhirter-Brooks

**Against:** Nil

**12.2 COUNCIL RESOLUTION**

(Resolution No: 253)

**Moved:** Cr McWhirter-Brooks

**Seconded:** Cr Coppin

**That the Shire of East Pilbara writes to the Director General DMIRS requesting to reinstate a Mining Registrar at the Marble Bar Office in addition to the current Customer Service officer as a matter of urgency.**

**CARRIED UNANIMOUSLY**

**RECORD OF VOTE 7/0**

**For:** Shire President, Deputy Shire President, Councillors Fleming, Lockyer, Coppin, Mortimer, McWhirter-Brooks

**Against:** Nil

**13 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS**

**COUNCIL RESOLUTION**

**Moved:** Cr Parsons

**Seconded:** Cr McWhirter-Brooks

**THAT the meeting go behind closed doors in accordance with 5.23{2} of the Local Government Act 1995.**

**CARRIED UNANIMOUSLY**

**RECORD OF VOTE 7/0**

**For:** Shire President, Deputy Shire President, Councillors Fleming, Lockyer, Coppin, Mortimer, McWhirter-Brooks

**Against:** Nil



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**13.1 DIRECTOR CORPORATE AND CUSTOMER SERVICES**

**13.1.1 OUTSTANDING RATES**

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

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

**Proposed Meeting Date:** 27 August 2021

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**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:

- (b) The personal affairs of any person.
- (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 RESOLUTION / OFFICER RECOMMENDATION (Resolution No: 254)**

**Moved:** Cr Parsons

**Seconded:** Cr Lockyer

**THAT Council approves the recommendation as contained within the Confidential Minutes of 27 August 2021.**

**CARRIED**

**RECORD OF VOTE 5/2**

**For:** Shire President, Councillors Lockyer, Coppin, Mortimer, McWhirter-Brooks

**Against:** Deputy Shire President, Councillor Fleming

### 13.1.2 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:** 27 August 2021

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### 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.
- (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 / OFFICERS RECOMMENDATION (Resolution No: 255)

**Moved:** Cr Parsons

**Seconded:** Cr McWhirter-Brooks

**THAT Council approves the recommendation as contained within the Confidential Minutes of 27 August 2021.**

**CARRIED UNANIMOUSLY  
RECORD OF VOTE 7/0**

**For:** Shire President, Deputy Shire President, Councillors Fleming, Lockyer, Coppin, Mortimer, McWhirter-Brooks

**Against:** Nil

*Cr Parsons left the Chamber at 14.20pm and returned at 14.23pm*

## 13.2 DIRECTOR INFRASTRUCTURE SERVICES

### 13.2.1 APPROVAL TO AUTHORISE VARIATIONS TO EMERGENCY RECOVERY WORKS IN NULLAGINE

**Responsible Officer:** Mr Ian Hamilton  
Acting Director Infrastructure Services

**Author:** Mr Lindon Mellor  
Manager Projects & Assets

**Proposed Meeting Date:** 27 August 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 / OFFICERS RECOMMENDATION (Resolution No; 256)**

**Moved:** Cr McWhirter-Brooks

**Seconded:** Cr Coppin

**THAT Council approves the recommendation as contained within the Confidential Minutes of 27 August 2021.**

**CARRIED UNANIMOUSLY**

**RECORD OF VOTE 6/0**

**For:** Shire President, Councillors Fleming, Lockyer, Coppin, Mortimer, McWhirter-Brooks

**Against:** Nil

**COUNCIL RESOLUTION**

**Moved:** Cr McWhirter-Brooks

**Seconded:** Cr Lockyer

**THAT the meeting come out from behind closed doors in accordance with 5.23{2} of the Local Government Act 1995.**

**CARRIED UNANIMOUSLY**

**RECORD OF VOTE 7/0**

**For:** Shire President, Deputy Shire President, Councillors Fleming, Lockyer, Coppin, Mortimer, McWhirter-Brooks

**Against:** Nil

**14 DATE OF NEXT MEETING**

The next Ordinary Council Meeting of the Shire of East Pilbara will be held on 24 September 2021 at Marble Bar.

**15 CLOSURE**

The Ordinary Council Meeting of the Shire of East Pilbara was declared closed by the Shire President (Presiding Member) at 14.25pm.