

**SHIRE OF EAST PILBARA  
ORDINARY MEETING  
28 March 2025**



Minutes to be confirmed at the next Ordinary Council Meeting on 2 May 2025.

I hereby certify that these Minutes are a true and correct record as confirmed by Council at the Ordinary Council Meeting on 2 May 2025

Presiding Member's Signature

Date 02/05/2025

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

The Presiding Member declared the Shire of East Pilbara Council Meeting of 28 March 2025 open at 10:31 AM at the Marble Bar Council Chambers.

The Presiding Member acknowledged the Traditional Owners of the land on which the Council met, the *Nyamal* People, and their continuing connection to the land, waters and community. The Council paid its respects to all their Elders, past, present and emerging.

The Presiding Member welcomed the Shire's recently appointed Director of Regulatory Services, Mr Robert Paull to today's meeting. We look forward to working with you.

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 who were in attendance were 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**

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

- Shire President, Mr Anthony Middleton
- Cr David Evrett
- Cr David Kular

and approved by the Presiding Member of the meeting Cr Wendy McWhirter-Brooks 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 ( <i>MS Teams</i> )
Cr Wendy McWhirter-Brooks	Deputy Shire President / Councillor / ( <i>Presiding Member</i> )
Cr Lee Anderson	Councillor
Cr Peta Baer	Councillor
Cr David Evrett	Councillor ( <i>MS Teams</i> )
Cr David Kular	Councillor ( <i>MS Teams</i> )
Cr Karen Lockyer	Councillor
Cr Milton Chapman	Councillor

##### Executive Team

Steven Harding	Chief Executive Officer
Nicole O'Neill	Director Community Experience
Etienne Vorster	Director Infrastructure Services
Emil Moul	Acting Director Corporate Services
Robert Paull	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

#### 3.2 APOLOGIES

Nil

#### 3.3 LEAVE OF ABSENCE

Nil

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#### 4 DISCLOSURE OF INTEREST

<b>Name</b>	<b>Cr Lou Lockyer</b>
<b>Item No and Title of Report</b>	12.3.1 - Multipurpose Clubhouse Management Model Evaluation
<b>Nature of Interest</b>	Pursuant to Section of 5.60A of the Local Government Act 1995, the nature of the interest is ' <b>Financial</b> '.
<b>Reason</b>	Cr Lockyer is a sitting President of two of the Associations named in the report.
<b>Action Taken</b>	Cr Lockyer will leave the Chamber and take no part in the deliberation or discussion for this item.

<b>Name</b>	<b>Shire President, Anthony Middleton</b>
<b>Item No and Title of Report</b>	12.3.2 - Memorandum of Understanding Outback Fortescue Festival
<b>Nature of Interest</b>	Pursuant to Section of 5.60A of the Local Government Act 1995, the nature of the interest is ' <b>Proximity</b> '.
<b>Reason</b>	Shire President, Anthony Middleton is the President of the Newman Charter of the Lions Club.
<b>Action Taken</b>	Shire President Anthony Middleton attending the meeting via a remote platform (MS Teams) will disengage for the deliberation and vote for this item.

#### 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 Milton Chapman	Councillor

## 6 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

## 7 PUBLIC QUESTION TIME

The following question was taken by:

### Joan Leaver, Unit 5 32 Francis Street, Marble Bar (Perry Smith Units)

Concern for school going children with pedestrian traffic and visibility on Francis Street as a result of a camera installed creating an obstacle. Camera's location in middle of road is a safety hazard and should be either removed or relocated. Expressed the need for Councillors to communicate more effectively with town residents before infrastructure of this nature is installed.

### Administration Response:

The CEO acknowledged the issue and advised investigation of camera location will be undertaken.

## 8 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

## 9 APPLICATION FOR LEAVE OF ABSENCE

An application for Leave of Absence for the 28 March 2025 Ordinary Council Meeting has been received from **Cr Annabell Landy**. Resulting from the application the below resolution was moved:

### **COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION** **(Resolution No: 2025 / 111)**

**Moved:** Cr Lockyer

**Seconded:** Cr Baer

**That a Leave of Absence be grated to Cr Annabell Landy for the Ordinary Council Meeting of 28 March 2025.**

**CARRIED**  
**RECORD OF VOTE 8/0**

<b>For:</b>	Shire President Middleton, Deputy Shire President McWhirter-Brooks, Cr Anderson, Cr Baer, Cr Chapman, Cr Evrett, Cr Kular, Cr Lockyer
<b>Against:</b>	None

## 10 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS

### COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No: 2025 / 112)

**Moved:** Cr Anderson

**Seconded:** Cr Lockyer

That the Ordinary and Confidential Minutes of the Council Meeting held on 28 February 2025 as published on the Shire Website and Councillor Portal be confirmed as true and correct records of proceedings.

**CARRIED**  
**RECORD OF VOTE 8/0**

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

**Against:** None

## 11 MEMBERS REPORTS

All Councillors were advised that if they wished to submit items for inclusion in the Minutes under this section, to please forward the information to Governance prior to the publication of the Minutes.

Cr Wendy McWhirter Brooks advised will forward list to Manager Governance for inclusion in the Minutes for this meeting.

## 12 OFFICER REPORTS

### 12.1 DIRECTORATE - EXECUTIVE

#### 12.1.1 CONDUCT OF THE 2025 LOCAL GOVERNMENT ORDINARY ELECTIONS

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

**(Resolution No: 2025 / 113)**

**Moved:** Shire President Middleton

**Seconded:** Cr Chapman

**That Council:**

1. Supports the conduct of a mixed election model, comprising the ability for electors to cast their votes in person or by postal ballot;
2. Authorises the Chief Executive Officer to provide written confirmation to the Electoral Commissioner that Council accepts the cost estimate of \$23,709 (ex GST) for the conduct of a postal election for the East Pilbara ordinary local government elections, subject to agreement from the WA Electoral Commission, that it will support Council's intention to meet the travel costs to enable the Returning Officer and Shire Officers to visit the District's remote communities to receive applications for replacement postal election packages; and
3. Notes a further report will be made for Council to consider the necessary motions declaring the Electoral Commissioner to be responsible for the conduct of the 2025 ordinary elections, and to determine the method for conducting the 2025 Ordinary Elections.

**CARRIED BY AN ABSOLUTE MAJORITY  
RECORD OF VOTE 8/0**

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

**Against:** None

### **12.1.2 POLLING PLACES - FEDERAL, STATE AND LOCAL ELECTIONS**

Shire President Middleton disengaged from virtual platform at 10.56 and reconnected at 10.58am.

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

**(Resolution No: 2025 / 114)**

**Moved:** Cr Anderson

**Seconded:** Cr Chapman

**That Council authorises the Chief Executive Officer to approach the Australian and WA Electoral Commission, advocating the Shire's support for in-person voting for communities in Marble Bar, Nullagine and other remote areas across the District of East Pilbara, and that such in-person voting be over a reasonable period of time to allow electors to participate in elections at Federal, State and Local Government levels.**

**CARRIED  
RECORD OF VOTE 8/0**

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

**Against:** None

### **12.1.3 POLICY AMENDMENTS - PURCHASING POLICY AND PREQUALIFIED SUPPLIER PANEL POLICY**

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

**(Resolution No: 2025 / 115)**

**Moved:** Shire President Middleton

**Seconded:** Cr Anderson

**That Council:**

- 1. Adopts the amended Purchasing Policy as Appendix 1 to this report;**
- 2. Adopts the amended Prequalified Supplier Panel Policy as Appendix 3 to this report.**

**CARRIED  
RECORD OF VOTE 8/0**

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

**Against:** None

**12.1.4 AMENDMENT TO DELEGATIONS AND AUTHORISATIONS REGISTER -  
TENDERS FOR GOODS AND SERVICES**

**COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION  
(Resolution No: 2025 / 116)**

**Moved:** Cr Chapman

**Seconded:** Cr Lockyer

**That Council:**

1. Pursuant to s.5.42 and s.5.46 of the *Local Government Act 1995* adopts Appendix 1 to this report as an amendment to the Shire of East Pilbara Register of Delegations and Authorisations; and
2. Authorises the Chief Executive Officer to publishes the updated Register of Delegations and Authorisations.

**CARRIED  
RECORD OF VOTE 8/0**

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

**Against:** None

**12.1.5 POLICY REVIEW - COUNCIL MEMBER COMMUNICATIONS WITH SHIRE  
OFFICERS POLICY**

**COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION  
(Resolution No: 2025 / 117)**

**Moved:** Cr Lockyer

**Seconded:** Cr Baer

**That Council accepts the review of the Council Member Communications with Shire Officers Policy and adopts the reviewed policy as Appendix 1 to this report.**

**CARRIED  
RECORD OF VOTE 8/0**

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

**Against:** None



#### 12.1.6 POLICY REVIEW - RELATED PARTY DISCLOSURES POLICY

**COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION**  
**(Resolution No: 2025 / 118)**

**Moved:** Cr Anderson

**Seconded:** Cr Everett

**That Council accepts the review of the Related Party Disclosures Policy and adopts the reviewed policy as Appendix 1 to this report.**

**CARRIED**  
**RECORD OF VOTE 8/0**

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

**Against:** None

#### 12.1.7 STATUS OF COUNCIL DECISIONS

**COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION**  
**(Resolution No: 2025 / 119)**

**Moved:** Cr Chapman

**Seconded:** Cr Lockyer

**That Council notes the report.**

**CARRIED**  
**RECORD OF VOTE 8/0**

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

**Against:** None

**12.2 DIRECTORATE - CORPORATE SERVICES**

**12.2.1 MONTHLY FINANCIAL STATEMENTS, INSURANCE AND INVESTMENT  
REPORT AS AT 28 FEBRUARY 2025**

**COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION  
(Resolution No: 2025 / 120)**

**Moved:** Cr Baer

**Seconded:** Shire President Middleton

That Council adopts the Monthly Financial Statements for the period ending 28 February 2025 of the 2024/2025 financial year included as Appendices 1 and 2 to the report.

**CARRIED  
RECORD OF VOTE 8/0**

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

**Against:** None

**12.2.2 LIST OF PAYMENTS - MONTH ENDING 28 FEBRUARY 2025**

**COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION  
(Resolution No: 2025 / 121)**

**Moved:** Cr Bear

**Seconded:** Shire President Middleton

**That Council:**

1. Pursuant to section 5.23(2)(a) of the *Local Government Act 1995*, that the List of Payments not be disclosed; and
2. Endorses the below payments for the period of 1-28 February 2025:

EFT Payments	\$3,939,373.91
MasterCard	\$9,819.67
Cheque Payments	\$14,481.70
Direct Payments	\$50,387.70

**CARRIED  
RECORD OF VOTE 8/0**

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

**Against:** None

## 12.3 DIRECTORATE - COMMUNITY EXPERIENCE

### 12.3.1 MULTIPURPOSE CLUBHOUSE MANAGEMENT MODEL EVALUATION

Cr Lou Lockyer having declared an interest in this item left the Council Chamber at 11.17am and returned to Chamber at 11.23am.

#### COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No: 2025 / 122)

**Moved:** Cr Baer

**Seconded:** Shire President Middleton

**That Council:**

1. Note the Multipurpose Clubhouse Management Model Evaluation report; and
2. Note the report is a part of a preliminary consideration, should a multipurpose club house be considered in the future.
3. Note discussions will be undertaken with clubs to consider needs as part of the development of the Community Facilities Plan, to be completed in 2024/25.

**CARRIED**

**RECORD OF VOTE 7/0**

*(Cr Lockyer was absent for vote of this item)*

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

**Against:** None

### 12.3.2 MOU OUTBACK FORTESCUE FESTIVAL

Shire President, Anthony Middleton who was attending the meeting via a remote platform (MS Teams) having declared an interest in this item disengaged virtually at 11.23am and re-engaged virtually at 11.31am.

#### COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No: 2025 / 123)

**Moved:** Cr Kular

**Seconded:** Cr Lockyer

**That Council endorses the Memorandum of Understanding between the Shire of East Pilbara and Newman Lions Club.**

**CARRIED**

**RECORD OF VOTE 7/0**

*(Shire President, Anthony Middleton was absent for this vote)*

For:	McWhirter-Brooks, Cr Anderson, Cr Baer, Cr Chapman, Cr Everett, Cr Kular, Cr Lockyer
Against:	None

### 13 COMMITTEE REPORTS

Nil

### 14 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

### 15 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN

Notice of the following question was given by Cr Wendy McWhirter-Brooks on 24 March 2025.

*I would like a response to DFES declaring that the Evacuation Centre's in Nullagine and Marble Bar were not fit for purpose and as a result the community needed to shelter in place. What is being done about Evacuation Centre's in Nullagine and Marble Bar?*

#### **Administration Response**

The Nullagine Evacuation Centre is the School and is managed by the Department of Education. The Marble Bar Evacuation Centre is the Civic Centre managed by the Shire. Both were audited by the Dept of Communities late last year with no issues reported.

Nullagine and Marble Bar Evacuation Centre's were used during Tropical Cyclone Ilsa with no issues reported.

During Tropical Cyclone Zelia the new DFES Divisional Commander advised they were not happy that the Marble Bar Civic Centre has exposed windows and decided, against the advice of the Incident Controller, to not stand up the Evacuation Centre.

The Shire is installing severity screens on the windows, with a contractor onsite yesterday for final measurement of the windows in Marble Bar prior to installation before the end of this financial year. The Shire is not aware of complaints regarding the Nullagine Evacuation Centre. Shire staff will follow up at next week's Local Emergency Management Committee Meeting.

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

Nil

## 17 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS

### COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION (Resolution No: 2025 / 124)

**Moved:** Cr Lockyer

**Seconded:** Shire President Middleton

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

#### 17.1.1 - RFT 16-2-24/25 - REMOVAL & DISPOSAL OF WOOD MATERIAL - NEWMAN WMF

**CARRIED  
RECORD OF VOTE 8/0**

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

**Against:** None

The meeting was closed to the public at 11.36am and live streaming of the meeting was confirmed interrupted by Governance Staff at this point.

- **Shire President, Mr Anthony Middleton**
- **Cr David Everett**
- **Cr David Kular**

whom were all attending the meeting via a virtual platform (MS Teams) in accordance with the regulation on members attending by electronic means, all declared that they will maintain confidentiality during the closed part of the meeting in accordance with regulations.

The Shire President and Councillors were advised that their declarations will be recorded in the Minutes.

**17.1 DIRECTORATE - INFRASTRUCTURE SERVICES**

**17.1.1 RFT 16-2-24/25 - REMOVAL & DISPOSAL OF WOOD MATERIAL - NEWMAN WMF**

Cr Peta Bear left the Council Chamber at 11.42am and returned to Chamber at 11.43am. As a result was absent for the vote of this item.

**COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION**  
**(Resolution No: 2025 / 125)**

**Moved:** Shire President Middleton

**Seconded:** Cr Baer

**That Council declines to accept the Tender received from Cleanaway Pty Ltd for RFT 16-2024/25 - Removal & Disposal of Wood Material Newman Waste Management Facility, and to formally finalise the Tender process without award.**

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

***(Cr Baer was absent for the vote of this item)***

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

**Against:** None

**COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION**  
**(Resolution No: 2025 / 126)**

**Moved:** Cr Anderson

**Seconded:** Cr Lockyer

**That the meeting return to Open Council in accordance with 5.23(2) of the Local Government Act 1995 at 11.43pm.**

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

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

**Against:** None

## **18      DATE OF NEXT MEETING**

The next Ordinary Council Meeting of the Shire of East Pilbara is scheduled for 2 May 2025 at the Newman Council Chambers.

## **19      CLOSURE**

The Presiding Member declared the meeting closed at 11.45am and thanked Council Members and Staff for their attendance and extended gratitude to the staff at Marble Bar for there efforts and hospitality with hosting the meeting.

Please click link for access to 28 March 2025 OCM Agenda

**Agenda OCM 28-3-25**