

SHIRE OF EAST PILBARA

These minutes were confirmed by the council
as a true and accurate record at the ordinary
council meeting held on 28 / 7 / 2023



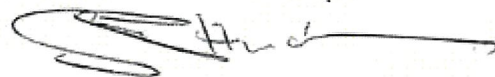
EAST PILBARA SHIRE COUNCIL

MINUTES

ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN

that an ORDINARY Meeting of the Council
will be held in Council Chambers, Newman
on FRIDAY 30 JUNE 2023,
commencing at the conclusion of the
Shire of East Pilbara Annual Electors' Meeting.



**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.

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

Signed: _____
Steven Harding
Chief Executive Officer

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1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President and Presiding Member declared the Shire of East Pilbara Ordinary Council Meeting of 30 June 2023 open at 10.43am upon the conclusion of the Shire of East Pilbara Annual Electors Meeting which commenced at 10.30am at the Newman Council Chambers.

The President acknowledged the Traditional Owners of the land on which the Council met, the Niyaparli 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 Niyaparli 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 audio recorded which can be accessed by members of the public and the media, therefore Council Members were reminded to refrain from making any defamatory statements.

A private live stream of the meeting is being undertaken as a trial and will not be broadcast.

2 ATTENDANCE BY ELECTRONIC MEANS

Requests to attend the meeting via a virtual platform (MS Teams) had been received from:

- Cr Peta Baer
- Cr Adrienne Mortimer
- Cr Langtree Coppin

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

3 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

3.1 ATTENDANCES

Councillors

Cr Anthony Middleton
Cr Wendy McWhirter-Brooks
Cr Matthew Anick
Cr Peta Baer

Shire President
Deputy Shire President / Councillor
Councillor
Councillor (*Attending Remotely*)

Cr Langtree Coppin OAM
Cr David Kular
Cr Annabell Landy
Cr Karen (Lou) Lockyer
Cr Adrienne Mortimer

Councillor (*Attending Remotely*)
Councillor
Councillor
Councillor
Councillor (*Attending Remotely*)

Officers

Steven Harding
Emma Landers

Steve Leeson
Vic Etherington
Etienne Vorster
Joshua Brown

Sally Fry
Tehsin Ali

Chief Executive Officer
Deputy Chief Executive Officer/
Director Community Experience
Director Corporate Services
Director Aviation and Regulatory Services
Acting Director Infrastructure Services
Manager Governance, Risk and Procurement -
(*MS Teams*)
Governance Administration Officer
Governance Administration Officer (*MS Teams*)

Public Gallery

Nil

3.2 APOLOGIES

Councillor Apologies

An apology was received for this meeting from **Cr Stacey Smith**.

Officer Apologies

Nil

3.3 LEAVE OF ABSENCE

Nil

4 DISCLOSURES OF INTEREST

The following disclosures of Interest were made by Elected Members pertaining to the Ordinary Council Meeting of 30 June 2023:

Name	Steve Leeson, Director Corporate Services
Item No and Title of Report	12.2.5 Creditors for Payment
Nature of Interest	Pursuant to section of 5.60A of the <i>Local Government Act 1995</i> , the nature of the interest is <u>Financial</u>
Interest Description	Mr Leeson has expenses reimbursed detailed in the report.
Action Taken	Mr Leeson will remain in the Chambers to respond to questions arising from the report that do not relate to his disclosed interest.

Name	Cr Wendy McWhirter-Brooks
Item No and Title of Report	11.1.2 Audited Financial Statements 2021/22 – Correction
Nature of Interest	Pursuant to section of 5.60A of the <i>Local Government Act 1995</i> , the nature of the interest is <u>Impartiality</u>
Interest Description	The correction of the financial record included my Councillor allowance.
Action Taken	Cr McWhirter-Brooks made the following Impartiality Statement: <i>In relation to Agenda Item 11.1.2 Audited Financial Statements 2021/22 – Correction, I disclose that I have an impartiality interest because the correction of the financial record included my Councillor allowance. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider the matter on its merits and vote accordingly.</i>

Name	Cr Lou Lockyer
Item No and Title of Report	11.1.2 Audited Financial Statements 2021/22 – Correction
Nature of Interest	Pursuant to section of 5.60A of the <i>Local Government Act 1995</i> , the nature of the interest is <u>Impartiality</u>
Interest Description	The correction of the financial record included my Councillor travel allowance.
Action Taken	Cr Lou Lockyer made the following Impartiality Statement: <i>In relation to Agenda Item 11.1.2 Audited Financial Statements 2021/22 – Correction, I disclose that I have an impartiality interest because the correction of the financial record included my Councillor allowance. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider the matter on its merits and vote accordingly.</i>

Name	Cr Matthew Anick
Item No and Title of Report	11.1.2 Audited Financial Statements 2021/22 – Correction
Nature of Interest	Pursuant to section of 5.60A of the <i>Local Government Act 1995</i> , the nature of the interest is <u>Impartiality</u>
Interest Description	The correction of the financial record included my Councillor allowance.
Action Taken	<p>Cr Matthew Anick made the following Impartiality Statement:</p> <p><i>In relation to Agenda Item 11.1.2 Audited Financial Statements 2021/22 – Correction, I disclose that I have an impartiality interest because the correction of the financial record included my Councillor allowance. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider the matter on its merits and vote accordingly.</i></p>

Name	Cr Wendy McWhirter-Brooks
Item No and Title of Report	15.1.2 Marble Bar Heritage Item
Nature of Interest	Pursuant to section of 5.60A of the <i>Local Government Act 1995</i> , the nature of the interest is <u>Impartiality</u>
Interest Description	I am the Treasurer of the Marble Bar Tourist Association. The MBTA is a tenant of the building which is the subject of the report.
Action Taken	<p>Cr McWhirter-Brooks made the following Impartiality statement:</p> <p><i>In relation to Agenda Item 15.1.2 Marble Bar Heritage Item, I disclose that I have an Impartiality interest because of my role as Treasurer of the Marble Bar Tourist Association which is a tenant within the subject building. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider the matter on its merits and vote accordingly.</i></p>

Name	Cr Lou Lockyer
Item No and Title of Report	15.2.1 Award of Tender – RFT 08-2022/23 Prequalified Supplier Panel – Mechanical Repair Services (Separable Portions)
Nature of Interest	Pursuant to section of 5.60A of the <i>Local Government Act 1995</i> , the nature of the interest is <u>Indirect Financial</u>
Interest Description	I am related to a Business Owner mentioned in the report recommendation.
Action Taken	Cr Lou Lockyer will leave the Council Chamber and take no part in the discussion or vote for this item

Name	Cr Lou Lockyer
Item No and Title of Report	11.3.5 Sponsorship 2023/24
Nature of Interest	Pursuant to section of 5.60A of the <i>Local Government Act 1995</i> , the nature of the interest is <u>Financial</u>
Interest Description	Executive Member of Club that is a recipient of grant funding
Action Taken	Cr Lou Lockyer will leave the Council Chamber and take no part in the discussion or vote for this item

5 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Cr McWhirter-Brooks

A question was taken on notice by the Director of Corporate Services from Cr Wendy McWhirter-Brooks at the Ordinary Council Meeting held on 26 May 2023.

The question related to the confidential Shire Debt Report. Full details of the question and response are detailed in the Confidential Agenda for the 30 June 2023 Ordinary Council Meeting and will also appear in the Confidential Minutes for the June meeting.

Cr McWhirter-Brooks declared she was satisfied with the Administration's responses to her questions.

6 PUBLIC QUESTION TIME

Nil

7 PETITIONS/DEPUTATIONS/PRESENTATIONS

A request to present a deputation to Council from Oasis's Business Manager, Andrew Teasdale in relation to the Oasis Development Application, Item 14.1.1 was received and approved in accordance with the *Meeting Procedures Local Law*.

Mr Teasdale spoke to a PowerPoint presentation which is available to view on the Shire Website and is linked below. Mr Teasdale also took questions from Councillors.

The PowerPoint Presentation will be available too view on the Shire's Website

8 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

9 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

9.1 CONFIRMATION OF MINUTES

[Ordinary Minutes May 26 2023 Council](#)

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No: 2023/ 82)

Moved: Cr McWhirter-Brooks

Seconded: Cr Lockyer

That the Minutes of the Ordinary Meeting of Council held on 26 May 2023 as published on the Shire's website be confirmed as a true and correct record of proceedings.

**CARRIED UNANIMOUSLY
RECORD OF VOTE: 9/0**

For: Shire President, Deputy Shire President, Crs Anick, Kular, Baer, Lockyer, Coppin, Landy, Mortimer

Against: Nil

10 MEMBERS REPORTS

10.1 ITEMS FOR RECOMMENDATION

Cr Wendy McWhirter-Brooks

- Marble Bar Races – 8 July 2023 – Encouraged attendance to this event.
- Pilbara Development Commission will be meeting in Newman for their July meeting. On 11 July 2023 a dinner will be hosted for the board of the Commission. Cr McWhirter-Brooks encouraged participation and attendance. Reiterated that this was an important platform for the Shire to be present and have a voice.
- Encouraged Council to look at the attachment to the Regional Mobile Network Report in the Agenda as Item 11.1.1.

Cr Peta Baer

Informed Council that the Shire of Ashburton at their Ordinary Council Meeting on 13 June 2023 considered an item regarding presenting a business case to open a community bank. This is in response to the number of regional banks being closed by the banking sector across the region. Encouraged Councillor to be aware as this is an issue that emerging in Newman where reductions in banking services have already been experienced.

Cr Anthony Middleton (Shire President)

Advised of a one week closure of the Sonic Health Facility. A new provider Spartan Health has been awarded the tender to deliver medical services to Newman. As part of the transition period to the new facility the closure will be in effect. The Shire has been in dialogue with both practitioners to minimise the impact to the community.

10.2 ITEMS FOR INFORMATION

Cr Lou Lockyer

Events attended for the month:

- Newman Senior High School NAIDOC Assembly
- Shire of East Pilbara NAIDOC Ball
- EMU Oval Lighting Opening

Cr Anthony Middleton (Shire President)

Events attended this month:

- WALGA Pilbara Country Zone – discussion of changes arising from the Aboriginal Cultural Heritage Act and impacts for the region.

Cr David Kular

Informed Council of the opening of a new Dental Clinic in Newman.

11 OFFICER'S REPORTS

11.1 CHIEF EXECUTIVE OFFICER

11.1.1 REGIONAL MOBILE NETWORK INFRASTRUCTURE

Responsible Officer: Steven Harding
Chief Executive Officer

Author: Steven Gould
Manager Strategy and Partnerships

Joshua Brown
Manager Governance, Risk and Procurement

Proposed Meeting Date: 30 June 2023

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No: 2023/ 83)

Moved: Cr McWhirter-Brooks

Seconded: Cr Kular

That Council:

1. Endorses a position in support of increased multi-carrier mobile network infrastructure across the East Pilbara District, including the re-use of mobile network infrastructure earmarked for decommissioning;
2. Authorises the President and Chief Executive Officer to promote Council's position in their advocacy efforts; and
3. Authorises the Chief Executive Officer to prepare a submission to WALGA.

**CARRIED UNANIMOUSLY
RECORD OF VOTE: 9/0**

For: Shire President, Deputy Shire President, Crs Anick, Kular, Baer, Lockyer, Coppin, Landy, Mortimer

Against: Nil

REPORT PURPOSE

For Council to consider a policy position in relation to regional mobile telephone infrastructure.

BACKGROUND

At Council's May 2023 ordinary meeting, Cr McWhirter-Brooks raised the issue of mobile telecommunications infrastructure in the District and the Shire's position in relation to advocacy on the issue of multi-carrier or shared mobile infrastructure and the use of decommissioned mobile infrastructure used in mining construction and operations.

COMMENTS/OPTIONS/DISCUSSIONS

Cr McWhirter-Brooks requested the Shire prepare a position paper on the issue of regional and remote mobile telecommunications infrastructure. A resolution of Council is required to establish a position and authorise the making of the position paper. This report canvasses issues that Council may wish to pursue in its advocacy efforts.

Multi-Carrier Mobile Infrastructure

Most of the East Pilbara District has no mobile network coverage. In areas where access is available, a single telecommunications carrier – Telstra – is the main supplier. Mobile carriers are for profit organisations and there are minimal returns on investments made in regional and remote areas. Without incentives, such as public subsidies or contracts for service with industry, such as mining operations, there is little reason for carriers to invest in infrastructure in remote parts of Australia.

There are significant safety and social benefits to the community from the provision of mobile telecommunications service by more than one carrier and include:

- Enhanced communication service for emergencies;
- Continuity of safe access to mobile network;
- Reduced costs of mobile phone service;
- Access to a more competitive retail telecommunications market;
- Elimination in monopoly markets; and
- Improved access to government and community services and support.



Figure 1: Telstra network coverage (source: <https://www.telstra.com.au/coverage-networks/our-coverage>)

Telstra has the greatest share of mobile sites across Australia, covering an area more than one million square kilometres greater than any other carrier. Only 35 percent of its mobile tower sites are shared with other carriers, which is the lowest proportion of any carrier. This is significantly more so in isolated areas.

There is a move towards separating mobile service provision from infrastructure ownership, which should improve opportunities for multi-carrier service provision. However, it is understood that there are still situations where access to infrastructure which owned by a service provider, is overpriced essentially to prevent competitors from accessing the infrastructure.

It has also been reported that it is not financially viable for carriers to maintain services in very remote areas even with government subsidies.

Decommissioned Mobile Infrastructure

There is little data in the public domain on the role decommissioned mobile infrastructure may play in expanding mobile network coverage in parts of the District.

It is usual for infrastructure decommissioned at the end of the life of a mining activity to be removed from site, which includes mobile telecommunications. There would be little incentive for the operator of the infrastructure to seek permission from the relevant consent authority to retain and maintain the infrastructure. Furthermore, there may be an opportunity for the Federal Government, which has responsibility for telecommunications to initiate a scheme to re-use such decommissioned infrastructure as part of investment in sustaining communities in a post mining scenario.

The likely challenges/expense of resurrecting and accessing mobile infrastructure resides in the issue of power supply. To run or operate decommissioned mobile infrastructure may be addressed, with a business case argument for financial assistance to convert telecommunication infrastructure to greener economy innovations. Another challenge is to get ahead of the change game and to anticipate telecommunication scenarios in the future e.g. what does a post mining ownership future look like? Rather than waiting to capitalise after the mining has decommissioned the infrastructure, start the process of transition /financing much earlier.

Advocacy Opportunities

The WA Local Government Association (WALGA) has an established policy position in support of greater multi-carrier access to mobile network infrastructure.

The House of Representatives Standing Committee on Communications and the Arts is currently undertaking an inquiry into multi-carrier mobile infrastructure co-investment. The terms of reference of the inquiry are as follows:

The House of Representatives Standing Committee on Communications and the Arts will inquire into and report on the experience, opportunities and challenges for co-investment in multi-carrier regional mobile infrastructure.

The Committee will:

- 1) *Report on the costs, feasibility and public benefits associated with the deployment of*
 - (a) *infrastructure which supports a single mobile carrier, and*
 - (b) *the various models for infrastructure which supports multiple mobile carriers;*
- 2) *Report on community views on single carrier vs multi-carrier outcomes; and*
- 3) *Report on examples of successful multi-carrier outcomes and their applicability in the Australian context.*

According to the Minister, matters relating to national security are out of scope for this Committee.

Whilst the time for public submissions to the inquiry have closed, the WA Local Government Association's President Cr Karen Chappel and Chief Executive Officer, Nick Sloan gave evidence at a public hearing on 17 May 2023. An extract of the proof *Hansard* transcript of the evidence is attached as **Appendix 1**. No written submission was made by WALGA.

The evidence focused on the impact of single carrier coverage in regional areas on subscribers of other carriers, particularly during travel in regional areas, and the impact on network coverage during periods of emergency. Cr Chappel also spoke of the role of local government in identifying suitable locations for the roll-out of new mobile infrastructure and funding options.

Affordability and Access

In the report 2021 [Regional Telecommunications Review](#) tabled in Federal Parliament on the 14 February 2022. It stated that the Australian telecommunications landscape in regional, rural and remote areas, including the peri-urban fringe, has undertaken a significant *step change* since the last review in 2018.

Furthermore, participation in the digital economy can only occur where there is a strong investment in digital infrastructure, increased skills and equity of access. Currently, there are no clear directions as to how to achieve this across the majority of regional Australia, let alone in the Pilbara.

However, regional and local communities can leverage from its existing representative stakeholder bases. In the Pilbara, there is considerable number of influential and financial viable stakeholder base. Specifically, in the Shire of East Pilbara, the Shire does have an advantage over other Australia Regional centres as it has a sound working relationship with its major stakeholders. Council may wish to pursue and leverage off its historical investment in social capital from its regional stakeholders.

The nature of these existing regional stakeholder can bring to bear the means, resources and connectivity to collaboratively develop mutually beneficial and affordable shared resourcing to telecommunications. Similarly, as has been for example BHPs' ability to supply infrastructure in the provision of electricity in Newman.

Thus, to improve the affordability of mobile services for people living, travelling and working in regional areas, Council may be able to broker with the assistance of its stakeholders, a better telecom access and functionality.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

The recommended action would establish a policy position for Council.

STRATEGIC COMMUNITY PLAN

2: Social

- S1 Safe, connected and family-friendly communities where all people thrive, and have their needs met at all ages and stages of life.
- S1.3 Advocacy and partnerships for addressing issues impacting safety of communities, and improving information sharing and coordination.
- S1.7 Provide facilities, services, and Support art and culture, and events and activities that bring people together in shared experience and celebration.

1: Economic

- E1 A diverse and sustainable economy, with a balanced population, providing equal opportunities and prosperity for all, and a fair share of the returns from our resources.
- E1.1 Develop strong networks for collaboration within and across the corporate and public sectors for growing exports, with a focus on agriculture, mining services, Aboriginal business and tourism.
- E1.2 Work with local entrepreneurs, existing businesses and artists to increase their internal capacity and explore business opportunities that will reduce leakage from the local economy.

E1.3 Undertake economic development planning for Marble Bar, Nullagine and remote communities

RISK MANAGEMENT CONSIDERATIONS

No known risk management considerations

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple Majority.

Crs Wendy McWhirter-Brooks, Lou Lockyer and Matthew Anick had declared Impartiality interests in this item and as such each made a Statement of Impartiality regarding the discussion and vote.

11.1.2 AUDITED FINANCIAL STATEMENTS 2021/22 – CORRECTION

Attachments: [Appendix 1 Email from Office of Auditor General](#)
Responsible Officer: Steven Harding
Chief Executive Officer
Author: Joshua Brown
Manager Governance, Risk and Procurement
Proposed Meeting Date: 30 June 2023
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No: 2023/ 84)

Moved: Cr Kular

Seconded: Cr Landy

That Council:

1. **Accepts the correction to Note 21 of the 2021/22 Financial Statements as detailed in the advice from the Office of the Auditor General in Appendix 1 to this report.**
2. **Authorises the Chief Executive Officer to reflect the change in the comparative figures in the June 2022/23 financial statements.**
3. **Authorises the Chief Executive Officer to publish a statement to this effect accompanying the 2021/22 Annual Report on the Shire's website.**

**CARRIED UNANIMOUSLY
RECORD OF VOTE: 9/0**

For: Shire President, Deputy Shire President, Crs Anick, Kular, Baer, Lockyer, Coppin, Landy, Mortimer

Against: Nil

REPORT PURPOSE

For Council to consider a minor amendment to the 2021/22 Financial Statements.

BACKGROUND

At its ordinary meeting held 26 May 2023, Council accepted the 2021/22 Annual Report, which included the audited financial statements for that financial year.

The financial statements were endorsed by RSM Australia, the Shire's appointed external auditors, and the Office of the Auditor General, prior to the statements being reported to Council Audit, Risk and Governance Committee and to Council as part of the Annual Report. During consideration of the Annual Report by Council, it was brought to Council's attention that an error was included in Note 21, which relates to Council Member remuneration.

COMMENTS/OPTIONS/DISCUSSIONS

The error contained within Note 21 of the 2021/22 Financial Statements was reported to the Shire's external auditors and the Office of the Auditor General of Western Australia, which has oversight of the local government external audit function.

Councillor / Expenditure Item	Actual Per Financial Statements June 2022	Correct Actual Amount	Variance
Cr Wendy McWhirter-Brooks			
Travel and Accommodation expenses	\$3,383	\$3,388	-\$5
Total Cr Wendy McWhirter-Brooks	\$33,258	\$33,263	-\$5
Cr Karen Lockyer			
Travel and Accommodation expenses	\$369	\$961	-\$592
Total Cr Karen Lockyer	\$20,785	\$21,377	-\$592
Cr Matthew Anick			
Travel and Accommodation expenses	\$5,749	\$689	\$5,060
Total Cr Matthew Anick	\$21,061	\$16,001	\$5,060

The Office of the Auditor General has provided written confirmation to recognise the correct balances for the Travel and Accommodation expenditure as outlined in the previous table.

Due to specific audit standards, the signed financial statement for 2021/22 will not be reissued; due to the "trivial/small" nature of the adjustments when compared with the rest of the financial statements. A copy of the advice from the Office is attached as **Appendix 1**.

It is recommended that Council accept the correction and authorise the change to be reflected in the comparative figures in the June 202/23 financial statements.

STATUTORY IMPLICATIONS/REQUIREMENTS

Consistent with Part 5 of the *Local Government Act 1995*.

POLICY IMPLICATIONS

No known policy implications.

STRATEGIC COMMUNITY PLAN

5: Governance

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

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

RISK MANAGEMENT CONSIDERATIONS

Compliance – Moderate

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple Majority.

11.1.3 MINUTES OF AUDIT, RISK AND GOVERNANCE COMMITTEE MEETING -
25 MAY 2023

Attachments: [Appendix 1 Unconfirmed Minutes](#)
Responsible Officer: Steven Harding
Chief Executive Officer
Author: Joshua Brown
Manager Governance, Risk and Procurement
Proposed Meeting Date: 30 June 2023
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No: 2023/ 85)

Moved: Cr Lockyer

Seconded: Cr McWhirter-Brooks

That Council notes the Unconfirmed Minutes of the Audit, Risk and Governance Committee meeting held on 25 May 2023.

**CARRIED UNANIMOUSLY
RECORD OF VOTE: 9/0**

For: Shire President, Deputy Shire President, Crs Anick, Kular, Baer, Lockyer, Coppin, Landy, Mortimer

Against: Nil

REPORT PURPOSE

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

BACKGROUND

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

At its meeting on 24 February 2023, Council adopted new Terms of Reference for the Committee, which are attached as **Appendix 1**.

The Committee's current membership is as follows:

Members	Deputy Members
Cr Middleton (Chair)	Cr Anick
Cr McWhirter-Brooks (Deputy Chair)	Cr Baer
Cr Lockyer	Cr Mortimer

COMMENTS/OPTIONS/DISCUSSIONS

A meeting of the Audit, Risk and Governance Committee was convened on 25 May 2023, the unconfirmed minutes of which are attached as **Appendix 2**.

The Committee considered the 2021/22 Annual Financial Statements and a progress report on the implementation of actions arising from last year's fraud and corruption prevention and control gap analysis.

The next ordinary meeting of the Committee is scheduled for 24 August 2023.

STATUTORY IMPLICATIONS/REQUIREMENTS

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

POLICY IMPLICATIONS

The recommendation is consistent with the Committee's Terms of Reference, adopted by Council on 24 February 2023.

STRATEGIC COMMUNITY PLAN

5: Governance

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

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

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

RISK MANAGEMENT CONSIDERATIONS

Compliance – Minor

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple Majority.

11.1.4 STATUS OF COUNCIL DECISIONS

Attachments: [Appendix 1 Status of Council Decision Register](#)
Responsible Officer: Steven Harding
Chief Executive Officer
Author: Tehsin Ali
Governance Administration Officer
Proposed Meeting Date: 30 June 2023
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION
(Resolution No: 2023/ 86)

Moved: Cr McWhirter-Brooks
Seconded: Cr Anick

That Council notes the report.

CARRIED UNANIMOUSLY
RECORD OF VOTE: 9/0

For: Shire President, Deputy Shire President, Crs Anick, Kular, Baer, Lockyer, Coppin, Landy, Mortimer

Against: Nil

REPORT PURPOSE

To provide Council with advice of the status of outstanding Council decisions from previous meetings.

BACKGROUND

Council has previously requested it be informed of the progress of the implementation of its previous decisions.

COMMENTS/OPTIONS/DISCUSSIONS

A list of the status of Council's decisions from the previous meeting is attached as **Appendix 1** to this report.

STATUTORY IMPLICATIONS/REQUIREMENTS

Recommendation is consistent with section 2.7 of the *Local Government Act 1995*.

POLICY IMPLICATIONS

Consistent with past policy and practices of the Council.

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

The continued reporting of the status of Council decisions mitigates compliance and reputational risks associated with Council decisions not been implemented.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple Majority.

11.2 DIRECTOR CORPORATE SERVICES

11.2.1 ANNUAL BUDGET 2023-2024

Attachments: [Appendix 1 Fees and Charges 2023-24](#)
[Appendix 2 Rates Exemption Applications](#)
[Appendix 3 Statutory Budget 2023-24](#)

Responsible Officer: Steven Harding
Chief Executive Officer

Author: Steve Leeson
Director Corporate Services

Proposed Meeting Date: 23 June 2023

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

COUNCIL RECOMMENDATION / OFFICER'S RECOMMENDATION

(Resolution No: 2023/ 87)

Moved: Cr McWhirter-Brooks

Seconded: Cr Kular

That Council:

1. Pursuant to sections 5.98, 5.98A and 5.99 of the Local Government Act 1995, the Shire of East Pilbara Elected Members' annual fees and allowances be set within the prescribed amounts, as determined by the Salaries and Allowances Tribunal under section 7B of the Salaries and Allowances Act 1975, paid monthly in arrears as follows:
 - a. Councillor's Meeting Fees \$24,170 per Councillor.
 - b. President's Meeting Fees \$32,410.
 - c. A Telecommunications Allowance per annum of \$3,500 to all councillors and the Shire President.
 - d. A Presidential Allowance of \$65,915 per annum.
 - e. A Deputy Presidential Allowance of \$16,478 per annum.
2. Pursuant to section 6.16 of the Local Government Act 1995; adopts the Shire of East Pilbara 'Schedule of Fees and Charges 2023-2024' included as Appendix 1.

3. Pursuant to sections 6.32 and 6.33 of the Local Government Act 1995, adopts the following differential general rates in the dollar and minimums for the 2022-2023 financial year:
 - a. GRV Residential \$0.0652 subject to a minimum rate charge of \$1,100
 - b. GRV Non-residential \$0.0652 subject to a minimum rate charge of \$1,300
 - c. GRV Transient Workforce Accommodation \$0.1304 subject to a minimum rate charge of \$1,300
 - d. UV Pastoral \$0.1629 subject to a minimum rate charge of \$1,300
 - e. UV Mining Other \$0.3258 subject to a minimum rate charge of \$1,300
 - f. UV Mining Prospecting \$0.2971 subject to a minimum rate charge of \$815
4. Pursuant to section 6.38 of the Local Government Act 1995 imposes a service charge for the provision of CCTV in public areas for property surveillance and security of \$62.00 on properties within the Newman town site.
5. Pursuant to section 41 of the Health (Miscellaneous Provisions) Act 1911, imposes a Sewerage Charge of \$0.0130 on the Gross Rental Value of properties within the Newman town site.
6. Pursuant to section 6.47 of the Local Government Act 1995, resolves to grant rating exemptions for Community and Charitable Purposes as detailed in Appendix 2.
7. Pursuant to section 6.45 of the Local Government Act 1995 and Regulation 64(2) of the Local Government (Financial Management) Regulations 1996, sets the following due dates for payment in full by instalments:

Full payment and first instalment due date: 6 September 2023

Second Quarterly instalment due date 5 November 2023

Third Quarterly instalment due date 5 January 2024

Fourth Quarterly instalment due date 8 March 2024
8. Pursuant to section 6.45 of the Local Government Act 1995 and Regulation 67 of the Local Government (Financial Management) Regulations 1996, imposes an instalment administration charge of \$6.00 per instalment, after the initial instalment is paid, where the ratepayer has elected to pay rates (and service charges) through an instalment option.
9. Pursuant to section 6.45 of the Local Government Act 1995 and Regulation 68 of the Local Government (Financial Management) Regulation 1996, imposes an interest rate of 5% where the owner has elected to pay rates and service charges through an instalment option.

10. Grants a waiver from the instalment interest rate for eligible pensioners and seniors.
11. Pursuant to section 6.51(1) and subject to 6.54(4) of the Local Government Act 1995 and Regulation 70 of the Local Government (Financial Management) Regulation 1996, imposes an interest rate of 7% for rates and charges that remain unpaid after becoming due and payable.
12. Pursuant to regulation 53 of the Building Regulations 2012, imposes a Swimming Pool Inspection of \$58.45 (including GST) on each owner of land on which there is a swimming pool, for the 2023-2024 financial year.
13. Pursuant to section 6.2 of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996 Part 3, Regulations 22 to 33, adopts the following Annual Budget for the financial year ending 30 June 2024, as per Appendix 3:
 - f. Budget Statement of Comprehensive Income (by Nature or Type)
 - g. Budget Statement of Cash flows
 - h. Budget Rate Setting Statement
 - i. Notes to the Annual Budget including statement of Rating Information
 - j. Schedule of Fees and Charges for 2023-2024
14. Pursuant to regulation 34(5) of the Local Government (Financial Management) Regulations and AASB 1031 Materiality, adopts the Materiality level to be used in the statements of financial activity in 2023-24 for reporting material variance being 10% or \$20,000 for operating, and 10% or \$50,000 for capital, whichever is higher.
15. Authorises the Chief Executive Officer to effect the design and publication of the Shires published 2023-2024 annual budget.

**CARRIED BY AN ABSOLUTE MAJORITY
RECORD OF VOTE: 8/1**

For: Shire President, Deputy Shire President, Crs Anick, Kular, Baer, Lockyer, Landy, Mortimer

Against: Cr Coppin

REPORT PURPOSE

To adopt the Shire of East Pilbara (the Shire) annual budget for the 2023-2024 financial year.

BACKGROUND

Council is required to adopt the Shire's annual budget by the 31st August each year, or seek an extension from the Minister for Local Government.

Traditionally, as required under the Local Government Act 1995 (the Act), the annual budget is prepared within the parameters of the Shire's Integrated Planning and Reporting (IPR) framework to plan for the future of the district. Council decisions and directions, along with the Long Term Financial Plan (LTFP), both guide budget preparations.

The Shire's IPR framework has recently been renewed and a new LTFP established.

Preparing the annual budget is a collaborative process between Council and Shire officers. The proposed budget has been arrived at through budget workshops and information sessions, at which the topics discussed informed the strategic objectives and outcomes sought to be included within budget documents.

COMMENTS/OPTIONS/DISCUSSIONS

Budget Considerations

1. The Current Three Year Plan

2023-2024 is the third consecutive year of a three year plan with set objectives. The current three year plan aimed to achieve:

- A targeted reduction in operating deficit (setting a three year plan to achieve a balanced position) down from \$(9)M in 2020-2021 to a surplus in 2023-2024.
- Distinguishing the three major Shire operations as being distinct and separate from Shire Municipal operations and projects, being;
 - Airport Operations;
 - Waste Services; and
 - Martumili Artist Gallery.

That these service operations and capital works do not impact upon Shire rating.

- Removing any reliance upon prior year surplus funds to fund the following year service operations. It was with the intention that surplus funds (excluding carry-over projects) be transferred to Shire reserves at year end.
- All prior year carry forward projects are again excluded from the proposed 2023-2024 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 to the August 2023 Ordinary Council Meeting.
- A new Shire Rating Strategy 2021-2026 that established a differential rating category for 18 Transient Workers Accommodation (TWA) Villages.
 - The strategy was supported with a Rating Reconciliation Project which identified a further 8 TWA's for changing method or valuation from Unimproved to Gross Rental Value.
 - The 2023-2024 year further focused on achieving parity in rating charges and transparency in other separate charges for waste collection / waste water / security levy.

- Ending the use of non-residential (30%) and rural (62%) concessions in 2022-2023.
- Airport Services net proceeds to fund recurrent municipal services and projects which would have otherwise been funded through additional rating, has typically been \$2.1M per annum. It was originally intended to reduce this. Although airport operations rely upon Shire administrative resources and have expanded (Marble Bar airstrip now a sealed runway). Net proceeds are transferred to / capital works funding from the Airport Reserve.
- No reliance upon Waste Services net proceeds to fund recurrent municipal services. Net proceeds are transferred to / capital works funding from the Waste Reserve.
- Achieving improved Financial Health Indicator scores.

2. The 2023-2024 Financial Environment

As part of the March 2023 Council meeting day, the following strategic considerations were raised for addressing when drafting the Shire's 2023-2024 budget, being:

- Maintaining the 2023-2024 annual budget as the third consecutive year of a three year plan with set objectives.
- Rising inflation, interest rates, insurances and utilities costs.
- Falling unemployment leading to pressure for higher wages and further challenges in attracting and retaining staff.
- To build Shire reserves to fund future capital works requirements.

The above established an initial budget deficiency estimate of \$32.1M.

DRAFT 2023-24 ANNUAL BUDGET (PowerPoint Presentation Extract)

Forecasting Revenue vs Expenses = Rates Required

5% Fees and charges to cover service cost provision

RBA% Interest earnings (Transfer bulk to reserves)

\$10pw Security Charge

20% Wages (Meeting market conditions)

7% Inflation (Last year 5% but exceeded)

7% Transport (Last year 13%)

10% Insurance (Indicative increase advised)

+\$3.5M Net increase

+\$0.6M Operating Deficit Reduction
*3year plan

+\$1M Reserve interest

\$5.1M Ideal Additional Rating Required

\$27M Base 2022-23 Rating *\$1M
interims/back rates

17% Ideal rating revenue increase

Differential rating

*\$2M Airport support additional

Description	2022/2023		2023-2024
	Adopted	Revised	Initial
OPERATING REVENUE			
Rates	28,202,472	28,302,372	???
Grants And Subsidies	5,207,450	5,797,830	
Fees and Charges	23,881,336	22,861,066	720,000
Interest	1,065,450	1,858,350	1,600,000
Other Revenue/Income	1,483,101	977,151	
Service Charges	124,800	124,800	24,000
<i>Total Operating Revenue</i>	59,964,609	59,921,569	2,344,000
Less: OPERATING EXPENDITURE			
Employee Costs	16,910,139	16,727,158	3,665,851
Materials And Contracts	22,982,229	23,528,857	1,647,020
Depreciation On Non Current Assets	15,511,700	15,465,900	
Insurance Expenses	1,201,700	1,490,000	149,000
Loss On Asset Disposal	0	0	
Interest Expenses	170,348	128,448	280,000
Utilities (Gas, Electricity, Water Etc)	2,416,200	2,427,910	160,000
Other Expenditure	1,387,747	1,357,989	
<i>Total Operating Expenditure</i>	60,580,063	61,126,262	5,901,871
NET PROFIT/(LOSS) RESULT	(615,454)	(1,204,693)	(3,557,871)

3. Included Budget Considerations and Outcomes

A forecast operational surplus of \$3,851,070 compared to initial plan for \$0M.

A balanced nil surplus or deficit position forecast as at 30 June 2024

Operational Revenue

- Property Rates and Charges

2023-24 Average Valuation	2022 - 2023		2023 - 2024		Increase		
	RID	Rates	RID	Rates	Annual	Weekly	%
GRV - Residential	0.0600	\$ 1,348	0.0652	\$ 1,465	\$ 117	\$ 2.25	8.67%
GRV - Non Residential	0.0600	\$ 8,065	0.0652	\$ 8,763	\$ 699	\$ 13.44	8.67%
GRV - TWA	0.1200	\$ 182,962	0.1304	\$ 198,819	\$ 15,857	\$ 304.94	8.67%
UV - Pastoral	0.1500	\$ 23,477	0.1629	\$ 25,496	\$ 2,019	\$ 38.83	8.60%
UV - Mining	0.3000	\$ 8,578	0.3258	\$ 9,315	\$ 738	\$ 14.19	8.60%
UV - Prospecting	0.2829	\$ 745	0.2971	\$ 782	\$ 37	\$ 0.72	5.02%
Sewerage							
GRV - Residential	0.0119	\$ 267	0.0130	\$ 292	\$ 25	\$ 0.48	9.25%
Security & Surveillance							
GRV - Residential		\$ 52		\$ 62	\$ 10	\$ 0.19	19.23%
Waste Collection							
GRV - Residential		\$ 330		\$ 446	\$ 116	\$ 2.23	35.15%

- Operating grants reflects the typical full year of assistance expected from State and Federal government, having ended payment in advance practices.
- Fees and charges uplift due to waste collection, landfill and liquid waste fee for services. Newman aquatic centre operating all year round. Higher interest earnings in turn transferred to reserves. New Marble Bar airport operations.
- Security and Surveillance Charge: To support the operation, maintenance and renewal of the newly installed and expanding Shire CCTV network, the charge imposed on the Newman town site properties will increase by \$10 to \$62pa. The increase recognises the camera replacement cycle and its short / medium and long term funding requirements that also enables expansion of the CCTV network.
- Airport Services net proceeds to fund recurrent municipal services and projects has increased to \$2.4M in 2023-2024.

Operational Expenses

- Employee costs increased to meet market pay rates for retention and additional resourcing for key service area priorities.
- Materials and contracts are increasing across the board. Marble Bar airport operations will be offset by increased revenue.
- Depreciation costs increase as prior year capital works projects are completed.
- Finance costs increase due to loan borrowings for Marble Bar airport (\$5M) and Liquid Waste facility (\$6.5M).
- Insurance costs increase to maintain the current policy levels.

- Other expenditure costs increase for new airport compliance and higher asset management service levels.

Capital Works Program

- Expenditure on property, plant and equipment is forecast at \$2.6M and on infrastructure assets at \$13.3M. This differs to 2022-2023 as only confirmed projects with secured funding agreements and scope of works, are included within the budget.
- Capital grants of \$5.3M are forecast along with annual proceeds from disposal of assets (vehicle and plant trades).
- A new loan of \$630,000 will fund the purchase of heavy equipment required at the Newman landfill site that has been hired during 2022-2023.

Reserves

- Transfers to reserves of \$7.9M represent
 - Interest earnings \$2.1M **across all reserves*
 - Additionally:
 - Airport operations surplus \$2.7M
 - Waste services \$0.2M **muni funded*
 - CCTV operations surplus \$0.1M
 - Heavy fleet \$1.0M
 - Computer technology \$0.9M **Core system replacement*
 - Future infrastructure \$0.9M
- It is noted the Heavy Road Plant Reserve purpose which was amended in 2022-2023 “to loan funds to other Reserves for the purpose of such plant where funds are not available”, is owed \$865,000 from the waste reserve for vehicles and plant purchased.

4. Public Notice

At the 28 April 2023 Council endorsed the following:

- 11.2.3 Notice of Intention to Levy Differential Rates
- 11.2.5 Proposed Fees and Charges 2023-2024
- 11.2.6 Review of Meeting Attendances and Member Allowances

Rating

Following advertising, two (2) submissions were received and tabled for Council consideration at the 26 May 2023 meeting. No changes are proposed to the advertised rate in the dollar charge or minimum amounts, being:

		2022 - 2023			2023 - 2024		
		Minimum	Rate in \$	Amount	Minimum	Rate in \$	Amount
Gross Rental Valuation							
	Residential	\$1,000	\$0.0600	\$3,835,021	\$1,100	\$0.0652	\$4,167,156
	Non-Residential	\$1,200	\$0.0600	\$1,450,431	\$1,200	\$0.0652	\$1,574,421
	Transient Workers Accommodation	\$1,200	\$0.1200	\$3,477,480	\$1,200	\$0.1304	\$4,929,968
Unimproved Valuation							
	Pastoral	\$1,000	\$0.1500	\$1,594,337	\$1,100	\$0.1629	\$1,734,709
	Mining / Other	\$1,200	\$0.3000	\$16,351,844	\$1,300	\$0.3258	\$18,303,477
	Mining Prospecting	\$715	\$0.2829	\$220,249	\$765	\$0.2971	\$248,095
Interim and back rates				\$1,273,110			\$ -
Budget Rating Forecast Needs				\$28,202,472			\$30,957,825

At the 26 May 2023 meeting, Council endorsed

- 11.2.2 Change in Method of Valuation

Being a report related to the Rating Reconciliation project, which is forecast to result in \$400,000 in interim rating, additionally included in the proposed 2023-2024 annual budget.

The Shire of East Pilbara has maintained low rating over a number of years. Despite the proposed increases for 2023-2024 being outside of comparative local government typical increases, the Shire's rating remains lower within the Pilbara region.

Fees and Charges

No public submissions were received following advertising. The proposed schedule of fees and charges is included as **Appendix 1** with the following amendments made since advertising:

- *Building Act 2011* prescribed fees notes as such
- Decimal amount 0.10 replaced with 10%
- Food premise inspection fees deleted reference to "July each year"

Meeting Attendances and Member Allowances

No public submissions were received. The allowances proposed are within the remuneration amounts as independently set by the Salaries and Allowances Tribunal.

5. Budget Highlights

- Operational Surplus
- Asset Management additional maintenance
 - Road Grading 50% increase (+\$750,000)
 - Drainage 210% increase (+\$340,000)
 - Floodways upgrade (+\$200,000)
- Reserves from \$68M to \$76M
 - Airport \$54M
 - Future Infrastructure \$6.2M
 - IT New System \$1.7M
- Wilara Park Newman Ablution Facility \$300,000
- Newman Aquatic and Netball Courts Lighting Upgrades \$460,000
- Nullagine Multi-Purpose Sports Facility \$1.26M
- Nullagine Aquatic Facility \$1.6M
- Park Upgrades \$832,000
 - Newman Skate park
 - Newman Goanna oval
 - Newman cemetery
 - Marble Bar General Street reticulation
- Marble Bar Road Safety Improvements \$400,000
- Rural Road Renewals \$3.26M
- Local Road Renewals \$2.67M
- Plant and Heavy Equipment \$2.51M
- Housing Improvements \$1.52M
- Software Improvements \$165,000
- Tourism Initiatives \$800,000
 - App development
 - Cape Keraudren master and business plan
 - Cape Keraudren coastal management plan
 - Yurlu Caravan Park Business Plan

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995:

Section 5.56 requires a local government to plan for the future of the district.

Section 5.98 entitles Council Members to be paid fees and reimbursed expenses up to the amount determined by the Salaries and Allowances Tribunal ('SAT') under the Salaries and Allowances Act 1975 (S&A Act), Section 7B.

Section 5.99 allows Council Members to be paid annual allowance instead of meeting fees up to the amount determined by the Salaries and Allowances Tribunal under the Salaries & Allowances Act 1975 Section 7B.

Section 6.2 of the Act requires the following in relation to the Annual Budget:

- a) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to adopt, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next, following that 31 August.

Regulation 34 of the Regulations require the following in relation to the Financial Activity Statement:

- 5) Each financial year, a Local Government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in Statements of Financial Activity for reporting material variances.

The 2022-2023 reporting threshold was 10% or \$10,000 for operating, and 10% or \$50,000 for capital, whichever is higher.

Commensurate with the size and nature of the Shire's annual budget, it is proposed the 2023-2024 reporting threshold be 10% or \$20,000 for operating, and 10% or \$50,000 for capital, whichever is higher.

Section 6.38(1) Service Charges, a local government may impose on owners; or occupiers of land, a service charge for a financial year to meet the cost in the provision of a prescribed work, service or facility in relation to the land.

Section 6.38(2)(b) Service Charges, a local government is to place the money in a reserve account for the purpose of that work, service or facility.

Local Government (Financial Management) Regulations 1996

Regulation 54 Works etc. prescribed for service charges on land.

- (a) Property surveillance and security;

Salaries and Allowances Act 1975

Section 5.98(5) allows the President to be paid an additional allowance up to the amount determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 Section 7B.

Section 5.98A allows the Deputy President may to be paid an additional allowance up to the amount determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 Section 7B.

Health (Miscellaneous Provisions) Act 1911

Section 41 allows for the levy and collection of an annual sanitary rate for the maintenance of any sewerage works.

Section 46 applies the provisions of the Local Government Act 1995 in relation to a sanitary rate.

*Absolute Majority Required

POLICY IMPLICATIONS

3.5 BUDGET MANAGEMENT – CAPITAL ACQUISITIONS

STRATEGIC COMMUNITY PLAN

RISK MANAGEMENT CONSIDERATIONS

Compliance – Moderate

Financial – Major

Reputational - Moderate

FINANCIAL IMPLICATIONS

The adoption of the Annual Budget is required to fund the Shire's operations for the 2023-2024 financial year.

Within the proposed budget, all revenues and expenditures, including capital works, external grants, debt funding, loan receipts / payments and the application of reserves, would result in a balanced budget forecast of \$0 for the 2023-2024 financial year, with \$0 reliance upon prior year surplus funding.

It is recognised the annual budget is an informed financial forecast and variations are to be expected. Actual circumstances experienced may differ to initial estimates provided.

A mid-year budget review is required to be undertaken in accordance with legislated requirements, to be adopted no later than 31 March 2024. A more frequent and regular approach towards managing the Shire's annual budget is the now current practice, with amendments included as part of the monthly financial reports presented to Council.

At the Australian Council of Local Governments meeting held 16 June 2023 the Prime Minister announced that the Federal Government will be bringing forward 100 per cent of the 2023-24 allocation of Financial Assistance (FA) Grants into 2022-23, reflecting the complex financial environment all levels of government currently face, including the long term impacts of the pandemic. At the time of finalising this report and attached 2023-2024 draft budget, this information was unable to be incorporated. The change being as follows:

- Reduce operating grants revenue 2023-2024 \$(6)M
- Increase opening surplus from 2022-2023 \$ 6M

Having a nil effect, this shall be incorporated within forthcoming budget reviews.

VOTING REQUIREMENTS

Absolute Majority.

11.2.2 LONG TERM FINANCIAL PLAN 2024-2033

Attachments: [Appendix 1 Long Term Financial Plan 2024-33](#)
Responsible Officer: Steven Harding
Chief Executive Officer
Author: Steve Leeson
Director Corporate Services
Proposed Meeting Date: 30 June 2023
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No: 2023/ 88)

Moved: Cr McWhirter-Brooks

Seconded: Cr Kular

That Council:

- Adopts the revised Shire of East Pilbara Long Term Financial Plan 2024-2033 included as Appendix 1.**

**CARRIED UNANIMOUSLY
RECORD OF VOTE: 9/0**

For: Shire President, Deputy Shire President, Crs Anick, Kular, Baer, Lockyer, Coppin, Landy, Mortimer

Against: Nil

REPORT PURPOSE

To update the Shire of East Pilbara's ("the Shire") Long Term Financial Plan as an informing strategy within the Shire's plan for the future.

BACKGROUND

Long Term Financial Planning is a requirement within the legislated Integrated Planning and Reporting (IPR) framework and guidelines that form the Shire's 'Plan for the Future'.

The Long Term Financial Plan (LTFP) is a 10 year rolling plan that informs the Corporate Business Plan (CBP) in the activation of Strategic Community Plan priorities. The LTFP includes forecast budgets and the first four years accompany the CBP. From these planning processes, annual budgets, which are aligned with strategic objectives, can be developed.

The current LTFP was adopted at the 26 August 2022 Ordinary Council Meeting.

The Western Australian Treasury Corporation were engaged to establish the LTFP forecasting model for the Shire. The statements produced are compliant with the Department of Local Government guidelines and may be combined or distinguished separately by Shire fund, being:

- Municipal Fund
- Air Services
- Martumili Artists
- Waste Services

COMMENTS/OPTIONS/DISCUSSIONS

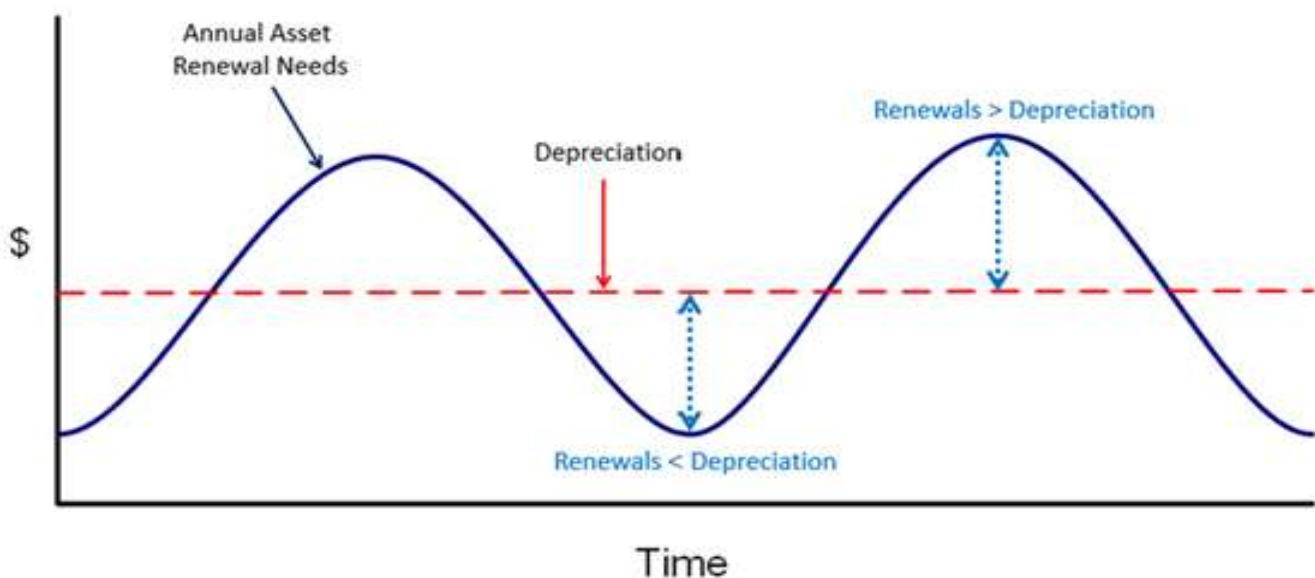
Reviewing the LTFP 2024-2033 has been based to coincide with the adoption of the Shire's 2023-2024 annual budget.

Further Development

Asset Management

The Shire has established the first phase of asset management plans for major infrastructure assets. These plans now inform the LTFP towards ideal spend on maintenance and renewal works. Asset renewal and maintenance is primarily funded by depreciating an asset, setting aside cash for this expense and annually using funds generated through municipal funding for asset preservation. Achieving a balanced operating budget is required to achieve this. A surplus to go towards the creation of new assets and repayment of debt.

Where the depreciation exceeds the need in any particular year (eg assets have different useful lives and do not all wear out at the same rate), the balance of the depreciation expense should be matched with a cash transfer into a reserve fund; thus achieving true cash-backing of depreciation.



This is the medium term goal for the LTFP and 2024-2025 Annual Budget.

LTFP Assumptions and Approach

Operating Revenues and Expenditures

Item	Assumption	Basis
Rating	6% p.a.	Inflationary forecast. Rating review project continuing.
Fees and Charges	4% p.a.	Inflationary forecast. Service delivery (most) to achieve at cost recovery. +\$4.00M p.a. Liquid Waste at full operations +\$130K domestic waste collection year 1 +\$100K Tip site fees year 1 +\$1.1M airport landing fees year 1 +\$270K carpark fees year 1 +\$124K property surveillance and security charge year 1
Operating Grants	2.25% p.a.	Inflationary forecast - WALGCC
Interest	4.00% p.a.	Growth on reserve portfolio. Transfer of interest earnings in full to reserves.
Other Revenue	1.00% p.a.	Inflationary forecast.
Employee Costs	4.00% p.a.	Continued expectations for labour market. No further organisational restructures.
Materials and contracts	5.00%.year 1 4.00% years 2-4 2.50% years 5-10	Inflationary forecast
Insurances	7.00%	Continued expectations for policy renewals and claims history
Utilities	5.00%	Forecasting higher fuel and electricity pricing
Depreciation	Same + New Asset %	Circa \$16M to be applied through reserves, towards asset management renewal planning

Capital Works

New Assets: Only projects with funding, a high degree of certainty and planning underway are to be included within the LTFP.

An annual allocation based on current budget capacity for new works and initiatives of circa \$3M is within the revised LTFP.

Asset Maintenance

Incorporating the initial asset management plans maintenance and renewal requirements, the following items are noted:

- Road grading maintenance increases 50% pa to \$6.5M by 2026-2027
- Floodway crossings upgrades increase \$400,000 pa to \$1.2M by 2026-2027
- Public building renewals and upgrades increased \$1.4M pa from 2024-2025
- Road renewals and upgrades increased average \$2.8M pa from 2024-25

Whilst the specific details of asset renewal projects are not within the revised LTFP, to be established and incorporated within the next update, adequate funding is provided for, so to be matching to annual depreciation charges. Further grant funding sources that are also available and can be applied for, may also be recognised in future updates.

Conclusion

Ceasing operating deficits, and establishing and growing operating surplus is critical to restoring a sustainable financial position for the Shire. This has already been largely addressed.

Other forms of revenue will need to grow and be developed, to diversify income streams, whilst continuing with the Shire's rating review.

Establishing and incorporating asset management planning will add significant robustness to future financial planning.

Reserve balances are low for their considered purpose. The use of debt funding towards future projects will need to balance repayment terms so to ensure the continued growth in accumulated savings over the next ten years. The preservation and maintenance of assets should ideally be without recourse to debt funding.

The Shire's Long Term Financial Plan 2024–2033 is included as **Appendix 1**.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995 s1.3(3) - In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through the integration of environmental protection, social advancement and economic prosperity.

Local Government Act 1995 s2.7 (2) The Role of Council

- a) Overseas the allocation of the local government's finances; and
- b) Determines the local government's policies

Local Government Act 1995 s5.56 require local governments to plan for the future.

Local Government Act 1995 s6.2 (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district

Local Government (Administration) Regulations 1996 19DA (3C) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.

Department of Local Government and Communities Integrated Planning and Reporting Advisory Standard September 2016.

POLICY IMPLICATIONS

- 3.2 Asset Management
- 3.5 Budget Management – Capital Acquisitions

Rating Strategy 2021 - 2026

STRATEGIC COMMUNITY PLAN

- 5 Governance - Vibrant local democracy, forward-thinking civic leadership, and transparent stewardship of the community's assets and resources
- 5.3 *Leading Council for efficient and sustainable operations*

RISK MANAGEMENT CONSIDERATIONS

Compliance – Minor

Reputational – Minor

Financial – Major

Service Interruption - Moderate

FINANCIAL IMPLICATIONS

Resource requirements require consideration as part of the annual budget adoption process.

VOTING REQUIREMENTS

Simple Majority.

**11.2.3 UPDATING THE STRATEGIC COMMUNITY AND CORPORATE BUSINESS
PLAN 2022-2032**

Attachments: [Appendix 1 Strategic Community and Corporate
Business Plan 2022-2032](#)

Responsible Officer: Steven Harding
Chief Executive Officer

Author: Steve Leeson
Director Corporate Services

Proposed Meeting Date: 30 June 2023

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No: 2023/ 89)

Moved: Cr McWhirter-Brooks

Seconded: Cr Kular

**That Council adopts the revised Shire of East Pilbara Strategic Community
and Corporate Business Plan 2022-2032 (Appendix 1 to the report).**

**CARRIED BY AN ABSOLUTE MAJORITY
RECORD OF VOTE: 9/0**

For: Shire President, Deputy Shire President, Crs Anick, Kular, Baer, Lockyer,
Coppin, Landy, Mortimer

Against: Nil

REPORT PURPOSE

For Council to endorse the revisions incorporated within the Shire of East Pilbara ("the Shire") Strategic Community and Corporate Business Plan 2022-2032 attached as **Appendix 1**, made in reference to the Shire's annual budget 2023-2024.

BACKGROUND

For Council to endorse the revisions incorporated within the Shire of East Pilbara ("the Shire") Strategic Community and Corporate Business Plan 2022-2032 attached as **Appendix 1**, made in reference to the Shire's annual budget 2023-2024.

BACKGROUND

The Shire's Strategic Community Plan 2022-2032 (SCP) and Corporate Business Plan 2022-2026 (CBP) was adopted 24 June 2022. The Shire's SCP/CBP meets the Local Government Act requirement to plan for the future. Western Australian Integrated Planning and Reporting (IPR) Framework seeks to ensure that Council's decisions take the community's views into account and deliver the best results possible within available resources. All local governments in Western Australia follow the IPR Framework.

The Shire's SCP was developed in consultation with the community. The engagement was conducted in November 2021 and was one of the most extensive consultation processes undertaken by the Shire to date.

The purpose of the engagement was to gain a clear understanding of the community's visions and priorities. More than 600 people were engaged over a 3 week period across the communities in Newman, Nullagine and Marble Bar.

The Shire's CBP seeks to align and prioritise available resourcing (financial, physical, staffing) to achieve the SCP goals. Other strategies and plans, including Long Term Financial Planning, Workforce Planning and Asset Management Plans, seek to further inform / guide / deliver upon the community's visions and priorities within the IPR Framework.

COMMENTS/OPTIONS/DISCUSSIONS

An annual review of the Shire's SCP/CBP ensures planning is current and aligned with recent decisions of Council and other strategic documents.

The following updates have been made:

- Pg. 5 Snapshot of key characteristics updated with recent Australian Bureau of Statistics (ABS) data.
- Pg. 17 Shire organisational structure updated.
- Pg. 19-27 Service plan summary updated in line with Shire organisational structure.
- Pg. 28-29 Major projects updated to reflect 2023-2024 annual budget.
- Pg. 38 Community profile detail updated with recent ABS data.

STATUTORY IMPLICATIONS/REQUIREMENTS

Part 5 - Administration (Division 5 - Annual reports and planning) 5.56. Planning for the future

POLICY IMPLICATIONS

Related policies support and are revised in accordance with the Shire's current Strategic Community and Corporate Business plans.

STRATEGIC COMMUNITY PLAN

The Shire's current Strategic Community plan 2018-2028 has been renewed in accordance with Local Government Act Regulations mandatory four (4) yearly review. The renewed Strategic Community 2022-2032 plan is as attached as **Appendix 1**.

RISK MANAGEMENT CONSIDERATIONS

Compliance - High
Reputational - Medium

FINANCIAL IMPLICATIONS

Resource requirements will need to be considered as part of current and future budgetary process.

VOTING REQUIREMENTS

Absolute Majority.

11.2.4 MONTHLY FINANCIAL STATEMENTS, INSURANCE AND INVESTMENT REPORT

Attachments: [Appendix 1 Monthly Financial Report May 2023](#)
[Appendix 2 Investments May 2023](#)

Responsible Officer: Steve Leeson
Director Corporate Services

Author: Thomas Gorman
Manager Corporate Services

Proposed Meeting Date: 30 June 2023

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No: 2023/ 90)

Moved: Cr McWhirter-Brooks

Seconded: Cr Anick

That Council adopts the monthly financial statements for the period ending 31 May 2023 of the 2022/23 financial year included as Appendix 1 to the report.

**CARRIED UNANIMOUSLY
RECORD OF VOTE: 9/0**

For: Shire President, Deputy Shire President, Crs Anick, Kular, Baer, Lockyer, Coppin, Landy, Mortimer

Against: Nil

REPORT PURPOSE

The Monthly Financial Statements provide details of the Shire of East Pilbara's (the Shire's) current year to date financial position in relation to the 2022-2023 Annual Budget, as amended from time to time, 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* ("the Act") and regulation 34 of the *Local Government (Financial Management) Regulations 1996* ("the Regulations").

Appendix 1 details the financial activities of the Shire for the period 1 July 2022 to 31 May 2023 of the current financial year.

There are four sections to 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 for operating, and 10% or \$50,000 for capital, whichever is higher; and
4. A Capital Projects schedule detailing all expenditure.

Appendix 2 is the Monthly Investments Report.

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

COMMENTS/OPTIONS/DISCUSSIONS

Variances

Material variances in the Shire 2022 - 2023 annual budget are disclosed within **Appendix 1**.

Investments

The Shire's portfolio accrued over \$290k in interest and returned 4.44%pa, up from 4.21% last month, and exceeded the bank bill benchmark's 3.53%. For the past 12 months, the portfolio has returned 2.72%, exceeding the bank bill index benchmark's 2.64%.

Investment portfolio details are disclosed within **Appendix 2**.

Insurance Report

For the month of May, 17 property claims were settled with 20 claims still open in various stages of completion.

One Public liability claim is in the process of being assessed by LGIS who are liaising with the Third Party for settlement.

MAU.190063 | PC0495 | TC Ilsa

Due to the nature of this claim it has been divided into

- Property insurance claim for all insurable assets (Property Policy)
- Plant & Equipment (P&E Policy) with 3 claims pending:
 - Grader damage – Marble Bar depot road works
 - Caravan damage – Marble Bar depot road works
 - Tractor damage – Cape Keraudren
- Claim through DRFAWA for all non-insurable assets (roads, footpaths, culverts, etc.).

Cash settlement has been suggested for a portion of the main property claim so the building and infrastructure reports for Cape Keraudren have been forwarded to LGIS for assessment. Progress for sourcing quotes is ongoing.

Data is being sourced for the non-insurable assets to be assessed by DRFAWA.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995
Part 6 Financial Management
Division 4 General financial provisions
Section 6.4(2)

“The financial report is to:

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

Section 6.8 (1) (b)

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

POLICY IMPLICATIONS

3.1 Accounting Policies
3.5 Budget Management – Capital Acquisitions
3.9 Investments Policy

STRATEGIC COMMUNITY PLAN

Governance

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

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

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

RISK MANAGEMENT CONSIDERATIONS

Legislative - Medium

FINANCIAL IMPLICATIONS

Should Council not adopt the financial statements or defer consideration of the officer’s recommendation, the Shire may be considered non-compliant with its statutory obligations with respect to its reporting of financial activity statements.

VOTING REQUIREMENTS

Simple Majority

11.2.5 CREDITORS FOR PAYMENT MAY 2023

Attachments: [Appendix 1 - Payments May 2023](#)

Responsible Officer: Steve Leeson
Director Corporate Services

Author: Thomas Gorman
Manager Corporate Services

Proposed Meeting Date: 30 June 2023

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: The Responsible Officer discloses a financial interest. He has expenses reimbursed detailed in the report. The author will remain in the Chambers to respond to questions arising from the report that do not relate to his disclosed interest.

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No: 2023/ 91)

Moved: Cr McWhirter-Brooks

Seconded: Cr Lockyer

That Council endorses the below payments for the period of 1 May 2023 to 31 May 2023:

EFT Payments	\$5,782,044.87
MasterCard Payments	\$30,376.09
Direct Payments	\$72,784.03

**CARRIED UNANIMOUSLY
RECORD OF VOTE: 9/0**

For: Shire President, Deputy Shire President, Crs Anick, Kular, Baer, Lockyer, Coppin, Landy, Mortimer

Against: Nil

REPORT PURPOSE

To seek Council endorsement of payment to creditors.

BACKGROUND

As per the attachment list, outlines payments made to creditors since the Council meeting on 26 May 2023.

COMMENTS/OPTIONS/DISCUSSIONS

PAYMENT TYPE	VOUCHER	AMOUNT
EFT Payments	EFT68796 - 68795	\$5,782,044.87
MasterCard		\$30,376.09
Direct Debit Payments	DD18202.1 – DD18263.36	\$72,784.03
GRAND TOTAL		<u>\$5,885,204.99</u>

Please note the Shire's accounts payable system allows only a limited field for the description of goods/services purchased, therefore the description shown on the attached Schedule of Accounts may not be shown in its entirety.

CANCELLED AND UNUSED CHEQUES:

Unused Cheques

Nil

Cancelled Cheques & EFTs

Nil

STATUTORY IMPLICATIONS/REQUIREMENTS

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

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

Local Government (Financial Management) Regulations 1996
Part 2 – General financial management
Reg. 12

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

POLICY IMPLICATIONS

3.12 Corporate Credit Card

3.14 Procurement and Tender Procedures Policy

STRATEGIC COMMUNITY PLAN

5: Governance

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

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

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

RISK MANAGEMENT CONSIDERATIONS

Compliance – Medium – Breach of *Local Government Act 1995*.

FINANCIAL IMPLICATIONS

Total payments of \$5,885,204.99

VOTING REQUIREMENTS

Simple Majority.

11.3 DEPUTY CHIEF EXECUTIVE OFFICER; DIRECTOR COMMUNITY EXPERIENCE

11.3.1 CUSTOMER SERVICE CHARTER

Attachments: [Appendix 1 Draft Customer Service Charter](#)

Responsible Officer: Steven Harding
Chief Executive Officer

Authors: Team Ninti (LG Management Challenge)
Melissa Warren
Team Leader Aquatic Services
Nicole Montgomery
Coordinator Grants and Sponsorship
Marcin Makowski
Coordinator Business Systems
Mitch Ferris
Waste Sustainability and Education Officer

Proposed Meeting Date: 30 June 2023

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION
(Resolution No: 2023/ 92)

Moved: Cr Lockyer
Seconded: Cr McWhirter-Brooks

That Council:

1. Endorses the draft Customer Service Charter, as found at Appendix 1; and
2. Authorises the Chief Executive or sub-delegate to amend the Customer Service Charter as required.

CARRIED UNANIMOUSLY
RECORD OF VOTE: 9/0

For: Shire President, Deputy Shire President, Crs Anick, Kular, Baer, Lockyer, Coppin, Landy, Mortimer

Against: Nil

REPORT PURPOSE

The purpose of this report is to seek Council endorsement of the Draft Customer Service Charter (**Appendix 1**).

BACKGROUND

At its meeting held 28 October 2022, Council adopted four key performance indicators for the attention of the Chief Executive Officer over the following 12-month period. This included KPI 3:

Customer Service – develop and implement a customer service charter and supporting policies and provide a briefing to Council six months after implementation reporting on performance.

The measure of KPI 3 is:

6 months for completion and with progress report at 3 months.

COMMENTS/OPTIONS/DISCUSSIONS

The Shire does not have a Customer Service Charter which sets the standard for internal customer service requirements and the community's expectations when engaging with the Shire.

The draft Customer Service Charter (**Appendix 1**) will set a standard for customer service provided by the Shire to the community. It will outline the expectations that the community can expect when engaging with the Shire's Administration.

The Draft Customer Service Charter outlines the following:

- The Shire's commitment to maintaining the highest standards of service which meets the needs of the community;
- How the Customer Service Charter will be supported by the Shire's values;
- Service standards and expectations including via telephone, face to face, letters, emails, website and social media responses;
- Customer feedback and complaints process.

If supported, the draft Customer Service Charter will be rolled out with the support of an implementation plan across the Shire, ensuring there is consistent practices Shire-wide.

OPTIONS

1. Endorse the recommended Customer Service Charter;
2. Not endorse the Customer Service Charter;

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

5: Governance

- G1 Vibrant local democracy, forward-thinking civic leadership, and transparent stewardship of community's assets and resources.
- G1.1 Continued focus on good governance, transparency and community and stakeholder engagement in significant decisions, including place-based plans.
- G1.4 Ensure a high standard of organisational management and effectiveness.

RISK MANAGEMENT CONSIDERATIONS

Reputation – Minor

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Simple Majority.

11.3.2 EAST NEWMAN ACTIVATION PROGRAM

Responsible Officer: Steven Harding
Chief Executive Officer

Author: Emma Landers
Deputy CEO / Director Community Experience

Proposed Meeting Date: 30 June 2023

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No: 2023/ 93)

Moved: Cr McWhirter-Brooks

Seconded: Cr Lockyer

That Council approves the transition of the East Newman Activation program from Creating Communities to the Shire of East Pilbara, subject to external funding being secured for any resource implications.

**CARRIED UNANIMOUSLY
RECORD OF VOTE: 9/0**

For: Shire President, Deputy Shire President, Crs Anick, Kular, Baer, Lockyer, Coppin, Landy, Mortimer

Against: Nil

REPORT PURPOSE

The purpose of this report is to seek Council approval to transition the coordination and delivery of East Newman Activation from Creating Communities to the Shire of East Pilbara as a new program.

BACKGROUND

Newman Futures was a joint initiative of the Shire of East Pilbara and BHP in January 2019 “to explore how innovation and new technologies could be harnessed to serve the public interest”. The project has been facilitated by Creating Communities and funded by BHP since that time.

During the Newman Futures consultation process, the revitalisation of East Newman was identified as a key priority for the community to improve the liveability of the area. In response to the needs expressed in the engagement, the East Newman Activation Program (“the Program”) was established.

The Program has been facilitated by Creating Communities since 2021 and, between March 2021 and May 2023, has delivered in excess of 4,700 community engagements, over 160 community activities and initiatives, 47 partners and more than an estimated 1,500 estimated in-kind hours from partners.

Activities delivered include:

- Weekly activities in Miners Promise Park
- East Newman Street Blitz
- East Newman School Holiday Program
- East Newman Art Trail in partnership with Martumili
- East Newman Play Trail in partnership with Nature Play WA
- Community BBQs
- Football clinics and mindfulness sessions with the West Coast Eagles
- Ear checks and hearing tests with EarBus Foundation of WA
- Cultural activities, performances and music workshops
- East Newman Outdoor Movie Night
- Arts and craft activities with EPIC
- STEM learning and hands on engagement with Education Futures.

The Program vision is to *“Create solid foundations for those that live in East Newman to be able to actively participate in the Newman community and economy”* with key desired outcomes:

In the short term (1-2 years):

- Improved knowledge of service providers and their services.
- Increased interaction between indigenous and non-indigenous East Newman residents at activities.
- Nyiyaparli and Martu participation in the East Newman Activation Program and co-design process.
- Increased agency awareness, capacity and collaboration.
- Provide meaningful engagement of children in productive activities to redirect their participation from disruptive, harmful or illegal activities.
- Improvement of immediate health and wellbeing short term needs (food provision, ear checks etc).
- Improved appearance of the streetscape and residents' homes.
- Activation of the streetscape in East Newman.

In the long term (3-5 years):

- Increased number of East Newman residents accessing service providers demonstrating increased knowledge and trust.
- Increased understanding and respect of indigenous culture amongst the general community.
- Nyiyaparli and Martu lead decision making around East Newman Activation Program.
- Local stakeholders and community (indigenous and non-indigenous) ownership of delivering outreach program/s.
- Reduction in number of children engaging in youth crime activities.
- Improvement in longer term health and wellbeing needs.

- Increased pride and ownership over the streetscape and resident homes in East Newman.
- Positive perceptions and narrative of East Newman including safety.
- Increased trust between neighbours in East Newman.

COMMENTS/OPTIONS/DISCUSSIONS

Creating Communities is a consultancy which provides services in areas such as research, strategy and design, engagement, placemaking and activation, communications and professional development. Their approach is to work with communities to develop a shared vision and assist to build capacity, create partnerships and establish governance for sustained results. The consultancy has been coordinating the East Newman Activation since 2021 as there were no other appropriately resourced organisations in Newman at the time.

Following the success of the East Newman Activation Program, the ongoing sustainability of the program has been reviewed and it has been identified the transition of the Program, and its coordination, to the Shire of East Pilbara sits well within its role as a local government authority.

It is proposed a 3-month transition process is undertaken where the Shire will work alongside Creating Communities to deliver the program. The purpose of the transition period is for the Shire to build its own relationships with the existing partners and participants and to understand the current event planning and logistical requirements. In addition, the Shire will need to consider some of the identified key lessons captured by Creating Communities to ensure it addresses or facilitates the appropriate action.

The key lessons included:

- The consistent and persistent delivery of activities in Miners Promise Park has been important in building community trust;
- There are high levels of disadvantage in the local community which need to be considered in program design and delivery;
- The need to prioritise child safety strategies in delivery of programming;
- Culturally appropriate programming is required and best achieved through co-design with the local community;
- Strong relationships with stakeholders and community are essential for program design and delivery;
- Excellent project management, attention on safety, collaboration and coordination of providers is important to ensure a safe and enjoyable experience for participants;
- Program communications needs to be cognisant of needing to leverage word of mouth;
- Stakeholder alignment on objectives and commitment to common agenda builds buy-in; and
- Food provision is needed and an important contributor.

It is through this transition process that budgetary and FTE requirements will be fully understood however, it is anticipated approximately 20 hours per week will need to be allocated to the Program with an annual budget to accommodate the \$50-\$100 per weekly activation in Miners Promise Park, \$3,400 (of which the Shire already funds \$3,000) for the Street Blitz and up to \$35,000 for more substantial one-off programs which would be identified through the Shire's usual planning and budget processes.

It is anticipated that any implications for existing budget or resource requirements will be sought through external funding, and subject to a future report to Council.

OPTIONS

1. To commence a 3-month transition process with Creating Communities to assume the coordination and delivery of East Newman Activation Program.
2. To not support the 3-month transition process and therefore, not support the transition of the East Newman Activation Program to the Shire of East Pilbara to coordinate and deliver on an ongoing basis.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

2: Social

S1 Safe, connected and family-friendly communities where all people thrive, and have their needs met at all ages and stages of life.

S1.10 Advocate for resources to support the Aboriginal community's efforts to preserve their language and culture

RISK MANAGEMENT CONSIDERATIONS

Reputation – Minor

FINANCIAL IMPLICATIONS

Resource requirements will be identified during the 3-month transition period and may be subject to a future report to Council.

VOTING REQUIREMENTS

Simple Majority.

11.3.3 GRANTS AND SPONSORSHIP POLICY AMENDMENT

Attachments: [Appendix 1 Amended Grants and Sponsorship Policy](#)

Responsible Officer: Emma Landers
Deputy CEO / Director Community Experience

Author: Nicole Montgomery
Coordinator Grants & Advocacy

Proposed Meeting Date: 30 June 2023

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

COUNCIL RESOLUTION / OFFICERS RECOMMENDATION

(Resolution No: 2023/ 94)

Moved: Cr McWhirter-Brooks

Seconded: Cr Lockyer

That Council adopts the revised Policy 6.5 Grants and Sponsorship attached as Appendix 1.

**CARRIED UNANIMOUSLY
RECORD OF VOTE: 9/0**

For: Shire President, Deputy Shire President, Crs Anick, Kular, Baer, Lockyer, Coppin, Landy, Mortimer

Against: Nil

REPORT PURPOSE

The purpose of this report is for Council to consider an amendment to the Shire's Grants and Sponsorship Policy.

BACKGROUND

Council may from time to time adopt policies to provide framework for consistent decision-making. Section 2.7(2)(b) of the *Local Government Act 1995* ("the Act") provides a key role for a Council to determine the local government's policies. Policies should be subject to timely reviews to ensure they are relevant and fit for purpose.

At the November Ordinary Council Meeting held 25 November 2022, Council endorsed the new Grants and Sponsorship Policy (**Appendix 1**), which provides clear direction on the administration of the Shire's grants and sponsorship programs.

Following the implementation of the new Grants and Sponsorship Program, the Administration has noted an amendment to the policy is required to better support applicants to deliver initiatives that support the community.

COMMENTS/OPTIONS/DISCUSSION

In-Kind Support Grants are designed to provide opportunities for applicants to deliver initiatives that encourage identified target groups to thrive and have their needs met at all ages and stages of life. The purpose is to increase the capacity of local community groups to provide free or low cost initiatives to community members by providing up to \$6,000 of in-kind support from the Shire. In-kind support is considered the use of Shire facilities, equipment or services where there is a cost associated.

The existing Grants and Sponsorship Policy does not allow for applicants to submit more than one application for assistance per year, therefore applications for an In-Kind Support Grant to continue to deliver ongoing free or low cost programs to the community cannot also access other grants and sponsorship programs to deliver initiatives outside of their general business and programming.

A minor amendment to the policy is being proposed to the Grants and Sponsorship Policy as follows, and highlighted on page 3 within **Appendix 2**.

Current:

“An applicant who has already received funding or in-kind support within the same financial year”.

Proposed Amendment:

“An applicant who has already received funding or in-kind support within the same financial year, except successful applicants of an In-Kind Support Grant.”

STATUTORY IMPLICATIONS/REQUIREMENTS

Consistent with the *Local Government Act 1995*.

POLICY IMPLICATIONS

Recommended action will modify current policy of Council.

RISK MANAGEMENT CONSIDERATIONS

Compliance Risk – Moderate

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple Majority.

11.3.4 COMMUNITY GRANTS PROGRAM 2023-24

Attachments: [Appendix 1 Grants and Sponsorship Policy](#)
[Appendix 2 Grants and Sponsorship Guidelines](#)
[Appendix 3 Grants Evaluation Summary Report](#)

Responsible Officer: Emma Landers
Deputy Chief Executive Officer, Director
Community Experience

Author: Nicole Montgomery
Coordinator Grants and Advocacy

Proposed Meeting Date: 30 June 2023

Author Disclosure of Interest: Nil

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No: 2023/ 95)

That Council:

1. Approves the following Community Grants, totaling \$38,000 (excluding GST) pending the endorsement of the 2023/24 Financial Budget:

Applicant Organisation	Event	Recommendation Total Amount
Ngurra Kujunka Inc	Martu Youth Festival Travel Assistance	\$10,000
Royal Lifesaving Society of WA	East Pilbara Swimming and Water Safety Project	\$9,000
Newman Daycare Centre	Story Time and Yarning Circle Nature Space	\$10,000
Western Australia Council of Social Services	2023 Pilbara Family Domestic Violence Network Conference	\$9,000

2. Declines the following Community Grants applications:

Applicant Organisation	Event
Fortescue Golf Club	Miniature Golf Development Design
Newman Cricket Association Inc	Women's North West Cup Cricket
Marble Bar Race Club	2023 Marble Bar Races
Cats Football and Sporting Club Inc	Tigers NAIDOC Round

CARRIED
RECORD OF VOTE: 8/1

For: Shire President, Deputy Shire President, Crs Anick, Kular, Baer, Lockyer, Landy, Mortimer

Against: Cr Langtree Coppin

REPORT PURPOSE

For Council to consider funding recommendations for the Community Grants program for funding in the 2023/24 financial year.

BACKGROUND

At its meeting held 25 November 2022, Council adopted the revised Grants and Sponsorship Policy (**Appendix 1**) and adopted the new Grants and Sponsorship Guidelines at the Ordinary Council Meeting held on 24 February 2023 (**Appendix 2**). This encompasses the Community Grants and the ongoing grants provided throughout the year.

The Community Grant applications closed on 21 May 2023, with applications then undergoing an assessment against the eligibility and criteria. Each application is eligible for a grant of up to \$10,000 in cash and/or in-kind contributions.

The Shire's Grants and Sponsorship programs aim to:

- Strengthen the community by supporting a diverse range of activities, projects and initiatives that are responsive and representative of community needs;
- Build the capacity of individuals, community groups and local organisations to develop and implement sustainable solutions at a local level;
- Create community connections which drive activities that achieve strategic priorities as identified in the Shire's Strategic Community Plan;

- Recognise and celebrate the Shire's diversity, history, lifestyle, environment and uniqueness; and
- Support projects that deliver an economic benefit for the Shire's local businesses.

The Community grants programs is designed to provide applicants with funding to deliver initiatives that foster collaboration, target specific cohorts within the community, address an identified gap and create opportunities for applicants to become sustainable.

The Community Grants recommendations are based on the impacts and outcomes the proposed activities and events will deliver for the community whilst aligning to the grant programs Selection Criteria.

The Annual Grants are available for not-for-profit organisations involved in arts, culture, sports, recreation and social services.

The budget for the Community Grants and Sponsorship program, including Grants and Sponsorship is \$95,000 proposed for the 2023/24 financial year.

The request from the Annual Grants applications totalled \$69,426.45.

COMMENTS/OPTIONS/DISCUSSIONS

The Shire received eight (8) applications for Community Grants, with all being eligible for assessment. The full list of applications and summary details can be found in the Grants Evaluation Summary Report (**Appendix 3**).

All applications were assessed against a selection criteria with the criterion aligned to the Shire's Strategic Community Plan. The scores for each assessment criteria were averaged and applications were ranked from highest to lowest. Community Grants recommended to Council for approval were evaluated, and highly ranked against the selection criteria:

- Demonstrated co-funding arrangements
- Demonstrated alignment to the Strategic Community Plan
- Met all eligibility requirements
- Met an identified gap within the community

Of the eight (8) applications, five (5) are recommended to be approved, totaling \$41,465.00 with three (3) applications not being recommended due to being ranked lower than other applications, not meeting the Community Grants criteria.

Successful applicants will be required to submit a detailed acquittal report to the Shire within 30 days of completion of their activity.

Activity/Organisation	Requested Support \$	Recommended Support \$
Total current budget allocation - \$85,000		
<i>Recommended Applications: Eligible and recommended grants, which are the highest priority.</i>		
Cats Football and Sporting Club / Tigers NAIDOC Round	\$3,850.00 (cash)	\$3,465 (cash)
Ngurra Kujunka Inc / Martu Youth Festival Travel Assistance	\$10,000 (cash)	\$10,000 (cash)
Royal Lifesaving Society of WA / East Pilbara Swimming and Water Safety Project	\$10,000 (cash)	\$9,000 (cash)
Newman Daycare Centre / Story Time and Yarning Circle Nature Space	\$10,000 (cash)	\$10,000 (cash)
Western Australian Council of Social Science / 2023 Pilbara Family Domestic Violence Network Conference	\$10,000 (cash)	\$9,000 (cash)
Sub-total of recommended applications within the budget	\$43,850.00	\$41,465.00

Activity/Organisation	Requested Support \$	Recommended Support \$
<i>Not recommended applications:</i>		
Fortescue Golf Club / Miniature Golf Development Design	\$5,576.45 (cash)	
Marble Bar Race Club / 2023 Marble Bar Races	\$10,000 (cash)	
Newman Cricket Association Inc	\$10,000 (cash)	

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

6.6 Grants and Sponsorship

STRATEGIC COMMUNITY PLAN

1: Economic

A diverse and sustainable economy, with a balanced population, providing equal opportunities and prosperity for all, and a fair share of the returns from our resources

- 1.1. Develop strong networks for collaboration within and across the corporate and public sectors for growing exports, with a focus on agriculture, mining services, Aboriginal business and tourism
- 1.2. Work with local entrepreneurs, existing businesses and artists to increase their internal capacity and explore business opportunities that will reduce leakage from the local economy
- 1.4. Collaborate with key stakeholders on brand promotion, tourism accommodation, investment in attractions and product development, and supporting infrastructure such as wayfinding and signage

2: Social

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

- 2.4. Promote health and safe lifestyles choices, and uphold public health and safety
- 2.6. Support local sporting clubs and community organisations to grow their capacity to increase healthy activity and cohesion
- 2.7. Support art and culture, and events and activities that bring people together in shared experience and celebration
- 2.8. Improve inclusion and harmony across the diverse groups in the population

RISK MANAGEMENT CONSIDERATIONS

Reputational – Moderate

FINANCIAL IMPLICATIONS

The proposed Grants and Sponsorship budget for the 2023/24 financial year is \$85,000.

When approving successful applications, Council should consider ensuring there is adequate funding remaining in the budget for applications throughout the year from the broader Grants and Sponsorship programs.

VOTING REQUIREMENTS

Simple Majority.

Cr Lou Lockyer having declared a Financial interest in this item left the Chamber at 12.14pm and returned at 12.21pm taking no part in the discussion or vote.

11.3.5 SPONSORSHIP 2023-24

Attachments: [Appendix 1 Sponsorship Evaluation Summary Report](#)

Responsible Officer: Emma Landers
Deputy Chief Executive Officer, Director
Community Experience

Author: Nicole Montgomery
Coordinator Grants and Advocacy

Proposed Meeting Date: 30 June 2023

Author Disclosure of Interest: Nil

COUNCIL RESOLUTION / OFFICER RECOMMENDATION

(Resolution No: 2023/ 96)

Moved: Cr McWhirter-Brooks

Seconded: Cr Landy

That Council:

1. Approves the following Sponsorship, totaling \$39,955 (excluding GST), subject to Council's adoption of the 2023/24 Annual Budget:

Applicant Organisation	Event	Amount
Newman VETS Football Club	Newman VETS Celebrity Match 2023	\$ 9,000
East Pilbara Race Club	Newman Cup 2023	\$ 15,000
Marble Bar Race Club	Marble Bar Races 2023	\$ 15,955
TOTAL		\$ 39,955

2. Declines the following Sponsorship applications:

Applicant Organisation	Event
Ocrea's Swim Club	Newman Swimming Club Events

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

(Cr Lockyer absent for vote compliant with declaration of interest)

For: Shire President, Deputy Shire President, Crs Anick, Kular, Baer, Coppin, Landy, Mortimer

Against: Nil

REPORT PURPOSE

To provide sponsorship recommendations to Council, under the 2023/24 Grants and Sponsorship program.

BACKGROUND

At its meeting held 25 November 2022, Council adopted the revised Grants and Sponsorship Policy (refer to Appendix 1 in Item 15.1.1 of this Confidential Agenda) and adopted the new Grants and Sponsorship Guidelines at the Ordinary Council Meeting held on 24 February 2023 (Appendix 2 in Item 15.1.1 of this Confidential Agenda). This encompasses Sponsorships and the ongoing grants provided throughout the year.

As per the Guidelines, organisations are required to submit a sponsorship application two months prior to their event and valued at \$5,000 or more. Requests for sponsorship must be approved by Council.

Providing sponsorship to support local activities aligns to the Shire's Community vision to build on our strengths to grow and create opportunities for all and to be proud, connected and resourced. The Sponsorship recommendation is based on the impacts and outcomes these proposed activities will deliver for the community whilst aligning to the Shire's Community Vision and Strategic Community Plan whilst providing economic benefits to the Shire of East Pilbara.

The table found in **Appendix 1** details the requests received for Council's consideration.

COMMENTS/OPTIONS/DISCUSSIONS

The Shire received three (3) applications for Sponsorship, however the Administration has identified that one application submitted for a Community Grants is more appropriately aligned to the Sponsorship category, therefore the total number of applications for consideration under Sponsorship is four (4).

More information on individual applications and rationale for recommendation can be found in Appendix 3.

For the 2023/24 financial year, and as per the table in below, the Administration is recommending 3 applications be considered for Sponsorship support, totaling \$34,000.

Activity/Organisation	Requested Support \$	Recommended Support \$
Total current budget allocation - \$50,000		
<i>Recommended Applications: Eligible and recommended grants, which are the highest priority.</i>		
Newman VETS Football Club / Newman VETS Celebrity Match 2023	\$10,000 (cash)	\$9,000 (cash)
East Pilbara Race Club / Newman Cup 2023	\$15,000 (cash)	\$15,000 (cash)
Marble Bar Race Club / Marble Bar Races 2023	\$10,000 (cash)	\$10,000 (cash)
Sub-total of recommended applications within the budget	\$35,000	\$34,000
<i>Not recommended applications:</i>		
Ocrea's Swim Club / Newman Swimming Club Events	\$16,000 (cash)	

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

6.6 Grants and Sponsorship

STRATEGIC COMMUNITY PLAN

1: Economic

A diverse and sustainable economy, with a balanced population, providing equal opportunities and prosperity for all, and a fair share of the returns from our resources

- 1.1. Develop strong networks for collaboration within and across the corporate and public sectors for growing exports, with a focus on agriculture, mining services, Aboriginal business and tourism
- 1.2. Work with local entrepreneurs, existing businesses and artists to increase their internal capacity and explore business opportunities that will reduce leakage from the local economy
- 1.4. Collaborate with key stakeholders on brand promotion, tourism accommodation, investment in attractions and product development, and supporting infrastructure such as wayfinding and signage

2: Social

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

- 2.4. Promote health and safe lifestyles choices, and uphold public health and safety
- 2.6. Support local sporting clubs and community organisations to grow their capacity to increase healthy activity and cohesion
- 2.7. Support art and culture, and events and activities that bring people together in shared experience and celebration
- 2.8. Improve inclusion and harmony across the diverse groups in the population

RISK MANAGEMENT CONSIDERATIONS

Reputational – Moderate

FINANCIAL IMPLICATIONS

The financial implications of the recommendation(s) are accommodated within the 2023/24 budget.

VOTING REQUIREMENTS

Simple Majority.

11.3.6 IN-KIND SUPPORT GRANTS PROGRAM 2023/24

Attachments: [Appendix 1 In-Kind Support Grants Evaluation Summary Report](#)

Responsible Officer: Emma Landers
Deputy Chief Executive Officer, Director
Community Engagement

Author: Nicole Montgomery
Coordinator Grants and Advocacy

Proposed Meeting Date: 30 June 2023

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No: 2023/ 97)

Moved: Cr McWhirter-Brooks

Seconded: Cr Kular

That Council approves the following In-Kind Support Grants, totaling \$9,120, to:

Applicant Organisation	Event	Recommendation Total Amount
Ocrea's Swim Club	Ocrea's Swim Club	\$6,000
Newman Junior Soccer Association Incorporated	NJSA Local Competition Facility and Lighting Hire 2023	\$3,120

**CARRIED UNANIMOUSLY
RECORD OF VOTE: 9/0**

For: Shire President, Deputy Shire President, Crs Anick, Kular, Baer, Lockyer,
Coppin, Landy, Mortimer

Against: Nil

REPORT PURPOSE

For Council to consider funding recommendations for the 2023/24 In-Kind Support Grants program.

BACKGROUND

At its meeting held 25 November 2022, Council adopted the revised Grants and Sponsorship Policy (refer to Appendix 1 in Item 15.1.1 of this Confidential Agenda) and adopted the new Grants and Sponsorship Guidelines and revoked the Junior Community and Sporting Organisation Assistance policy at the Ordinary Council Meeting held on 24 February 2023 (refer to Appendix 2 in Item 15.1.1 of this Confidential Agenda). This encompasses the In-Kind Support Grants and the ongoing grants provided throughout the year.

The In-Kind Support Grant applications are open all year round, with applications then undergoing an assessment against the eligibility and criteria. Each application is eligible for a grant of up to \$6,000 for in-kind contributions, with applications for assistance over \$3,000 requiring Council approval.

The Shire's Grants and Sponsorship programs aim to:

- Strengthen the community by supporting a diverse range of activities, projects and initiatives that are responsive and representative of community needs;
- Build the capacity of individuals, community groups and local organisations to develop and implement sustainable solutions at a local level;
- Create community connections which drive activities that achieve strategic priorities as identified in the Shire's Strategic Community Plan;
- Recognise and celebrate the Shire's diversity, history, lifestyle, environment and uniqueness; and
- Support projects that deliver an economic benefit for the Shire's local businesses.

The In-Kind Support Grants are designed to provide opportunities for applicants to deliver initiatives that encouraged identified target groups to thrive and have their needs met at all stages of life. The purpose is to increase the capacity of local community groups to deliver free or low cost initiatives to community members.

In-kind support is considered the use of Shire facilities, equipment or services where there is a cost associated.

The In-Kind Support grants were developed to support sporting associations and community groups that would have previously accessed fee-waivers under the Junior Community and Sporting Associations Assistance policy.

The budget for the Community Grants and Sponsorship program, including Grants and Sponsorship is \$85,000 proposed for the 2023/24 financial year.

The request from the In-Kind Support Grants applications \$19,120.

COMMENTS/OPTIONS/DISCUSSIONS

The Shire has received two (2) applications for the In-Kind Support Grants, with all being eligible for assessment. The full list of applications and summary details can be found in the In-Kind Support Evaluation Report (**Appendix 3**).

All applications were assessed against a selection criteria with the criterion aligned to the Shire's Strategic Community Plan.

Of the two (2) applications, all are recommended to be approved.

Successful applicants will be required to submit a detailed acquittal report to the Shire within 30 days of completion of their activity.

Activity/Organisation	Requested Support \$	Recommended Support \$
Total current budget allocation - \$85,000		
<i>Recommended Applications: Eligible and recommended grants, which are the highest priority.</i>		
Ocrea's Swim Club / Ocrea's Swim Club	\$16,000 (in-kind)	\$6,000 (in-kind)
Newman Junior Soccer Association Incorporated / NJSA Local Competition Facility and Lighting Hire 2023	\$3,120 (in-kind)	\$3,120 (in-kind)
TOTAL	\$19,120	\$9,120

It is worth noting that the Ocrea's Swim Club has applied under the Participation, Sponsorship and In-Kind Support Funding programs. The Administration has determined that the Ocrea's Swim Club application best aligns under the In-Kind Support Grant and has been assessed against this selection criteria.

STATUTORY IMPLICATIONS/REQUIREMENTS

Nil

POLICY IMPLICATIONS

6.6 Grants and Sponsorship

STRATEGIC COMMUNITY PLAN

1: Economic

A diverse and sustainable economy, with a balanced population, providing equal opportunities and prosperity for all, and a fair share of the returns from our resources

- 1.1. Develop strong networks for collaboration within and across the corporate and public sectors for growing exports, with a focus on agriculture, mining services, Aboriginal business and tourism
- 1.2. Work with local entrepreneurs, existing businesses and artists to increase their internal capacity and explore business opportunities that will reduce leakage from the local economy

- 1.4. Collaborate with key stakeholders on brand promotion, tourism accommodation, investment in attractions and product development, and supporting infrastructure such as wayfinding and signage.

2: Social

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

- 2.4. Promote health and safe lifestyles choices, and uphold public health and safety
- 2.6. Support local sporting clubs and community organisations to grow their capacity to increase healthy activity and cohesion
- 2.7. Support art and culture, and events and activities that bring people together in shared experience and celebration
- 2.8. Improve inclusion and harmony across the diverse groups in the population

RISK MANAGEMENT CONSIDERATIONS

Reputational – Moderate

FINANCIAL IMPLICATIONS

The proposed Grants and Sponsorship budget for the 2023/24 financial year is \$85,000.

When approving successful applications, Council should consider ensuring there is adequate funding remaining in the budget for applications throughout the year from the broader Grants and Sponsorship programs.

VOTING REQUIREMENTS

Simple Majority.

11.4 DIRECTOR AVIATION AND REGULATORY SERVICES

11.4.1 MARBLE BAR HERITAGE ITEM

This item was considered by Council in closed session as Item 15.1.2 of the Confidential Agenda.

11.5 ACTING DIRECTOR INFRASTRUCTURE SERVICES

11.5.1 MINUTES OF PLANT COMMITTEE MEETING - 25 MAY 2023

Attachments: [Appendix 1 Unconfirmed Minutes](#)

Responsible Officer: Steven Harding
Chief Executive Officer

Author: Joshua Brown
Manager Governance, Risk and Procurement

Proposed Meeting Date: 30 June 2023

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No: 2023/ 98)

Moved: Cr Lockyer

Seconded: Cr McWhirter-Brooks

That Council notes the Unconfirmed Minutes of the Plant Committee meeting held on 25 May 2023.

**CARRIED UNANIMOUSLY
RECORD OF VOTE: 9/0**

For: Shire President, Deputy Shire President, Crs Anick, Kular, Baer, Lockyer, Coppin, Landy, Mortimer

Against: Nil

REPORT PURPOSE

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

BACKGROUND

Council has established committees to assist the Council and to provide advice and recommendations.

At its meeting on 24 February 2023, Council adopted new Terms of Reference for the Committee.

The functions of the Committee are:

- To ensure the Shire's plant and machinery assets are managed with due regard to Council's key objectives and goals as specified in the Strategic Plan.

- To provide input into Council's budget forward planning through the development program covering heavy vehicle replacements, and relevant plant and machinery including (where relevant) identification of significant maintenance cost points.

The Plant Committee's current membership is as follows:

Members	Deputy Members
Cr Coppin (Chair)	Cr Smith
Cr Lockyer (Deputy Chair)	Cr Middleton
Cr Baer	Cr McWhirter-Brooks
Cr Anick	Cr Mortimer

COMMENTS/OPTIONS/DISCUSSIONS

A meeting of the Plant Committee was held on Thursday, 25 May 2023, the unconfirmed minutes of which are attached as **Appendix 1**.

There are no further meetings of the Plant Committee scheduled for 2023, however special meetings of the Committee will be called from time to time to receive advice of proposed plant purchases.

STATUTORY IMPLICATIONS/REQUIREMENTS

Consistent with subdivision 2 of Division 2 of the *Local Government Act 1995*.

POLICY IMPLICATIONS

No known policy implications.

STRATEGIC COMMUNITY PLAN

5: Governance

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

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

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

RISK MANAGEMENT CONSIDERATIONS

Compliance – Minor

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple Majority.

12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

The following questions were received with due notice from Cr Langtree Coppin.

Rates for 2023/24

What percentage is the rate increase for 23/24 Budget?

Refer table below:

2023-24 Average Valuation	2022 - 2023		2023 - 2024		Increase		
	RID	Rates	RID	Rates	Annual	Weekly	%
GRV - Residential	0.0600	\$ 1,348	0.0652	\$ 1,465	\$ 117	\$ 2.25	8.67%
GRV - Non Residential	0.0600	\$ 8,065	0.0652	\$ 8,763	\$ 699	\$ 13.44	8.67%
GRV - TWA	0.1200	\$ 182,962	0.1304	\$ 198,819	\$ 15,857	\$ 304.94	8.67%
UV - Pastoral	0.1500	\$ 23,477	0.1629	\$ 25,496	\$ 2,019	\$ 38.83	8.60%
UV - Mining	0.3000	\$ 8,578	0.3258	\$ 9,315	\$ 738	\$ 14.19	8.60%
UV - Prospecting	0.2829	\$ 745	0.2971	\$ 782	\$ 37	\$ 0.72	5.02%
Sewerage							
GRV - Residential	0.0119	\$ 267	0.0130	\$ 292	\$ 25	\$ 0.48	9.25%
Security & Surveillance							
GRV - Residential		\$ 52		\$ 62	\$ 10	\$ 0.19	19.23%
Waste Collection							
GRV - Residential		\$ 330		\$ 446	\$ 116	\$ 2.23	35.15%

Yurlu Caravan Park – Newman

How much money has been spent since the start of Yurlu Caravan Park?

A total of \$1,566,734 has been spent on capital works at Yurlu Caravan Park, \$1,007,806 in operation expenditure and \$28,402 for insurance since 2020/21.

How much funding is left in this year's budget to spend?

A total of \$328,084 remains unexpended in the 2022/23 budget.

Please provide a breakdown of expenditure for each year.

139220 Yurlu Caravan Park Capital Works						
Year	Original Budget	Amended Budget	Actual YTD	PO YTD	Total	C'fwd
2022-23	\$ 250,000	\$ 328,084	\$ -	\$ -	\$ -	
2021-22	\$ -	\$ 265,000	\$ 186,915	\$ 0	\$ 186,916	\$ 78,084
2020-21	\$ 500,000	\$ 1,300,000	\$ 1,379,818	\$ 0	\$ 1,379,818	Nil
Total		\$ 1,815,000			\$ 1,566,734	

139200 Yurlu Caravan Park Maintenance Works						
Year	Original Budget	Amended Budget	Actual YTD	PO YTD	Total	(Over) / Under
2022-23	\$ 205,000	\$ 300,000	\$ 568,641	\$ 126,746	\$ 695,387	\$ (395,387)
2021-22	\$ 50,000	\$ 200,000	\$ 311,836	\$ 0	\$ 311,836	\$ (111,836)
2020-21	\$ -	\$ -	\$ 582	\$ 0	\$ 582	\$ (582)
Total		\$ 500,000	\$ 881,059	\$ 126,747	\$ 1,007,806	\$ (507,806)
139210 Yurlu Caravan Park Insurance						
Year	Original Budget	Amended Budget	Actual YTD	PO YTD	Total	(Over) / Under
2022-23	\$ 17,000	\$ 12,202	\$ 12,202	\$ -	\$ 12,202	\$ -
2021-22	\$ -	\$ 16,200	\$ 16,200	\$ -	\$ 16,200	\$ -
2020-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total		\$ 28,402	\$ 28,402	\$ -	\$ 28,402	\$ -

How much has been allocated in next year's budget to spend?

Newman Caravan Park Draft 2023-2024 Budget Provisions		
GL	Description	Proposed Budget
131005	Newman Caravan Park - Business Case	\$ (200,000)
131020	Newman Caravan Park Building Maintenance	\$ (328,000)
131021	Newman Caravan Park Insurance	\$ (13,610)
131023	Newman Caravan Park Grounds Maintenance	\$ (72,000)
	Total	\$ (613,610)
132003	Newman Caravan Park Fees and Charges	\$ 295,000
	Surplus / (Deficit)	\$ (318,610)

How much total income received?

1320030 Newman Caravan Park Fees and Charges						
Year	Original Budget	Amended Budget	Actual YTD	PO YTD	Total	Over / (Under)
2022-23	\$ 260,000	\$ 295,000	\$ 318,094	\$ -	\$ 318,094	\$ (23,094)
2021-22	\$ -	\$ 160,000	\$ 233,125	\$ -	\$ 233,125	\$ (73,125)
2020-21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total		\$ 455,000	\$ 551,219	\$ -	\$ 551,219	\$ (96,219)

Marble Bar Road/Main Roads

What has happened to the 100 kms of bitumen that was due to commence 6 months ago?

Main Roads was allocated funding to assist Roy Hill Iron Ore (RHIO) with the project to seal 100kms of Marble Bar Road. When tenders closed in December 2022, only one tender was submitted and the value far exceeded the cost estimates and the available budget that had been approved by both Main Roads and RHIO for the project. Main Roads and WHIO have been working together to pursue the project and have since agreed to a new approach, where RHIO will undertake these works. It is expected that RHIP will commence these works Q2 FY2023/24, subject to heritage works being finalised.

Has the project been cancelled, if so, why?

The project has not been cancelled.

Can a letter be drafted from the Shire of East Pilbara to the Transport Minister asking the questions raised here?

The Shire will continue to work with Main Roads on the timely delivery of this essential upgrade work.

Cape Keraudren Caravan Park

Please provide loss/profit statistics for 2022/2023 to date?

Cape Keraudren Summary 2022-2023			
GL	Description	Budget	Act YTD
Various	Operating Expenses	\$ (172,969)	\$ (166,242)
132004	Cape Keraudren Camping Fees	\$ 160,000	\$ 128,292
	Surplus / (Deficit)	\$ (12,969)	\$ (37,950)

Commencement of Aboriginal Cultural Heritage Act 2021

Has the Shire investigated the impact of the new Aboriginal Cultural Heritage Act coming into force in July, and what impact it may have on the Shire's operations, particularly roadworks, pushing material for rubbish tips, building extensions, erection of signs, etc?

On 1 July 2023, the *Aboriginal Cultural Heritage Act 2021* will be proclaimed and the *Aboriginal Cultural Heritage Regulations 2022* will come into effect.

The new Act and Regulations will require proponents to undertake due diligence prior to undertaking activities that involve ground disturbance.

Operational Impacts

The new Act and Regulations may have a significant impact on the Shire's operations and process. Shire officers are continuing to work through the issues and build an understanding of the range and scale of those impacts in consultation with WALGA and the Department of Local Government. Any additional resourcing that is required to manage the impacts of the new arrangements will be reported to Council.

Planning Considerations

There is no obligation for the Shire to carry out due diligence on any applications it receives for assessment and determination.

However, if the Shire is carrying out any work that involves ground disturbance, then we are obliged to carry out the necessary due diligence.

Identified impacts may include an increase in timeframes however it is worth noting that if planning are engaged early in the process then this due diligence can be carried out at the onset. Approval from Aboriginal bodies is required where a proposed activity may harm Aboriginal Cultural Heritage, which will result in additional timeframes.

The Department of Planning, Lands and Heritage have provided a summary and flow chart of what types of activities are exempt as well as Tier 1, 2 and 3 activities. Extensive detail on the different tiers is covered in the *Regulations*.

Tier Category	Description	Approval Pathway
Exempt Activity <i>Activities specified in the ACH Act</i>	'Small Scale Residential' 'Emergency Services', 'Recreational Activities' 'Like for Like or less'	Does not require Approval <i>Proponents encouraged to avoid ACH</i>
Tier 1 <i>Activities will be specified in the Regulations</i>	Minimal Ground Disturbance Activities	Does not require Approval <i>Proponents takes all reasonable steps possible to avoid or minimise risk of harm ACH</i>
Tier 2 <i>Activities will be specified in the Regulations</i>	Low Ground Disturbance Activities	Requires issue of <u>ACH Permit</u> by ACH Council <i>Proponents takes all reasonable steps possible to avoid or minimise risk of harm ACH</i>
Tier 3 <i>Activities will be specified in the Regulations</i>	Moderate to High Ground Disturbance Activities	Where Aboriginal Party and Proponent reach agreement ACH Council approves <u>ACH Management Plan</u>. Where Aboriginal Party and Proponent are unable to reach agreement it is the decision of the Minister whether or not to authorise an ACH Management Plan

A visual representation of the assessment processes available under the Act is provided as **Appendix 1** to Item 13.

Exempt activities include:

- Emergency management activities;
- Recreational activities;
- Travelling on existing roads or tracks;
- Burning carried out by a public authority for fire prevention and control;
- Maintaining existing infrastructure in a way that does not involve new disturbance to ground;
- Undertaking “like for like” activities;
- Development on residential lots less than 1,100sqm;
- Lifestyle and general maintenance activities associated with a residential building, including gardening, repairs and carrying out minor development;
- Small development activities as prescribed in the *Local Planning Schemes Regulations 2015* (includes types of patios, carports, outbuildings, shade sails);
- Setting up and using temporary camps;
- Erecting a fence without clearing.

Tier 2 activities include the construction or renovation of a residential building on a lot 1100 m² or larger. General activities are categorised based on the amount of disturbance (e.g. removing less than 4kg = Tier 1; 4kg to 20 kg = Tier 2; over 20 kgs = Tier 3).

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

The following reports were proposed to be introduced as new business of an urgent nature by the Shire President (Presiding Member):

14.1.1 DEVELOPMENT APPLICATION P002/23 – EXTENSION OF USE NOT LISTED: WORKFORCE ACCOMMODATION – LOT 44 GREAT NORTHERN HIGHWAY, NEWMAN (OASIS @ NEWMAN)

14.1.2 NULLAGINE AQUATIC FACILITY

15.1.3 AWARD OF TENDER - RFT 12-2022/23 – MARBLE BAR AIRPORT OPERATIONS MANAGEMENT

COUNCIL RESOLUTION

Moved: Cr Middleton

Seconded: Cr McWhirter-Brooks

That Council accepts the following items are of an urgent nature and will consider the reports at this meeting:

Item 14.1.1 – Development Application P002/23 – Extension of use note listed: Workforce Accommodation – Lot 44 Great Northern Highway, Newman (Oasis @ Newman)

Item 14.1.2 – Nullagine Aquatic Facility

Item 15.1.3 – Award of Tender - RFT 12-2022/23 – Marble Bar Airport Operations Management

**CARRIED UNANIMOUSLY
RECORD OF VOTE 9/0**

For: Shire President, Deputy Shire President, Crs Anick, Landy, Kular, Baer, Landy, Coppin, Mortimer

Against: Nil

14.1.1 DEVELOPMENT APPLICATION P002/23 – EXTENSION OF USE NOT LISTED: WORKFORCE ACCOMMODATION – LOT 44 GREAT NORTHERN HIGHWAY, NEWMAN (OASIS @ NEWMAN)

Attachments: [Appendix 1 Overall Plan](#)
[Appendix 2 Compressed Site Plan](#)

Responsible Officer: Vic Etherington
Director Aviation and Regulatory Services

Author: Malcolm Somers
Manager Strategic and Statutory Planning

Proposed Meeting Date: 30 June 2023

Location/Address: Lot 44 Great Northern Highway, Newman

Name of Applicant: Oasis @ Newman Pty Ltd

Author Disclosure of Interest: Nil

COUNCIL RESOLUTION / OFFICER RECOMMENDATION

(Resolution No: 2023/ 99)

Moved: Cr McWhirter-Brooks

Seconded: Cr Kular

That Council grants development approval in accordance with clause 68(2)(b) of the Deemed Provisions for Local Planning Schemes subject to the following conditions:

CONDITIONS

Administrative Conditions

- 1. Development shall be in accordance with the approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plan(s) shall not be modified or altered without the prior written approval of the Shire of East Pilbara.**
- 2. This approval is to remain valid for a period of 24 months if development is commenced within 12 months. Otherwise this approval remains valid for 12 months only.**

Land Use

- 3. Use of the development hereby permitted is restricted to “Workforce Accommodation” as defined by the model scheme text in Schedule 1 of the Planning and Development (Local Planning Schemes) Regulations 2015. Any change to the approved use will require further approval from the Shire of East Pilbara.**
- 4. No more than 965 guests and staff shall be accommodated on site at any one time.**

Road Access

5. Prior to the lodgement of a building permit application a legally enforceable undertaking from the proponent agreed to by the Shire will be required, committing the proponent to permanently close the current access located to the southern extent of the development at the Great Northern Highway prior to occupation. An access point application and intersection concept design shall also be submitted with the Shire of East Pilbara and approved by Main Roads WA for a new northern access road, to be constructed in accordance with Main Roads WA requirements.
6. Prior to the lodgement of a building permit application, a Traffic Impact Assessment is required to be prepared and submitted for Main Roads WA to determine the anticipated impact of the developments ultimate design configuration.

Additional Information to be Provided

7. Prior to the lodgement of a building permit application, a detailed landscaping plan including location of landscaped areas, screening measures, details of plant species, size, 'low threat' varieties, retention of existing vegetation, method of irrigation and treatment of hard surfaces is to be prepared for the approval of the Shire of East Pilbara prior to commencement of development. The landscaping is to be installed in accordance with the approved plan prior to occupancy and maintained thereafter.
8. Prior to the lodgement of a building permit application, detailed designs for all stormwater drainage, internal roads, vehicle circulation areas and vehicle parking areas as depicted on the approved site plan are to be submitted to and approved by the Shire of East Pilbara prior to commencement of development. The approved plans are to be implemented prior to occupation and maintained thereafter.
9. As depicted on the stamped and approved plans, prior to occupation, the 426 new car parking bays are to be sealed, linemarked and constructed to the satisfaction of the Shire of East Pilbara.

Bushfire

10. Prior to occupation, the Bushfire Emergency Evacuation Plan is to be implemented in accordance with the recommendations of the Bushfire Management Plan (Envision, January 2021).
11. Prior to the lodgement of a building permit application, the Bushfire Management Plan (Envision, April 2021) is to be updated to the satisfaction of the Shire of East Pilbara, to reflect the most recent development plans.
12. Setbacks are to be in accordance with the provisions of the updated Bushfire Management Plan and the stamped and approved plans.

13. Prior to occupation, internal site vehicle access is to be designed, constructed and maintained in accordance with Element 3, Table 6 column 3 in the *Guidelines for Planning in Bushfire Prone Areas V1.3*.
14. Prior to occupation, a minimum 3m wide traversable firebreak shall be installed around the internal perimeter of the site and maintained thereafter to the satisfaction of the Shire of East Pilbara.
15. Prior to occupation, an adequate water supply of sufficient capacity and pressure for firefighting purposes shall be provided, with external hoses shielded from radiant heat, and capable of applying water safely onto all external surfaces of each building and for 10m around each building for a period of no less than 30 minutes at each building, to the satisfaction of the Shire of East Pilbara.

Services

16. Prior to occupation of the development, an adequate potable water supply shall be made available and thereafter maintained to the satisfaction of the Shire of East Pilbara and the Department of Health.
17. Prior to occupation, the development hereby permitted shall be connected to an approved wastewater management system, and the approved system thereafter maintained to the satisfaction of the Shire of East Pilbara and the Department of Health.
18. Should the applicant seek to increase the irrigation area from the approved 6.76 ha and/or the wastewater treatment plant throughput above the approved 250kL per day, a new application to the Shire of East Pilbara and/or relevant state government agencies shall be required.
19. Sewerage disposal shall be in accordance with the State Government Sewerage Policy.
20. All stormwater from the site must not impact Great Northern Highway.

Environment

21. The development must achieve minimum habitable floor levels of 521.5m AHD to the satisfaction of the Shire of East Pilbara.
22. Native vegetation between the existing development and the Fortescue River shall be maintained.
23. In accordance with the *Health (Miscellaneous Provisions) Act 1911*, all sewerage to be disposed of onsite shall occur within the same lot in which it is produced.

Visual Appearance

24. All new buildings are to be clad and finished such that they integrate and blend in with the existing buildings on site.
25. All bin / waste storage areas shall be screened from view of public areas where practicable.

ADVICE NOTES

1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
3. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. A review application must be made within 28 days of the determination.
4. This development approval does not extend to any other approval required from the local government under other legislation, such as (but not necessarily limited to) a Building Permit, bushfire construction standards or Approval to Construct or Install an Apparatus for the Treatment of Sewerage. The applicant and/or owner is advised to contact the local government to ascertain whether any other approvals are required prior to works commencing.
5. All building, health, environmental and waste management works are to comply with applicable legislative requirements.
6. In relation to Condition 3, please note the definition of 'Workforce Accommodation' is primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis. Any change to this land use will require a separate application to the Shire of East Pilbara.
7. Please note any development on site that is not subject to this approval or previous approvals are considered 'unauthorised development' and are required to be removed from site.
8. In relation to Condition 6, in accordance with the recommendations of the Bushfire Emergency Evacuation Plan, the closed access is to be signposted, gated and padlocked so as to only be available for emergency access and egress.
9. In relation to Condition 6, the new proposed access must receive formal approval through the Main Roads WA / Department of Planning, Lands and Heritage access application process. It is noted the location and geometry of the ultimate access will require Main Roads WA approval.
10. In relation to Condition 6, the closure and rehabilitation of the existing access will need to be reflected on future plans.
11. All works within the Great Northern Highway road reserve require the prior approval of Main Roads WA.

12. No changes can be made to the current easement to Lot 69, without the consent of the parties involved.
13. Refuse should be stored appropriately and removed on a regular basis to an approved offsite waste management facility.
14. Flood risk must be considered to ensure risk to the health and safety of people occupying the accommodation can be adequately managed. The Department of Fire and Emergency Services may be able to provide further advice on preparing a flood plan.
15. There are restrictions on the type of fill that can be used within Public Drinking Water Source Areas (PDWSA). For more information please refer to *DWER Water Quality Protection Note 24 – Landfilling with Inert Materials*.
16. For guidance on drinking water supplies please refer to *DWER Water Quality Protection Note 9 – Community Drinking Water Sources* and *DWER Water Quality Protection Note 41 – Private Drinking Water Supplies*.
17. Fertilisers should be applied in accordance with best management practices. For information on fertiliser management refer to DWER brochures: *Fertiliser application on pasture or turf near sensitive water resources*, *Liquid chemicals on agricultural land* and *WA environmental guidelines for the establishment and maintenance of turf grass areas*.
18. Hydrocarbons, chemicals and other toxic or hazardous substances shall be stored so there is no discernible risk of contamination of groundwater or surface water. This should include effective secondary barriers to contain the system, such as double-walled tanks and bunding. Restrictions apply for storage tanks as explained in DWER *WQPN 56: Tanks for fuel and chemical storage near sensitive water resources*. A contingency plan for managing and responding to spills should be in place, as per DWER *WQPN 10: Contaminant spills – emergency response plan*.
19. Pesticides should be applied in accordance with best management practices (i.e. in accordance with label directions). For more information see DWER brochure: *Liquid chemicals on agricultural land* and the Department of Health's website *Guides on pesticide use for industry and local government* and *Circular PSC88: Use of herbicides in water catchment areas*.
20. A nutrient and irrigation management plan should be prepared. Please refer to *WQPN 33: Nutrient and irrigation management plans* and *WQIS 4: Nutrient and irrigation management plan checklist*.
21. In accordance with DWER *Roads to reuse: Product specification – recycled road base and recycled drainage rock*: Recycled drainage rock shall not be used in PDWSAs.

22. Stormwater management systems should be designed and constructed in accordance with our *Stormwater management manual and Decision process for stormwater management in Western Australia*.

CARRIED UNANIMOUSLY
RECORD OF VOTE: 9/0

For: Shire President, Deputy Shire President, Crs Anick, Kular, Baer, Lockyer, Coppin, Landy, Mortimer

Against: Nil

With the agreement of the Mover (*Cr McWhirter-Brooks*) and Second (*Cr Kular*) the following amendment to Condition 5 of the Officer Recommendation was made:

Replace existing Condition 5 with the following:

Road Access

5. Prior to the lodgement of a building permit application a legally enforceable undertaking from the proponent agreed to by the Shire will be required, committing the proponent to permanently close the current access located to the southern extent of the development at the Great Northern Highway prior to occupation. An access point application and intersection concept design shall also be submitted with the Shire of East Pilbara and approved by Main Roads WA for a new northern access road, to be constructed in accordance with Main Roads WA requirements.

This amendment now forms part of the substantive motion detailed above.

Condition 5 of the original Officers Recommendation read as below:

Road Access

5. Prior to the lodgement of a building permit application, the current access located to the southern extent of the development at the Great Northern Highway shall be permanently closed. An access point application and intersection concept design shall also be submitted with the Shire of East Pilbara and approved by Main Roads WA for a new northern access road, to be constructed in accordance with Main Roads WA requirements.

EXECUTIVE SUMMARY

The purpose of this application is to seek development approval to extend the existing workforce accommodation village at Lot 44 Great Northern Highway - known as *Oasis @ Newman* - to provide a further 293 rooms, replace 48 existing rooms, plus laundry facilities, sport and exercise facilities and additional car / bus parking. It is also proposed to create a new road access easement from Great Northern Highway to Lot 44.

Key considerations for this proposal include:

- Suitability of the proposed land use (use not listed);
- Bushfire risk;
- Proposed access through Crown land;
- Parking;
- Environmental considerations;
- Availability of services and service infrastructure; and
- Visual amenity and screening.

The application was advertised to adjoining landowners and the broader community for a period of 28 days. At the end of the advertising period, no submissions had been received. The application was also referred to the Department of Planning, Lands and Heritage, Department of Health, Department of Water and Environmental Regulation and Main Roads WA for comment.

The subject site is located within an area defined as bushfire prone and is therefore required to comply with the bushfire protection criteria as described in WAPC State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7). A Bushfire Management Plan and Bushfire Emergency Evacuation Plan have previously been prepared and are considered suitable. The recommendations arising from these reports have been included as recommended conditions of approval.

Given the application is essentially an extension and continuation of the existing use, and that outstanding matters can be addressed via appropriate planning conditions, the application is recommended for approval.

REPORT PURPOSE

The purpose of this report is to seek the Council's determination of a development application to upgrade and extend the existing workforce accommodation facility at Lot 44 Great Northern Highway, Newman.

This application requires Council's determination as no delegation exists for applications for uses not listed within the Shire.

BACKGROUND

The purpose of the application is to seek development approval to extend the existing accommodation village at Lot 44 Great Northern Highway - operating as *Oasis @ Newman*. The development will provide an additional 293 new rooms and replace 48 existing rooms for workforce accommodation, plus laundry facilities, sporting and exercise facilities and additional car and bus parking.

Lot 44 Great Northern Highway is zoned 'Rural' under the Shire of East Pilbara Local Planning Scheme 4 (LPS4), and has an extensive planning history, having been the subject of a range of development approvals since 2005 for various iterations of an accommodation village including both workforce and tourist accommodation, including a caravan park.

The subject site currently comprises an accommodation facility comprising 672 rooms, along with associated amenities (pool, gym, dining room, recreation area and laundry facilities), parking, and a self-contained wastewater treatment facility. The caravan park which has been the subject of previous development approvals is not currently operational.

The application proposes to develop the areas to the south east, south west and north east of the existing accommodation facility, within Lot 44. These areas are largely cleared, unimproved and level.

Access to the site is currently obtained from Great Northern Highway via a sealed driveway / crossover. There is a 70m (approximate) deceleration lane for southbound traffic seeking to access the site, and localised widening of the road pavement of the highway adjacent to the access point to allow for through-traffic as well as right turning traffic in the northbound lane. It is proposed to close this access and create a new road access easement to Lot 44.

COMMENTS/OPTIONS/DISCUSSIONS

DESCRIPTION OF APPLICATION

An application to extend the existing workforce accommodation facility was received by the Shire on 3 March 2023. The original proposal sought approval for the development of workforce accommodation on both Lot 44 and the adjoining Lot 351. In response to comments received from the Shire and State referral agencies, the application was amended and a revised scaled down proposal with new accommodation proposed only on Lot 44 (the subject of this application) was received on 26 May 2023.

The application proposes to extend the existing workforce accommodation facility through the following:

- Five new double storey transportable accommodation buildings, comprising 293 new rooms and 48 replacing existing rooms on site.
- Addition of 6 new laundry/linen storage buildings.
- New recreation room (to have 3 recreation rooms in total on site) plus a sports oval and 2 sports and exercise areas.
- 426 new sealed car parking bays and 57 new bus/small truck bays.

With 672 rooms and 209 car parking bays currently approved, the proposed development would bring the total amount of rooms on site to 965 rooms with 635 car parking bays. No more than 965 guests and staff will be accommodated on site at any one time.

All rooms contain separate ensuites, beds, desks and televisions, and the majority are 4m x 4.8m in size. The configuration of the workforce accommodation has rooms back to back, with front verandahs facing out onto a connected series of walkways leading to the parking areas and proposed/existing communal facilities.

The predominant use proposed is that of workforce accommodation. This is not a defined use in LPS4, however is described in the Model Scheme Text as:

premises, which may include modular or relocatable buildings, used:

- (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and*
- (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.*

All other uses and development described above are considered to be incidental to the predominant use of workforce accommodation.

ADVERTISING AND SUBMISSIONS

The proposal is required to be advertised in accordance with clause 3.4.2 (b) of LPS4 and clause 64 of the Deemed Provisions for Local Planning Schemes. The application was advertised for a period of 28 days, commencing on 11 April 2023 and concluding on 10 May 2023. The advertising occurred via a letter to the owners and occupants of the adjoining residential property at Lot 69 Great Northern Highway, and a public notice displayed on the Shire's website. At the end of the advertising period, no submissions had been received.

In addition to the public advertising, the application was referred to Main Roads WA, the Department of Health, Department of Planning, Lands and Heritage as well as the Department of Water and Environmental Regulation in accordance with clause 66 of the Deemed Provisions for Local Planning Schemes. Relevant comments are provided below:

Main Roads WA

The subject site gains access from Great Northern Highway – a regional highway and road train transport route under the care and control of Main Roads WA. Given that the application proposes to increase the intensity of the use within the site, it is considered appropriate to consult with Main Roads WA in order to determine any traffic implications.

The application was first referred to Main Roads WA on 13 March 2023, and the updated proposal, subject of this application forwarded for comment on 29 May 2023.

In correspondence dated 9 June 2023, Main Roads WA wrote to the Shire advising that the existing access point (located at the southern end of the development area) is not a suitable location for either the current or proposed future traffic volumes, and should be relocated.

The proposed development seeks to address this by proposing a new road access easement from Great Northern Highway to Lot 44. The location proposed for the new access point is approximately 750m to the north towards Newman and has been deemed suitable (pending formal assessment from Main Roads WA).

Main Roads WA have also advised that they will require formal agreement with the developer for the new access points and a commitment to remove the existing access as a condition of the development. The closure and rehabilitation of the existing access will need to be reflected on future plans. These matters will be included as a condition in the event of an approval.

In light of the above, Main Roads WA advised that they have no objections to the proposed development subject to the following conditions:

- 1. The current access located to the south of the development site must be permanently closed and the new northern access created in accordance with Main Roads WA requirements.*
- 2. The new proposed access must receive formal approval through the access application process.*
- 3. A new permanent access shall be constructed to the adjoining land parcel (though not necessarily by the applicant) to facilitate safe access to the lot.*
- 4. A traffic impact assessment is required for the anticipated impact of the developments ultimate design configuration.*
- 5. All storm water from the development site must not impact Great Northern Highway.*

It is noted that recommended Condition 3 relates to access to the adjoining Lot 69 and does not form part of this application. The comments received by Main Roads WA and the proposed response to those comments is set out in the discussion section of this report.

Department of Planning, Lands and Heritage

Given that a new road access easement to Lot 44 is proposed through Lot 351 (Crown land), consultation with the Department of Planning, Lands and Heritage (DPLH) is required.

The application was first referred to DPLH on 18 April 2023, and the updated proposal, subject of this application forwarded for comment on 29 May 2023.

In correspondence dated 12 June 2023, DPLH wrote to the Shire advising that on the basis that no Crown land is impacted by new development and Lot 44 is held in freehold, the Department has no comments on the proposed expansion of Oasis Newman. DPLH also advised that no changes can be made to the current easement to Lot 69 that is proposed to be relocated, without the consent of the parties involved. It is noted that the relocation of the easement to Lot 69 does not form part of this application.

In relation to the proposed new road access through Lot 351 (Crown land) from Great Northern Highway to Lot 44, it is important to note that Lot 351 does not form part of this application. Furthermore, DPLH has advised that they cannot provide any specific comments until their investigations have been completed and tenure arrangements between them and the applicants have been reached.

The comments received by DPLH and the proposed response to those comments is set out in the discussion section of this report.

Department of Health

The subject site accommodates a Waste Water Treatment Plant (WWTP) with a capacity of 250kL, which recycles water for use by people on site as well as for irrigation. Given that the application proposes to increase the number of people on site, it is considered appropriate to consult with the Department of Health (DoH).

The application was first referred to DoH for comment on 15 March 2023 and the updated proposal, subject of this application forwarded for comment on 29 May 2023. In correspondence dated 9 June 2023, DoH wrote to the Shire advising that:

The land is subject to DoH Recycled Water Scheme Approval H58/00000, which was issued on 16 May 2023. DoH will maintain oversight on the development that the conditions of approval are being adhered to on an ongoing basis. The approval allows 250kL a day through the WWTP and a 6.76 ha irrigation area for recycled water reuse.

As the irrigation area remains unchanged to what DoH has approved, DoH has no objections to the development subject to ongoing compliance with recycled water scheme approval H58/00000. An additional assessment and approval would be required should the applicant increase the irrigation area from 6.76 ha or if they increase the throughput through their WWTP beyond the approved 250kL / day.

A permit to operate the WWTP may still be required to be issued by the Shire of East Pilbara to close out any residual conditions within the previous construct and install approval for the WWTP.

The comments received by DoH and are reflected in the recommended conditions.

Department of Water and Environmental Regulation

Given the location of the proposed development within a Public Drinking Water Source area as well as the potential for flood risk, it is considered appropriate to consult with the Department of Water and Environmental Regulation (DWER).

The application was first referred to DWER for comment on 13 March 2023 and the updated proposal, subject of this application forwarded for comment on 29 May 2023. In correspondence dated 14 June 2023, DWER wrote to the Shire advising the following:

Flood Risk

The Department expects the 1 in 100 Annual Exceedance Probability (AEP) level at the Oasis @Newman accommodation to be approximately 521m AHD. Consequently, the Department recommends minimum habitable floor levels of 521.5m AHD.

The existing accommodation is located on a narrow (natural) flood levee of higher ground along the bank of the Fortescue River. This higher ground is likely to overtop in large events (1 in 100 AEP and larger) and isolate the area from Newman due to floodwaters overtopping Great Northern Highway.

From the site survey provided by the proponent, land at the accommodation adjacent to the mini sports oval is approximately 519m AHD. There are restrictions on the type of fill that can be used within Public Drinking Water Source Areas (PDWSA).

Newman Water Reserve – Priority 3 Area

The new accommodation, sports ovals, landscaping, carparks and other proposed facilities on Lot 44 are located within a Priority 3 Area (P3) of the Newman Water Reserve Public Drinking Water Source Protection Area (PDWSA). The aim of P3 areas is to manage water quality risks.

Water Quality Protection Note (WQPN) 25 Land Use Compatibility Tables for public drinking water source areas (LUCT) provides guidance on land use activities within PDWSA's to protect drinking water quality and public health.

In that regard, WQPN25 provides the following guidance:

- “Workforce accommodation” and “recreational oval” uses are considered compatible with conditions.
- “Recreation club room” is considered an acceptable use, with Sewerage disposal to be in accordance with the Government sewerage policy.
- “Car park” is considered compatible with conditions because the associated land use is compatible.

The relevant conditions and advice notes outlined in WQPN25 are recommended in the event of an approval.

Newman Water Reserve – Priority 1 Area

DWER have identified that the new access road easement is proposed to be located within a Priority 1 (P1) Newman Water Reserve Public Drinking Water Source Protection Area (PDWSA). The aim of P1 areas is to avoid water quality risks. The use of an “Access Road” is considered compatible with conditions, which are recommended in the event of an approval.

It is noted that the P1 status of the land where the new access is proposed is being considered by DPLH in their assessment of that proposal.

Industry Regulation Approvals

The revised DA was reviewed in relation to works approval and licence requirements under Part V Division 3 of the Environmental Protection (EP) Act.

Works Approval W6586/2021/1 granted on 22/03/2022 for category 54 (sewerage facility) activities with a capacity 250 m3 per year expires on 21 March 2025 and an application for a licence was received on 29 May 2023, both of which are consistent with the proposed development.

Summary

DWER have advised that the proposed land uses are considered compatible. Public drinking water source protection risks and flood risk needs to be addressed through best practice design and management consistent with the advice provided above and the recommended conditions and advice notes.

INTERNAL REFERRALS

No comments which have a material bearing on the assessment or recommendations of this planning application have been received from internal departments. It is noted that the appropriate building, health, waste and engineering approvals will be required from the Shire should this development application be approved.

OFFICER'S ASSESSMENT

A detailed assessment of the proposal against the applicable statutory and policy framework has been completed. The key planning considerations of this proposal are as follows:

- Suitability of the proposed land use (use not listed);
- Bushfire risk;
- Proposed access through Crown land;
- Parking;
- Environmental considerations;
- Availability of services and service infrastructure; and
- Visual amenity and screening.

Clause 67 (2) of the Deemed Provisions for Local Planning Schemes requires the Shire to have due regard for a range of considerations including but not limited to the environmental impacts of the development, the likely effect of the development on the natural environment or water resources, landscaping, the suitability of the land for the proposed development as well as the adequacy of the proposed means of access and egress from the site.

Discussion on each of these key considerations is set out below.

Land Use

As noted above, the proposed land use of 'workforce accommodation' does not fit within any of the land uses defined in LPS4. As such, it must be considered as a 'use not listed' and determined in accordance with the process set out in clause 3.4.2 of LPS4:

3.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may:

- a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for planning approval; or*
- c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

Whilst the proposal is not strictly in accordance with the objectives of the 'Rural' zone, the Shire of East Pilbara has approved various types of tourist and workforce accommodation on the site previously. Given this application is essentially an extension and continuation of the existing approved use, it is appropriate that the Shire exercise its discretion and consider the application for the proposed use in this instance.

Bushfire Risk

The subject site is located within a bushfire prone area, and as such, the level of risk to the proposed development requires further assessment.

The application is supported by a Bushfire Management Plan ("BMP"). As short stay accommodation uses are listed as a "vulnerable" use under SPP 3.7, a Bushfire Emergency Evacuation Plan ("BEEP") has been prepared as an appendix to the BMP. The BMP has been prepared by a qualified bushfire expert, and is considered to be acceptable and appropriate. The BMP includes a number of recommendations to achieve an adequate level of safety, most of which are the responsibility of the owner / operator of the facility, including:

- Adoption and implementation of the BEEP;
- No buildings within 9m of the northern and eastern boundaries;
- Landscaping maintained as 'low threat';
- Maintenance of the driveway as an emergency egress point;
- Installation of a 3m perimeter firebreak around the site; and
- Provision of a suitable water supply for firefighting purposes.

The application proposes a 9m setback to the northern and eastern boundaries and is therefore consistent with the recommendations of the BMP in this regard. It should be noted that the buildings in closest proximity to the boundaries will still require additional construction standards in order to meet the Australian Standard AS 3959. This will be addressed further at building licence stage.

Appropriate conditions have been included in the recommendation to address the remainder of these obligations.

Proposed Access

The proposed development will result in an increase to the intensity of the land use, and will result in an increase of light vehicle, bus and heavy vehicle traffic seeking to enter and exit the site. As such, it is necessary to consider the adequacy of the existing access arrangements to Great Northern Highway.

The existing workforce accommodation is accessed directly from Great Northern Highway. Main Roads WA have advised that the existing access is not a suitable location for either the current or proposed future traffic volumes, and requires relocation.

A new road access easement is proposed through Lot 351 (Crown Land) to access Lot 44. Main Roads WA have advised that the new access point (with vehicle entry and drop off) is suitable subject to conditions and pending formal assessment from Main Roads WA. A key condition is the closure of the existing access and approval of the new access.

As the proposed access traverses Crown land, DPLH have been consulted. DPLH have advised that they cannot provide any specific comments until their investigations have been completed and tenure arrangements between them and the applicants have been reached.

Concerns are shared by the Shire and Main Roads that the current and proposed use will continue to operate out of the existing access indefinitely if approval for the new access is not ultimately granted. Main Roads has advised that the current location is not suitable for current vehicle volumes so they do not support any additional development using the existing access.

Furthermore, Lot 351 is not subject to this application as DPLH have not signed the application as 'owner' of the land. Any decision on this application cannot include access works on Lot 351 until these matters are resolved.

Therefore, in the event of an approval, a condition has been recommended, requiring that the existing access be closed and approvals gained for the new access road to be constructed to the satisfaction of Main Roads WA, prior to development.

Parking

The application proposes a substantial increase in the number of parking areas / bays available across the site, including additional areas for the parking of buses and heavy vehicles, as well as light vehicles. When considering the number of bays proposed (426 new bays, 635 bays in total) against the total number of accommodation units (965 rooms total) the parking requirement equates to approximately 1 bay for every 1.5 rooms (or 0.65 bays per room). This is a vast improvement on the current situation with 209 car parking bays servicing 672 rooms.

The Shire's Local Planning Policy No.4 – Vehicle Parking Standards ("LPP4") does not specify a particular standard or ratio for workforce accommodation or similar. By comparison, for a 'motel' use, LPS4 specifies a ratio of 1.5 spaces per unit, while LPP4 requires 1 bay per single bedroom unit. This ratio is considered excessive for a workforce accommodation use, as a significant number of the occupants do not have their own vehicles, as they fly into Newman Airport, and are transported by bus to and from work each day.

When considering the new parking areas and the number of occupants who travel via plane and bus, the parking provision is considered appropriate.

Section 3.7(d) of LPP4 requires that:

The entire parking area, including parking spaces and manoeuvring lanes required by this or any other relevant policy shall be paved with either asphalt, concrete or brick paving or other sealed surfacing acceptable to the Council. The standard of paving shall be in accordance with specifications approved by the Council.

In relation to the standard of the parking bays, the application proposes that the 426 new parking bays be sealed which is supported to allow the new bays to be easily identifiable and to help reduce dust impacts.

Environmental Considerations

DOH has provided detailed comments in relation to the proposal as well as the existing WWTP and recycled water approvals applicable to the site. Any change to irrigation areas and capacity will require separate approvals to be obtained. Furthermore,

DWER has advised that the proposed land uses are compatible subject to compliance with their requirements and conditions.

Other Considerations

Landscaping – The application does not include any details in relation to proposed landscaping across the application area. Landscaping is an important aspect of a use such as this with respect to visual amenity, screening, dust management, shade, and the amenity of the occupants of the accommodation and adjoining properties.

In particular, with additional vehicle parking proposed closer to Great Northern Highway, the use of landscaping as screening is required.

The nature of the landscaping must be considered in the context of the limited availability of water, the use of recycled water and the need to minimise bushfire hazards. It is recommended that a condition be imposed requiring provision, approval and implementation of a landscape plan prior to commencement and occupation respectively.

Building materials – A condition is recommended requiring all new buildings to be clad and finished to a high standard such that they blend in with the existing buildings on site.

Provision of services – Appropriate conditions have been included to ensure that the development is connected to an adequate potable water supply, and is connected to an approved wastewater treatment system prior to occupation.

Conclusion

The proposed use and development is considered to be appropriate in the context of the planning framework and the previous approvals granted over the site, subject to the provision of subsequent details as outlined in the recommended conditions.

STATUTORY IMPLICATIONS/REQUIREMENTS

Council will determine this application in accordance with its powers under the Planning and Development Act 2005 and the Shire of East Pilbara Local Planning Scheme No.4.

POLICY IMPLICATIONS

Nil.

STRATEGIC COMMUNITY PLAN

3: Built Environment

Connected and accessible communities.

B2 Plan for the future.

B2.1 Create liveable places through local area planning.

5: Governance

Demonstrated accountability and corporate governance.

G1 Provide efficient, accountable and ethical governance.

RISK MANAGEMENT CONSIDERATIONS

Council will be making a lawful discretionary decision in accordance with its powers under the Planning and Development Act 2005. There is no additional organisational risk caused by Council carrying out its powers in this manner.

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple Majority.

14.1.2 NULLAGINE AQUATIC FACILITY

Responsible Officer: Steven Harding
Chief Executive Officer

Author: Etienne Vorster
A/Director Infrastructure Services

Proposed Meeting Date: 30 June 2023

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No: 2023/ 100)

Moved: Cr McWhirter-Brooks

Seconded: Cr Landy

That Council:

1. Accepts the offer of funding from Atlas Iron of \$1,500,000 and authorises the Chief Executive Officer to execute any necessary funding agreement;
2. Pursuant to section 6.8 of the *Local Government Act 1995*, authorises an amendment to the Shire's 2022-2023 Annual Budget to allocate funds from the contribution from Atlas Iron, to the Nullagine Pool Project as per the following table:

Account	Description	Current Budget	Amendment	Revised Budget
NEW	Atlas Iron Contribution – Nullagine Pool	\$0	\$1,500,000	\$1,500,000
NEW	Atlas Iron Contribution – Nullagine Pool	\$1,500,000	-\$1,500,000	\$0
	SP – Nullagine Swimming Pool	\$750,000	\$1,500,000	\$2,250,000

3. Authorises the Chief Executive Officer to vary the Contract with Hydrilla for the 'Design and Construct' of a 25 m x 7.2 m swimming pool, a 6 m x 6 m toddler pool, hydraulics, plant, and equipment for a price of \$1,040,000 ex GST; and

4. Approves a Purchase Order to be raised to the value of \$1,040,000 for the procurement of goods and services for the 'Design and Construct' of a 25 m x 7.2 m swimming pool, a 6 m x 6 m toddler pool, hydraulics, plant, and equipment from Hydrilla.

**CARRIED BY AN ABSOLUTE MAJORITY
RECORD OF VOTE: 9/0**

For: Shire President, Deputy Shire President, Crs Anick, Kular, Baer, Lockyer, Coppin, Landy, Mortimer

Against: Nil

REPORT PURPOSE

To seek authorisation from Council to accept an offer of corporate sponsorship for the Nullagine Aquatic Centre and vary the dimensions of the aquatic facility at Nullagine from six (6) metres wide to seven point two (7.2) metres wide and to approve a variation in price to \$1,040,000 for the procurement of goods and services for the 'Design and Construct' of a 25 m x 7.2 m swimming pool, a 6 m x 6 m toddler pool, hydraulics, plant, and equipment from Hydrilla.

BACKGROUND

At the Ordinary Council Meeting held on 26 May 2023, Council authorised the Chief Executive Officer to enter into a Contract with Hydrilla for the 'Design and Construct' of Option 1, being a 25 m x 6 m swimming pool, a 6 m x 6 m toddler pool, hydraulics, plant, and equipment; and approved a Purchase Order to be raised to the value of \$900,000 for the procurement of goods and services for the 'Design and Construct' of a 25 m x 6 m swimming pool, a 6 m x 6 m toddler pool, hydraulics, plant, and equipment from Hydrilla. Council resolved as follows:

That Council:

- 1. Authorises the Chief Executive Officer to enter into a Contract with Hydrilla for the 'Design and Construct' of Option 1, being a 25 m x 6 m swimming pool, a 6 m x 6 m toddler pool, hydraulics, plant, and equipment; and*
- 2. Approves a Purchase Order to be raised to the value of \$900,000 for the procurement of goods and services for the 'Design and Construct' of a 25 m x 6 m swimming pool, a 6 m x 6 m toddler pool, hydraulics, plant, and equipment from Hydrilla.*

COMMENTS/OPTIONS/DISCUSSIONS

The Chief Executive Officer has been successful securing additional funding for the provision of the Nullagine Aquatic Centre from Atlas Iron mining company. It is recommended the Council accept an offer of \$1,500,000 towards the Nullagine Aquatic Centre project. This will require a budget amendment.

With the additional funding available, it is possible to increase the width of the pool from 6 m wide to 7.2 m wide, which will provide 4 x 1.8 m wide swimming lanes as opposed to the 3 x 2 m wide lanes. A revised quotation was obtained from Hydrilla to accommodate the proposed 7.2 m width. The cost increased from \$900,000 for a 6 m wide pool, to \$1,040,000 for a 7.2 m wide pool. All amounts referred to are excluding GST. A variation of this magnitude – 11.56% - to the contract price is permissible with Council approval.

Increasing the pool width to accommodate 4 x 1.8 m lanes instead of 3 x 2 m lanes, yield a 20% increase in pool size while the additional lane provides a 33.333% increase in capacity for swimming gala events. The increase in width and exponential increase in capacity is therefore considered to be highly cost-effective improvement.

Conclusion:

It is recommended that Council support the proposed increase of the pool width from 6 m wide to 7.2 m wide.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995 and Local Government (Functions and General Regulations) 1996 tender regulations.

POLICY IMPLICATIONS

3.14 Procurement and Tender Procedures Policy

4.5 Execution of Documents

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

Financial – Minor

Reputational – Minor

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation. Council has secured an additional \$ 1,500,000 funding from Atlas Iron mining company for the Nullagine Aquatic Facility.

VOTING REQUIREMENTS

Absolute Majority.

15 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS

COUNCIL RESOLUTION

Moved: Cr Anick

Seconded: Cr McWhirter-Brooks

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

15.1.1 Award of Tender – RFT 11-2022/23 Provision of Air-Conditioning Services

15.1.2 Marble Bar Heritage Item

15.1.3 Award of Tender - RFT 12-2022/23 – Marble Bar Airport Operations Management

15.2.1 Award of Tender RFT 2022/23 Pre-Qualified Supplier Panel - Mechanical Repair Services (Separable Portions)

**CARRIED UNANIMOUSLY
RECORD OF VOTE 9/0**

For: Shire President, Deputy Shire President, Crs Anick, Landy, Kular, Baer, Landy, Coppin, Mortimer

Against: Nil

Crs Peta Baer, Langtree Coppin and Adrienne Mortimer, who were attending the meeting by electronic means (*MS Teams*) each declared that they would maintain the confidentiality of proceedings during the closed part of this meeting, and that if they were no longer able to maintain that confidentiality, will leave (disconnect) from the closed part of the meeting in accordance with Regulation 14CA(6) of the *Local Government (Administration) Regulations 1996*.

DIRECTOR AVIATION AND REGULATORY SERVICES

15.1.1 AWARD OF TENDER – RFT 11-2022/23 PROVISION OF AIRCONDITIONING SERVICES

Responsible Officer: Vic Etherington
Director Aviation & Regulatory Services

Author: Peter Edward
Manager Building Services

Proposed Meeting Date: 30 June 2023

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REASONS FOR CONFIDENTIALITY

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

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

COUNCIL DECISION / OFFICER RECOMMENDATION

(Resolution No: 2023/ 101)

Moved: Cr McWhirter-Brooks

Seconded: Cr Kular

That Council:

1. Not accept any Tender received for award for RFT 11-2022/23 – Provision of Air-conditioning Services in accordance with Regulation 18(5) of the *Local Government (Functions and General) Regulations 1996*; and
2. Authorises the Chief Executive Officer to establish a Prequalified Supplier Panel for air conditioning servicing, repairs and maintenance.

**CARRIED UNANIMOUSLY
RECORD OF VOTE 9/0**

For: Shire President, Deputy Shire President, Crs Anick, Landy, Kular, Baer, Landy, Coppin, Lockyer

Against: Nil

Cr Wendy McWhirter-Brooks had declared an Impartiality interest in this item and as such made a Statement of Impartiality regarding the discussion and vote.

15.1.2 MARBLE BAR HERITAGE ITEM

Responsible Officer: Steven Harding
Chief Executive Officer

Author: Vic Etherington
Director Aviation and Regulatory Services

Proposed Meeting Date: 30 June 2023

Location/Address:

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REASONS FOR CONFIDENTIALITY

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

- (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'S RECOMMENDATION

(Resolution No: 2023/ 102)

Moved: Cr Lockyer

Seconded: Cr Landy

That Council authorises the Chief Executive Officer to commence negotiations with the party identified in the report for the possible acquisition of the heritage item identified in the report and provide Council with a further report on the outcome of the negotiations and any recommendations to proceed with the acquisition.

**CARRIED UNANIMOUSLY
RECORD OF VOTE 9/0**

For: Shire President, Deputy Shire President, Crs Anick, Landy, Kular, Baer, Landy, Coppin, Lockyer

Against: Nil

**15.1.3 AWARD OF TENDER - RFT 12-2022/23 – MARBLE BAR AIRPORT
OPERATIONS MANAGEMENT**

Responsible Officer: Vic Etherington
Director Aviation & Regulatory Services

Author: Dawn Ronchi - Coordinator Procurement

Proposed Meeting Date: 30 June 2023

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest: Nil

REASONS FOR CONFIDENTIALITY

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

- (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'S RECOMMENDATION

(Resolution No: 2023/ 103)

Moved: Cr Lockyer

Seconded: Cr McWhirter-Brooks

That Council:

1. **Award Tender RFT 12-2022/23 - Marble Bar Airport Management to Regional Airport Management Services for an initial Contract period of two (2) years commencing on execution of the Contract for the tendered price of \$483,279.30.**
2. **Approve the Chief Executive Officer to extend the Contract with the same conditions for a further period of one (1) year on expiry of the initial Contract period.**
3. **Approve the Chief Executive Officer to extend the Contract with the same conditions for a further and final period of one (1) year on expiry of the first further period.**
4. **Authorise the Chief Executive Officer to approve pricing variations (based on cpi) for the two further contract periods, and to approve any minor contract variations during the Contract duration..**
5. **Approve the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contract between Regional Airport Management Services and the Shire of East Pilbara with respect to this Tender.**

**CARRIED UNANIMOUSLY
RECORD OF VOTE: 9/0**

For: Shire President, Deputy Shire President, Crs Anick, Kular, Baer, Lockyer, Coppin, Landy, Mortimer

Against: Nil

ACTING DIRECTOR INFRASTRUCTURE SERVICES

Cr Lou Lockyer had declared an Indirect Financial interest in this item and as such left the Chamber at 1.25pm and returned to Chamber at 1.27pm taking no part in the discussion or vote.

**15.2.1 AWARD OF TENDER – RFT 08-2022/23 PREQUALIFIED SUPPLIER PANEL
– MECHANICAL REPAIR SERVICES (SEPERABLE PORTIONS)**

Responsible Officer: Etienne Vorster
A/Director Infrastructure Services

Author: Dawn Ronchi
Coordinator Procurement

Proposed Meeting Date: 30 June 2023

Author Disclosure of Interest: Nil

REASONS FOR CONFIDENTIALITY

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

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

COUNCIL RESOLUTION / OFFICER RECOMMENDATION

(Resolution No: 2023/ 104)

Moved: Cr McWhirter-Brooks

Seconded: Cr Kular

That Council:

1. **Awards Tender RFT 08-2022/23 - Panel of Prequalified Suppliers – Major and Minor Plant and Equipment Mechanical Repairs and Maintenance for all three (3) Separable Portions to the following two (2) Tenderers for their tendered rates for a period of one (1) year commencing on the date of contract execution:**
 - **KingKira Group**
 - **Shift Diesel & Earth**
2. **Approve the Chief Executive Officer to enter into two x one year further terms with any of the appointed panel members on the Prequalified Supplier Panel; subject to contractor performance and the Shire's operational requirements and subject to the minimum number of Panel Members being maintained.**
3. **Approve the Chief Executive Officer to apply the common seal of the Shire of East Pilbara to the Contract between each of the Tenderers and the Shire of East Pilbara with respect to this Tender.**

**CARRIED UNANIMOUSLY
RECORD OF VOTE 9/0**

For: Shire President, Deputy Shire President, Crs Anick, Landy, Kular, Baer, Landy, Coppin, Lockyer

Against: Nil

COUNCIL RESOLUTION

Moved: Cr McWhirter-Brooks

Seconded: Cr Landy

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

**CARRIED UNANIMOUSLY
RECORD OF VOTE 9/0**

For: Shire President, Deputy Shire President, Crs Anick, Landy, Kular, Baer, Landy, Coppin, Mortimer

Against: Nil

16 DATE OF NEXT MEETING

28 July 2023 at Newman Council Chambers, Newman.

17 CLOSURE

Before closing the meeting the Presiding Member wished Steve Leeson, Director of Corporate Services, farewell with the best wishes from the Council, CEO and Staff as he commences his new role with the Town of Port Hedland. He thanked Mr Leeson for his dedication and commitment to the Shire during his tenure.

The Ordinary Council Meeting of the Shire of East Pilbara held on 30 June 2023 was declared closed at 1.32pm. The Presiding Member thanked Councillors and Staff for their attendance.