

SHIRE OF EAST PILBARA

These minutes were confirmed by the council
as a true and accurate record at the ordinary
council meeting held on 22 / 10 / 2021

Shire president:



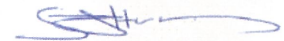
EAST PILBARA SHIRE COUNCIL

MINUTES

CONFIDENTIAL SPECIAL COUNCIL MEETING

NOTICE IS HEREBY GIVEN

that a Special CONFIDENTIAL Meeting of the Council will be held,
in Council Chambers, Newman and Marble Bar (via MS Teams Remotely),
5.00pm, MONDAY 4 OCTOBER 2021



Steven Harding
CHIEF EXECUTIVE OFFICER



DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of East Pilbara for any act, omission or statement or intimation occurring during Council or Committee Meetings. The Shire of East Pilbara disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee Meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee Meeting does so at that person's or legal entity's own risk.

In particular and without derogating any planning application or application of a licence, any statement or intimation of approval made by any member or Officer of the Shire of East Pilbara during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of East Pilbara.

The Shire of East Pilbara warns that anyone who has any application lodged with the Shire of East Pilbara must obtain and should only rely on

WRITTEN CONFIRMATION

of the outcome of the application and any conditions attaching to the decision made by the Shire of East Pilbara in respect of the application.

Signed: _____
Steven Harding
Chief Executive Officer

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1 DECLARATION OF OPENING/ANNOUNCEMENT

The Shire President declared the Special Council Meeting of the Shire of East Pilbara meeting open at 5:00pm.

The Shire President acknowledged the Nyamal People, Nyiyaparli and Martu peoples being the traditional custodians of the lands across which the meeting took place, and paid respects to Elders, both past, present and emerging.

2 ATTENDANCE VIA INSTANANEOUS ELECTRONIC COMMUNICATION

Due to the urgent timing for consideration of the agenda item, this Special Council Meeting was also convened electronically pursuant to regulation 14A of the *Local Government (Administration) Regulations 1996*.

Cr Karen Lockyer attempted to join the meeting remotely using the Microsoft Teams platform and was unable to do so successfully.

COUNCIL RESOLUTION

Resolution No: 202122/274

Moved: Cr Geraldine Parsons

Seconded: Cr Anita Grace

That Council approves of the instantaneous communications arrangements for Councillors Coppin, McWhirter-Brooks, Mortimer, Fleming and Smith to be taken as present at the meeting in accordance with regulation 14A of the *Local Government (Administration) Regulations 1996*.

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

For: Shire President, Deputy Shire President, Councillors Fleming, Coppin, Mortimer, McWhirter-Brooks, Grace and Smith

Against: Nil

3 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

3.1 ATTENDANCES

Councillors

Cr Anthony Middleton	Shire President	
Cr Geraldine Parsons	Deputy Shire President	
Cr Anita Grace	Councillor	
Cr Holly Pleming	Councillor	MS Teams (Newman)
Cr Langtree Coppin OAM	Councillor	MS Teams (Marble Bar)
Cr Stacey Smith	Councillor	MS Teams (Nullagine)
Cr Adrienne Mortimer	Councillor	MS Teams (Marble Bar)
Cr Wendy McWhirter-Brooks	Councillor	MS Teams (Marble Bar)

Officers

Mr Steven Harding	Chief Executive Officer
Mr Steve Leeson	Director Corporate and Customer Services
Ms Emma Landers	Acting Director Community Services
Mr Ian Hamilton	Acting Director Infrastructure Services
Mr Vic Etherington	Acting Director Commercial Services
Mr Joshua Brown	Manager Governance and Risk

Public Gallery

Nil

No local public notice has been provided. Under regulation 12(4) of the *Local Government (Administration) Regulations 1996*, the meeting is not open to the public due to the confidential nature of the item to be discussed concerning a contract entered into, or which may be entered into, by the local government, and matters that if disclosed would reveal, trade secrets, information of commercial value, information about the business, professional, commercial or financial affairs of a person, pursuant to s5.23(c) and (e) of the *Local Government Act 1995*.

3.2 APOLOGIES

Nil

3.3 LEAVE OF ABSENCE

Nil

4 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

5 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF THE COUNCIL

Upon the request of the Chief Executive Officer, the Shire President proposed that Council include a confidential late item for consideration, being a report on Yurlu Caravan Park.

COUNCIL RESOLUTION:

Resolution No: 202122/275

Moved: Cr Geraldine Parsons

Seconded: Cr Anita Grace

That Council consider at this Special Council Meeting an urgent confidential late item concerning Yurlu Caravan Park in accordance with Clause 5.4 of the *Shire of East Pilbara Meeting Procedures Local Law 2019*.

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

For: Shire President, Deputy Shire President, Councillors Fleming, Coppin, Mortimer, McWhirter-Brooks, Grace and Smith

Against: Nil

6 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS

COUNCIL RESOLUTION

Resolution No: 202122/276

Moved: Cr Geraldine Parsons

Seconded: Cr Anita Grace

That Items 7.1.1 and 7.1.2 of the Agenda be dealt with behind closed doors in accordance with section 5.23(2) of the *Local Government Act 1995*.

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

For: Shire President, Deputy Shire President, Councillors Fleming, Coppin, Mortimer, McWhirter-Brooks, Grace and Smith

Against: Nil

7 REPORTS BY OFFICERS

7.1 DIRECTOR CORPORATE AND CUSTOMER SERVICES

7.1.1 SHIRE STAFF HOUSING

Responsible Officer: Mr Steven Harding
Chief Executive Officer

Author: Ms Emma Landers
Acting Director Community Services

Proposed Meeting Date: 4 October 2021

REASONS FOR CONFIDENTIALITY

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

- (c) A contract entered into or which may be entered into by the Local Government and relates to matters to be discussed at the meeting.
- (e) A matter that if disclosed would reveal, trade secrets, information of commercial value, information about the business, professional, commercial or financial affairs of a person.

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

Resolution No: 202122/277

That Council:

1. Authorises the Chief Executive Officer to negotiate the purchase of the properties detailed in the confidential report, up to the amount not exceeding the limits identified; and
2. Authorises the Chief Executive Officer to finalise the purchase of either or both properties, to sign and execute the contract documents for sale, subject to (1) above.

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

For: Shire President, Deputy Shire President, Councillors Pleming, Coppin, Mortimer, McWhirter-Brooks, Grace and Smith

Against: Nil

To be actioned by Mr Steve Leeson, Director Corporate and Customer Services

7.1.2 YURLU CARAVAN PARK

Responsible Officer: Mr Steven Harding
Chief Executive Officer

Author: Mr Steve Leeson
Director Corporate and Customer Services

Proposed Meeting Date: 4 October 2021

REASONS FOR CONFIDENTIALITY

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

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

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

Resolution No: 202122/278

That Council:

1. Pursuant to Section 6.8 of the *Local Government Act 1995* approves an amendment to the Shire's 2021-2022 Annual Budget as per the following table:

Account	Description	Current Budget	Amendment	Revised Budget
139220	Caravan Park – Capital Works	\$1,400,000	\$180,000	\$1,580,000

2. Approve the CEO to make payment to creditors for variation works completed under contract RFT 09-2020/21 Kurra Caravan Park – Stage 1 construction works.

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

For: Shire President, Deputy Shire President, Councillors Fleming, Coppin, Mortimer, McWhirter-Brooks, Grace and Smith

Against: Nil

To be actioned by Mr Steve Leeson, Director Corporate and Customer Services

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

Resolution No 202122/279

Moved: Cr Geraldine Parsons

Seconded: Cr Anita Grace

That the meeting be re-opened to the public.

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

For: Shire President, Deputy Shire President, Councillors Fleming, Coppin, Mortimer, McWhirter-Brooks, Grace and Smith

Against: Nil

8 CLOSURE

There being no further business, the Shire President declared the Special Confidential Council Meeting closed at 5.13pm and thanked Councillors and staff for their attendance.